

VENTURA COUNTY COMMUNITY COLLEGE DISTRICT



RESOLUTION NO. 2017-04

BOARD OF TRUSTEES RESOLUTION AUTHORIZING SALE OF 22.147 ACRES OF SURPLUS REAL PROPERTY AT 104 DURLEY AVENUE, CAMARILLO, CALIFORNIA, TO THE VENTURA COUNTY FIRE PROTECTION DISTRICT AND DETERMINING THE SALE TO NOT BE SUBJECT TO CEQA

July 11, 2017

WHEREAS, on June 30, 1977, the United States of America conveyed to the Ventura County Community College District (“District”) by Quitclaim Deed, a 43.27-acre parcel of real property that was formerly part of the Oxnard Air Force Base (the “District Parcel”). The District Parcel is located on the west side of Las Posas Road south of the existing County fire station on the east side of the Camarillo Airport, and is north of, and adjacent to, Pleasant Valley Road, in the City of Camarillo, County of Ventura. The District Parcel is generally depicted and described in Exhibits A and B attached hereto; and

WHEREAS, at the time of the 1977 conveyance, the District Parcel was subject to certain reservations, conditions, covenants and restrictions, including a requirement that the District Parcel be used continuously for a period of thirty (30) years from June 30, 1977 for educational purposes; and

WHEREAS, since in or about 1993, the Ventura County Fire Protection District (“VCFPD”) has occupied various configurations of the northern portion of the District Parcel through various leases and agreements with the District, and has conducted programs and vocational fire protection training for students, installed facilities, training structures, classrooms, and offices related to its fire protection vocational training; and

WHEREAS, the District Parcel is no longer subject to the use restrictions of the 1977 conveyance from the United States of America; and

WHEREAS, the governing board of any community college district is authorized by Education

Code § 81430 to sell to the federal government or its agencies, to the state, or to any county, city and county, city or special district, or to any other school district, any real property belonging to the district, which is not or will not at the time of delivery of title or possession be needed for school classroom buildings (“unnecessary real property”); and

WHEREAS, the District has determined that a 22.147 acre portion of the northern portion of the District Parcel is not needed for school classroom buildings (the “Proposed Sale Property”). The Proposed Sale Property is more fully described and depicted in Exhibits A and B attached hereto and incorporated herein by this reference; and

WHEREAS, Education Code § 81431 provides that the sale of an interest in unnecessary real property shall be upon such terms and conditions as the parties thereto agree and may be entered into without complying with any provisions of the Education Code except as provided in Education Code §§ 81430-81433; and

WHEREAS, the California Environmental Quality Act (“CEQA”) only applies to a “project,” which is defined in relevant part by CEQA Guidelines (Cal. Code of Regs., tit. 14 § 15000 et seq.) section 15378, as “[having] a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment...”; and

WHEREAS, the sale and purchase of the Proposed Sale Property involves a change in ownership without a change in use, and the VCFPD will continue to use the Proposed Sale Property in the same or similar fashion as it has since becoming an occupant; and

WHEREAS, the VCFPD proposes to purchase the Proposed Sale Property from the District and the District proposes to sell the Proposed Sale Property to the VCFPD; and

WHEREAS, the District obtained an appraisal of the Proposed Sale Property and has engaged in extensive negotiations with the VCFPD regarding the sales price and the terms of the sale of the Proposed Sale Property, and has concluded that the sales price and the terms of the sale are commercially reasonable and in the best interests of the District. The essential terms of the proposed sale are:

1. The sale price shall be Nine Million Four Hundred Fifty Thousand Dollars (\$9,450,000), all cash;
2. The District will convey the Proposed Sale Property to the VCFPD by a Quitclaim Deed in an “as-is” condition with no representations or warranties as to the condition of the property, the fitness of the property for any intended use, or compliance with applicable laws;
3. The District shall reserve an easement for access to the remaining southern portion of the District Parcel as depicted in Exhibit B, provided that the VCFPD can relocate such access at the VCFPD’s expense so long as the VCFPD provides reasonable, equivalent access (same or better size, quality,

- weight requirements, etc.).
4. The District shall reserve a general easement for all utilities and appurtenances (data lines, sewer lines, and power lines, etc.), whether of record or not, in favor of the southern portion of the District Parcel necessary or desirable for beneficial use, occupancy and possession of the southern portion of the District Parcel, provided that VCFPD may relocate these utilities and/or appurtenances at VCFPD's expense.
 5. The VCFPD shall assume all environmental remediation and monitoring obligations and any other regulatory compliance obligations, including Department of Toxic Substances Control requirements for known or unknown conditions on the Proposed Sale Property after the close of the sale of the Proposed Sale Property.
 6. The VCFPD will allow continued non-exclusive use of all of the VCFPD fire training facilities, props or other improvements now located on the Proposed Sale Property or built or installed in the future, including areas suitable for Candidate Physical Ability Test ("CPAT") testing as so long as the District or its successor(s) operates a fire training facility or program.
 7. The VCFPD will permit the District to maintain the District's equipment, materials and other stored items on the Proposed Sale Property pending the District's relocation of that equipment, materials and other stored items.

WHEREAS, before selling a property pursuant to Education Code § 81430 et seq., Education Code § 81432 requires the District's Board to adopt by unanimous vote a Resolution authorizing the sale and prescribing the terms of the sale, which Resolution shall be published in a newspaper of general circulation within the District for once a week for three weeks prior to making the sale, and upon unanimous passage of this Resolution this Resolution shall be published in a local newspaper of general circulation once a week for three weeks.

NOW THEREFORE, BE IT RESOLVED, AND DETERMINED, BY THE BOARD OF TRUSTEES OF THE VENTURA COUNTY COMMUNITY COLLEGE DISTRICT THE FOLLOWING:

- Section 1: The foregoing recitals are true and correct.
- Section 2: The Board determines and finds that the 22.147 acre northern portion of the District Parcel (the "Proposed Sale Property") described and depicted in Exhibits A and B is not needed for school classroom buildings, and is therefore unnecessary real property.
- Section 3. The sale and purchase of the Proposed Sale Property will not cause either a direct or indirect physical change to the environment and is therefore not a "project" subject to CEQA.
- Section 4: The District obtained an appraisal of the Proposed Sale Property and has engaged in extensive negotiations with the VCFPD regarding the sales price and the terms

of the sale of the Proposed Sale Property, and has concluded that the sales price and the terms of the sale are commercially reasonable and in the best interests of the District. The essential terms of the sale are:

1. The sale price shall be Nine Million Four Hundred Fifty Thousand Dollars (\$9,450,000), all cash;
2. The District will convey the Proposed Sale Property to the VCFPD by a Quitclaim Deed in an "as-is" condition with no representations or warranties as to the condition of the property, the fitness of the property for any intended use, or compliance with applicable laws;
3. The District shall reserve an easement for access to the remaining southern portion of the District Parcel as depicted in Exhibit B, provided that the VCFPD can relocate such access at the VCFPD's expense so long as the VCFPD provides reasonable, equivalent access (same or better size, quality, weight requirements, etc.).
4. The District shall reserve a general easement for all utilities and appurtenances (data lines, sewer lines, and power lines, etc.), whether of record or not, in favor of the southern portion of the District Parcel necessary or desirable for beneficial use, occupancy and possession of the southern portion of the District Parcel, provided that VCFPD may relocate these utilities and/or appurtenances at VCFPD's expense.
5. The VCFPD shall assume all environmental remediation and monitoring obligations and any other regulatory compliance obligations, including Department of Toxic Substances Control requirements for known or unknown conditions on the Proposed Sale Property after the close of the sale of the Proposed Sale Property.
6. The VCFPD will allow continued non-exclusive use of all of the VCFPD fire training facilities, props or other improvements now located on the Proposed Sale Property or built or installed in the future, including areas suitable for Candidate Physical Ability Test ("CPAT") testing, so long as the District or its successor(s) operates a fire training facility or program.
7. The VCFPD will permit the District to maintain the District's equipment, materials and other stored items on the Proposed Sale Property pending the District's relocation of that equipment, materials and other stored items.

Section 5: Pursuant to Education Code § 81432, the Board hereby authorizes the sale of the Proposed Sale Property to the Ventura County Fire Protection District based on the terms described in this Resolution.

Section 6: The District's Vice Chancellor, Business and Administrative Services, or his designee, is authorized and directed to publish this Resolution in a newspaper of general circulation within the District for once a week for three weeks prior to making the sale.


Section 7: The District's Vice Chancellor, Business and Administrative Services, or his designee, is authorized and directed to negotiate a final purchase agreement with

the Ventura County Fire Protection District consistent with the terms of this Resolution, and to cause a Quitclaim Deed for the Proposed Sale Property to be filed with the Ventura County Recorder's Office consistent with the terms of the Resolution.

Section 8: This Resolution shall take effect immediately upon approval by the Board of Trustees.


Adopted July 11, 2017:


AYES: 5
NOES: 0
ABSENT: 0


Bernardo M. Perez, Chair


Stephen P. Blum, Esq., Trustee


Larry Kennedy, Trustee


Arturo D. Hernández, Vice Chair


Dianne B. McKay, Trustee


Dr. Greg Gillespie, Chancellor

EXHIBIT A

Legal Description

A portion of Parcels A, B and C in Lot 4, Subdivision 61 of the Rancho El Rio de Santa Clara O' La Colonia, in the City of Camarillo, County of Ventura, State of California as shown on the map recorded in Book 3, Page 12 of Miscellaneous Records in the Office of the Recorder of said County, described as follows:

Commencing at the Ventura County Standard Monument in Pleasant Valley Road at station 289+63.80 as shown in Ventura County Field Book 1405-M, Page 18 filed in the office of the County Surveyor of said County, thence along a line from said monument to the Ventura County Standard Monuments in Pleasant Valley Road at station 276+29.00 as shown in said Ventura County Field Book 1405-M, Page 17

North 88°56'27" West 1276.00 feet; thence

North 1°03'33" East 60.00 feet to the southwest corner of the parcel of land described in the deed recorded August 18, 1977 in Book 4925 Page 317 Official Records; thence along the west line of said parcel

North 0°15'38" East 798.94 feet to the **True Point of Beginning**; thence leaving said west line

- 1st- South 89°59'42" East 1199.66 feet to the easterly line of said parcel; thence along the easterly, northerly, northwesterly and west line of said parcel by the following five courses:
- 2nd- North 0°45'18" East 1250.24 feet; thence
- 3rd- North 89°14'42" West 96.21 feet; thence
- 4th- South 46°11'25" West 1086.00 feet; thence
- 5th- North 88°45'55" West 334.00 feet; thence
- 6th- South 0°15'38" West 506.69 feet to the **True Point of Beginning**.

CONTAINING 22.147 ACRES MORE OR LESS



Joseph V. DeChellis
PLS 8613

11/2/2011

Date

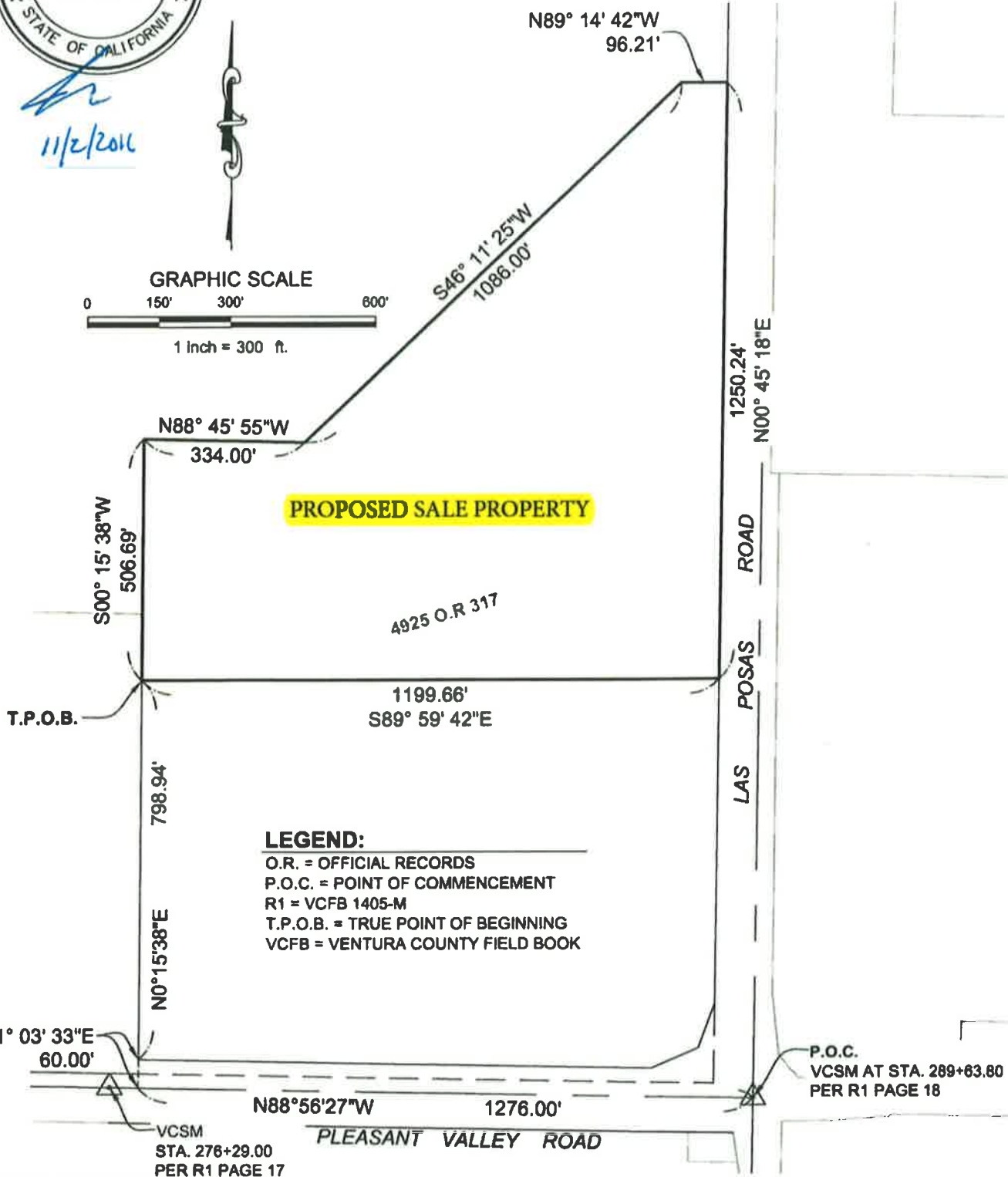
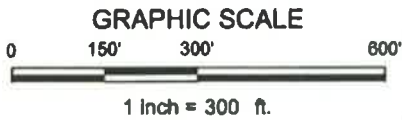


EXHIBIT B

PORTION OF LOT 4
SUBDIVISION 61
3 MR 12



11/2/2016



PROPOSED SALE PROPERTY

4925 O.R 317

LEGEND:
O.R. = OFFICIAL RECORDS
P.O.C. = POINT OF COMMENCEMENT
R1 = VCFB 1405-M
T.P.O.B. = TRUE POINT OF BEGINNING
VCFB = VENTURA COUNTY FIELD BOOK

P.O.C.
VCSM AT STA. 289+63.80
PER R1 PAGE 18

VCSM
STA. 276+29.00
PER R1 PAGE 17