

VICTOR VALLEY COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 25-05

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VICTOR VALLEY COMMUNITY COLLEGE DISTRICT AUTHORIZING AND APPROVING:

(1) THE CONVEYANCE OF EASEMENTS TO THE TOWN OF APPLE VALLEY, SOUTHERN CALIFORNIA EDISON COMPANY, SAN BERNARDINO COUNTY SERVICE AREA 64 AND CITY OF VICTORVILLE; AND, (2) THE EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH THE TOWN OF APPLE VALLEY REGARDING THESE EASEMENTS

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 (2.160 acre), a Powerline Easement for the permanent use of Southern California Edison Company (0.648 acre), a Waterline Easement for the permanent use of San Bernardino County Service Area 64 (0.161 acre), a Roadway Easement for the permanent use of the City of Victorville (0.249 acre), and an Access and Maintenance Easement for the permanent use of the City of Victorville (0.341 acre). 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). The sale price negotiated is \$402,444;

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 move forward with the conveyance process required under the Education Code and sell and convey the Easements;

WHEREAS, in accordance with Education Code sections 81311, before making any conveyance of District property the Board first adopted and signed Resolution 25-02 declaring its intention to convey the Easements in a regular and open meeting and by a two-thirds vote of all its members;

WHEREAS, pursuant to Education Code section 81312, the Board (or its designee) gave notice of the adoption of this Resolution and of the time and place of the future public meeting by posting public notices in three locations, giving access to the resolution on campus at Administrative Building 10, publishing the notice in a newspaper of general circulation and posting the resolution online more than 10 days prior to the public hearing;

WHEREAS, pursuant to Education Code section 81313, the Board conducted a public hearing upon the question of making the conveyance and listened to any public comment regarding the same on March 11, 2025, at 6:00 p.m. during its regularly scheduled Board meeting;

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, was not filed with the governing board at the March 11, 2025 meeting;

WHEREAS, because no qualifying protest was filed during the public hearing pursuant to Education Code sections 81313 and 81314, the Board may adopt this resolution by a two-thirds vote of all its members authorizing and directing execution of the Easements and the Purchase and Sale Agreement;

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

1. The above recitals are true and correct.
2. The Board hereby authorizes the conveyance and execution of a five year 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 under the terms of the attached Purchase and Sale Agreement. The Easements are each specifically described and depicted in the Exhibits to the Purchase and Sale Agreement attached hereto as Exhibit 1. (See, Exhibits A – E to Exhibit 1).

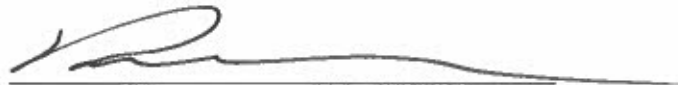
3. The Board hereby authorizes the execution of the Purchase and Sale Agreement selling the Easements to the Town of Apple Valley.
4. The president of the governing board, or any other presiding officer, or the secretary, or the members thereof, is authorized to take such action as may be reasonably necessary to effectuate the purpose and intent of this Resolution, including executing any documents, including, but not limited to, escrow instructions, the Easements, the Purchase and Sale Agreement, and, in addition, having such records notarized and recorded.

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

On motion of Joe Brady, and seconded by Stephen Tyrrell, this resolution was adopted on March 11, 2025, by the following vote:

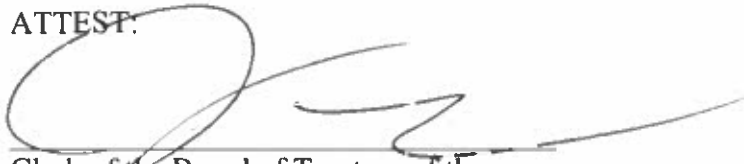
AYES 4 NOES ABSENT 1 ABSTENTIONS

PASSED AND ADOPTED this 11th of March, 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