

## **IMPERIAL IRRIGATION DISTRICT RESOLUTION NO. 39-2022**

**WHEREAS**, the Imperial Irrigation District ("IID") is an irrigation district established under the Irrigation District Law, California Water Code section 20500, *et seq.*; and

**WHEREAS**, IID is the underlying fee owner of approximately 0.54 acres of real property with Assessor's Parcel Number 052-686-045 located in within the city of El Centro, Imperial County, California, and described in Exhibit "A," attached hereto and incorporated by this reference (the "Property"); and

**WHEREAS, WHEREAS**, the City of El Centro (the "City"), a local agency, is undertaking the Imperial Avenue Extension Project, which will extend Imperial Avenue south of Interstate 8 (the "Project"); and

**WHEREAS**, the Property lies south of Interstate 8 and the City has identified the need for the Property in order to complete the Project and has requested IID transfer the Property to the City for the City's use; and

**WHEREAS**, IID maintains an underground pipeline identified as the Date Drain, which is located in part within the Property; and

**WHEREAS**, should the Property be transferred to the City, the City will allow IID to reserve an easement on the Property, allowing the Date Drain to remain in place; and

**WHEREAS**, IID staff has reviewed current and potential prospective uses of the Property and has determined that the Property is no longer necessary for any present or prospective IID purposes or use so long as an easement is reserved for the Date Drain; and

**WHEREAS**, under the Surplus Land Act, Government Code section 54220, *et seq.*, (“the Act”), surplus real property is defined as “land owned in fee simple by any local agency for which the local agency’s governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency’s use”; and

**WHEREAS**, Government Code section 54222.3 of the Act provides that the Act does not apply to “exempt surplus land” as defined; and

**WHEREAS**, Government Code section 54221(f)(1)(D) of the Act defines “exempt surplus land” to include land “that a local agency is transferring to another local, state, or federal agency for the agency’s use...”; and

**WHEREAS**, Government Code section 54221(f)(1)(H) of the Act defines “exempt surplus land” to include land “acquired by the local agency for trust purposes by purchase or exchange, and for which disposal of the land is authorized ...subject to conditions established by statute”; and

**WHEREAS**, Water Code section 22437 of the Irrigation District Law provides that all real property acquired by an irrigation district, which includes IID, is “held in trust for its uses and purposes”; and

**WHEREAS**, the California Supreme Court has held that, “[t]he property of the [irrigation] district, so far as it owns any property, constitutes a public trust and is held by the district for a public use ...” (*Moody v. Provident Irrigation Dist.* (1938) 12 Cal. 2d 389, 395.); and

**WHEREAS**, the California Court of Appeal, Fourth District recently noted the holding of *In Merchants' National Bank of San Diego v. Escondido Irrigation District* (1904) 144 Cal. 329, which provided that, “the [irrigation district] is distinguished from ordinary municipal corporations by the fact that ‘the legal title,’ only of the property of the corporation is vested in the district, ‘in trust for the uses and purposes set forth in [the] act’” (*Abatti v. Imperial Irrigation District* (2020) 52 Cal.App.5<sup>th</sup> 236, 258); and

**WHEREAS**, Water Code sections 22500 through 22506 of the Irrigation District Law are the statutes which provide for the method of disposal of IID owned land and establishes the conditions for such disposal; and

**WHEREAS**, IID now, based on these facts and state law, desires to declare the Property exempt surplus land and authorize its disposal pursuant to Water Code section 22500, *et seq.*

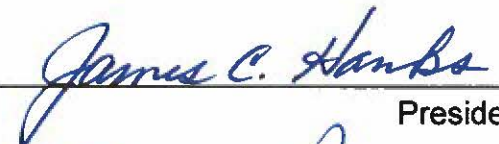
**NOW, THEREFORE, BE IT RESOLVED,**


1. The above recitals are true and correct.
2. Based on the above recitals and pursuant to Water Code section 22500, *et seq.*, the IID Board of Directors finds and declares the Property is no longer necessary for present and prospective IID purposes or uses, so long as an easement is reserved for the benefit of IID for the Date Drain.
3. Based on the above recitals, the IID Board of Directors finds and declares the Property is exempt surplus land, pursuant to Government Code section 54221(f)(1)(D) and (H).
4. As exempt surplus land, pursuant to Government Code section 54222.3 the noticing requirements of Government Code section 54221(f)(2) and related provisions of the Act do not apply.
5. The Office of General Counsel, in coordination with the Real Estate Division, is authorized and directed to submit this resolution to the California Department of Housing and Community Development.
6. This Resolution is effective upon its adoption.

**PASSED AND ADOPTED** this 16<sup>th</sup> day of August, 2022.



**IMPERIAL IRRIGATION DISTRICT**

  
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President

  
\_\_\_\_\_  
Secretary

## **EXHIBIT "A"**

### **DESCRIPTION OF PROPERTY**

That remaining portion of Parcel E of Farmers Estates Subdivision Unit No. 2 per map No. FM 21-31, filed in the County Recorder's Office of Imperial County, State of California on August 18, 2003, within Tract 60, Township 16 South, Range 14 East, San Bernardino Meridian, City of El Centro, TOGETHER WITH that portion of Parcel E of Farmers Estates Subdivision Unit No. 2, more fully described in Quitclaim Deed to the Imperial Irrigation District in Document No. 2003024448, recorded August 18, 2003, in Book 2228, Page 156, of Official Records, lying Southerly of the following described line:

BEGINNING at a point on the East line of said Tract 60, which is the terminus of course "(3)", (Record N.88°32'24"E., 123.06 feet) more fully described in Grant Deed to the State of California Recorded April 5, 2006, as Document Number 2006-017011, in said office of the County Recorder, thence (1) along said course "(3)" S.88°32'24"W., 123.05 feet; thence (2) along course "(2)" of said deed N.21°24'30"W., 49.72 feet, to the West Line of said Parcel E.

Containing 0.54 Acres, more or less.

EXCEPTING THEREFROM a right of way for Drainage purposes with prior rights as said drain was established in 1942, more fully described in Right of Way Deed to Imperial Irrigation District recorded May 14, 1942 in Book 586, Page 461, of Official Records on file in the office of the County Recorder of Imperial County, with prior rights, within the portion of said Parcel E, lying Southerly of the following described line:

BEGINNING at a point on the East Line of said Tract 60, which bears South 1°28'57" East 291.38 feet from said terminus of course "(3)", thence leaving said East line of said Tract 60, South 88° 23' 20" West 140.00 feet to the West line of said parcel E.

Containing 0.30 Acres, more or less.

APN: 052-686-045