



San Bernardino County

Legislation Text

File #: 5358, Agenda Item #: 45

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

January 11, 2022

FROM

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

SUBJECT

Resolution Declaring San Bernardino County Flood Control District Property in the Cities of Colton and San Bernardino Surplus

RECOMMENDATION(S)

CONTINUED FROM TUESDAY, DECEMBER 14, 2021, ITEM NO. 71

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

1. Adopt Resolution declaring vacant land owned by the San Bernardino County Flood Control District, identified as approximately 86.43 acres, located in the Warm Creek Basins in the cities of Colton and San Bernardino, is no longer necessary for the uses and purposes for which it was acquired and is surplus, in accordance with County Policy 12-17, Water Code Appendix Section 43-6, and Government Code Section 54221(b)(1).
 2. Direct the Clerk of the Board of Supervisors to file a Notice of Exemption pursuant to California Environmental Quality Act Guidelines Sections 15312 and 15061(b)(3).
- (Presenter: Terry W. Thompson, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

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 (District) is funded by property taxes, fees, and other local, state, and federal funding. There is no cost associated with adopting a Resolution declaring that 86.43 acres of District-owned land is no longer necessary for the uses and purposes for which it was acquired and is surplus.

BACKGROUND INFORMATION

The recommended action will declare approximately 86.43 acres of District-owned property northwest of the Interstate 10/Interstate 215 interchange that straddles the Colton-San Bernardino incorporated city boundaries [list of Assessor Parcel Numbers (APNs) provided in Exhibit "A" to the Resolution] (Property) as no longer necessary for the uses and purposes for which it was acquired and, therefore, is surplus.

The District owns approximately 147 acres located northwest of the Interstate 10 (I-10)/Interstate 215 (I-215)

interchange. The District Property was originally acquired for the development of the Warm Creek Conservation Basins, which were constructed to retain water channeled from the Lytle Creek-Warm Creek drainage area. In 1993, the Warm Creek Flood Control Channel, a fenced, concrete-lined channel, was constructed along the westerly boundary of the Property. Since the completion of the Warm Creek Flood Control Channel, the Property's use as retention basins is no longer necessary, and the need for approximately 86.43 acres has been eliminated. Of the total acreage, 55.10 acres fall within the incorporated City of San Bernardino boundary and 31.33 acres in that of the City of Colton.

On July 26, 2005 (Item No. 23), the Board of Supervisors (Board), adopted Resolution No. 2005-266, declaring an approximate version of the Property, with slightly different boundaries, surplus to the needs of the District and authorized the Real Estate Services Department (RESA) to proceed with selling the Property by public auction. The Property did not sell and has been re-evaluated over the intervening years by the District. The Property being declared surplus in this agenda item represents a new legal description based on the current needs of the District and varies from what was originally declared surplus and offered for sale in 2005.

If the Resolution is adopted by the Board, RESA will immediately notify all appropriate local and public agencies and non-profit entities, pursuant to Government Code Section 54222, of the availability of the Property. After a period of 60 days, if none of the entities referenced above agree to acquire the Property, RESA will return to the Board to request approval for the auction of the Property pursuant to Section 25526 of the Government Code.

District staff has determined that the designation of the Property as surplus does not have the potential for creating a significant effect on the environment. Therefore, this action is covered by the common-sense exemption and exempt from further review under California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15312 and 15061(b)(3). Further CEQA review will be required prior to Board approval of a conveyance to an entity listed in Government Code Section 54222, or prior to approval of an auction, and RESA will request confirmation of the findings in the subsequent item.

PROCUREMENT

San Bernardino County Policy 12-17 - Surplus Real Property, allows for property that is no longer needed and has no economic reason for retention to be declared surplus and disposable. The Water Code Appendix Section 43-6 provides that the Board may determine that any real property held by the District is no longer necessary to be retained for the uses and purposes of the District. Government Code Section 54222 requires notice of availability of the Property be made to appropriate local and public agencies and non-profit entities.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie A. Akins, Deputy County Counsel, 387-5455) on October 25, 2021; Flood Control District (Grant Mann, Deputy Director, 387-8186) on October 22, 2021; Finance (Jessica Trillo, Administrative Analyst, 387-4222 and Carl Lofton, Administrative Analyst, 387-5404) on November 22, 2021; and County Finance and Administration (Diana Atkeson, Deputy Executive Officer, 387-4376) on November 22, 2021.

(NS: 677-8388)