

ATTACHMENT A

RESOLUTION NO. 23-078

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, DECLARING PORTIONS OF APN 0478-161-06 & 0478-172-19, CITY-OWNED PROPERTY, AS “EXEMPT SURPLUS LAND” PURSUANT TO THE SURPLUS LAND ACT

WHEREAS, the City of Victorville (“City”) is the owner of certain real property having Assessor’s Parcel Nos (“APN”) 0478-161-06 and 0478-172-19 as more specifically described in Exhibit “A”, attached hereto and made a part hereof (“Properties”); and

WHEREAS, the California Department of Transportation (“Caltrans”) is preparing to make improvements along the State Route 18, which includes repairs to pavement, installation and updating message signs, guardrail and upgrades to curb ramps according to the Americans with Disability Act Standards, collectively such improvements are referred to as the “Project”; and

WHEREAS, Caltrans has identified properties that are within their Project area and necessary for their Project, and as such has contacted the City of its desire to partially acquire portions of the Properties, approximately 25,232 square feet, more specifically described in Exhibit “B”; and hereinafter referred to as “Proposed Properties”; and

WHEREAS, under the Surplus Property Land Act, Government Code Sections 54220-54233 (“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 land to be surplus and not necessary for a local agency’s use; and

WHEREAS, land must be declared either “surplus land” or “exempt surplus land”, as supported by written findings, before it may be disposed of; and

WHEREAS, under the Act, land is necessary for the City’s use if the land is being used, or is planned to be used pursuant to a written plan adopted by the City Council, for City work or operations, and

WHEREAS, APN 0478-161-06 is approximately 225,321 square feet (5,173 acres) in size and is being utilized for the City’s Victorville Transportation Center; and

WHEREAS, APN 0478-172-19 is approximately 54,515 square feet (1.25 acres) of vacant land with a small portion being used by Amtrak for its Victorville Station; and

WHEREAS, the City has determined that the small portions of the Victorville Transportation Center and Former Forrest Park Properties, referred to as the Proposed Properties, is not necessary to continue its activities or operations; and

WHEREAS, Section 54221(f)(1)(D) of the Act defines “exempt surplus land” to include surplus land that is transferred to another local, state, or federal agency for this agency’s use; and

WHEREAS, the City desires to transfer to Caltrans the Proposed Properties for the purposes of its Project, and as such must declare the Proposed Properties “exempt surplus land” as it qualifies under the requirements in Section 54221(f)(1)(D) of the Act.

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

Section 1. Recitals.

That the recitals set forth above, including any definitions set forth therein, are true and correct and are incorporated into and made a material part of this Resolution by this reference.

Section 2. Finding of Properties as Exempt Surplus Land.

That based on the facts and information set forth in the above Recitals, the Proposed Properties are Exempt Surplus Land.

Section 3. Transmission of Certified Resolution to the California Department of Housing and Community Development (“HCD”).

That the Economic Development Department is directed to transmit a certified copy of this Resolution to the HCD, as specified in Section 400(e) of the Guidelines immediately following the adoption hereof.

Section 4. Property Disposal Timing; Approval by HCD.

That no disposal or transfer of the Proposed Properties shall occur until the City receives approval from HCD, concurring that the uses and operations of Caltrans, with respect to the Proposed Properties, qualify as “Exempt Surplus Land” under Government Code Section 54221, subdivision (f)(1)(D) of the SLA.

Section 5. Effective Date.

That this Resolution shall take effect immediately upon its adoption.

Section 6. 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 of the City of Victorville City Council; and shall make a minute passage and adoption thereof in the records of the proceedings of the City in the minutes of the meeting at which this Resolution is passed and adopted.

**EXHIBIT “A”
TO RESOLUTION NO. 23-078**

**APN 0478-161-06 & 0478-172-19 (“PROPERTIES”)
LEGAL DESCRIPTION**

LEGAL DESCRIPTION

VICTORVILLE TRANSPORTATION CENTER

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1 OF [PARCEL MAP NO. 14994](#), IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED NOVEMBER 27, 1996 IN [BOOK 181, PAGES 78](#) AND 79, OF PARCEL MAPS, RECORDS OF SAID COUNTY.

[APN: 0478-161-06-0-000](#)

LEGAL DESCRIPTION

FORMER FORREST PARK

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1 OF [PARCEL MAP NO. 12557](#), IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN [BOOK 147, PAGE 6](#) OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ALL MINERALS CONTAINED IN THE PROPERTY, INCLUDING, WITHOUT LIMITING THE GENERALITY THEREOF, OIL, GAS AND OTHER HYDROCARBON SUBSTANCES, AS WELL AS METALLIC OR OTHER SOLID MINERALS, LYING NOT LESS THAN FIVE HUNDRED FEET BELOW THE SURFACE THEREOF, PROVIDED THAT SANTA FE SHALL NOT HAVE THE RIGHT TO GO UPON OR USE THE SURFACE OF THE PROPERTY, OR ANY PART THEREOF, FOR THE PURPOSE OF DRILLING FOR, MINING, OR OTHERWISE REMOVING, ANY OF SAID MINERALS. SANTA FE MAY, HOWEVER, AND HEREBY RESERVES THE RIGHT TO, REMOVE ANY OF SAID MINERALS FROM THE PROPERTY BY MEANS OF WELLS, SHAFTS, TUNNELS, OR OTHER MEANS OF ACCESS TO SAID MINERALS WHICH MAY BE CONSTRUCTED, DRILLED OR DUG FROM OTHER LAND, PROVIDED THAT THE EXERCISE OF SUCH RIGHTS BY SANTA FE SHALL IN NO WAY INTERFERE WITH OR IMPAIR THE USE OF THE SURFACE OF THE PROPERTY HEREBY CONVEYED OR OF ANY IMPROVEMENTS THEREON, AS RESERVED IN THE DEED FROM THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, A DELAWARE CORPORATION, RECORDED MARCH 6, 1990, AS [INSTRUMENT NO. 90-085235, OF OFFICIAL RECORDS](#).

[APN: 0478-172-19-0-000](#)

**EXHIBIT “B”
TO RESOLUTION NO. 23-078**

**APN 0478-161-06 & 0478-172-19 (“PROPOSED PROPERTIES”)
LEGAL DESCRIPTION**

LEGAL DESCRIPTION

"PROPOSED PROPERTIES"

That portion of Parcel 1 of Parcel Map No. 12557, as per Map recorded in Book 147, Page 6 of Parcel Maps, and that portion of Parcel 1 of Parcel Map No. 14994, as per Map recorded in Book 181, Pages 78 and 79 of Parcel Maps, both in the City of Victorville, County of San Bernardino, State of California, in the Office of the County Recorder of said County, described as follows:

Parcel 25450-1

BEGINNING at the intersection of the southerly corner of said Parcel 1 of said Parcel Map No. 12557 and the northeasterly right of way of State Route 18 (53.99' half-width); thence along said right of way, North 47°38'02" West 24.00 feet; thence perpendicular North 42°20'58" East 1.00 feet; thence parallel with said right of way, South 47°38'02" East 24.00 feet to the southeasterly line of said Parcel 1; thence along said southeasterly line, South 42°20'58" West 1.00 feet to the **POINT OF BEGINNING**.

A portion of land lying southerly and westerly of the following described line:
Parcel 25450-2

COMMENCING at said mentioned-above intersection; thence along said mentioned-above right of way, North 47°38'02" West 266.82 feet to the **POINT OF BEGINNING**; thence North 5°48'50" West 34.49 feet; thence parallel with said right of way, North 47°38'02" West 7.50 feet to a point on the northwesterly line of said Parcel 1, said point being the **POINT OF TERMINATION** of this line.

Parcel 25450-3

A portion of land lying southerly of the following described line:

BEGINNING at a 1" I.P. with Brass tag "CITY VIC," being the end of a curve having a 20.00 feet radius, and the northwesterly line of Sixth Street as shown on said Parcel 1 of said Parcel Map No. 14994; thence along said northwesterly line North 42°21'58" East 3.00 feet to **Point A**; thence perpendicular North 47°38'02" West 6.81 feet; thence South 87°21'12" West 32.52 feet to a point on the northeasterly right of way of State Route 18 (53.99' half-width) as shown on said Parcel Map No. 14994, said point being North 47°38'02" West 9.80 feet from the beginning of a curve, said point also being the **POINT OF TERMINATION** of this line.

TOGETHER with underlying fee interest, if any, contiguous to the above-described property in and to the adjoining public way, lying within the following described land as follows:

BEGINNING at **Point A**; thence along said northwesterly line of said Sixth Street South 42°21'58" West 76.99 feet to the centerline intersection of said State

Route 18; thence along said centerline South 47°38'02" East 59.98 feet to the intersection of the southeasterly line of said Sixth Street; thence along said southeasterly line, North 42°21'58" East 76.99 feet; thence perpendicular North 47°38'02" West 59.98 feet to the **POINT OF BEGINNING**.

Parcel 25450-4

COMMENCING at **Point B**, being the intersection of said right of way of State Route 18 (53.99' half-width) and the southeasterly line of Second Street (Vacated) as shown on said Parcel 1 of said Parcel Map No. 14994; thence along said right of way South 47°38'02" East 626.97 feet to the **POINT OF BEGINNING**; thence North 84°09'28" East 40.37 feet; thence parallel with said right of way South 47°38'02" East 81.17 feet; thence South 45°54'29" West 10.80 feet; thence South 00°34'31" West 25.92 feet to said right of way; thence along said right of way, North 47°38'02" West 2.58 feet; thence Course A, North 00°34'31" East 23.63 feet; thence Course B, North 45°54'29" East 5.62 feet; thence Course C, parallel with said right of way North 47°38'02" West 83.03 feet; thence Course D, South 82°49'59" West 30.53 feet to said right of way; thence along said right of way, North 47°38'02" West 3.85 feet to the **POINT OF BEGINNING**.

TOGETHER with underlying fee interest, if any, contiguous to the above-described property in and to the adjoining public way, lying southwesterly of Courses A, B, C & D.

Parcel 25450-5

COMMENCING at said mentioned-above **Point B**; thence along said mentioned-above northeasterly right of way, South 47°38'02" East 34.23 feet to the **POINT OF BEGINNING**, being a non-tangent curve, concave easterly, having a radius of 34.99 feet, to which a radial line bears South 48°09'43" West; thence northerly along said curve, through a central angle of 67°03'55" an arc length of 40.96 feet; thence South 08°18'19" East 38.66 feet to the **POINT OF BEGINNING**.

TOGETHER with underlying fee interest, if any, contiguous to the above-described property in and to the adjoining public way, lying within the following described land as follows:

COMMENCING at said mentioned-above **Point B**; thence along said mentioned-above northeasterly right of way, South 47°38'02" East 34.23 feet to the **POINT OF BEGINNING**, being a non-tangent curve, concave easterly, having a radius of 34.99 feet, to which a radial line bears South 48°09'43" West; thence northerly along said curve, through a central angle of 67°03'55", an arc length of 40.96 feet; thence parallel with said right of way North 47°38'02" West 34.31 feet to the northwesterly line of said Parcel 1 of said Parcel Map No. 14994, said line being the centerline of said

Second Street (Vacated); thence along said northwesterly line, South $42^{\circ}21'58''$ West 78.49 feet to the intersection of the centerline of said State Route 18; thence along the centerline of said State Route 18, South $47^{\circ}38'02''$ East 64.22 feet; thence perpendicular, North $42^{\circ}21'58''$ East 53.99 feet to the **POINT OF BEGINNING**.

The distances used in the above description are on the California Coordinate System of 1983, Zone 5 (Epoch 2007.00). Divide the above distances used in the above description by 0.99979438 to obtain ground level distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.