

RESOLUTION NO. 2021-74

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT MAKING CERTAIN RESPONSIBLE AGENCY FINDINGS IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND DECLARING THAT APPROXIMATELY 7.80 ACRES OWNED BY THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT IN THE CITY OF YUCAIPA (PORTIONS OF APNs 0303-151-23, 0303-151-36, AND 0303-191-35) IS NO LONGER NECESSARY FOR THE USES AND PURPOSES OF THE DISTRICT, THAT THE CONVEYANCE OF THE DISTRICT LAND IS IN THE PUBLIC INTEREST, THAT PURSUANT TO GOVERNMENT CODE SECTION 54221, THE DISTRICT LAND IS EXEMPT SURPLUS LAND, AND AUTHORIZING THE CONVEYANCE OF THE LAND TO THE CITY OF YUCAIPA, A CALIFORNIA MUNICIPAL CORPORATION

On Tuesday June 8, 2021, on motion of Supervisor Rutherford, duly seconded by Supervisor Baca Jr. and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, the District is the owner in fee simple of that certain real property located in the City of Yucaipa (City), comprising an approximately 7.80-acre portion of APN 0303-151-23, 0303-151-36, and 0303-191-35 and described in Exhibit "A," attached hereto and made a part of hereof (Property); and

WHEREAS, the District and City entered into a legally binding Memorandum of Understanding (MOU) dated June 4, 2013, regarding the Wilson III Basin Project and the sale of District surplus property located in the City; and

WHEREAS, an Environmental Impact Report for the Oak Glen Creek Specific Plan, including the Wilson III Basin Project, was prepared and adopted by the City as the Lead Agency under the California Environmental Quality Act (CEQA) on February 26, 2018; and

WHEREAS, on April 7, 2020, the District and the City entered into a First Amendment to the MOU to more specifically identify the property that would be sold as surplus by the District to the City; and

WHEREAS, under the Surplus Land Act, Government Code Sections 54220-54234 (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, and the land must be declared either surplus land or exempt surplus land; and

WHEREAS, the District intends to convey the Property to the City pursuant to and in accordance with the San Bernardino County Flood Control Act, California Water Code Appendix, Chapter 43, Section 43-6, County Policy 12-17, and Government Code Section 25365; and

WHEREAS, Government Code Section 25365 provides, in pertinent part, that the board of supervisors may, by a four-fifths vote, grant, convey, quitclaim, assign, or otherwise transfer to a city within the county any real property belonging to the District upon the terms and conditions as are agreed upon and without complying with any other provisions of the Government Code; and

WHEREAS, District and City have agreed that the fair market value of a 7.80 acre-portion of the Property is One Million Three Hundred Seventy-one Thousand Three Hundred Four Dollars (\$1,371,304) (Fair Market Value), based on an approved appraisal, and that the entire proceeds of sale of this portion of the Property will be deposited into an escrow account to help fund the Wilson III Basin Project; and

WHEREAS, the District, as the Responsible Agency under CEQA, has verified that the City-adopted EIR adequately analyzes the potential environmental impacts and concurs in the analysis and conclusions set forth in said EIR; and

WHEREAS, the District as a Responsible Agency must make certain findings pursuant to Section 15096(h) of the CEQA Guidelines in order to take action on the conveyance of the Property; and

WHEREAS, the accompanying report/recommendation 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 of the San Bernardino County Flood Control District as follows:

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

SECTION 2. The EIR for the Oak Glen Creek Specific Plan, including the Wilson III Basin Project, is by this reference, incorporated into this Resolution as if fully set forth herein.

SECTION 3. The District hereby certifies that, acting as the Responsible Agency for the Project pursuant to Section 15096 of the CEQA Guidelines, it has independently reviewed and analyzed the EIR, and other information in the record and has considered the information contained therein, prior to acting upon or approving the portion of the Project before the Board for consideration.

SECTION 4. Based on this review, the District finds that, as to those potential environmental impacts within the District's powers and authorities as Responsible Agency, that the EIR contains a complete, objective, and accurate reporting of the potential impacts and represents the independent judgment and analysis of the San Bernardino County Flood Control District as Responsible Agency.

SECTION 5. The District, in its capacity as Responsible Agency, considered the EIR prepared for the Project, and independently finds that the EIR is adequate for use by the District to take action on the conveyance of the Property. Furthermore, the District finds that no significant adverse impacts will occur as a result of the conveyance and that no further CEQA analysis is required.

SECTION 6. The District designates the District's offices at 825 East Third Street, Room 123, San Bernardino, California 92415-0835 as the custodian of documents and records of proceedings on which this decision is based.

SECTION 7. The Board of Supervisors of the San Bernardino County Flood Control District hereby declares that the Property is exempt surplus land pursuant to Government Code Section 54221(f)(1)(D), and will be transferred to the City and will fund, in part, the Wilson III Basin Project.

SECTION 8. The District declares that the conveyance of fee simple title to the Property is in the public interest and is no longer necessary for the uses and purposes of the District and it is authorized to convey said fee simple title to the City of Yucaipa in accordance with the San Bernardino County Flood Control Act, California Water Code Appendix, Chapter 43, Section 43-6, County Policy 12-17, and Government Code Section 25365.

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County Flood Control District, State of California, 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, 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 June 8, 2021. #103 LA

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy