**RESOLUTION NO. 2023-72**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY DECLARING THAT CERTAIN SAN BERNARDINO COUNTY-OWNED REAL PROPERTIES, CONSISTING OF A TOTAL OF APPROXIMATELY 4,266 SQUARE FEET OF LAND [ASSESSOR'S PARCEL NUMBERS 0234-232-47 AND 0234-232-49 (PORTION)], ALONG CHERRY AVENUE AND WASHINGTON DRIVE IN THE CITY OF FONTANA ARE NO LONGER NECESSARY FOR SAN BERNARDINO COUNTY'S OWN USE, AND ARE SURPLUS, CONSISTENT WITH COUNTY POLICY NO. 12-17, AND ARE EXEMPT SURPLUS LAND, PURSUANT TO GOVERNMENT CODE SECTION 54221(f)(1)(D)**

On Tuesday May 23, 2023, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Hagman and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, San Bernardino County (County) is the owner in fee simple of those certain real properties consisting of a total of approximately 4,266 square feet of land [commonly known as Assessor's Parcel Numbers (APNS) 0234-232-47 and APN 0234-232-49 (portion)] (Properties) along Cherry Avenue and Washington Drive in the City of Fontana; and

WHEREAS, County Policy No.12-17 (Surplus Real Property) provides that the Board may declare the Properties surplus if it is no longer needed for the County's own use, and thereafter, it may be disposed in accordance with law; and

WHEREAS, the Department of Public Works-Transportation (DPW-T) and the Real Estate Services Department (RESD) have determined that the Properties are no longer needed for the County's own use and RESD has determined that declaring the Properties surplus and making them available for conveyance or other disposition would be in the County's best interests; and

WHEREAS, the Surplus Land Act, Government Code sections 54220-54234 (Act), defines surplus land as land owned in fee simple by the County for which the Board takes formal action in a regular public meeting declaring the land is surplus and not necessary for the County's use and provides that surplus lands shall be disposed of in accordance with the Act; and

WHEREAS, Section 54221(f)(1)(D) of the Act provides for an exemption to the Act if the surplus land will be transferred to another local, state, or federal agency for the agency's use; and

WHEREAS, the Properties are exempt surplus land pursuant to Section 54221(f)(1)(D) because the County intends to convey them by a Grant Deed to the City of Fontana (City), another local agency, for the City's use due to the County's completion of the Cherry Avenue at Interstate 10 Interchange Improvement Project (Project); and

WHEREAS, the Board of Supervisors has considered the staff report presented at its meeting of May 23, 2023 relating to the declaration of the Properties as surplus to the County's own needs consistent with County Policy No.12-17 and as exempt surplus land pursuant to the Act.

NOW, THEREFORE, the Board hereby finds, declares, and resolves as follows:

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

SECTION 2. The Board hereby declares that, consistent with County Policy No. 12-17, the Properties are surplus to the County's own needs and that it is in the County's best interests to convey the Properties in accordance with applicable laws.

SECTION 3. The Board further finds that the Properties are exempt surplus land pursuant to the Government Code section 54221(f)(1)(D) of the Act, as the County shall convey the Properties by a Grant Deed to the City of Fontana, another local agency, due to the County's completion of the Project.

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County, State of California, by the following vote:

AYES: SUPERVISORS: Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: Col. Paul Cook (Ret.)

* * * * *

STATE OF CALIFORNIA )
) ss.
SAN BERNARDINO COUNTY )

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of San Bernardino County, State of California, 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 May 23, 2023. #76 CCM

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy

BOARD OF SUPERVISORS
COUNTY OF SAN BERNARDINO
1853
SAN BERNARDINO COUNTY, CA