

**ATTACHMENT B**

**RESOLUTION NO. 25-017**

## RESOLUTION NO. 25-017

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE DECLARING CITY-OWNED ASSESSOR'S PARCEL NUMBER 0472-161-17 "EXEMPT SURPLUS LAND" PURSUANT TO GOVERNMENT CODE SECTION 54221(f)(1)(D); AUTHORIZING THE TRANSFER OF SUCH PROPERTY TO THE SOUTHERN CALIFORNIA LOGISTICS AIRPORT AUTHORITY; DELEGATING AUTHORITY TO THE CITY MANAGER TO EXECUTE DOCUMENTS NECESSARY TO CONSUMMATE SAID TRANSFER; AND DIRECTING CITY STAFF TO TAKE RELATED ACTIONS**

### **RECITALS**

**WHEREAS**, the City of Victorville ("City") is the owner in fee simple of certain real property as described more specifically in Exhibit "A", and hereinafter referred to as "**Property**", and

**WHEREAS**, under the Surplus Land Act (Government Code Sections 54234-54234, the "**Act**"), surplus land is land owned in fee simple for which a local agency's governing body takes formal action at a regular public meeting declaring such land to be surplus and not necessary for a local agency's use; and

**WHEREAS**, under the Act, land must be declared either "surplus land" or "exempt surplus land", as supported by written findings, prior to a local agency disposing of said land; and

**WHEREAS**, pursuant to Section 54221(f)(1)(D) of the Act, "exempt surplus land" includes land that is transferred to another local, state, or federal agency for the transferee agency's use; and

**WHEREAS**, the Southern California Logistics Airport Authority ("**SCLAA**") is a joint powers agency duly formed and existing under the California Joint Exercise of Powers Act, California Government Code Section 6500 *et seq.*; and

**WHEREAS**, the Southern California Logistics Rail Authority (the "**SCLRA**"), a former joint powers agency formed by the City, the SCLAA, and the former Victorville Redevelopment Agency, was created to facilitate the development of rail facilities and related improvements adjacent to the Southern California Logistics Airport (the "**Airport**"); and

**WHEREAS**, the City, in cooperation with and on behalf of the SCLRA and the SCLAA, previously initiated and completed the acquisition of the Property, located immediately adjacent to the Airport, for the purposes of the development of rail facilities and related improvements planned at the Airport; and

**WHEREAS**, the Property was acquired using City Road Development Impact Fees; and

**WHEREAS**, as a result of the economic conditions beyond the control of the SCLRA, as well as BNSF Railways' decision to develop and intermodal facility in Barstow, the SCLRA was dissolved and there is no need to pursue the development of rail facilities adjacent to the Airport; and

**WHEREAS**, given that the Property is adjacent to and can serve the operations of the Airport, the SCLAA is desirous of acquiring the Property from the City; and

**WHEREAS**, the Property is not necessary for municipal operations, and as such, the City declares the Property "exempt surplus land" under Section 54221(f)(1)(D) of the Act; and

**WHEREAS**, the Property is not located within the following areas subject to additional notification requirements under the Act: (1) a coastal zone, (2) adjacent to a historical unit of the State Parks System, (3) listed on or determined eligible for the National Register of Historic Places, or (4) within the Lake Tahoe Region as defined in Government Code Section 66905.5; and

**WHEREAS**, the transfer of the Property (i) will ensure the continued use by the SCLAA; (ii) will enhance development opportunities for the SCLAA and the Airport; (iii) is in the vital and best interest of both the SCLAA and the City and the health, safety, and welfare of its residents; and (iv) is in accord with the public purposes and provisions of applicable federal, state, and local laws and requirements; and

**WHEREAS**, pursuant to Section 15301 of the California Environmental Quality Act ("CEQA") Guidelines, the transfer of the Property is exempt from environmental review under CEQA because the transfer will result in a continuation of existing facility involving no expansion of use, and any future development of the Property will require separate environmental review.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1. Recitals.**

That the foregoing Recitals are true and correct and together with any definitions set forth therein are incorporated into this Resolution by this reference.

**Section 2. Finding the Transfer of Property as Exempt Surplus Land.**

That based on the facts and information set forth in the above Recitals, the City Council hereby finds that the transfer from the City to the SCLAA qualifies as Exempt Surplus Land under Section 54221(f)(1)(D) of the Act, which includes land that is transferred to another local, state, or federal agency for such agency's use. The Property is not located within areas subject to additional notification requirements under the Surplus Land Act, including: (1) a coastal zone, (2) areas adjacent to a historical unit of the State Parks System, (3) properties listed on or determined eligible for the National Register of Historic Places, or (4) properties within the Lake Tahoe Region as defined in Government Code Section 66905.5.

**Section 3.      Transmission of Certified Resolution to the Housing and Community Development Department.**

That the Economic Development Department is directed to transmit a certified copy of this Resolution to the California Department of Housing and Community Development ("HCD"), as specified in Section 400(e) of the HCD's Act Guidelines immediately following the adoption hereof.

**Section 4.      Effect of Transfer and Assignment.**

That no transfer of the Property shall occur until HCD fails to raise objection to this Resolution and at least thirty (30) days have elapsed following the date this Resolution was submitted to the HCD.

**Section 5.      Quit Claim Deeds/Grant Deeds.**

That the City Manager or his designee is hereby authorized, on behalf of the City, to sign all documents necessary and appropriate to carry out and implement the transfer of the Property to the Southern California Logistics Airport Authority (SCLAA).

**Section 6.      Effective Date.**

That this Resolution shall take effect immediately upon its adoption.

**Section 7.      Certification.**

That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original Resolutions; and shall make a minute of passage and adoption thereof in the records of the proceedings, in the minutes of the meeting at which this Resolution is passed and adopted.

**EXHIBIT “A” TO RESOLUTION NO. 25-017**

**LEGAL DESCRIPTION**

**ASSESSOR’S PARCEL NUMBER: 0472-161-17**

PTN NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  SEC 31 TP 6N R 4W DESC AS 200 FT WIDE STRIP OF LAND SIDELINES SD STRIP BEING PARALLEL WITH AND DISTANT 100 FT ON EACH SIDE OF LI COM AT PT IN E LI SEC 30 TP 6N R 4W DISTANT THEREON N 0 DEG 05 MIN 09 SECONDS W 998.72 FT FROM SE COR SD SEC 30 TH S 28 DEG 22 MIN 45 SECONDS W 1274.73 FT TO PT IN S LI SD SEC 30 TH S 38 DEG 22 MIN 45 SECONDS W 4061.06 FT TO PT IN SD SEC 31 THS 83 DEG 57 MIN 13 SECONDS W 1962.03 FT TO PT IN W LI SD SEC 31 SD PT BEING N 0 DEG 17 MIN 21 SECONDS W 1889.09 FT FROM SW COR SD SEC 31.

Assessor’s Parcel No. 0472-161-17-0-000