



CITY OF WILDOMAR
CC - REGULAR MEETING
GENERAL BUSINESS
Agenda Staff Report # 3.6
Meeting Date: June 14, 2023

SUBJECT: Purchase and Sale Agreement with CAFH Order of Wildomar, Inc. to purchase two properties located near 21776 Palomar Street, one of which is identified as Assessor Parcel Number 380-050-025 and the other is a portion of the parcel identified as Assessor Parcel Number 380-050-027

SUBMITTED BY: Daniel A York

PREPARED BY: Thomas D Jex

ACTION:

Adopt Resolution No. 2023 - _____ which:

(1) Authorizes the City Manager to sign the Purchase and Sale Agreement and all ancillary agreements and documents related to, and take any other actions necessary to complete, the purchase of two properties located near 21776 Palomar Street, one of which is identified as Assessor Parcel Number 380-050-025 and the other is a portion of the parcel identified as Assessor Parcel Number 380-050-027. Ancillary documents will include without limitation the Grant Deed, Grant of Access Easements, and Water License Agreement ("Recorded Documents"), and a License Agreement. Necessary actions to complete the purchase will include without limitation signing certificates of acceptance of the interests conveyed by the Recorded Documents, signing escrow instructions, and depositing into escrow the purchase price and independent consideration for a due diligence period;

(2) Finds that the approval of the Purchase and Sale Agreement is exempt from the California Environmental Quality Act for the following reasons:

- The Purchase and Sale Agreement itself is not a project subject to CEQA under CEQA Guidelines Section 15378 and it falls under the common sense exemption of CEQA Guidelines Section 15061(b)(3) because the Agreement simply preserves the status quo on the subject properties. No physical environmental changes and/or no significant environmental impacts will result from the City's approval of the Purchase and Sale Agreement and therefore such approval is not a project subject to CEQA and/or is exempt from CEQA pursuant to the

common sense exemption.

- The City is merely designating the Property as a preferred site for a potential park and/or civic building and parking facilities and restrooms to support either potential use pursuant to CEQA Guidelines Section 15004(b)(2)(A). Consistent with CEQA Guidelines Section 15004(b)(2), nothing in the Purchase and Sale Agreement commits the City to develop or use the subject properties at all, let alone in a way that would limit the City's choice of alternatives or mitigation measures that the City's future CEQA review document may identify as being necessary to avoid or lessen significant environmental impacts.

RESOLUTION NO. 2023 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA,
AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE
AGREEMENT AND OTHER RELATED DOCUMENTS FOR PARCELS OF REAL
PROPERTY

DISCUSSION:

City proposes to enter into a Purchase and Sale Agreement with CAFH Order of Wildomar, Inc. ("CAFH") to purchase two parcels of vacant property located near 21776 Palomar Street. CAFH owns a piece of property located at 21776 Palomar Street and identified as Assessor Parcel Number 380-050-027, which is improved with a school and private residences for members of the CAFH religious order. This property is referred to as the "Anne Sullivan School Property." On the other side of the flood control channel, there is a vacant parcel identified as Assessor Parcel Number 380-050-025 ("Vacant Parcel"). CAFH also owns the Vacant Parcel and currently uses two bridges- a vehicular bridge and a pedestrian bridge- to cross the flood control channel and access the Vacant Parcel.

The City proposes to purchase the Vacant Parcel and a 21,511 square foot, undeveloped portion of the Anne Sullivan School Property adjacent to the flood control channel (the "Vacant Sliver"). The proposed purchase price is \$2,104,000. The Vacant Parcel is the proposed site for a possible future park and/or civic building. The Vacant Sliver parcel is the proposed site for a possible future small parking lot for the possible future park and/or civic building contemplated for the Vacant Parcel. As part of its efforts to study and further consider such potential developments on the Vacant Parcel and the Vacant Sliver, the City plans to seek approval from Riverside County Flood Control District to construct a third, new pedestrian bridge to allow pedestrians to access the Vacant Parcel from the proposed parking lot on the Vacant Sliver.

CAFH is also granting City a short-term license and two (2) easements. Specifically, City is acquiring a water license to temporarily use CAFH's Water Line to irrigate the Vacant Parcel for a period of twelve (12) months, an access easement consisting of a permanent emergency access easement and a three-year easement for secondary access to the Vacant Parcel for

maintenance purposes, and CAFH's existing easement that allows CAFH to cross the flood control channel by the vehicle bridge. The water license is needed because the Vacant Parcel has no utilities except for water, which is supplied by a reclaimed water line that is located adjacent to the Vacant Sliver and parallel to the flood control channel ("Water Line"). The Water Line also supplies water to the Anne Sullivan School Property, so the water license requires City to coordinate with CAFH about the irrigation methods City will use and the dates and times City plans to water the Vacant Parcel.

CAFH is responsible for maintaining the Water Line and any water facilities on CAFH's remaining property and City will be responsible for maintaining water facilities on the Vacant Parcel. The purchase price includes \$4,000 for the City's share of the water bills during the one (1) year term. The right to cross the vehicle bridge is documented in an easement that will also be conveyed to City as part of the purchase. A second access easement is needed to allow for permanent emergency access and temporary access from Palomar Street for maintenance purposes because the vehicle bridge is only accessible by a drive aisle located on the Anne Sullivan School Property. CAFH will be entirely responsible for the maintenance costs for this secondary/emergency access easement.

Additionally, City is granting CAFH a license to allow them to continue using the Vacant Parcel for walking purposes for the later of 3 years or until the Vacant Parcel is developed and open to the public. To maintain CAFH's privacy, secure CAFH's remaining property, and secure the vehicle bridge, City has also agreed that within 3 years of close of escrow it will 1) install a screened, chain link fence to separate the Vacant Sliver from the Anne Sullivan School Property, 2) install a locked gate on the City side of the vehicle bridge and 3) install a locked gate south of the existing pedestrian bridge to prevent pedestrians accessing the Vacant Parcel from the senior center on Pasadena Street from continuing south in the flood control channel, which is immediately adjacent to one of CAFH's residences.

FISCAL IMPACT:

The purchase price is \$2,104,000. Funds have already been appropriated for the purchase out of the Park Acquisition Development Impact Fee Fund.

ACCOUNT CODE:

460-410-4300-58140

ATTACHMENTS:

[1. Resolution](#)

[Exhibit A to Resolution: Purchase and Sale Agreement](#)

[Exhibit B to Resolution: Certificate of Acceptance](#)