

RESOLUTION NO. 2022- 001

RESOLUTION OF THE BOARD OF SUPERVISORS ACTING AS THE GOVERNING BODY OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT DECLARING THAT APPROXIMATELY 86.43 ACRES OF LAND, LOCATED WITHIN THE WARM CREEK BASINS IN THE CITIES OF COLTON AND SAN BERNARDINO, IS SURPLUS AND NO LONGER NECESSARY TO BE RETAINED FOR THE USES AND PURPOSES OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT

On Tuesday, January 11, 2022, on motion of Supervisor Rowe, duly seconded by Supervisor Rutherford and carried, the following resolution is adopted by the Board of Supervisors of the San Bernardino County Flood Control District.

WHEREAS, the San Bernardino County Flood Control District ("District") is the owner in fee simple of that certain real property located northwest of the Interstate 10/Interstate 215 interchange that straddles the Colton-San Bernardino incorporated boundaries, comprising approximately 86.43 acres, and commonly referenced as portions of those Assessor Parcels Numbers listed in Exhibit "A" attached hereto and made a part of hereof ("Property"); and

WHEREAS, under the Surplus Land Act, Government Code Section 54220 *et seq.* ("Act"), surplus land is land owned in fee simple by the District for which the Board of Supervisors takes formal action in a regular public meeting declaring the land is surplus and not necessary for the District's use. The land must be declared either surplus land or exempt surplus land; and

WHEREAS, under the Act, land is necessary for the District's use if the land is being used, or is planned to be used pursuant to a written plan adopted by the Board of Supervisors, for District work or operations; and

WHEREAS, the District has evaluated the Property for its potential to be used for flood protection in the region; and

WHEREAS, the District has determined that the Property is no longer necessary for its uses and purposes; and

WHEREAS, the Board of Supervisors desires to declare that the Property is surplus land and no longer necessary for the District's uses and purposes; and

WHEREAS, the Act requires that before the Board of Supervisors disposes of the Property or engages in negotiations to dispose of the Property, the District send a written notice of availability of the Property to certain designated entities; and

WHEREAS, the accompanying staff report provides supporting information upon which the declaration and findings set forth in this Resolution are based;

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors as follows:

SECTION 1. The above recitals are true and correct and are a substantive part of this Resolution.

SECTION 2. The Board of Supervisors hereby declares that the Property is surplus land pursuant to Government Code Section 54221(b)(1), is not necessary for the District's use. The basis for this declaration is that since the completion of the Warm Creek Flood Control Channel, the Property's use as retention basins is no longer necessary, and the need for approximately 86.43 acres has been eliminated.

SECTION 3. The Director of Real Estate Services is hereby directed to send, or cause to be sent, a notice of availability, substantially in the form attached hereto as Exhibit "B" and made a part of hereof, to the entities designated in Government Code Section 54222 ("Designated Entities") by electronic mail or by certified mail.

SECTION 4. This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) ("CEQA"). District staff has determined that the designation of the Property as surplus does not have the potential for creating a significant effect on the environment. Therefore this action is covered by the common-sense exemption and exempt from further review under CEQA pursuant to State CEQA Guidelines Sections 15312 and 15061(b)(3). Adoption of the Resolution does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. If and when the Property is sold to a purchaser and that purchaser proposes a use for the Property that requires a discretionary permit and CEQA review, that future use and project will be analyzed at the appropriate time in accordance with CEQA.

SECTION 5. The Clerk of the Board of Supervisors is directed to file a Notice of Exemption pursuant to CEQA Guidelines Sections 15312 and 15061(b)(3).

SECTION 6. The officers and staff of the County and District are hereby authorized, jointly and severally, to do all things which they may deem necessary or proper to effectuate the purposes of this Resolution, and any such actions previously taken are hereby ratified and confirmed. Such actions include negotiating in good faith in accordance with the requirements of the Act with any of the Designated Entities that submit a written notice of interest to purchase or lease the Property in compliance with the Act.

PASSED AND ADOPTED by the Board of Supervisors of the San Bernardino County Flood Control District, by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe,
Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

* * * * *

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the San Bernardino County Flood Control District, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of Tuesday, January 11, 2022. #45, CCM.

LYNNA MONELL
Clerk of the Board of Supervisors

By _____



Exhibit A

Property consist of Portions of APNs:

136-521-07
141-251-03
141-251-07
141-251-29
141-251-30
141-251-31
141-251-33
141-241-14
141-241-29
141-241-30
164-281-01
164-281-02
164-281-09
164-281-11
164-181-08
164-181-12

Exhibit B

385 North Arrowhead Avenue, Third Floor • San Bernardino, CA 92415-0180 | Phone: 909.387.5000 Fax: 909.387.5180

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Real Estate Services Department Leasing and Acquisitions

Terry W. Thompson
Director

Jennifer Costa
Assistant Director

Kevin Ryan
Assistant Director

December 15, 2021

To All Interested Parties:

RE: Notice of Availability/Offer to Sell Surplus Property

As required by Government Code Section 54220 of the State of California, San Bernardino County and the San Bernardino County Flood Control District (District) is providing notification that the District intends to sell the surplus property listed in the accompanying list (Exhibit "A").

In accordance with Section 54222, you have sixty (60) days from receipt of this offer to notify the District of your intent to acquire the property. However, this offer shall not obligate the District to sell the property to you. Instead, the District would enter into negotiations with you pursuant to Government Code Section 54223. Thereafter, the District may market the property to the general public.

In the event your agency or company is interested in purchasing the property, you must notify the County/District in writing within sixty (60) days of the date of this notice. Notice of your intention to acquire the property shall be delivered to:

Brandon J. Ocasio
Manager of Acquisitions and Right-of-Way
Real Estate Services Department, County of San Bernardino
385 N. Arrowhead Avenue, 3rd Floor
San Bernardino, CA 92415

You may also direct your questions to brandon.ocasio@res.sbcounty.gov or call 909-659-4676.

BOARD OF SUPERVISORS

COL. PAUL COOK (RET.)
First District

JANICE RUTHERFORD
Second District

DAWN ROWE
Third District

CURT HAGMAN
Chairman, Fourth District

JOE BACA, JR.
Fifth District

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