



IMPERIAL IRRIGATION DISTRICT RESOLUTION NO. 40-2022

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 fee owner of approximately 24.89 acres of real property with Assessor's Parcel Number 059-513-012 located in the unincorporated area of Imperial County, California, and described in Exhibit "A," attached hereto and incorporated by this reference (the "Property"); and

WHEREAS, the Property is undeveloped, vacant, and not currently used by IID; 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; 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)(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.5th 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.
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)(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.

[Signatures on next page]

PASSED AND ADOPTED this 16th day of August, 2022.

IMPERIAL IRRIGATION DISTRICT



James C. Henke

President

Raymond Mejera

Secretary

EXHIBIT "A"

DESCRIPTION OF PROPERTY

Legal Description

Remainder of Lot F of Tract 941-Unit 2, in the County of Imperial, State of California, according to map recorded in Book 25, Page 32 of Final Maps on file in the Office of the County Recorder of Imperial County and as amended by Certificates of Correction recorded January 10, 2008 as Document No. 2008-001009, February 25, 2008 as Document No. 2008-005257, June 5, 2008 as Document No. 2008-015699 and October 20, 2008 as Document No. 2008-030101, all of Official Records.

Consisting of 24.89 acres

APN 059-513-012