

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
AND RECORD OF ACTION**

February 8, 2022

FROM

**BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District
TERRY W. THOMPSON, Director, Real Estate Services Department**

SUBJECT

Acquisition of Land in the Mojave River System South of Silver Lakes for Future Biological Mitigation and Preservation of Flood Plain

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District:

1. Authorize the acquisition of approximately 116 acres of vacant land (Assessor Parcel Numbers 0469-011-26, 0469-011-29, and 0469-011-57) from Far Country Development Partners, LLC, as to an undivided 50% interest and Far Country Associates, LLC, as to an undivided 50% interest, as tenants in common, for a purchase price of \$265,000 plus escrow and title fees estimated to be \$5,000, pursuant to Water Code Appendix Sections 43-2 and 43-6 and Government Code Section 25350.
2. Approve the Purchase and Sale Agreement and Joint Escrow Instructions (**County Contract No. 22-102**) between the San Bernardino County Flood District, Far Country Development Partners, LLC, and Far Country Associates, LLC.
3. Authorize the Director of the Real Estate Services Department to execute escrow instructions and any other documents necessary to complete this transaction, subject to County Counsel review.
4. Find the proposed purchase of real property is exempt under the California Environmental Quality Act Guidelines, Title 14 of the California Code of Regulations, Sections 15325(a) and 15325(d).
5. Direct the Clerk of the Board of Supervisors to file and post the Notice of Exemption.
(Presenter: Terry W. Thompson, Director, Real Estate Services Department, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The San Bernardino County Flood Control District (District) is funded by property tax revenue, fee revenue, and other local, state, and federal funding. The total cost of this acquisition is \$265,000, plus escrow and title fees estimated to be \$5,000. Sufficient appropriation is included in the District's Zone 4 (1940002532) 2021-22 budget.

BACKGROUND INFORMATION

Approval of this item will authorize the acquisition of 116 acres [Assessor Parcel Numbers (APNs) 0469-011-26, 0469-011-29, and 0469-011-57] in fee (Property), for future biological

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mitigation and to preserve the flood plain along the Mojave River in the Mojave River System south of Silver Lakes.

The District identified a large block of privately-owned acreage in and overlooking the Mojave River System as available for a potential acquisition. The District consulted with the Department of Public Works, Environmental Management Division and determined that acquisition of the Property would allow the District to use a portion of the acreage for potential habitat value (desert tortoise) along with continued preservation of the flood plain along the Mojave River. The District obtained a Phase I Environmental Site Assessment that has revealed no evidence of Recognized Environmental Conditions in connection with the Property and no further investigation is recommended.

The District requested Real Estate Services Department (RESA) to assist in valuing and acquiring the Property. RESA staff coordinated with the property owners, Far Country Development Partners, LLC and Far Country Associates, LLC, who submitted an appraisal. In consideration of the appraisal and other market evidence, RESA supports a fair market value and purchase price of \$265,000, and the owners have agreed to sell for this amount. The Property is encumbered with a flood control easement over roughly a 10-acre portion. Since the District already owns the majority of rights in this easement area, the purchase price reflects the remaining fee rights that are being purchased by the District.

The potential purchase of the Property was reviewed pursuant to the California Environmental Quality Act (CEQA) and determined to be categorically exempt from further environmental review in accordance with the CEQA Guidelines, Title 14 of the California Code of Regulations Sections 15325(a) (i.e., acquisition to preserve existing natural conditions, including habitats) and 51325(d) (i.e., preventing encroachment into the flood plain). The Notice of Exemption will be posted by the Clerk of the Board of Supervisors. Accordingly, no further action is required under CEQA.

PROCUREMENT

The District's acquisition of the Property is made pursuant to Water Code Appendix Sections 43-2 and 43-6 and Government Code Section 25350. The District has complied with the publication requirements of Government Code sections 25350 and 6063.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott Runyan, Supervising Deputy County Counsel, Kristina M. Robb, Principal Assistant County Counsel and Sophie A. Akins, Deputy County Counsel, 387-5455) on January 6, 2022; Flood Control District (Grant Mann, Deputy Director, 387-8186) on December 6, 2021; Purchasing Department (Bruce Cole, Supervising Buyer, 387-2148) on December 2, 2021; Finance (Jessica Trillo, Administrative Analyst, 387-4222, Wen Mai, Principal Administrative Analyst, 387-4020, and Carl Lofton, Administrative Analyst, 387-5404) on January 21, 2021; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-4376) on December 24, 2021.

(NS: 677-8388)

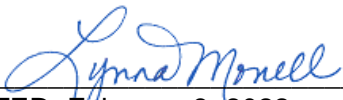
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Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Dawn Rowe
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: February 8, 2022



cc: Flood - Thompson w/agree w/CEQA & receipt
Contractor - C/O Flood w/agree
File - w/agree w/map w/CEQA & receipt
CCM 02/14/2022