

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT
DECLARATION OF EXEMPT SURPLUS LAND

April 28, 2026

WHEREAS, the Orange County Flood Control District (“**District**”), a body corporate and politic, owns in fee title certain real property, identified as Gilbert Retarding Basin Facility Nos. B01 collectively containing approximately 44 acres located between Brookhurst and Gilbert Streets in the City of Anaheim (“**City**”), California in Exhibit A (“**Subject Property**”), attached and incorporated herein; and

WHEREAS, the Subject Property, in combination with adjacent property owned by the City, has been utilized by the City as part of a golf course through lease agreements since 1959, and the District now desires to enter into a new lease (“**Lease**”) of the Subject Property to the City to continue the existing golf operations; and

WHEREAS, the District shall continue to require access and use of the Subject Property and shall reserve rights within the Lease related to the District’s ongoing needs as a flood control district; and

WHEREAS, the Orange County Flood Control Act (“**Flood Control Act**”) requires that this Board make certain findings in order to lease the Subject Property; and

WHEREAS, the proposed Lease shall include terms and conditions designed to ensure that use of the Subject Property will not unreasonably interfere with flood control uses and purposes; and

WHEREAS, the Surplus Land Act (Government Code § 54220, *et seq.*, the “**Surplus Land Act**”) requires that before a local agency takes action to “dispose of” land, the local agency must declare the property to be either “surplus land” or “exempt surplus land;” and

WHEREAS, the District is a “local agency” and a “district,” as those terms are defined by the Surplus Land Act; and

WHEREAS, the Subject Property may fall outside the scope of the Surplus Land Act because it is not “surplus land” and the Subject Property will remain necessary through the Lease to serve the District’s operational and statutory obligations as a flood control district and such uses are described in the Surplus Land Act as an “agency’s use;” and

WHEREAS, pursuant to Government Code Section 54221(c), the Surplus Land Act recognizes and authorizes “agency uses” of land by a district to include uses pursuant to a written plan adopted by its governing board to support agency work or operations (Government Code section 54221(c)(1)) and those activities consistent with the Lease, such as uses or activities that support the public recreational uses of the Subject Property, including nongovernmental retail, or entertainment development or be for the sole purpose of investment or generation of revenue (Government Code section 54221(c)(2)(B)) if the district’s

Resolution No. _____, Item No. ____
Dad Miller Golf/Surplus Land Act Findings for Exempt Surplus Land

governing body takes action in a public meeting declaring that the use of the land will directly further the express purpose of the district's work or operations; and

WHEREAS, the Subject Property is real property to be used by a district for an "agency's use" expressly authorized in Government Code Section 54221(c); and

WHEREAS, pursuant to Government Code section 54221(f)(1)(N), the Surplus Land Act deems "Real property that is used by a district for an "agency's use" expressly authorized in subdivision (c) [of Government Code Section 54221]" to be "exempt surplus land"; and

WHEREAS, the Lease is specifically designed to allow an "agency's use" at the Subject Property and to uphold the District's operations and statutory duties consistent with uses expressly authorized in Government Code Section 54221(c); and

WHEREAS, the City is a "local agency" as defined by the Surplus Land Act; and

WHEREAS, the Lease will dispose of the Subject Property by transfer of a leasehold estate from the District to the City; and

WHEREAS, the Surplus Land Act specifically deems surplus land that will be transferred from one a local agency to another local agency for the receiving agency's use to be "exempt surplus land" and the City will use the Subject Property for an agency use through the provision of public park and recreational activities.

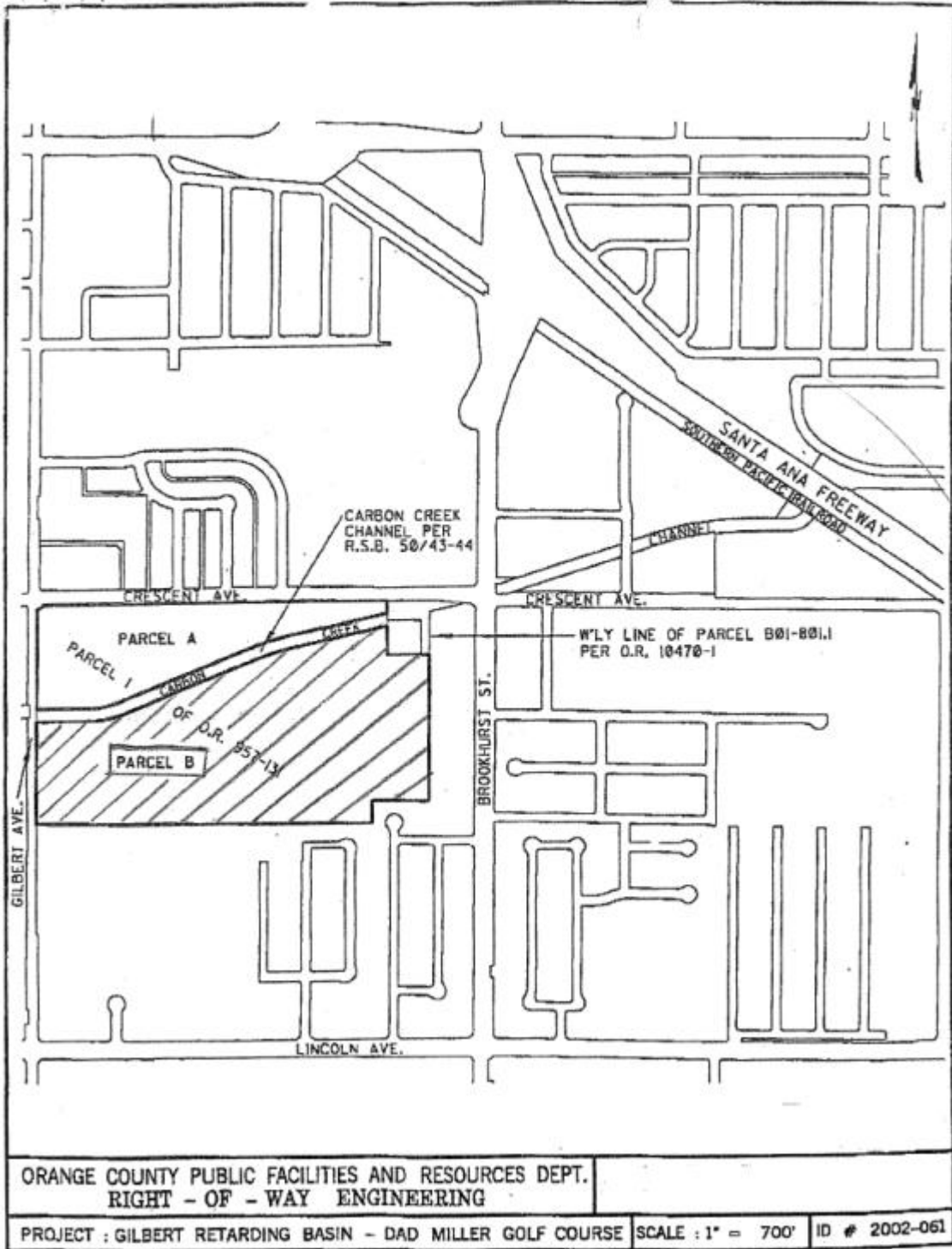
NOW, THEREFORE, BE IT RESOLVED that this Board does hereby:

1. Declare that the Lease for the Subject Property resulting in the District reserving its rights for access and use of the Subject Property for flood control uses will directly further the express purpose of the District's operations and statutory duties, work, and operations, and will not conflict with the uses and purposes of District or interfere with routine maintenance of the District's facilities.
2. Find that the Lease of the Subject Property is compatible with the District's work and operations on the Subject Property and will not interfere with routine maintenance of any District facilities located therein.
3. The Lease is compatible with the City's General Plan for the subject area within which the Subject Property is located.
4. The Lease is compatible with the City's zoning ordinances, regulations and policies adopted for the subject area.
5. Declare that the Lease will result in an "agency's use" for the Subject Property and therefore the Subject Property is not subject to the Act because the Subject Property will be utilized for an agency use and is not "surplus."
6. Notwithstanding the preceding declaration, declare that the Subject Property is "exempt surplus land" pursuant to Government Code Section 54221(f)(1)(N) because the Subject Property is real

Resolution No. _____, Item No. ____
Dad Miller Golf/Surplus Land Act Findings for Exempt Surplus Land

property used by a district for “agency use” expressly authorized in subdivision (c) of Government Code section 54221 and “exempt surplus land” pursuant to Government Code Section 54221(f)(1)(D) because one local agency is transferring the Subject Property to another local agency for the receiving agency’s use and the Subject Property is not subject to 54221(f)(2)(A) through (D).

Exhibit A
Depiction of Subject Property



Resolution No. _____, Item No. ____
Dad Miller Golf/Surplus Land Act Findings for Exempt Surplus Land