

## RESOLUTION NO. 23-10

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT DECLARING THAT CERTAIN REAL PROPERTY OWNED BY THE AGENCY (APNS: 3022-002-916 AND 3022-004-908) IS EXEMPT SURPLUS LAND NECESSARY FOR THE AGENCY'S USE PURSUANT TO GOVERNMENT CODE SECTIONS 54221(f)(1)(K) AND 54221(c)(2)(B)(i) AND FINDING THAT SUCH DECLARATION IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, Palmdale Water District (“Agency”) is the owner in fee simple of certain real property identified by APN: 3022-002-916 located in the City of Palmdale, County of Los Angeles (“Property A”) and certain real property identified by APN: 3022-004-908 located in the County of Los Angeles (“Property B”) (collectively the "Property"); and

**WHEREAS**, the Surplus Land Act (“Act”) (Gov. Code, §§ 54220 *et seq.*) and California Department of Housing and Community Development (“HCD”) Surplus Land Act Guidelines (“Guidelines”) require that local agencies declare property as either “surplus land” or “exempt surplus land,” as supported by written findings, prior to sale or lease of the property owned by the local agency; and

**WHEREAS**, under the Act, exempt surplus land means land that is described under any subdivision of section 54221(f)(1) of the Act; and

**WHEREAS**, under section 54221(f)(1)(K) of the Act, real property that is used by a district for the “agency's use” as expressly authorized in subdivision (c) of section 54221 is exempt surplus land; and

**WHEREAS**, section 54221(c)(2)(B)(i) of the Act provides that in the case of a local agency that is a district (excepting those whose primary mission or purpose is to supply the public with a transportation system, which is not the case for the Agency) "agency's use" may include "commercial or industrial uses or activities, including nongovernmental retail, entertainment, or office development" or may "be for the sole purpose of investment or generation of revenue" provided that the Agency’s governing body takes action in a public meeting declaring that the use of the site will "(directly further the express purpose of agency work or operations" or “be expressly authorized by a statute governing the local agency, provided the district complies with Section 54233.5 where applicable”; and

**WHEREAS**, pursuant to California Water Code Section 22506, when a board determines that any property of the Agency may be leased for a use or purpose that will not interfere with or be inconsistent with district uses or purposes, the Agency may, for a valuable consideration, lease the property for such use or purpose upon terms that appear to the board to be for the best interests of the district; and

**WHEREAS**, pursuant to California Water Code Section 22078, the Agency may control, distribute, store, spread, sink, treat, purify, recapture and salvage any water including but not limited to sewage waters for the beneficial use or uses of the district or its inhabitants or the owners

of rights to waters therein, and under California Water Code Section 22225 has the power generally to perform all acts necessary to carry out fully the provisions of Division 11 of the California Water Code; and

**WHEREAS**, Agency staff has determined that the Property A is zoned industrial by the City of Palmdale and Property B is zoned industrial by the County of Los Angeles and has further determined that use of the Property to generate revenue will directly further the express purpose of the Agency's work or operations, as described above, and constitutes "agency's use" within the meaning of section 54221(c)(2) of the Act. The Property may be leased or sold to generate revenue, which in turn will be used by Agency to enhance the Agency's distribution of water to its inhabitants; and

**WHEREAS**, Section 54222.3 of the Act provides that Agency may dispose of property declared exempt surplus land without further regard to the requirements of the Act; and

**WHEREAS**, the Board now desires to adopt declare the Property exempt surplus land and authorize the General Manager and General Counsel to take all actions necessary with the California Department of Housing and Community Development consistent with the terms hereof.

**THEREFORE, THE BOARD OF DIRECTORS OF THE PALMDALE WATER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** Based upon the above-stated Recitals, and pursuant to Sections 54221(f)(1)(K) and 54221(c)(2)(B)(i) of the Act, the Board of Directors hereby declares that the Property described and identified in Exhibit "A" is exempt surplus land. The Board of Directors hereby finds as follows:

A. The Property is zoned for industrial use and is suitable to be sold or leased by the Agency for commercial use and activities, for the purpose of generation of revenue. The revenue from any sale or lease of the Property will be realized by the Agency which owns the Property in fee.

B. Revenue from any lease of the Property or the sale of all or portions of the Property should either occur, will further the express purpose of Agency's work or operations.

C. Lease of the Property would not interfere with or be inconsistent with Agency uses or purposes and would be for the best interests of the Agency.

D. Sale or lease revenue may be used directly to construct wells on the Property or on water system infrastructure located on another site or sites within Agency or may be used to advance programs implemented by the Agency to further its purpose of distribution of water to residents.

**Section 3.** This Resolution is exempt from review under the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) ("CEQA") pursuant to 14 Cal. Code of Regulations, section 15061(b)(3), because it can be seen with certainty that there is no possibility

that only declaring the Property exempt surplus land may have a significant effect on the environment.

**Section 4.** The General Manager and District staff are hereby authorized and directed to take such further actions as may be necessary and appropriate to implement this Resolution, including sending a copy of this Resolution to the State of California Department of Housing and Community Development and taking such other and further action as may be necessary or appropriate to carry out the purposes of this Resolution.

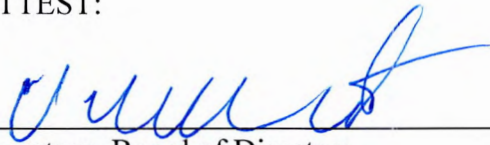
**Section 5.** This Resolution shall take effect immediately upon its passage.

**PASSED AND ADOPTED** by the Board of Directors of the Palmdale Water District this 11<sup>th</sup> day of September, 2023, by the following vote:


AYES: President Wilson, Directors Kellerman, Mac Laren-Gomez, Dino  
NOES: None.  
ABSENT: Director Dizmang  
ABSTAIN: None.

  
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President, Board of Directors

ATTEST:

  
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Secretary, Board of Directors

APPROVED AS TO FORM:

  
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Aleshire & Wynder, LLP, General Counsel