

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

November 16, 2021

FROM

LEONARD X. HERNANDEZ, Chief Executive Officer, County Administrative Office
TERRY W. THOMPSON, Director, Real Estate Services Department

SUBJECT

Three Party Agreement for the Acquisition and Conveyance of Property in the City of Rancho Cucamonga

RECOMMENDATION(S)

1. Approve the acquisition of approximately 5.25 acres of property (Assessor Parcel Number 1061-172-19), in fee, owned by The Jane Anne Morgan Revocable Living Trust Dated September 18, 2019, and located at 8234 Almond Street in the City of Rancho Cucamonga, and the immediate subsequent conveyance of the property to the Rancho Cucamonga Fire Protection District for one or more potential public projects in accordance with Government Code sections 25350, 25365, and 26227 (Four votes required).
2. Find that the acquisition and conveyance of said property to the Rancho Cucamonga Fire Protection District supports the social needs of the population of San Bernardino County, as the property will be used by the Rancho Cucamonga Fire Protection District to facilitate one or more potential public projects that would provide regional benefits to the communities surrounding the Property consistent with Government Code section 26227.
3. Approve and authorize the Chairman of the Board of Supervisors to execute the Three Party **Agreement No. 21-840** and Joint Escrow Instructions for the acquisition and conveyance of 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, the Grant Deeds, and any other documents and take any actions necessary to complete this transaction.
6. Authorize the Auditor-Controller/Treasurer/Tax Collector to post the necessary budget adjustments to the Second District's Board of Supervisors Discretionary Fund – District Specific Priorities Program's budget, as detailed in the Financial Impact section (Four votes required).

(Presenter: Terry W. Thompson, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

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FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The cost to acquire this land is \$800,000 and the subsequent conveyance to the Rancho Cucamonga Fire Protection District (Fire District) would be made at no purchase price to the Fire District. On September 21, 2021 (Item No. 18), the Board of Supervisors approved the Board of Supervisors Discretionary Fund – District Specific Priorities Program (Priorities Program) and allocated \$4 million to each of the five supervisorial districts for community projects, programs and initiatives that support the mission of San Bernardino County. The \$800,000 cost of this land acquisition will be funded by the Second District's Priorities Program budget (102-200-1000) and will help provide for the safety and health of County residents because of the potential use of the property as a trailhead or any other public project consistent with Government Code section 26227. The following budget adjustments to the Second District's Priorities Program budget is detailed below.

Fund/Cost Center	G/L Account	Description	Amount	Action
1022001000	53003305	Contribution to Other Agencies	(\$800,000)	Decrease
1022001000	54004005	Land	\$800,000	Increase

BACKGROUND INFORMATION

The recommended actions will authorize the acquisition of an approximately 5.25-acre parcel of land (Assessor Parcel Number 1061-172-19) owned by The Jane Anne Morgan Revocable Living Trust Dated September 18, 2019, and located at 8234 Almond Street in the City of Rancho Cucamonga (Property) and the immediate subsequent conveyance of the Property to the Rancho Cucamonga Fire District for one or more potential public projects that would provide regional benefits to the communities surrounding the Property consistent with Government Code section 26227.

The Property is situated near Cucamonga Canyon in the northwest portion of the City of Rancho Cucamonga. The San Bernardino Council of Governments, in partnership with the United States Forest Service, has prepared a Final Draft Cucamonga Canyon Management Plan (Plan) dated October 15, 2020, of which San Bernardino County is a participant. The purpose of the Plan is to provide "... direction and guidance for the protection of the natural and cultural resources of the canyon, as well as allowing continued public access to the area." One of the elements of the Plan is to establish a single consistent trail and method of parking for public use. The Plan identifies the Property as one potential option for a trailhead and parking.

In mid-August of this year, the owner of the Property met with County and Fire District representatives and expressed an interest in selling the Property as soon as possible. The County and Fire District subsequently determined it would be agreeable to acquire and use the Property for either the potential purpose defined in the Plan or one or more of a number of other potential public projects, including, but not limited to, a public safety facility or long-term land banking for a future use to be determined by the Fire District. As such, it was determined that the County would contribute to such a concept by purchasing the Property and then conveying it to the Fire District at no purchase price. The Fire District will be responsible for carrying out any future projects and be solely responsible for costs.

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The Fire District requested the County, through the County's Real Estate Services Department (RES), take the lead on drafting an agreement and managing the transaction. RES reviewed the requested purchase price for the Property and determined that it is reasonable.

Additionally, approval of this item will authorize the Director of RES to execute the Grant Deeds and escrow documents, such as escrow instructions, property disclosures, notices, contingency waivers, and settlement statements. The Director of RES 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 acquisition and future use of this Property for a public purpose was reviewed pursuant to the California Environmental Quality Act (CEQA) and determined to be categorically exempt from further environmental review in accordance with Section 15061(b)(3) of the CEQA Guidelines. The Notice of Exemption will be posted by the Clerk of the Board. As provided above, the Property is identified as one potential site for a trailhead and parking lot in the Plan, but the Fire District has not prepared plans for such uses or made any decision to use the Property for such purposes, and the Fire District is not required to use the Property for such purposes pursuant to this Agreement. Upon Fire District's acquisition of the Property from the County, the Fire District shall use the Property for such public purposes as may be determined by the Fire District in its sole discretion consistent with Government Code section 26227. If the Fire District determines in its sole discretion to develop or make any improvements to the Property, the Fire District shall comply with CEQA at such time as the plans for the use and development of the Property are determined by the Fire District.

In the event that (a) no improvements or development of the Property for such public purposes are commenced within 24 months after the date of the conveyance of the Property to the Fire District, or (b) the Property is used for purposes other than supporting the social needs of the County consistent with Government Code section 26227, or (c) the Fire District sells, leases or otherwise conveys, or attempts to sell, lease or otherwise convey, the Property to another person or entity prior to the completion of the development or improvement of the Property for the purposes required herein, title to the Property shall automatically revert from the Fire District to the County for no consideration, without any action required on the part of County, and Fire District shall promptly and duly execute, notarize, and deliver to County a quitclaim deed conveying to County all right, title and interest of Fire District in the Property.

PROCUREMENT

The County may purchase, and subsequently convey, this Property to the Fire District pursuant to Government Code sections 25350, 25365, and 26227. Based on the language in Government Code sections 25365 and 26227, the conveyance from the County to the Fire District is not subject to the Surplus Land Act. The County has complied with the publication requirements of Government Code section 6063.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott Runyan, Supervising Deputy County Counsel, and Kristina Robb, Principal Assistant County Counsel, 387-5455) on November 5, 2021; Auditor-Controller/Treasurer/Tax Collector (Vanessa Doyle, Chief Deputy Controller, 382-3195) on November 5, 2021; Finance (Carl Lofton, Administrative Analyst, 387-5404, and Stephenie Shea, Administrative Analyst, 387-4919) on November 5, 2021; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-5423) on November 5, 2021.

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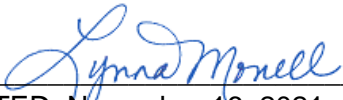
Record of Action of the Board of Supervisors
San Bernardino County

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: November 16, 2021



cc: RESD- Thompson w/agree w/CEQA & Receipt
Contractor- C/O RESD w/agree
File- w/agree w/CEQA & Receipt w/map
LA 11/17/2021