

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

August 20, 2019

FROM

TERRY W. THOMPSON, Director, Real Estate Services Department

KEVIN BLAKESLEE, Director, Department of Public Works-Transportation

SUBJECT

Acquisition of Surplus Property from the San Bernardino County Transportation Authority for Access and Staging to Drainage Facilities in the Unincorporated Area of Devore

RECOMMENDATION(S)

1. Approve Appraisal No. 17-44 prepared by Overland, Pacific, and Cutler, Inc. dated November 28, 2016, which is on file with the Real Estate Services Department.
2. Approve the acquisition of approximately 21,225 square feet of vacant property [Assessor Parcel Number (APN) 0349-174-12] located on the southwest corner of Cajon Boulevard and Glen Helen Parkway in the unincorporated area of Devore, from the San Bernardino County Transportation Authority for the total purchase price of \$27,000 plus escrow and title fees not to exceed \$2,500, and \$100 for the independent consideration, for purposes of access and staging to drainage facilities.
3. Approve the Purchase and Sale Agreement and Joint Escrow Instructions between the County of San Bernardino and the San Bernardino County Transportation Authority to acquire said property.
4. Confirm a finding of exemption and direct the Clerk of the Board to post a Notice of Exemption as required under the California Environmental Quality Act.
5. 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, and direct the Director of the Real Estate Services Department to transmit all executed amendments to said purchase agreement to the Clerk of the Board of Supervisors within 30 days after close of escrow.

(Presenter: Terry W. Thompson, Director, 387-5252)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The Department of Public Works-Transportation (DPW-T) is funded by Gas Tax revenue, fees, and other local, state, and federal funding. The cost to acquire this real property in fee is \$27,000 plus escrow and title fees not to exceed \$2,500. Additionally, the DPW-T will also pay \$100 as independent consideration directly to the San Bernardino County Transportation Authority (SBCTA) for the County's right to purchase the property and to terminate the Agreement prior to the close of escrow. Sufficient appropriation has been included in the 2019-20 DPW-T Road Operations budget for acquisition of SBCTA surplus property (6650002000 11H14057).

BACKGROUND INFORMATION

Approval of this item will authorize the acquisition of approximately 21,225 square feet of vacant land (APN 0349-174-12) located at 18405 Cajon Boulevard on the southwest corner of Cajon Boulevard and Glen Helen Parkway in the unincorporated area of Devore (Property), for access and staging to drainage facilities.

On January 6, 2017, the San Bernardino Associated Governments (SANBAG) distributed a 60-day public agency notification of surplus property for sale or lease, in compliance with Government Code Sections 54220-54232, for a property that was declared surplus as a result of the I-15 and the I-215 freeway improvement project in the north San Bernardino area.

On February 17, 2017, the County of San Bernardino Real Estate Services Department (RESD) responded to SANBAG with a certified letter of interest for the Property, on behalf of the DPW-T within the Government code sanctioned 60-day window. DPW-T currently maintains a portion of road right-of-way adjacent to the Property and is interested in the remaining interests for purposes of access and staging to drainage facilities.

On March 28, 2017, a notice was received from SBCTA acknowledging DPW-T's interest in the Property owned by the agency formerly known as SANBAG. SBCTA offered to sell the Property to DPW-T for \$27,000 based on an appraisal obtained by SBCTA on November 28, 2016, prepared by Overland, Pacific, and Cutler, Inc.

DPW-T requested assistance from RESD to acquire this Property in fee. The Property was appraised on November 16, 2016 and was reviewed by the RESD. The fair market value of \$27,000 was determined to be reasonable.

Upon mutual execution of the Purchase and Sale Agreement and Escrow Instructions, DPW-T shall have 20 days to complete its title review of the Property.

Additionally, approval of this item will authorize the Director of RESD to execute escrow documents, such as amended escrow instructions, property disclosures, notices (such as an election to proceed), contingency waivers, and settlement statements to complete the purchase of the Property. The Director will not be authorized to execute any documents that would bind the County to any actions not contemplated by, or arising from, the transaction which is the subject of these recommendations.

The County can purchase this Property pursuant to Government Code Section 23004.

The acquisition of this Property was reviewed pursuant to the California Environmental Quality Act (CEQA) and determined to fall within the General Rule exemption under Section 15061(b)(3) of the CEQA guidelines. This section of CEQA applies when an action does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity (in this case, property acquisition) may have a significant effect on the environment.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel and Agnes Cheng, Deputy County Counsel, 387-5455) on July 1, 2019; DPW-T (Kevin Blakeslee, Director, 387-7906) on June 28, 2019; Purchasing (Michael Candelaria, Buyer III, 387-0321) on June 25, 2019; Finance (Ginger Roosa, Principal Administrative Analyst, 387-4883 and Wen Mai, Administrative Analyst, 387-4020) on July 29, 2019; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on August 5, 2019.

(CQ: 501-2493)