



# San Bernardino County

## Legislation Text

---

**File #: 10413, Agenda Item #: 65**

---

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

**July 9, 2024**

**FROM**

**NOEL CASTILLO, Chief Flood Control Engineer, Flood Control District  
TERRY W. THOMPSON, Director, Real Estate Services Department**

**SUBJECT**

Appraisal and Purchase and Sale Agreement and Joint Escrow Instructions with Julie Adele Swafford and Carleton Corbin Lee Swafford, wife and husband as joint tenants, for Acquisition of Land in Yucaipa

**RECOMMENDATION(S)**

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

1. Find that the acquisition of approximately 43,507 square foot portion of land in Yucaipa (portion of Assessor's Parcel Number 0319-221-01) is an exempt project under the California Environmental Quality Act Guidelines Section 15061(b)(3) - Common Sense.
2. Approve Appraisal No. 23-52 dated September 11, 2023, a copy of which is on file with the Real Estate Services Department.
3. Authorize the acquisition of a 43,507 square foot portion of land in Yucaipa (portion of Assessor's Parcel Number 0319-221-01) from Julie Adele Swafford and Carleton Corbin Lee Swafford, wife and husband as joint tenants, for the Zone 3 - 3-608 Wildwood Creek Master Drainage Plan Project, for the purchase price of \$47,798 plus independent consideration payment of \$100 and escrow expenses, title fees, and due diligence costs estimated to be \$5,000 for a total estimated cost of \$52,898, subject to the close of escrow.
4. Approve the Purchase and Sale Agreement and Joint Escrow Instructions with Julie Adele Swafford and Carleton Corbin Lee Swafford, wife and husband as joint tenants, for the property purchase in Recommendation No 3.
5. Authorize the Director of Real Estate Services Department to execute escrow instructions and any other documents necessary to complete this transaction, subject to County Counsel review.
6. Direct the Real Estate Services Department to file the Notice of Exemption in accordance with the California Environmental Quality Act.

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

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Improve County Government Operations.**

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

**FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The San Bernardino County Flood Control District (FCD) is funded by property tax revenue, fee revenue, and other local, state, and federal funding. This purchase will be funded by property tax revenue. The total cost to

acquire the property is \$47,798 plus independent consideration payment of \$100 and escrow expenses, title fees, and due diligence costs estimated to be \$5,000 for a total estimated cost of \$52,898. Sufficient appropriation is included in the District's 2024-25 budget (1930002526 - F02576).

### **BACKGROUND INFORMATION**

Approval of this item will authorize the acquisition of a 43,507 square foot portion of land in Yucaipa (a portion of Assessor's Parcel Number 0319-221-01) (Property) owned by Julie Adele Swafford and Carleton Corbin Lee Swafford, wife and husband as joint tenants (Swafford), for FCD's existing facility known as Wildwood Creek (3-608) west of its crossing with California Street.

FCD has an existing easement within the Property for access to the Wildwood Creek Channel. However, FCD desires to acquire the Property, which is located along the southerly region of the Swafford's larger property and along the northerly levee of the Wildwood Creek facility, to allow FCD to construct and maintain channel improvements in accordance with the Wildwood Creek Master Drainage Plan (Project) and to control trespassing on the FCD facility. The acquisition of the Property would extinguish the existing easement.

Navy Federal Credit Union, the existing lender, has a first and second loan on the Property and will provide a release under each loan with respect to the portion of the Property to be purchased.

The Real Estate Services Department (RESD) reviewed the Property acquisition request with FCD and initiated the appraisal of the Property to be purchased under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, Government Code section 7260 et seq., corresponding regulations, and County Policy No. 12-20, for the acquisition of property rights for a public project.

Appraisal No. 23-52, a copy of which is on file with RESD, was professionally prepared and approved by qualified RESD staff. The appraisal establishes the amount of just compensation to be paid to Swafford for the Property necessary to construct and maintain the Project. RESD recommends that the appraisal and just compensation amount be approved.

This item allows 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, subject to County Counsel review. RESD will maintain these documents in its files. The Director of RESD will not be authorized to execute any documents that would bind FCD to any actions beyond acquisition of the affected portion of the Property.

The acquisition of the Property was reviewed pursuant to the California Environmental Quality Act (CEQA) and was determined to be categorically exempt under the Common-Sense Exemption (Section 15061(b)(3)) because there is no possibility that the purchase of the property will have a significant effect on the environment. The Notice of Exemption will be posted by RESD.

### **PROCUREMENT**

RESD can make offers and acquire the necessary right of way in conformance with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, Government Code section 7260 et. seq, corresponding regulations, and County Policy No. 12-20.

### **REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Agnes Cheng, and Sophie A. Curtis, Deputies County Counsel, 387-5455) on June 13, 2024; Flood Control District (Grant Mann, Deputy Director, 387-7918) on April 11, 2024; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on April 11, 2024; Finance (Jessica Trillo, Administrative Analyst, 387-4222, and Yael Verduzco, Principal Administrative Analyst, 387-5285) on June 24, 2024; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on June 24, 2024.

(TS: 893-0340)