

**STAFF REPORT  
C97**

A 40

04/19/18  
SB50-18-005

S 23

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**CONSIDER AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE  
FOR AN EXCHANGE OF EQUAL VALUE OF PRIVATE AND FEDERAL PUBLIC  
LANDS IN THE CITY OF REDLANDS, COUNTY OF SAN BERNARDINO**

**AREA, LAND TYPE, AND LOCATION:**

4.23 acres, more or less, of federal public land in the city of Redlands, San Bernardino County.

**INTRODUCTION TO SB 50:**

In October 2017, the Governor of California signed SB 50 (Allen, Chapter 535, Statutes of 2017) into law, which added sections 6223 and 27338 to the Government Code and section 8560 to the Public Resources Code. Section 8560 makes certain federal land conveyances void unless the Commission is provided with a right of first refusal or the right to arrange for the transfer of the land to another entity. The Commission must exercise its right of first refusal at a public meeting. If the Commission was provided with its right of first refusal and right to transfer to another entity but elects not to purchase or arrange for a transfer, it must issue a certificate affirming compliance with the law. Section 6223 prohibits the recordation of a conveyance of federal public lands unless it is accompanied by a certificate of compliance. The right of first refusal does not apply to certain conveyances, including but not limited to, those associated with a habitat conservation plan, lands conveyed into or out of trust for a federally recognized Native American tribe, and certain land exchanges.

**BACKGROUND:**

The U.S. Postal Service (USPS) and NYS, LLC Inc., (NYS) intend to exchange small parcels of approximately 4.23 acres in the city of Redlands. Under the contemplated exchange, the USPS will convey to NYS the City of Redlands the Lugonia Station Post Office at 404 New York Street, Redlands, California, as more particularly described in Exhibit A, and NYS will convey a parcel of unimproved land at 1615 Park Avenue, Redlands, California, ~~and~~ (more specifically described in Exhibit B) and build to USPS standards a like-sized and equipped postal facility on that parcel, replacing the post office at 404 New York Street. Each parcel is approximately 4.23 acres.

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**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005 and 8560 and Government Code section 6223.

**Routine Conveyance:**

Public Resources Code section 8560, subdivision (b)(2)(D)(ii) states that the:

[C]ommission shall waive its right of first refusal or the right to arrange for the transfer of the federal public lands to another entity, and issue a certification of compliance affirming with this section for a conveyance that is deemed by the commission to be routine.

When a conveyance is routine, the Commission has no discretion to acquire the property or arrange for its transfer to another entity. Instead, the Commission has a ministerial duty to issue a certificate of compliance for routine conveyances.

The statute identifies one type of routine conveyance: “exchanges of lands of equal value between the federal government and a private party.” (Pub. Resources Code, § 8560, subd. (b)(2)(D)(ii).) Staff believes that the proposed exchange of lands between USPS and NYS is an exchange of equal value because each parcel is approximately 4.23 acres. Consequently, staff recommends that the Commission find that it has a ministerial duty to issue a certificate of compliance for the proposed exchange.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.1 of the Commission’s Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission’s jurisdiction.
2. The Commission’s authorization to issue a certificate of compliance is not a project as defined by CEQA because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

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3. Staff recommends that the Commission also find that issuance of a certificate of compliance is exempt from the requirements of CEQA as a statutorily exempt project. The activity is exempt because CEQA does not apply to ministerial projects. After being provided with the right of first refusal or right to transfer to another entity, the Commission has no discretion whether to issue the certificate of compliance—it “shall issue a certificate of compliance.”

Authority: Public Resources Code sections 21080, subdivision (b)(1) and California Code of Regulations, title 14, section 15268, subdivision (a).

**EXHIBITS:**

- A. Land Description of USPS Property
- B. Land Description of NYS Property

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**ROUTINE CONVEYANCE FINDING:**

Find that the proposed exchange between USPS and the NYS is an exchange of lands of equal value between the federal government and a private party and therefore is a routine conveyance pursuant to Public Resources Code section 8560.

**CEQA FINDING:**

Find that issuance of a certificate of compliance is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a statutorily exempt project pursuant to Public Resources Code section 21080, subdivision (b)(1) and California Code of Regulations, title 14, section 15268, subdivision (a), ministerial projects.

**AUTHORIZATION:**

Authorize the Executive Officer, or her designee, to issue a certificate of compliance with Public Resources Code section 8560 for the conveyance of 4.23 acres, more or less, of federal public land from the U.S. Postal Service to NYS, Inc.

# EXHIBIT A

## LEGAL DESCRIPTION OF USPS PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF REDLANDS, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF BLOCK 29, BARTON RANCH, IN THE CITY OF REDLANDS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP PLAT RECORDED IN BOOK 6, PAGE 19 OF MAPS, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF NEW YORK STREET AND THE SOUTH LINE OF THE NORTH ½ OF SAID BLOCK 29, PRODUCED WESTERLY;

THENCE NORTH 0° 43' 15" WEST ALONG THE CENTERLINE OF SAID NEW YORK STREET, 320.00 FEET;

THENCE NORTH 89° 54' 32" EAST ALONG A LINE PARALLEL WITH THE AFORESAID SOUTH LINE OF THE NORTH ½ OF SAID BLOCK 29, A DISTANCE OF 616.00 FEET;

THENCE SOUTH 0° 43' 15" EAST PARALLEL WITH THE CENTERLINE OF SAID NEW YORK STREET, 320.00 FEET TO A POINT ON THE SOUTH LINE OF THE AFORESAID NORTH ½ OF BLOCK 29;

THENCE SOUTH 89° 54' 32" WEST ALONG THE AFORESAID SOUTH LINE OF THE NORTH ½ OF BLOCK 29, 616.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THE WESTERLY 40 FEET LYING WITHIN NEW YORK STREET.

TOGETHER WITH A 15 FOOT WIDE DRAINAGE EASEMENT OVER, UNDER AND ACROSS THAT PORTION OF BLOCK 29 OF THE BARTON RANCH, THE CENTERLINE OF SAID 15 FOOT WIDE EASEMENT BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF NEW YORK STREET AND THE SOUTH LINE OF THE NORTH ½ OF SAID BLOCK 29, PRODUCED WESTERLY;

THENCE NORTH 0° 43' 15" WEST ALONG THE CENTERLINE OF SAID NEW YORK STREET, 320.00 FEET;

THENCE NORTH 89° 54' 32" EAST ALONG A LINE PARALLEL WITH THE AFORESAID SOUTH LINE OF THE NORTH ½ OF BLOCK 29 A DISTANCE OF 530.00 FEET TO THE TRUE POINT OF BEGINNING OF SAID 15 FOOT WIDE EASEMENT;

THENCE AT RIGHT ANGLES NORTH 0° 05' 28" WEST 80.00 FEET TO THE NORTHERLY TERMINUS OF SAID EASEMENT.

SAID LAND IS FURTHER DESCRIBED AS SET OUT IN EXHIBIT "A" ATTACHED TO A CERTIFICATE OF COMPLIANCE FOR LOT LINE ADJUSTMENT NO. 222, RECORDED JULY 10, 1986 AS INSTRUMENT NO. 86- 181200 OF OFFICIAL RECORDS.

APN(s): 171-021-06-0-000

# EXHIBIT B

## LEGAL DESCRIPTION OF NYS PROPERTY

THE WEST ½ OF THE NORTHEAST ¼ OF BLOCK 21 OF THE BARTON RANCH, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 6, PAGE 19 OF MAPS, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT BY DEED RECORDED MAY 17, 1968, IN BOOK 7027, PAGE 758, OFFICIAL RECORDS.

ALSO EXCEPTING THAT PORTION OF THE WEST ½ OF THE NORTHEAST ¼ OF BLOCK 21 OF THE BARTON RANCH, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 6, PAGE 19 OF MAPS, RECORDS OF SAID COUNTY, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF THE WEST ½ OF THE NORTHEAST ¼ OF BLOCK 21 WITH A LINE PARALLEL WITH AND 590.53 FEET SOUTH OF THE NORTH LINE OF SAID WEST ½ OF THE NORTHEAST ¼, SHOWN AS THE CENTERLINE OF PARK AVENUE ON PARCEL MAP NO. 1915 RECORDED IN BOOK 35, PAGE 14 OF PARCEL MAPS, RECORDS OF SAID COUNTY; THENCE SOUTH 89°58'47" EAST 330.05 FEET ALONG SAID PARALLEL LINE TO THE EAST LINE OF SAID WEST ½ OF THE NORTHEAST ¼ OF BLOCK 21.

*William F. Schmidt*

