

Notice of Exemption

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of Kern
1115 Truxtun Ave.
Bakersfield, CA 93301

From: Rosedale-Rio Bravo Water Storage
District
849 Allen Road Bakersfield, CA
93314

Project Title: Acquisition of Property by Rosedale-Rio Bravo Water Storage District

Project Applicant: Rosedale-Rio Bravo Water Storage District

Project Location – Specific: Kern County Assessor Parcel Number 104-292-09

Project Location – City: Bakersfield Project Location – County: Kern

Description of Nature, Purpose, and Beneficiaries of Project:

The purpose of the proposed project is for the Rosedale-Rio Bravo Water Storage District (“District”) to acquire fee title to the property identified by the above-referenced Assessor Parcel Number. The total acreage of the subject property is approximately 49.09 acres. The project is limited to the acquisition of the property by the District. The District has no current plans to change the existing uses of the property. The purpose of the project is to allow the District to explore the opportunity to use the property for District purposes in the future. The beneficiaries of the project are the landowners within the boundaries of the District.

Name of Public Agency Approving Project: Rosedale-Rio Bravo Water Storage District

Name of Person or Agency Carrying Out Project: Dan Bartel, Engineer-Manager, Rosedale-Rio Bravo Water Storage District

Exempt Status:

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption.
- Statutory Exemptions.
- General Rule or Common-Sense Exemption (15061(b)(3)).

Reasons why project is exempt:

The substantive component of the project involves the acquisition of property by the district. The proposed project does not involve the construction or alteration of any facilities or any change in existing uses of the property. The property will remain in its present use and condition until such time as plans for future use of the property are developed and considered by the District. Any future use or development of the property by the District will be subject to separate review for compliance with CEQA. In light of the foregoing, it can be seen with certainty that there is no possibility that the proposed project has the potential to have a significant adverse effect on the environment. As such, the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Lead Agency

Contact Person: Rachelle Echeverria

Area Code/Telephone/Extension: (661)589-6045

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.

Date Received for filing at OPR: _____

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

BEFORE THE BOARD OF DIRECTORS OF THE
ROSEDALE-RIO BRAVO WATER STORAGE DISTRICT
IN THE MATTER OF
ACQUISITION OF ASSESSOR'S PARCEL NUMBER 104-292-09
AND DETERMINING ACQUISITION IS EXEMPT FROM CEQA

RESOLUTION NO. 538

WHEREAS, Rosedale-Rio Bravo Water Storage District ("District") is a California Water Storage District;

WHEREAS, California Water Code § 43500 provides that the District may acquire any property or interest in property to carry out the District's purposes, including property within the boundaries of the District for the construction, maintenance, improvement, or operation of works or the carrying out of the District's project;

WHEREAS, the District is authorized by California Water Code § 43530 to acquire by condemnation all property it deems necessary for the construction, maintenance, improvement, and operation of the works or the carrying out of the project of the District;

WHEREAS, the District desires to purchase certain property, which is described in Exhibit "A", attached hereto and made a part hereof by reference (the "Property") in order to potentially use the Property in the future to construct, install, operate, maintain and use one or more recharge basins and related appurtenances for the storage, transmission and distribution of water, and for other District purposes;

WHEREAS, it is in the District's interest to enter into a Purchase and Sale Agreement to acquire a fee interest in the Property, for the potential purpose of constructing, installing, operating, maintaining and using recharge basins and related appurtenances thereon for the storage, transmission and distribution of water, and for other District purposes, provided that it is legally and economically feasible to do so;

WHEREAS, the Property is located entirely within the territorial boundaries of the District;

WHEREAS, the District has made an offer to the owner of the Property to acquire the Property in lieu of eminent domain;

WHEREAS, the District and the owner of the Property have begun negotiating a Purchase and Sale Agreement for the acquisition of the Property by the District, and District staff has presented to the Board an acceptable form of Purchase and Sale Agreement, which includes the salient terms of the purchase and sale of the Property;

WHEREAS, pursuant to California Government Code §§ 65402 and 51291, the District has notified the Planning Department for Kern County of its intent to acquire the subject real property;

WHEREAS, the amount offered by the District was not discounted due to the fact of the land being in an agricultural preserve or subject to a Williamson Act contract;

WHEREAS, the location chosen by the District was primarily based upon the Property's proximity to other District groundwater storage and transmission facilities and the District's prior experience with groundwater recharge in the vicinity of the property, and that many of the facilities that will be necessary to deliver and recharge water on the property are already in place;

WHEREAS, nearly all of the lands near the Property that are suitable for groundwater recharge and in close proximity to existing recharge facilities are located within an agricultural preserve;

WHEREAS, the District has considered Government Code § 51292 and specifically finds that its acquisition is exempt therefrom, under Government Code § 51293(e)(3), because the acquisition of the Property is for the primary benefit of the lands within the agricultural preserve;

WHEREAS, the District hereby further finds that the location of the subject real property is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve; and

WHEREAS, the proposed acquisition is exempt from CEQA pursuant to State CEQA Guidelines § 15061(b)(3), because the Property will remain in its present use until such time as plans for future changed uses of the Property are developed and considered by the District and, further, any future changed use of the property by the District will be subject to separate review for compliance with CEQA.

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the Rosedale-Rio Bravo Water Storage District as follows:

The foregoing recitals are true and correct and the proposed acquisition of the Property is hereby APPROVED. District staff and legal counsel are hereby directed to take all actions necessary to consummate the purchase of the Property pursuant to a Purchase and Sale Agreement in substantially the same form as has been presented to the Board. The Board hereby determines that the acquisition is exempt from CEQA. Staff is directed to file and post of a Notice of Exemption pursuant to CEQA, execute of a Purchase and Sale Agreement and Certificate of Acceptance in accordance with applicable law, and to take all other actions and execute such documents that are necessary to consummate the transaction described herein.

This Resolution No. 538, being on motion of Director _____, seconded by Director _____, and authorized by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

I HEREBY CERTIFY that the foregoing is the resolution of said District as duly passed and adopted by said Board of Directors on the 9th day of January, 2024. WITNESS my hand and seal of the Board of Directors this 9th day of January, 2024.

Board President

Board Secretary

EXHIBIT A

PARCEL 1:

ALL THAT PORTION OF SECTION 36, TOWNSHIP 29 SOUTH, RANGE 25 EAST, M.D.B.M., IN THE UNINCORPORATED AREA, COUNTY OF KERN, STATE OF CALIFORNIA, SECTION 36, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE EASTERLY BOUNDARY OF SAID SECTION 36, DISTANT FROM THE NORTHEAST CORNER THEREOF SOUTH 0 DEGREES 02'15" EAST, 2028.78 FEET; THENCE NORTH 89 DEGREES 55'15" WEST, PARALLEL TO THE NORTHEASTERLY BOUNDARY OF SAID SECTION, 3823.37 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY OF THE RIGHT OF WAY OF THE SOUTHERN PACIFIC RAILROAD, ASPHALTO BRANCH; THENCE SOUTH 43 DEGREES 22'30" EAST ALONG THE NORTHEASTERLY BOUNDARY OF SAID RAILROAD, 1890.10 FEET; THENCE SOUTH 89 DEGREES 55'15" EAST PARALLEL WITH THE NORTHERLY BOUNDARY OF SAID SECTION, 2560.20 FEET TO A POINT IN THE EASTERLY BOUNDARY OF SAID SECTION; THENCE NORTH 0 DEGREES 02'15" WEST ALONG THE EASTERLY BOUNDARY OF SAID SECTION, 1372.06 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE EASTERLY 1587 FEET THEREOF, MEASURED AT RIGHT ANGLES TO THE EAST LINE OF SAID LAND.

ALSO EXCEPTING THEREFROM FOR A PERIOD OF 30 YEARS FROM THE DATE OF FEBRUARY 9, 1944, AND IF ANY MINERALS, OIL, GAS AND/OR OTHER HYDROCARBON SUBSTANCES IN OR ARE FOUND OR PRODUCED IN PAYING QUANTITIES UPON OR UNDER SAID LAND WITHIN SAID 30 YEARS THEN FOR SUCH FURTHER TIME AS THE SAME CONTINUE TO BE SO FOUND OR PRODUCED ALL THE RIGHT, TITLE, ESTATE, AND INTEREST IN AND TO ANY AND ALL MINERALS WHATSOEVER INCLUDING OIL, GAS AND OTHER HYDROCARBON SUBSTANCES, ALREADY FOUND OR WHICH MAY HEREAFTER BE FOUND UPON OR UNDER SAID LAND, AND IN AND TO ALL RENTALS, ROYALTIES, BONUSES OR OTHER BENEFITS IN ANY MANNER ACCRUING FROM OR PAID FOR SAID MINERALS OR ANY INTEREST THEREIN, WITH THE EXCLUSIVE RIGHT TO ENTER UPON SAID LAND TO PROSPECT FOR AND/OR REMOVE SAID MINERALS, AND TO LEASE THE SAME FOR EXPLORATION AND/OR PRODUCTION OF SAID MINERALS INCLUDING

EASEMENT OR RIGHT OF INGRESS OR EGRESS, AND THE RIGHT TO USE SO MUCH OF THE SURFACE AS MAY BE REASONABLY NECESSARY FOR SUCH PURPOSES, PROVIDED, HOWEVER, THAT ANY OIL AND GAS LEASES MADE BY SAID GRANTORS SHALL CONTAIN A CLAUSE THAT THE LESSEE NAMED IN SAID LEASE OR LEASES, SHALL PAY THE SURFACE OWNER OR SURFACE TENANT FOR ALL ACTUAL DAMAGES CAUSED BY ITS OPERATION THEREUNDER TO LIVESTOCK, CROPS, TREES, FENCES, EXISTING PIPE LINES, CANALS, BUILDINGS AND OTHER IMPROVEMENTS, AS RESERVED BY THE ESTATE OF GEORGE L. BISHOP, DECEASED, ETAL IN DEEDS RECORDED FEBRUARY 26, 1944 IN BOOK 1186, PAGES 140, 141 AND 142 OF OFFICIAL RECORDS.

PARCEL 2:

AN EASEMENT FOR INGRESS AND EGRESS LOCATED WITHIN THE SOUTHERLY 20 FEET OF THAT PORTION OF SECTION 36, TOWNSHIP 29 SOUTH, RANGE 25 EAST, M.D.B.M., IN THE COUNTY OF KERN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE EASTERLY BOUNDARY OF SAID SECTION 36, DISTANT FROM THE NORTHEAST CORNER THEREOF, SOUTH 0 DEGREES 02'15" EAST, 2,028.78 FEET; THENCE NORTH 89 DEGREES 55'15" WEST, PARALLEL WITH THE NORTHERLY BOUNDARY OF SAID SECTION, 1587 FEET TO A POINT; THENCE SOUTH 0 DEGREES 02'15" EAST, PARALLEL TO THE EAST LINE OF SAID SECTION, 1372.96 FEET TO A POINT ON THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND DEEDED TO EMIL BATSCHE AND WIFE, BY DEED RECORDED FEBRUARY 26, 1944 IN BOOK 1186, PAGE 140 OF OFFICIAL RECORDS; THENCE SOUTH 89 DEGREES 55'15" EAST, ALONG THE SOUTH LINE OF SAID PARCEL AND PARALLEL TO THE NORTH LINE OF SAID SECTION, 1587 FEET TO THE EAST LINE OF SAID SECTION; THENCE NORTH 0 DEGREES 02'15" WEST, ALONG THE EASTERLY BOUNDARY OF SAID SECTION, 1372.06 FEET TO THE POINT OF COMMENCEMENT.

APN: 104-292-09-00-3