



IMPERIAL IRRIGATION DISTRICT RESOLUTION NO. 41-2022

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 1.73 acres of real property with Assessor's Parcel Number 778-120-001 located in within the City of Coachella, Riverside County, California, and described in Exhibit "A," attached hereto and incorporated by this reference (the "Property"); and

WHEREAS, WHEREAS, the City of Coachella (the "City"), a local agency, has expressed a need for the Property for municipal purposes as it is within the City's "Pueblo Viejo Revitalization Plan" and has requested IID to transfer the Property to the City for the City's use; and

WHEREAS, in exchange for IID transferring the Property to the City, the City has agreed to transfer to IID separate real property consisting of 3.37 acres over which IID has an existing easement for electrical substation purposes; 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)(C) of the Act defines "exempt surplus land" to include land "a local agency is exchanging for another property necessary for the agency's use"; 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.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)(C), (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 16th day of August, 2022.

IMPERIAL IRRIGATION DISTRICT



James C. Hankes

President

Raquel Najera

Secretary

EXHIBIT "A"

DESCRIPTION OF PROPERTY

The land referred to herein below is situated in the city of Coachella, in the county of Riverside, State of California, and is described as follows:

A portion of Lot 9 of Coachella Land and Water Company's Subdivision of Section 5, Township 6 South, Range 8 East, S.B.B. & M., in the city of Coachella, county of Riverside, state of California, bounded as follows:

Beginning at the most northerly corner of said Lot 9 (intersection of road center line) and running thence South 53° 56' West along the northwesterly line of said Lot 9, 545.32 feet; thence South 36° 41' East 233.47 feet; thence North 89° 56' East 303.71 feet to the east line of said Lot 9; thence North 0° 3' East 510 feet to the Point of Beginning.

APN: 778-120-001