



IMPERIAL IRRIGATION DISTRICT RESOLUTION NO. 60-2022

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 1.45 acres of real property within Assessor's Parcel Number 045-241-008 located in the City of Holtville, Imperial County, California, and described in Exhibit "A," attached hereto and incorporated by this reference (the "Property"); and

WHEREAS, IID staff has reviewed current and potential prospective uses of the south 0.74 acres from the Property and has determined that this portion as described in Exhibit "B" is no longer necessary for any present and prospective IID purposes or use; and

WHEREAS, IID is in the process of constructing the Holtville BESS project (the "Project"), a battery energy storage system within its service area;

WHEREAS, IID staff has identified an area which is necessary for the completion of the Project, consisting of approximately 1.04 acres of real property within Assessor's Parcel Numbers 045-241-004 and 045-241-011 as described in "Exhibit B-1" (the "Second Property");

WHEREAS, in order to ensure the completion of the Project, IID desires to exchange 0.74 acres of Property for 0.74 acres of the Second Property, and compensate the owners of the Second Property for the remaining 0.30 acres in amount to be negotiated at a future date; 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 "that a local agency is exchanging for another property necessary for the agency's use"; and

WHEREAS, Government Code section 54221(f)(1)(H) of the Act also defines “exempt surplus land” to include land “acquired by the local agency for trust purposes by purchase of 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 principle that IID holds real property for trust purposes has been affirmed by California courts on numerous occasions. As noted by the California Supreme Court, “[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, in discussing real property owned by the IID, the California Supreme Court noted that as “pointed out in the case of *Merchants’ Nat. Bank v. Escondido Irr. Dist.*, where the court distinguishes irrigation districts from ordinary municipal corporations in the following language: ‘But here, the corporation in question 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’” (*Hall v. Superior Court in and for Imperial County* (1926) 198 Cal. 373, 383.); and

WHEREAS, more recently the California Fourth District Court of Appeal acknowledged this longstanding principle in the case of *Abatti v. Imperial Irrigation Dist.* (2020) 52 Cal. App. 5th 236, as follows:

“In *Merchants Bank v. Escondido Irr. Dist.* (1904) 144 Cal. 329, the California Supreme Court held that landowners have a beneficial and equitable interest in the irrigation district’s property, consisting of a right to use or service: “[T]he [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’; and that the beneficiaries of the trust[,] who, upon familiar equitable principles, are to be regarded as the owners of the property[,] are the landowners in the district ... and in whom, indeed, is vested ... in each, the right to the several use of a definite proportion of the water of the district, and in all, in common, the equitable ownership of its water-rights ... as the means of supplying water. (Stats. 1887 ..., secs. 11, 13 [Wright Act].)”
(*Abatti* at 258, emphasis added.)

WHEREAS, Water Code sections 22500 through 22506 of the Irrigation District Law provides for the disposal of IID owned land and establishes the conditions for such disposal; and

WHEREAS, IID now desires the 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 described portion of 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 sections 54221(f)(1)(C) and 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.

PASSED AND ADOPTED this 29th day of November, 2022.

IMPERIAL IRRIGATION DISTRICT



James C. Hanks

President

Roguel Najera

Secretary

EXHIBIT "A"

DESCRIPTION OF PROPERTY

THAT PORTION OF BLOCK 114 OF THE TOWNSITE OF HOLTVILLE, IN THE CITY OF HOLTVILLE, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, AS PER MAP No.908 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, LYING SOUTH OF RAILROAD RIGHT OF WAY AS SAID RIGHT OF WAY AND RAILROAD WERE LOCATED ON MARCH 19, 1946.

EXCEPTING THEREFROM THE EAST 75 FEET THEREOF, MEASURED ALONG THE SOUTH LINE.

ALSO EXCEPTING THEREFROM, THE WEST 285 FEET OF THE SOUTH 150 FEET, CONVERVED TO MOSIER AND BEAVER, A CO-PARTNERSHIP, BY DEED DATED MARCH 24, 1952, AND RECORDED IN BOOK 835, PAGE 582 OF OFFICIAL RECORDS.

TOGETHER WITH THAT PORTION OF MELON AVENUE CLOSED AND VACATED FROM PUBLIC USE BY RESOLUTION No. 1062 OF THE CITY COUNCIL OF THE CITY OF HOLTVILLE, RECORDED FEBRUARY 19, 1968 AS DOCUMENT No. 56 IN BOOK 1258, PAGE 94 OF OFFICIAL RECORDS, WHICH WOULD PASS BY OPERAITON OF LAW.

EXHIBIT "B"

DESCRIPTION OF PROPERTY

THAT PORTION OF BLOCK 114 TOWNSITE OF HOLTVILLE, CITY OF HOLTVILLE, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP ON FILE IN BOOK 7, PAGE 34 OF THE OFFICIAL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, TOGETHER WITH THAT PORTION OF MELON AVENUE CLOSED AND VACATED FROM PUBLIC USE BY RESOLUTION No. 1062 OF THE CITY COUNCIL OF THE CITY OF HOLTVILLE, RECORDED FEBRUARY 19, 1968 AS DOCUMENT No. 56 IN BOOK 1258, PAGE 94 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF TRACT 72, TOWNSHIP 15 SOUTH, RANGE 15 EAST, SAN BERNARDINO MERIDIAN, AND THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 114; SAID POINT LIES DISTANT FROM A FOUR-INCH DIAMETER CONCRETE CYLINDER WHICH MARKS THE NORTHWEST CORNER OF BLOCK 114, SOUTH 89°17'52" WEST, A DISTANCE OF 35.33 FEET; THENCE SOUTH 0°34'43" EAST, ALONG THE EAST LINE OF SAID TRACT 72, A DISTANCE OF 337.89 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE NORTH 89°19;19" EAST, A DISTANCE OF 231.25 FEET TO THE SOUTHWESTERLY LINE OF A DEED RECORDED MAY 24, 2012 AS DOCUMENT No.2012-011454 OFFICIAL RECORDS; THENCE SOUTH 49°51'33" EAST, ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 118.83 FEET; THENCE SOUTH 0°46'24" EAST, A DISTANCE OF 34.36 FEET; THENCE SOUTH 89°19'19" WEST, A DISTANCE OF 285.03 FEET TO THE WEST LINE OF SAID BLOCK 114; THENCE NORTH 0°42'51" WEST, ALONG THE WEST LINE OF SAID BLOCK 114, A DISTANCE OF 5.22 FEET; THENCE NORTH 89°17'09" WEST, A DISTANCE OF 36.38 FEET TO THE CENTERLINE OF SAID VACATED MELON AVENUE AND THE EAST LINE OF SAID TRACT 72; THENCE NORTH 0°34'43" WEST, ALONG THE EAST LINE OF SAID TRACT 72, A DISTANCE OF 106.84 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 0.74 ACRES, MORE OR LESS.

EXHIBIT "B-1"

DESCRIPTION OF PROPERTY

THAT PORTION OF BLOCK 114 TOWNSITE OF HOLTVILLE, CITY OF HOLTVILLE, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORIDNG TO MAP ON FILE IN BOOK 7, PAGE 34 OF THE OFFICIAL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, TOGETHER WITH THAT PORTION OF MELON AVENUE CLOSED AND VACATED FROM PUBLIC USE BY RESOLUTION No. 1062 OF THE CITY COUNCIL OF THE CITY OF HOLTVILLE, RECORDED FEBRUARY 19, 1968 AS DOCUMENT No. 56 IN BOOK 1258, PAGE 94 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUR-INCH DIAMETER CONCRETE CYLINDAR WHICH MARKS THE NORTHWEST CORNER OF BLOCK 114, THENCE SOUTH $0^{\circ}42'08''$ EAST, ALONG THE EAST LINE OF SAID BLOCK 114, A DISTANCE OF 270.10 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING SOUTH $0^{\circ}42;08''$ EAST, ALONG THE EAST LINE OF SAID BLOCK 114, A DISTANCE OF 67.96 FEET; THENCE SOUTH $89^{\circ}19'19''$ WEST, A DISTANCE OF 164.82 FEET TO THE SOUTHWESTERLY LINE OF A DEED RECORDED MAY 24, 2012 AS DOCUMENT No. 2012-011454 OFFICIAL RECORDS; THENCE NORTH $49^{\circ}51'33''$ WEST, ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 305.11 FEET TO THE CENTERLINE OF SAID VACATED MELON AVENUE AND THE EAST LINE OF SAID TRACT 72; TOWNSHIP 15 SOUTH, RANGE 15 EAST, SAN BERNARDINO MERIDIAN; THENCE NORTH $0^{\circ}34'43''$ WEST, ALONG SAID NORTHEASTERLY LINE OF ABANDONED SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY; THENCE SOUTH $78^{\circ}05'23''$ EAST, A DISTANCE OF 125.05 FEET TO THE EAST LINE OF SAID BLOCK 114 AND **TRUE POINT OF BEGINNING**.

CONTAINING 1.04 ACRES, MORE OR LESS.