



# San Bernardino County

## Legislation Text

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**File #: 2382, Agenda Item #: 112**

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### **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

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

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

1. Adopt Resolution making responsible agency findings pursuant to the California Environmental Quality Act and declaring the conveyance of fee simple title of District property [Assessor Parcel Number (APN) 0318-061-20], containing approximately 2,997 square feet of land 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 a public park in accordance with the San Bernardino County Flood Control Act, California Water Code Appendix, Chapter 43, Section 43-6, and County Policy 12-17, and Government Code Section 25526.5, upon payment of \$8,400 to the District, plus reimbursement of incurred administrative costs.
2. Approve the Purchase and Sale Agreement 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 District-owned property to the City of Yucaipa.
3. 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 for Zone 3 (1930002526) in the amount of \$8,400 for the conveyance of APN 0318-061-20, containing approximately 2,997 square feet of land (Property) near the District's Wilson Creek Flood Control system in the City of Yucaipa (City), to the City for park purposes. The District will receive a purchase price of \$8,400, plus reimbursement of administrative processing fees estimated to be \$8,926. The District will not be responsible for any ongoing maintenance associated with the Property conveyed to the City.

#### **BACKGROUND INFORMATION**

The recommended actions will convey fee simple title of the District-owned parcel (APN 0318-061-20), located at the southeast corner of the Wilson Creek Channel (Channel) and Avenue E, in the City of Yucaipa, to the City to complete the assemblage of a site for the City's future Dunlap Park.

On March 14, 2016, Yucaipa's City Council approved the acquisition of two privately owned parcels, APNs 0318-061-27 and 0318-061-26, for the Dunlap Park Property Land Acquisition Project to create a community park in the Dunlap area of the City (Project). The City subsequently decided that the footprint of the park will lie solely within APN 0318-061-27, and has since determined that the fee acquisition of the District-owned Property, which is adjacent to that parcel and not within the Channel footprint, is necessary to complete the site for the Project.

The District has reviewed the City's request to acquire the Property in fee and determined the conveyance to the City would 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) review the appraisal provided on behalf of the City and complete the transaction. The appraisal, completed by Epic Land Solutions, Inc., incorrectly determined the size of the District Property to be 5,467 square feet and the fair market value to be \$22,000. At the City's request, RESA analyzed the District Property with the accurate size of 2,997 square feet and determined the fair market value to be \$8,400. The City subsequently agreed to pay the revised value.

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 County 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 to the City pursuant to Water Code Appendix Section 43-6, Government Code Section 25526.5, and County Policy 12-17. Pursuant to Government Code Section 25526.5, notice of the intention to execute the conveyance will be posted in a public place for five working days prior to effecting the transfer.

Pursuant to Section 15096 of the California Environmental Quality Act (CEQA) Guidelines, the District, in its capacity as a Responsible Agency, considered the Mitigated Negative Declaration (MND), together with a Mitigation Monitoring Plan (MMP), that was prepared by the City for the Project. District staff independently finds that the MND and MMP adequately analyze the potential environmental impacts of the 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 Messinger, Principal Assistant County Counsel, and Sophie Akins, Deputy County Counsel, 387-5455) on May 14, 2020; San Bernardino County Flood Control District (David Doublet, Deputy Chief Flood Control Engineer, 387-7918) on April 30, 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.

(BJO: 659-4676)