

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

June 23, 2020

FROM

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

SUBJECT

Conveyance of Fee Simple Title to the City of Yucaipa for a new Municipal City Yard

RECOMMENDATION(S)

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

1. Approve Appraisal No. 18-53, prepared by Santolucito Dore Group, Inc. and on file with the Real Estate Services Department.
2. Adopt **Resolution No. 2020-110** making responsible agency findings pursuant to the California Environmental Quality Act and declaring the conveyance of fee simple title of District property [portion of Assessor Parcel Number (APN) 0303-181-19], consisting of approximately 3.23 acres which is near the District's Wilson III Basin Project in the City of Yucaipa, is in the public interest; the interest in the property conveyed is no longer necessary for the uses and purposes of the District; and authorize the conveyance of said fee title to the City of Yucaipa for the construction of a City Municipal Yard in accordance with the San Bernardino County Flood Control Act, California Water Code Appendix, Chapter 43, Section 43-6, Government Code Section 25365, and County Policy 12-17, upon payment of \$84,715 to the District, plus escrow and title fees not to exceed \$1,000 (Four votes required).
3. Approve the Purchase and Sale **Agreement No. 20-467** by and between the City of Yucaipa and the District and authorize the Chairman of the Board of Supervisors to execute the Grant Deed to convey the District-owned property to the City of Yucaipa (Four votes required).
4. Authorize the Director of the Real Estate Services Department to execute escrow instructions and any other documents and take any actions necessary to complete this transaction.

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

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

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 District will receive total revenue from the sale for Zone 3 (1930002526) in the amount of \$84,715 for the conveyance of a portion of APN 0303-181-19 to the City of Yucaipa (City). Escrow and title fees are anticipated to not exceed \$1,000. The District will not be

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responsible for any ongoing maintenance associated with the property once conveyed to the City.

BACKGROUND INFORMATION

The recommended actions will convey fee simple title of a 3.23-acre portion of a District-owned property (Property) (APN 0303-181-19), that is located near the District's Wilson III Basin Project (Project), to the City for construction of the City's future Municipal Yard.

On June 4, 2013 (Item No. 76) and April 7, 2020 (Item No. 50), the Board of Supervisors (Board) approved Memorandum of Understanding (MOU) No. 13-378 and Amendment No. 1 to MOU 13-378 between the District and the City for development of the Project, which consists of the development of a detention basin and channel to be located at the confluence of Wilson Creek and Oak Glen Creek in the City of Yucaipa, respectively. The MOU and subsequent amendment provides a mechanism by which the District can identify surplus property within its ownership adjacent to Wilson Creek and explore selling such property to the City at fair market value. Some portion of the proceeds realized from the sale will be contributed toward the construction of a detention basin and channel.

Subsequently, the City requested to acquire a 3.23-acre portion of the District's larger 43-acre parcel referenced as APN 0303-181-19, located adjacent to the Project, for construction of a future City Municipal Yard. The City owns the parcel adjacent to the District's Property, (APN 0303-181-08), that is currently used as a City Maintenance Yard and has designated the property for development of an expanded City Maintenance Yard as part of the Oak Glen Creek Specific Plan (City Project).

The District has reviewed the City's request to acquire the Property in fee and determined the conveyance to the City will not negatively impact the District's regional flood control operations. The District will have no further liability or obligations with regard to the property rights to be conveyed.

The District requested the Real Estate Services Department (RESA) assist with the disposition of the Property. RESA secured an appraisal prepared by the Santolucito Dore Group Inc., dated November 7, 2018, and on file with the Real Estate Services Department. The City and District agreed the purchase price of the Property should be \$84,715, which represents the appraised value of the Property at \$290,000 (zoned for public use) with the costs for the City to develop the site deducted.

The sale of the Property will include a reversionary clause in the Grant Deed that permits the ownership of the Property to revert to the District within five years after the sale is completed. In the event that the City fails to develop the Property for the City Municipal Yard or they attempt to sell, lease, or otherwise convey the Property to another entity for a non-public use.

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

The District is authorized to complete the conveyance of the Property to the City pursuant to Water Code Appendix Section 43-6, Government Code Section 25365 and County Policy 12-17.

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Pursuant to Section 15096 of the California Environmental Quality Act (CEQA) Guidelines, the District, in its capacity as a Responsible Agency, considered the Environmental Impact Report (EIR) and the related Mitigation Monitoring and Reporting Program Plan (MMRP), adopted by the City as the CEQA Lead Agency for the City Project. District staff independently finds that the EIR and MMRP adequately analyze the potential environmental impacts of the City Project and that no significant adverse impacts will occur as a result of the conveyance of the Property. No further CEQA analysis is required.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Robert F. Messinger, Principal Assistant County Counsel, and Sophie A. Akins, Deputy County Counsel, 387-5455) on May 28, 2020; San Bernardino County Flood Control District (David Doublet, Deputy Chief Flood Control Engineer, 387-7918) on May 22, 2020; Finance (Wen Mai, Principal Administrative Analyst, 387-4020 and Jessica Trillo, Administrative Analyst, 387-4222) on June 3, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on June 7, 2020.

(JG: 677-0477)

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

APPROVED (CONSENT CALENDAR)

Moved: Josie Gonzales Seconded: Robert A. Lovingood
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 23, 2020



cc: W/RESOLUTION
 Flood- Thompson w/agree
 Contractor- C/O Flood w/agree
 File- w/agree
la 06/24/2020