



San Bernardino County

Legislation Text

File #: 7994, Agenda Item #: 71

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

May 23, 2023

FROM

**TERRY W. THOMPSON, Director, Real Estate Services Department
BRENDON BIGGS, Director, Department of Public Works - Transportation**

SUBJECT

Appraisal and Acquisition of Vacant Land in Phelan

RECOMMENDATION(S)

1. Find that approval of the Purchase and Sale Agreement and Joint Escrow Instructions with Yafa Mahgreffe and Beak Properties 26, Limited Liability Company, is an exempt project under the California Environmental Quality Act Guidelines, Section 15061(b)(3) General Rule (Common Sense Exemption).
2. Approve Appraisal No. 22-59 dated July 18, 2022, a copy of which is on file with the Real Estate Services Department.
3. Authorize the acquisition of an unimproved land parcel containing approximately 21.40 acres, identified as Assessor's Parcel Number 3065-631-01 from Yafa Mahgreffe and Beak Properties 26, Limited Liability Company, in an unincorporated area of San Bernardino County known as Phelan, for the purchase price of \$615,000, including estimated escrow and title fees, for the Department of Public Works, in accordance with Government Code Section 25350.
4. Authorize an increase of \$515,000 to the approved Capital Improvement Program Project No. 21-096 budget from \$100,000 to \$615,000 for the Department of Public Works, Baldy Mesa Land Acquisition Project (WBSE 10.10.1093).
5. Approve appropriation and revenue adjustments to fund Capital Improvement Program Project 21-096 and authorize the Auditor-Controller/Treasurer/Tax Collector to post the necessary budget adjustments for the Project, as detailed in the Financial Impact section. (Four votes required).
6. Approve the Purchase and Sale Agreement and Joint Escrow Instructions between Yafa Mahgreffe and Beak Properties 26, Limited Liability Company, and San Bernardino County to acquire said property.
7. Authorize the Director of the Real Estate Services Department to approve and execute any other documents necessary to complete this transaction, subject to County Counsel review.
8. Direct the Clerk of the Board of Supervisors to file and post the Notice of Exemption for the project as required under the California Environmental Quality Act.
(Presenter: Terry W. Thompson, Director, 387-5000)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

**Operate in a Fiscally-Responsible and Business-Like Manner.
Ensure the Development of a Well-Planned, Balanced, and Sustainable County.
Provide for the Safety, Health, and Social Service Needs of County Residents.**

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The Department of Public Works (DPW) is funded by Gas Tax revenue, fee revenue, and other state and local funding. DPW will fund Capital Improvement Program (CIP) Project No. 21-096 for the purchase of approximately 21.40 acres of vacant land, Assessor’s Parcel Number (APN) 3065-631-01 (Property), with land appropriation in the amount of \$615,000, including estimated escrow and title fees. A budget has already been established for the CIP project in 2020-21 for \$100,000. The following adjustments are needed to increase the 2022-23 budget for the property acquisition:

Fund Center	Commitment Item	Description	Action	Amount	WBSE
6650002000	55305030	Operating Transfers Out	Increase	\$515,000	
6650002000	54004005	Land	Decrease	\$515,000	
7700003100	40909975	Operating Transfers In	Increase	\$515,000	10.10.1093
7700003100	54004005	Land	Increase	\$515,000	10.10.1093

BACKGROUND INFORMATION

The acquisition of the Property located in the community of Baldy Mesa, in an unincorporated area of San Bernardino County (County) known as Phelan, will provide for a new office building with support spaces and increased storage capacity for DPW to improve operations. The recommended actions align with the County and the Chief Executive Officer’s goals and objectives to improve County government operations, operate in a fiscally-responsible and business-like manner and ensure development of a well-planned, balanced, and sustainable County by authorizing DPW to acquire the Property.

DPW currently operates the maintenance Baldy Mesa Yard (Yard 11) located at 12397 Sycamore Street (APN 3071-551-04) in the City of Victorville. The 4.11-acre property has become inadequate in satisfying the needs of DPW and its operations. The new site would allow DPW to build a new office building, create shop space and develop the site to house heavy equipment, with full camera surveillance of the building and parking areas and secured fencing. This project would also include associated street improvements such as a turn lane, sidewalk, curb and gutter, and fire hydrant installation.

On August 11, 2020 (Item No. 41), the Board of Supervisors (Board) approved CIP Project No. 21-096 in the amount of \$100,000 for the Department of Public Works to purchase land for the Baldy Mesa Yard (WBSE 10.10.1093).

A Phase I Environmental Site Assessment will be conducted during the due diligence period, pursuant to the Purchase and Sale Agreement and Joint Escrow Instructions (Agreement), to ensure there is no hazardous waste or other environmental issues that would preclude the County’s use of the Property. The finding of any such condition would terminate the transaction upon written notice of termination from the County to Yafa Mahgreffe and Beak Properties 26, Limited Liability Company, on or before the expiration of the 45 business-day due diligence period.

Approval of this item will authorize the Director of the Real Estate Services Department (RESD) to execute escrow documents and any other documents necessary to complete this transaction, including amended escrow instructions, property disclosures, notices (such as an election to proceed), contingency waivers, and settlement statements subject to County Counsel review. The Director of RESD 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 project to approve the Agreement was reviewed pursuant to the California Environmental Quality Act

(CEQA) and determined to be categorically exempt under Section 15061(b)(3) because the activity meets the requirements of the General Rule (Common Sense Exemption) that CEQA applies only to projects which have the potential for causing significant effect to the environment. There is no possibility that the acquisition and conveyance of a vacant parcel of land will have a significant effect on the environment. The County will have fulfilled its obligation under CEQA for this project with the posting of the Notice of Exemption by the Clerk of the Board.

PROCUREMENT

Purchase of this Property will be made by the County pursuant to Government Code section 25350. The County has complied with the publication requirements of Government Code section 6063.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (John Tubbs II, and Aaron Gest, Deputy County Counsels, 387-5455) on May 1, 2023; Auditor-Controller/Treasurer/Tax Collector (Charlene Huang, Accounting Manager, 382-7022) on May 9, 2023; Public Works (Mervat Mikhail, Deputy Director, 387-7916) on April 28, 2023; Purchasing (Bruce Cole, Supervising Buyer, 387-2148) on April 28, 2023; Finance (Carl Lofton and Garrett Baker, Administrative Analysts, 387-5423) on May 7, 2023; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on May 8, 2023.

(KD: 665-0430)