



# San Bernardino County

## Legislation Text

File #: 858, Agenda Item #: 67

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

August 20, 2019

#### **FROM**

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

#### **SUBJECT**

Accept Real Property Donation from Akemi Ackermann, Jean-Jacques Ackermann, Jacqueline Ackermann McDonald, and Evelyn Wurmli-Ackermann in the Unincorporated Area of Barstow and in the City of Twentynine Palms.

#### **RECOMMENDATION(S)**

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

1. Approve the acceptance of real property consisting of approximately 20 acres of vacant land [Assessor's Parcel Numbers (APNs) 0423-122-16 and 0489-131-31] located in an unincorporated area north of the City of Barstow, and 10 acres of vacant land (APN 0612-201-08) located on the northwest corner of Two Mile Road and Sunrise Road in the City of Twentynine Palms, both donated by Akemi Ackermann, Jean-Jacques Ackermann, Jacqueline Ackermann McDonald, and Evelyn Wurmli-Ackermann, in accordance with Water Code Appendix 43-3, Government Code Section 25355, and County Policy 06-01 and 06-01SP.
2. Approve the Real Property Donation Agreement and Joint Escrow Instructions between the District and Akemi Ackermann, Jean-Jacques Ackermann, Jacqueline Ackermann McDonald, and Evelyn Wurmli-Ackermann to accept said donated real property upon the payment of past due real property taxes estimated at up to \$150 owed on one parcel (APN 0489-131-31), authorize the expenditure of escrow and title fees estimated not to exceed at \$3,000, and approve a gift acknowledgement letter.
3. Adopt a finding of exemption under the California Environmental Quality Act and direct the Clerk of the Board to post the Notice of Exemption.
4. Authorize the Director of the Real Estate Services Department to execute escrow instructions and any other documents, necessary to complete the acceptance of the real properties, subject to County Counsel review, and direct the Director of the Real Estate Services Department to transmit all executed amendments to said donation 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**

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

#### **FINANCIAL IMPACT**

Approval of this item does not require Discretionary General Funding (Net County Cost). The real property is being donated by Akemi Ackermann, Jean-Jacques Ackermann, Jacqueline Ackermann McDonald, and

Evelyn Wurmler-Ackermann (Ackermanns) provided that the District pay the past due property taxes owed for the 2018-19 tax year, estimated to not exceed \$150 for parcel APN 0489-131-31. The District will also pay the escrow and title fees estimated not to exceed \$3,000 from the District's budget (1970002510). Sufficient appropriation has been included in the District's 2019-20 budget.

**BACKGROUND INFORMATION**

The recommended actions will authorize the acceptance of real property consisting of approximately 20 acres of vacant land (APNs 0423-122-16 and 0489-131-31) located in an unincorporated area of the City of Barstow, and 10 acres of vacant land (APN 0612-201-08) located on the northwest corner of Two Mile Road and Sunrise Road in the City of Twentynine Palms (Properties).

The Ackermanns contacted the Real Estate Services Department (RESD) in 2017 to make the donation of the Properties consisting of approximately 30 acres. RESD circulated the offer internally to determine if there was any County or District need that could be fulfilled by accepting the donation. The District's Environmental Management Division considers the Properties suitable to serve as mitigation land, specifically for desert tortoises, that may be required for future flood control projects and requested that RESD proceed with accepting the donation.

The Ackermanns inherited the Properties in 2016 through the estate of a deceased family member and as a result, went through a probate process to obtain the legal title to the Properties. The Ackermanns estimate that the Properties have a total value of \$17,200. RESD has reviewed title and determined there are no existing liens or concerns that would cloud title. There are outstanding property taxes due on one parcel (APN 489-131-31) totaling \$105.86, including penalties, for the 2018-19 tax year. The cost to acquire this parcel may be up to \$150 in past due taxes, accumulated penalties, cost for escrow and title policy. The property taxes for the other two parcels are paid in full. Total estimated costs to acquire the Properties is estimated to not exceed \$3,150.

The District's Environmental Management Division hired a consultant to perform a Phase 1 Environmental Site Assessment on the Properties, including the land and the physical improvements thereon. The consultant's report did not identify any environmental concerns.

Approval of this item will authorize the acquisition of the Properties by the District to use for the purpose of mitigation for future flood control projects. 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. 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 acceptance of the Properties 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) - General Rule Exemption of the CEQA Guidelines. The District's acceptance of the donated Properties is made pursuant to County Policy 06-01 and Standard Practice 06-01SP, Water Code Appendix 43 -3, and Government Code Section 25355.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Agnes Cheng, Deputy County Counsel, 387-5455 and Sophie Akins, Deputy County Counsel, 387-5455) on June 24, 2019; Public Works (David Doublet, Deputy Director, 387-7918) on June 17, 2019; Purchasing (Michael Candelaria, Buyer III, 387-0321) on June 12, 2019; Finance (Wen Mai, Administrative Analyst, 387-4020 and Ginger Roosa, Principal Administrative Analyst, 387-4883) on July 19, 2019; and County Finance and Administration (Kelly Welty, Deputy Executive

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Officer, 387-5423) on July 19, 2019.

(MDC: 677-0671)