

FORM APPROVED COUNTY COUNSEL
BY: GREGORY P. PRIAMOS DATE 6/8/16

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

165



FROM: Economic Development Agency

SUBMITTAL DATE:
June 29, 2016

SUBJECT: Resolution No. 2016-104, Notice of Intention to Exchange Real Property in the Unincorporated Community of Bermuda Dunes and Terminate Lease, Riverside County, State of California, District 4 [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2016-104, Notice of Intention to Exchange Real Property and Terminate Lease in the unincorporated community of Bermuda Dunes, Riverside County, California, involving the conveyance by the County of Riverside (County) of a school campus with approximately fifteen (15) buildings, a pool and associated athletic fields situated on a 10.17 acres with 1.2 vacant acres of excess land, Assessor's Parcel Number 626-040-069 (the County Property), to the Desert Christian Academy, a California 501 (c)(3) non-profit corporation (DCA), formerly known as Christian School of the Desert, via grant deed, in exchange for the conveyance by DCA of approximately 59.16 acres of vacant land located on the west side of Washington Street between Las Montanas Road and 38th Avenue, in the unincorporated community of Bermuda Dunes, Riverside County, California (Assessor's Parcel Numbers: 626-150-037, 626-150-038 and 626-150-039), to the County via grant deed; and

(Continued)

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: N/A

Budget Adjustment: No

For Fiscal Year: 2016/17

C.E.O. RECOMMENDATION:

APPROVE

BY:
Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

☐ A-30
☐ 4/5 Vote
☐ Positions Added
☐ Change Order

Prev. Agn. Ref.: 3.27 of 07/29/08

District: 4

Agenda Number:

3-10

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

Economic Development Agency

FORM 11: Resolution No. 2016-104, Notice of Intention to Exchange Real Property in the Unincorporated Community of Bermuda Dunes and Terminate Lease, Riverside County, State of California, District 4 [\$0]

DATE: June 29, 2016

PAGE: 2 of 3

RECOMMENDED MOTION: (Continued)

2. Direct the Clerk of the Board to give notice as provided in Section 6061 of the Government Code.

BACKGROUND:

Summary

On July 29, 2008, the Board adopted County Resolution 2008-256, Authorization to Purchase the property located at 40700 Yucca Lane, in the unincorporated community of Bermuda Dunes, Riverside County, California identified as assessor parcel number 607-040-069 (County Property). The County of Riverside (County), through the Redevelopment Agency, acquired the property from the Christian School of the Desert, predecessor in interest to DCA, consisting of a school campus with approximately fifteen buildings, a pool and associated athletic fields situated on 10.17 acres along with 1.2 vacant acres of excess land.

After acquiring the school campus, the County entered into a six-year lease back Agreement (the Lease) with the Christian School of the Desert, which commenced on August 28, 2008, and in order for the Desert Christian Academy School to continue its operations. The six-year term was established to accommodate the relocation and construction time frame of a new school at a new location. DCA acquired real property consisting of 59.16 acres of vacant land located on the west side of Washington Street between Las Montanas Road and 38th Avenue, in the unincorporated community of Bermuda Dunes, Riverside County, California (Assessor's Parcel Numbers: 626-150-037, 626-150-038 and 626-150-039) (DCA Property) for the purpose of relocating the Desert Christian Academy School.

DCA subsequently determined that it was no longer economically feasible to develop a new campus on the DCA Property and now desires to acquire the County Property in exchange for the DCA Property and to terminate the Lease of the County Property. The County of Riverside intends to convey the fee simple interest in the County Property in exchange for the fee simple interest in the DCA Property, by grant deeds. The properties have been valued in the same range by an independent MAI appraiser hired by the County; therefore, no other consideration shall be paid by either party. DCA shall be responsible for paying any and all escrow costs and fees as well as the full cost of title policies on the properties to be acquired and exchanged. DCA shall reimburse the County of Riverside Economic Development Agency, Real Estate Division for all staff time accrued in processing this transaction, County Counsel costs, appraisal costs, preliminary report costs, and outside counsel costs associated with the release of bond financing on the County Property.

Pursuant to Government Code Section 25365, a county may exchange real property or any interest therein, belonging to the county with any person, if the property or interest therein to be conveyed is not required for County use and the property to be acquired is needed for county use. This exchange may be upon the terms and conditions as are agreed upon and without complying with any other provisions of the Government Code. The value of the private real property exchanged shall be equal to or greater than 75% of the value of the county property offered in the exchange.

Resolution No. 2016-104 has been approved as to form by County Counsel.

Impact on Citizens and Businesses

(Commences on Page 3)

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

Economic Development Agency

FORM 11: Resolution No. 2016-104, Notice of Intention to Exchange Real Property in the Unincorporated Community of Bermuda Dunes and Terminate Lease, Riverside County, State of California, District 4 [\$0]

DATE: June 29, 2016

PAGE: 3 of 3

Impact on Citizens and Businesses

The exchange of real property will continue to benefit the residents of the Desert Communities by providing the continuing occupancy of the Desert Christian Academy School in the unincorporated community of Bermuda Dunes. The new County property will be used for the benefit of citizens and businesses of Riverside County.

SUPPLEMENTAL:

Additional Fiscal Information

No net County costs will be incurred and no budget adjustment is necessary.

Attachments:

Resolution No. 2016-104 with Exhibit A and Exhibit B

Aerial Images

FORM APPROVED COUNTY COUNSEL
BY: [Signature] DATE 6/7/16
BY: [Signature] DATE 6/7/16

BOARD OF SUPERVISORS

COUNTY OF RIVERSIDE

RESOLUTION NO. 2016-104

NOTICE OF INTENTION TO EXCHANGE REAL PROPERTY AND TERMINATE LEASE
IN THE UNINCORPORATED COMMUNITY OF BERMUDA DUNES, COUNTY OF RIVERSIDE

WHEREAS, County acquired that certain Real Property located at 40700 Yucca Lane in the unincorporated community of Bermuda Dunes, Riverside County, California identified as Assessor's Parcel Number 607-040-069 ("County Property"), from the Christian School of the Desert ("CSOD") predecessor in interest to the Desert Christian Academy, a California 501(c)(3) corporation ("DCA"), pursuant to a Grant Deed recorded on August 26, 2008 as Instrument No. 2008-0469571, Official Records of County of Riverside, California; and

WHEREAS, the County Property consists of approximately fifteen (15) buildings with a pool and athletic fields situated on a 10.17 acre school campus with 1.2 acres of excess land as legally described in Exhibit A; and

WHEREAS, the County and CSOD entered into that certain lease agreement dated August 28, 2008, whereby the 10.17 acres of the County Property is leased to CSOD for their Desert Christian Academy School (the "Lease"); and

WHEREAS, DCA acquired certain real property consisting of 59.16 acres of vacant land located on the west side of Washington Street between Las Montanas Road and 38th Avenue, in the unincorporated community of Bermuda Dunes, Riverside County, California (Assessor's Parcel Numbers: 626-150-037, 626-150-038 and 626-150-039) as legally described in Exhibit B ("DCA Property") for the purpose of relocating the Desert Christian Academy School; and

WHEREAS, DCA has determined that it is no longer economically feasible to develop a new campus on the DCA Property and desires to acquire the County Property in exchange for the DCA Property; and

WHEREAS, pursuant to Government Code Section 25365, the County may exchange real property belonging to the County with any person upon the terms and conditions as are agreed upon and without complying with any other provisions of the Government Code, if the

1 property to be conveyed is not required for County use, the property to be acquired is needed
2 for County use and the values of each parcel are approximately equal; and

3 WHEREAS, the properties have been valued in substantially the same range by an
4 independent MAI appraiser retained by the County; and

5 WHEREAS, the County and DCA now desire to exchange the fee simple interests in real
6 property described herein and terminate the Lease; now, therefore,

7 BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the
8 County of Riverside, California, in regular session assembled on July 12, 2016, that:

9 NOTICE IS HEREBY GIVEN that the Board of Supervisors of County of Riverside
10 intends to exchange fee simple interests in real property with DCA of the following described
11 real property pursuant to an exchange agreement. The County and DCA will consummate the
12 exchange and the termination of Lease through escrow and pursuant to a Real Estate
13 Exchange Agreement and Termination of Lease whereby the County will convey the County
14 Property to DCA and DCA will convey the DCA Property to the County and the Lease for the
15 County Property will be terminated. This exchange transaction is in conformance with
16 Government Code Section 25365 because the values of each parcel are approximately the
17 same.

18 The Board of Supervisors intend to meet to conclude the proposed transaction on or after
19 July 26, 2016 at 9:00 am, at the meeting room of the Board of Supervisors located on the 1st
20 floor of the County Administrative Center, 4080 Lemon Street, Riverside, California.

21 BE IT FURTHER RESOLVED AND DETERMINED that the Clerk of the Board of
22 Supervisors is directed to give notice hereof as provided in Section 6061 of the Government
23 Code.

1 **Exhibit A**

2 **Legal Description of COUNTY PROPERTY**

3 All that certain real property situated in the County of Riverside, State of California, described as follows:

4 Parcel A:

5 That portion of the Northwest ¼ of Section 7, Township 5 South, Range 7 East, in the county of Riverside, San Bernardino Base and Meridian, according to the Official Plat thereof; described as follows:

6 Commencing at the Southeast corner of the Northwest ¼ of said Section 7, as shown on Record of Survey, of
7 a portion of Section, Township 5 South, Range 7 East, San Bernardino Base and Meridian, and of Lots 27, 28,
8 29 and 30 of Records of Survey Book 20, Page 81, Riverside County Records, on file in Book 23, Page 43 of
9 Records of Survey, Riverside County Records; thence North
10 00°13'30" West, on the Easterly line of said Northwest 1/4 , 664.35 feet, more or less, to the Southeast corner
11 of the North ½ of the Southeast ¼ of the Northwest ¼ of said Section 7, for the true point of beginning; thence
12 Northerly on said Easterly line, 486 feet to a point 178.4 feet South of the
13 Southeast corner of Parcel 121 as shown on said Record of Survey; thence South 89°19'08" West,
14 663.44 feet to a point which bears South 00°07'00" East from the Southwest corner of said Parcel
15 121; thence North 00°07'00" West, 178.37 feet, to the Southwest corner of said Parcel 121; thence South
16 89°19'199" West, 663.11 feet, to the Northeast corner of Parcel 132 as shown on said Record of Survey;
17 thence South 00°00'30" East, 664.40 feet, more or less, to the Southwest corner of the North ½ of the
18 Southeast ¼ of the Northwest ¼ of said Section 7; thence Easterly, on the Southerly line of said North ½, to
19 the true point of beginning.

20 Excepting therefrom that portion described as follows:

21 That portion of the Northwest 1/3 of Section 7, Township 5 South, Range 7 executed by, San
22 Bernardino Base and Meridian, described as follows:

23 Commencing at the Southeast corner of the Northeast ½ of the Southeast ¼ of the Northwest ¼ of said
24 Section; thence Northerly on the Easterly line of said Northwest ¼ 324 feet, more or less, to the Southeast
25 corner of that certain Parcel conveyed to Garo Garabedian, an unmarried man by deed recorded March 15,
26 1957 as Instrument No. 19152, of Official Records; thence Westerly on the Southerly line of said Parcel so
27 conveyed 663.44 feet, more or less, to the Southwest corner thereof; thence South 0°07'00" East, on the
28 Southerly extension of the Westerly line of said Parcel so conveyed, 324 feet, more or less, to the Southerly
line of the North ½ of the Southeast ¼ of the Northwest ¼ of said Section; thence North 89°19'08" East, on
said Southerly line, 663.44 feet, more or less, to the point of beginning.

Also excepting therefrom that portion described as follows:

That portion of the Northwest ¼ of Section 7, Township 5 South, Range 7 East, San Bernardino
Base and Meridian, described as follows:

Commencing at the Southwest corner of Parcel 121, as shown on Record of Survey entitled "Record of Survey
of a portion of Section 7, Township 5 South, Range 7 executed by, San Bernardino Base and Meridian, and of
Lots 27, 28, 29 and 30, of Record of Survey, Book 20, Page 81, Records of Riverside County, California, on file
in Book 23, Page 43 of Record of Survey, Riverside County Records; thence South 0°07'0" East, 178.37 feet to
the Southeast corner of that certain Parcel of land conveyed to Charles S. Tune and Ophelia E. Tune, husband
and wife, by deed recorded April
3, 1956 as Instrument No. 23235, of Official Records, for the true point of beginning; thence continuing
South 0°07'0" East on the Southerly prolongation of the Westerly line of the Parcel

described hereinabove, 162 feet; thence Easterly 663.44 feet, more or less, to the Southwest corner of Parcel
110 of said Record of Survey; thence North 0°13'30" West on the Westerly line of Parcel 110, 162 feet to the
Southeast corner of that certain Parcel of land conveyed to Charles S. Tune and Ophelia Tune, husband and
wife hereinabove described; thence South 89°19'08" West on the Southerly line of said Parcel 663.44 feet to
the true point of beginning.

Also excepting therefrom that portion described as follows:

Commencing at the Northwest corner of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 7, Township 5 South, Range 7 East, San Bernardino Base and Meridian, as shown on Record of Survey filed in Book 8, Page 74 Record of Survey of Riverside County, California, being also in the centerline of Yucca lane at the Northeast corner the Parcel 132 of Record of Survey filed in Book 23, Page 43, of Record of Survey, records of Riverside County, California; thence South $0^{\circ}00'30''$ East, along the Westerly line of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 7, as shown on said Record of Survey filed in Book 8, Page 74 of Records of Survey, being also in the Easterly line of said Parcel 132, and in the centerline of said Yucca Lane, 30.00 feet, to a point in a line which is parallel to and 30 feet Southerly (measured t right angles) from the Southerly line of Parcel 122 as shown on said Record of Survey filed in Book 23, Page 43 of Record of Survey; thence North $89^{\circ}19'15''$ East, along said parallel line, 30.00 feet, to a point in a line which is parallel to and 30 feet Easterly (measured at right angles) from said centerline of Yucca Lane, being the true point of beginning of the Parcel of land being described; thence continuing North $89^{\circ}19'15''$ East, along said first mentioned parallel line, 45 feet; thence South $0^{\circ}00'30''$ East, parallel to said centerline of Yucca Lane, 30.00 feet to a point in a line which is parallel to and 60 feet Southerly (measured at right angles) from said Southerly line of Parcel 122; thence South $89^{\circ}19'15''$ West, along said last mentioned parallel line, 45.00 feet, to a point in said previously mentioned line which is parallel line which is parallel to and 30 feet Easterly (measured at right angles) from said centerline of Yucca Lane; thence North $0^{\circ}00'30''$ West, parallel to said centerline of Yucca Lane, 30.00 feet to said true point of beginning.

Parcel B:

The Northerly 317.00 feet of the following described Parcel:

That portion of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 7, Township 5 South, Range 7 East, San Bernardino Base and Meridian, according to the Official Plat thereof, described as follows:

Beginning at the intersection of the centerline of Yucca Lane with the centerline of 41st Avenue; thence East, along said centerline of 41st Avenue, 332.76 feet to a point that is 332.76 feet West of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and point being the true point of beginning; thence North, in a direct line to a point on the North line of said Southwest $\frac{1}{4}$ thence West along said North line 166.06 feet to a point that is distant East, 166.06 feet from the centerline of Yucca Lane; thence South in a direct line, 664.31 feet to a point on the centerline of 41st Avenue, said point being 166.38 feet East of the intersection of the centerline of Yucca Lane and 41st Avenue; thence East, along the centerline of 41st Avenue, 166.38 feet to the true point of beginning.

Excepting therefrom any portion included within 41st Avenue.

Assessor's Parcel No: 607-040-0691

Exhibit B

Legal Description of DCA PROPERTY

All that certain real property situated in the County of Riverside, State of California, described as follows:

Parcel 1:

Parcel A of Lot Line Adjustment No. 05137 recorded May 24, 2007, as Instrument No. 2007-0343281 of Official Records of Riverside County, California, more particularly described as follows:

That portion of Parcel 1 of Parcel Merger No. 1699, recorded December 13, 2006 as Instrument No. 2006-0912525 of Official Records in the County of Riverside, State of California, more particularly described as follows:

Beginning at the Southwest corner of Parcel 1 of said Parcel Merger No. 1699; Thence

North 00°31'06" East 979.82 feet along the center line of said Section 1; Thence South

89°27'42" East, 1319.43 feet to the East line of said Parcel 1;

Thence South 00°23'32" West 983.96 feet along said East line to the Southeast corner of said Parcel 1;

Thence North 89°16'57" West 1321.61 feet along the South line of said Parcel 1 to the point of beginning.

Assessor's Parcel No: 626-150-037

Parcel 2:

Parcel B of Lot Line Adjustment No. 05137 recorded May 24, 2007 as Instrument No. 2007-0343281 of Official Records of Riverside County, California, more particularly described as follows:

That portion of the Northeast Quarter of the Northeast Quarter of Section 1, Township 5 South, Range 6 East, San Bernardino Base and Meridian, in the County of Riverside, State of California, more particularly described as follows:

Beginning at the Southeast corner of Parcel 1 of Parcel Merger No. 1699, recorded December 13, 2006 as Instrument No. 0912525 of Official Records of said County;

Thence North 00°23'32" East 983.96 feet along the East line of said Parcel 1;

Thence South 89°27'42" East 689.06 feet to the beginning of a tangent curve concave Southerly and having a radius of 1940.00 feet;

Thence Southeasterly along the arc of said curve an arc distance of 204.15 feet through a central angle of 06°01'46"; a line radial to said curve at said point bears North 06°34'04" East;

Thence South 00°32'18" West 539.01 feet to the beginning of a non-tangent curve concave Southerly and having a radius of 1376.00 feet a line radial to said curve at said point bears South 05°22'52" East;

Thence Westerly along the arc of said curve an arc distance of 66.58 feet through a central angle of 02°46'21" to the beginning of reverse curve concave Northwesterly and having a radius of 306.00 feet, a line radial to said curve at said point bears North 08°09'13" West;

Thence Westerly along the arc of said curve an arc distance of 46.20 feet through a central angle of

08°38'59" a line radial to said curve at said point bears South 00°29'46" West;

Thence South 05°09'58" East 102.86 feet; Thence

South 02°36'10" East, 89.81 feet; Thence South

13°32'01" West 117.38 feet;

Thence South 31°47'23" West 138.04 feet to a point on the South line of the North half of the Northeast Quarter of said Section 1;

Thence North 89°16'57" West 695.41 feet to along the South line of the North half of the Northeast Quarter of said Section 1 to the point of beginning. Assessor's

Parcel No: 626-150-038

Parcel 3:

Parcel D of Lot Line Adjustment No. 05137, recorded May 24, 2007 as Instrument No.2007-0343281 of Official Records of Riverside County, California, more particularly described as follows:

That portion of the Northeast Quarter of the Northeast Quarter of Section 1, Township 5 South, Range 6 East, San Bernardino Base and Meridian, in the County of Riverside, State of California, more particularly described as follows:

Beginning North One-Sixteen corner of said Section 1;

Thence North 00°16'00" East 882.65 feet along the East line of said Section 1 to the beginning a non-tangent curve concave Southwesterly and having a radius of 1940.00 feet, a line radial to said curve at said point bears South 19°30'56" West;

Thence Northwesterly along the arc of said curve an arc distance of 438.41 feet through a central angle of 12°56'52" a line radial to said curve at said point bears North 06°34'04" East;

Thence South 00°32'18" West 539.01 feet to the beginning of a non-tangent curve concave Southerly and having a radius of 1376.00 feet, a line radial to said curve at said point bears South 05°22'52" East;

Thence Westerly along the arc of Deeds said curve an arc distance of 66.58 feet through a central angle of 02°46'21" to the beginning of a reverse curve concave Northwesterly and having a radius of 306.00 feet, a line radial to said curve at said point bears North 08°09'13" West;

Thence Westerly along the arc of said curve an arc distance of 46.20 feet through a central angle of 08°38'59" a line radial to said curve at said point bears South 00°29'46" West;

Thence South 05°09'58" East 102.86 feet; Thence

South 02°36'10" East 89.81 feet; Thence South

13°32'01" West 117.38 feet;

Thence South 31°47'23" West 138.04 feet to a point on the South line of the North line of the Northeast Quarter of said Section 1;

Thence South 89°16'57" East 626.20 feet to along the South line of the North half of the Northeast Quarter of said Section 1 to the point of beginning. Assessor's

Parcel No: 626-150-039

Resoluion No. 2016-104 Notice of Intention to Exchange Real Property Between Las Montanas Road and 38th Avenue, in the unincorporated community of Bermuda Dunes



- Legend**
- City Boundaries
 - Cities



0 824 1,647 Feet



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Notes

APN's#: 626-150-037, 626-150-038, 626-150-039
 District 4
 CSOD Property

Resolution No. 2016-104 Notice of Intention to Exchange Real Property 40700 Yucca Lane in the unincorporated community of Bermuda Dunes, Riverside County, California



Legend
 City Boundaries
 Cities



0 410 819 Feet



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Notes
 APN#: 607-040-069
 District 4
 County Property