

RESOLUTION 20-13
OF THE BOARD OF DIRECTORS OF HELIX WATER DISTRICT
DECLARING AS SURPLUS CERTAIN REAL PROPERTY IN THE EL MONTE VALLEY OF
UNINCORPORATED LAKESIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ASSESSOR'S
PARCEL NUMBERS 392-050-47, 392-060-43, 392-130-47 AND 391-061-28;
AND AUTHORIZING SALE OF SURPLUS REAL PROPERTY

WHEREAS, Helix Water District is the owner of real property located in the El Monte Valley within unincorporated Lakeside, county of San Diego, state of California, described as 337.95 acres in El Monte Valley, assessor's parcel numbers 392-050-47, 392-060-43, 392-130-47 and 391-061-28; and

WHEREAS, the property was acquired by Helix Water District between 1926 and 1953, at a nominal value and is not required for any existing or future district operations, with all district facilities protected by easement rights; and

WHEREAS, there are three distinct land areas within the subject 337.95 acres which are intended for surplus and offered as follows: 232.72 acres of mitigation land referred to as the rock pile, zoned A70; approximately 8 acres currently leased to River Valley Equestrian, zoned S82; and 100.23 acres of river bottom parcels, zoned A70/S82; and

WHEREAS, the San Diego River Conservancy has the right of first refusal on the subject land under Public Resource Code Section 32646; and

WHEREAS, in the event that the San Diego River Conservancy elects not to purchase the property pursuant to its right of first refusal, other government agencies and housing sponsors listed with the state's Department of Housing and Community Development, will be provided with a notice of availability of the land under Government Code Section 54220 *et seq.* for low/moderate income housing, parks, open space, schools, transit development, enterprise zones and utilities uses; and

WHEREAS, the various public agencies have a period of 60 days to reply to the notice of availability. If no reply is received within this 60-day period, the property is considered cleared for sale by the district; and

WHEREAS, the district's desire to formally designate the surplus property as surplus within the meaning of Government Code Section 54221(b), as being no longer necessary for district use, and offer it for sale in accordance with the priorities and procedures of Public Resources Code Section 32646 and Government Code sections 54220, *et seq.*

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND DETERMINED by the Helix Water District Board of Directors as follows:

Section 1. The recitals set forth above are true and correct and are incorporated into this resolution by this reference.

Section 2. The district property defined herein as the surplus property is not necessary for district use and, pursuant to Government Code sections 54220 *et seq.*, is hereby declared to be surplus property.

Section 3. The board hereby authorizes and delegates to the general manager or his designee the authority to undertake all acts legally required to dispose of the surplus property, including, but not limited to, the following procedures:

- A. First Right of Refusal: within five days of the board's adoption of Resolution 20-13, the district shall send a written notice of its intent to sell the surplus property to the State Clearing House and other public agencies.
- B. Receipt of Notice: public agencies have a period of 60 days to reply. The district will entertain written offers to exercise a First Right of Refusal to acquire the surplus property on terms equal to or greater than the total consideration.
- C. Negotiations to Determine Sales Price: if a public agency exercises its right to acquire the surplus property, the district shall enter into good faith negotiations to determine if a mutually satisfactory sales price can be agreed upon. If the price cannot be agreed upon after a negotiation period of not less than 60 days, the district may dispose of the surplus property as described in Section 3(G) of this resolution.
- D. Failure to Exercise First Right of Refusal: should a public agency fail to exercise its First Right of Refusal to acquire the surplus property within the 60-day period described in Section 3(B) of this resolution, the district shall deem the First Right of Refusal expired.
- E. Written Offer to Sell Surplus Property to Other Agencies: within five days of the district's adoption of this resolution, the district shall send a written notice of its intent to sell the surplus property in accordance with Government Code Section 54222.
- F. Receipt of Offers: for 60 days after confirmation of delivery of the notice, the district will entertain written offers from any entity to acquire the surplus property on terms equal to or greater than the total consideration for park or recreation purposes, for open-space purposes, or for public school purposes, as further described in Government Code Section 54222.
- G. Negotiations to Determine Sales Price: if a mutually agreeable sales price cannot be agreed to, or if a public agency does not

exercise its First Right of Refusal to acquire the surplus property according to Sections 3(C) and 3(D) of this resolution, and if the district has received written offers pursuant to Section 3(F) of this resolution from an entity interested in potentially purchasing the surplus property, the district shall enter into good faith negotiations with the entity to determine if a mutually satisfactory sales price can be agreed upon. If the price cannot be agreed upon after a negotiation period of not less than 60 days, the district may dispose of the property without further regard to the requirements of this resolution.

H. Multiple Offers of Purchase; Priority Consideration: if the district receives more than one offer for purchase pursuant to the terms of Section 3(F) of this resolution, the district shall give first priority to any offer from an entity which agrees to use the property for housing for persons of low- and moderate-income.

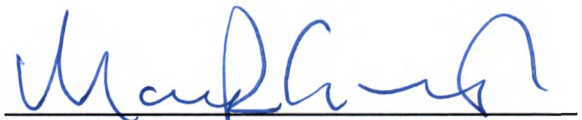
Section 4. This resolution shall take effect upon adoption by the Helix Water District Board of Directors.

PASSED, ADOPTED AND APPROVED this 18th day of March 2020, by the following vote:

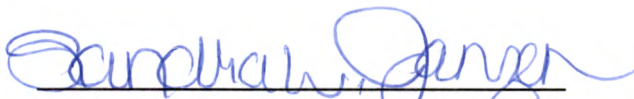
AYES: Gracyk, Verbeke, Scalzitti, Hedberg, McMillan

NOES: None

ABSENT: None


Mark Gracyk, President

ATTEST:


Sandra L. Janzen, Secretary of the Board

