

VICTOR VALLEY COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 25-02

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VICTOR VALLEY COMMUNITY COLLEGE DISTRICT DECLARING INTENT TO SELL AND CONVEY EASEMENTS TO THE TOWN OF APPLE VALLEY, SOUTHERN CALIFORNIA EDISON COMPANY, SAN BERNARDINO COUNTY SERVICE AREA 64 AND THE CITY OF VICTORVILLE

WHEREAS, the Victor Valley Community College District (“District”) owns property identified by San Bernardino County Assessor’s Parcel Number 0482-022-06 (“District Property”);

WHEREAS, the Town of Apple Valley, in cooperation with Caltrans and various other entities, is constructing the “Bear Valley Road Bridge over the Mojave River Rehabilitation Project” (“Project”). The Project proposes to widen, rehabilitate and seismically retrofit the Bear Valley Road Bridge and improve related roadways;

WHEREAS, the Town of Apple Valley is the lead agency in charge of securing land for the Project and desires to acquire certain easement rights in and through a portion of the District Property running along Bear Valley Road for use in the construction and operation of the Project (the “Easement Area”);

WHEREAS, the Town of Apple Valley made an offer to purchase the following easements within the Easement Area: a Temporary Construction Easement for its own use for a maximum of five years, a Powerline Easement for the permanent use of Southern California Edison Company, a Waterline Easement for the permanent use of San Bernardino County Service Area 64, a Roadway Easement for the permanent use of the City of Victorville and an Access and Maintenance Easement for the permanent use of the City of Victorville. These easements will be referred to collectively as the "Easements" herein and are more specifically described and depicted in the Exhibits to the proposed Purchase and Sale Agreement attached hereto as **Exhibit 1** which is incorporated in full by this reference;

WHEREAS, the Town of Apple Valley is entrusted with the power of eminent domain and expressed intent to acquire the Easements. In lieu of eminent domain proceedings, the District, after securing an independent appraisal, and with the assistance of legal counsel, negotiated the terms of each easement with each entity and a Purchase and Sale Agreement for the sale of all the Easements to the Town of Apple Valley for the use of the specified grantees to facilitate the Project. The Easements each address the terms and conditions upon which the easement is granted and delineate the permitted uses and include a Reserved Access Corridor in favor of the District (See, Exhibits A – E attached to Exhibit 1);

WHEREAS, Education Code section 81360 authorizes the District to convey property which is not, or will not be, needed for school classroom buildings and the District has determined the Easements currently sit on vacant land and will not be needed for school classroom buildings;

WHEREAS, the District has determined that it is in the best interest of the District and the community to initiate the conveyance process required under the Education Code and sell and convey the Easements;

WHEREAS, in accordance with Education Code sections 81310 et seq., before making any conveyance of District property the Board must first adopt and sign a resolution declaring its intention to convey the Easements in a regular and open meeting and by a two-thirds vote of all its members. The District hereby declares its intention to sell and convey the Easements as noted herein and as set forth in Exhibit 1;

WHEREAS, pursuant to Education Code section 81311, the Board is required to fix a time not less than ten (10) days after the adoption of this Resolution, for a public hearing upon the question of the making the conveyance;

WHEREAS, pursuant to Education Code section 81311, the Board hereby schedules a public hearing for this purpose on March 11, 2025, at 6:00 p.m. during its regularly scheduled Board meeting;

WHEREAS, pursuant to Education Code section 81312, the Board (or its designee) is required to give notice of the adoption of this Resolution and of the time and place of the future public meeting by “posting copies of the resolution signed by the members of the board, or by a majority thereof, in three public places in the district not less than 10 days before the date of the meeting, and by publishing the notice once not less than five days before the date of the meeting in a newspaper of general circulation, published in the district...”;

WHEREAS, pursuant to Education Code section 81314, a petition protesting against the proposed conveyance signed by at least 10 percent of the qualified electors of the district, as shown by the affidavit of one of the petitioners, may be filed with the governing board at the March 11, 2025 meeting. If such a protest is filed, the Board shall follow the procedures set forth in Education Code section 81314 before taking any further action on the proposed conveyance;

WHEREAS, if no qualifying protest is filed on March 11, 2025, pursuant to Education Code sections 81313 and 81314, the Board may adopt a resolution by a two-thirds vote of all its members authorizing and directing execution of the Easements;

WHEREAS, if the conveyances are authorized, the Board will also seek approval to execute the Purchase and Sale Agreement for the sale of these Easements.

NOW, THEREFORE BE IT RESOLVED by the District Board of Trustees as follows:

1. The above recitals are true and correct.
2. The Board declares its intention to sell and convey a Temporary Construction Easement to the Town of Apple Valley, a Powerline Easement to Southern California Edison Company, a Waterline Easement to San Bernardino County Service Area 64, a Roadway Easement to the City of Victorville and an Access and

Maintenance Easement to the City of Victorville. The Easements are each specifically described and depicted in the Exhibits to the proposed Purchase and Sale Agreement attached hereto as Exhibit 1. (See, Exhibits A – E to Exhibit 1).

3. The Board fixes March 11, 2025, at 6:00 p.m. for a public hearing upon the question of making conveyances of these Easements.
4. The Superintendent, or designee thereof, is authorized and directed to post and publish the required notices as described above in compliance with Education Code section 81312.
5. The Superintendent, or designee thereof, is authorized to take such action as may be reasonably necessary to effectuate the purpose and intent of this Resolution, including executing any documents.

This Resolution shall take effect upon adoption by two-thirds of all members of the Board.

On motion of Joseph W. Brady, and seconded by Jennifer Tarpley, this resolution was adopted on February 11, 2025, by the following vote:

AYES 5 NOES 0 ABSENT 0 ABSTENTIONS 0

PASSED AND ADOPTED this 11th of February, 2025, at a Regular Meeting of the Board of Trustees of the Victor Valley Community College District.


President of the Board of Trustees of the
Victor Valley Community College District

ATTEST:


Clerk of the Board of Trustees of the
Victor Valley Community College District

EXHIBIT 1

Proposed Purchase and Sale Agreement with Easements attached as Exhibits A -E

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