

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: TLMA - Planning Department

SUBMITTAL DATE: February 4, 2003

SUBJECT: Adoption of Resolution No. 2003-42, a Certificate of Final Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 10, Amendment No. 3, Map No. 820 – Owners: Hylton Grabiell Associates, LLC, Mike C. Stelzer, Deanna Mae Stelzer, and Knevelbaard Dairies – 145.43 acres – Prado-Mira Loma Zoning District – Second Supervisorial District.

CONTROVERSIAL ISSUES: None

RECOMMENDED MOTION: Adoption of Resolution No. 2003-42, a Certificate of Final Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 10, Amendment No. 3, Map No. 820, based upon the hereinafter listed findings and conclusions:

FINDINGS:

1. On February 1, 2000, the Board of Supervisors tentatively approved a request by Hylton Grabiell Associates, LLC, Mike C. Stelzer, Deanna Mae Stelzer, and Knevelbaard Dairies to diminish Mira Loma Agricultural Preserve No. 10 pursuant to Agricultural Preserve Map No. 820, and to cancel the land conservation contract as it applies to the 145.43-acre site located on the northwest corner of Harrison Avenue and 65th Street in the Eastvale area.

This cancellation was subject to the following conditions:

- a. Payment within one year of the total amount of the cancellation fee of \$1,469,000 to the Treasurer of Riverside County, or, if after one year following the date of recordation of the certificate of tentative

Aleta J. Laurence, AICP, Planning Director

(Continued on attached page)

REVIEWED BY EXECUTIVE OFFICE
J. Grabiell
DATE: 1/29/03

Department Recommendation: Consent Policy

Per Executive Office: Consent Policy

AJL:kb

Prev. Agn. Ref.

Dist. Second

AGENDA NO.

3.19

The Honorable Board of Supervisors

RE: Adoption of Resolution No. 2003-42, a Certificate of Final Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 10, Amendment No. 3, Map No. 820

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cancellation, payment of a re-computed fee;

- b. Approval of General Plan Amendment No. 481; and
 - c. Meet all conditions necessary for the County of Riverside to issue grading permits on Tract Map No. 29148 (Assessor's Parcel No. 134-050-003-5, 134-050-004-7, 134-050-009-2 and 134-060-012-4).
2. The cancellation fee of \$1,469,000 was not paid within one year following the date of recordation of the certificate of tentative cancellation and, pursuant to Government Code Section 51283.4(a), the total amount of the re-computed cancellation fee is \$1,320,937.50;
 3. The cancellation fee of \$1,320,937.50 was paid to the County Treasurer on September 27, 2002.
 4. General Plan Amendment No. 481 was approved by the Board of Supervisors and adopted by Resolution No. 2000-144 on May 23, 2000.
 5. All conditions necessary for the County of Riverside to issue grading permits on Tract Map No. 29148 have been met.

CONCLUSION:

1. All conditions of approval for the diminishment of Mira Loma Agricultural Preserve No. 10, Amendment No. 3, Map No. 820 and cancellation of the associated land conservation contracts have been met.
2. The applicant is now eligible to receive a Certificate of Final Cancellation for Mira Loma Agricultural Preserve No. 10, Amendment No. 3, Map No. 820.

RESOLUTION NO. 2003-42
CERTIFICATE OF FINAL CANCELLATION
OF LAND CONSERVATION CONTRACTS AND
DIMINISHMENT OF AGRICULTURAL PRESERVE
(Government Code Section 51283.4)

WHEREAS, the Knudsen Corporation, a California Stock Corporation, entered into a Land Conservation Contract with the County of Riverside, pursuant to the Land Conservation Act of 1965 (Government Code Section 51200 et. seq.), which contract is dated January 1, 1971, and was recorded on February 24, 1971 as Instrument No. 18034 in the office of the County Recorder of Riverside County, California; and,

WHEREAS, Sophie Brown, Helen Cates and Steven Litwin entered into a Land Conservation Contract with the County of Riverside, pursuant to the Land Conservation Act of 1965 (Government Code Section 51200 et. seq.), which contract is dated January 1, 1971, and was recorded on February 24, 1971 as Instrument No. 18032 in the office of the County Recorder of Riverside County, California; and,

WHEREAS, Steven Litwin entered into a Land Conservation Contract with the County of Riverside, pursuant to the Land Conservation Act of 1965 (Government Code Section 51200 et. seq.), which contract is dated January 1, 1971, and was recorded on February 24, 1971 as Instrument No. 18031 in the office of the County Recorder of Riverside County, California; and,

WHEREAS, Hylton Grabiell Associates, LLC, Mike C. and Deanna Mae Stelzer, and Knevelbaard Dairies, the current owners of the property subject to the Land Conservation Contracts referenced above (which property is described in the attached legal description entitled "MIRA LOMA AGRICULTURAL PRESERVE NO. 10, AMENDMENT NO. 3, MAP NO. 820, EXHIBIT A,") petitioned to cancel the contracts and to diminish Mira Loma Agricultural Preserve No. 10, Map No. 134; and,

FORM APPROVED
COUNTY COUNSEL

JAN 27 2003

BT
BY *[Signature]*

WHEREAS, a public hearing was held on this matter by the Riverside County Board of Supervisors on February 1, 2000; and,

WHEREAS, all procedures of the California Environmental Quality Act (CEQA) and Riverside County Rules to Implement the Act have been satisfied, including Environmental Assessment No. 37599, which consider the impacts of the establishment of the proposed alternative land use, as well as the impacts of this cancellation request; and,

WHEREAS, Tract Map No. 29148 is the alternative use; and,

WHEREAS, Tract Map No. 29148 will divide the 134.82 acre parcel into four hundred and ninety-seven (497) residential lots, one (1) park and two (2) open space lots; and,

WHEREAS, the amount of the cancellation fee, pursuant to Section 51283 of the Government Code, has been determined and certified by this Board to be \$1,320,937.50;

WHEREAS, the following conditions have been met:

- 1. The cancellation fee in the amount of \$1,320,937.50 has been paid to the Treasurer of Riverside County; and**
- 2. Comprehensive General Plan Amendment No. 481 was approved by the Board of Supervisors and adopted by Board Resolution on May 23, 2000; and**
- 3. All conditions necessary for the County of Riverside to issue grading permits on Tract Map No. 29148 (Assessor's Parcel No. 134-050-003-5, 134-050-004-7, 134-050-009-2 and 134-050-012-4**

BE IT RESOLVED, FOUND, AND DETERMINED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on February 4, 2003, that the Clerk of this Board shall file and record copies of this resolution, map and boundary description, in the Office of the County Recorder of Riverside County, California, and with the Director of Conservation, State of California, the Treasurer of Riverside County, and the Assessor of Riverside County, and thereafter:

- 1. Mira Loma Agricultural Preserve No. 10, Map No. 134, dated February 16, 1971, as amended, will be further amended by deleting therefrom the area shown on the map entitled "MIRA LOMA AGRICULTURAL PRESERVE NO. 10, AMENDMENT NO. 3,**

MAP NO. 820," and described by boundary description thereof, said map and description both being on file in the Office of the Clerk of the Board.

2. The Land Conservation Contract between the County of Riverside and the Knudsen Corporation, dated January 1, 1971 and recorded February 24, 1971, as Instrument No. 18034, in the Office of the County Recorder of Riverside County, California, will be canceled as said contract applies to land referenced in the above petition, thereby removing from the effect of said contract the real property in the County of Riverside, State of California, described in the exhibit entitled, "MIRA LOMA AGRICULTURAL PRESERVE NO. 10, AMENDMENT NO. 3, MAP NO. 820, EXHIBIT A," a copy of which is attached hereto and incorporated herein by reference.
3. The Land Conservation Contract between the County of Riverside and Sophie Brown, Helen Cates and Steven Litwin, dated January 1, 1971 and recorded February 24, 1971, as Instrument No. 18032, in the Office of the County Recorder of Riverside County, California, will be canceled as said contract applies to land referenced in the above petition, thereby removing from the effect of said contract the real property in the County of Riverside, State of California, described in the exhibit entitled, "MIRA LOMA AGRICULTURAL PRESERVE NO. 10, AMENDMENT NO. 3, MAP NO. 820, EXHIBIT A," a copy of which is attached hereto and incorporated herein by reference.
4. The Land Conservation Contract between the County of Riverside and Steven Litwin, dated January 1, 1971 and recorded February 24, 1971, as Instrument No. 18031, in the Office of the County Recorder of Riverside County, California, will be canceled as said contract applies to land referenced in the above petition, thereby removing from the effect of said contract the real property in the County of Riverside, State of California, described in the exhibit entitled, "MIRA LOMA AGRICULTURAL PRESERVE NO. 10, AMENDMENT NO. 3, MAP NO. 820, EXHIBIT A," a copy of which is attached hereto and incorporated herein by reference.

EXHIBIT A

**MIRA LOMA
AGRICULTURAL PRESERVE NO. 10
MAP NO. 820
(DIMINISHMENT)**

ALL OF THE UNINCORPORATED TERRITORY OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1:

THE WEST HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY SECTIONIZED SURVEY OF THE JURUPA RANCHO ON FILE IN BOOK 9 PAGE (S) 33 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA;

EXCEPT THE SOUTHERLY 990 FEET OF SAID WEST HALF OF THE NORTH HALF OF SAID SOUTHWEST QUARTER;

ALSO EXCEPT THE WEST 50 FEET, AS CONVEYED TO THE COUNTY OF RIVERSIDE BY DEED RECORDED MARCH 2, 1965 AS INSTRUMENT NO. 23703 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

A PORTION OF SAID LAND IS INCLUDED WITHIN IN THE AREA AS SHOWN BY MAP ON FILE IN BOOK 59 PAGE (S) 21 OF RECORDS OF SURVEYS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

PARCEL 4:

THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE JURUPA RANCHO, AS SHOWN BY SECTIONIZED SURVEY OF THE JURUPA RANCHO ON FILE IN BOOK 9, PAGE(S) 33 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, TOGETHER WITH THAT PORTION OF THE NORTH HALF OF SAID NORTHWEST QUARTER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 26, WHICH BEARS SOUTH 0° 01' 30" EAST 1109.67 FEET FROM THE QUARTER CORNER ON THE NORTH LINE OF SAID SECTION 26;
THENCE SOUTH 0° 03' 30" EAST, ALONG THE SAID QUARTER SECTION LINE, 210 FEET, TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHWEST HALF OF SAID SECTION 26;
THENCE SOUTH 89° 57' 30" WEST ALONG THE SAID NORTH LINE OF THE SAID SOUTH HALF OF THE NORTHWEST QUARTER 414.86 FEET;

THENCE NORTH 0° 03' 30" WEST PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER OF SAID SECTION 210 FEET;
 THENCE NORTH 89° 57' 30" EAST, PARALLEL WITH THE NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER, 414.86 FEET TO THE POINT OF BEGINNING;

EXCEPT THE EAST 25 FEET OF THE WHOLE OF THE ABOVE DESCRIBED PARCEL OF LAND IN HARRISON AVENUE;

ALSO EXCEPT THAT PORTION WITHIN THE WEST HALF OF SAID NORTHWEST QUARTER.

PARCEL 5:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 7 WEST SAN BERNARDINO BASE AND MERIDIAN, IN THE JURUPA RANCHO, AS SHOWN BY SECTIONIZED SURVEY OF THE JURUPA RANCHO ON FILE IN BOOK 9, PAGE 33 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA;

EXCEPT THE WEST HALF THEREOF;

ALSO EXCEPT A 25 FOOT STRIP OFF THE EAST SIDE OF THE ABOVE DESCRIBED PARCEL IN HARRISON AVENUE.

Assessor Parcel No.	Acres	Owners
134-050-003	52.00	Knevelbaard Dairies, John Knevelbaard and Hilda Knevelbaard
134-050-004	51.70	Knevelbaard Dairies, John Knevelbaard and Hilda Knevelbaard
Total	103.70	

ALL OF THE UNINCORPORATED TERRITORY OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 7 WEST, AS SHOWN BY SECTIONIZED SURVEY OF THE JURUPA RANCHO ON FILE IN BOOK 9, PAGE 33 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA;

EXCEPT THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND, DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 26, WHICH BEARS SOUTH 00° 03' 30" EAST, A DISTANT 1109.62 FEET FROM THE QUARTER CORNER OF THE NORTH LINE OF SAID SECTION 26; THENCE SOUTH 00° 03' 30" EAST ALONG SAID QUARTER SECTION LINE, 210 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE SOUTH 89° 57' 30" WEST, ALONG SAID NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER 414.86 FEET; THENCE NORTH 00° 03' 30" WEST AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 26, A DISTANCE OF 210 FEET; THENCE NORTH 89° 57' 30" EAST AND PARALLEL WITH THE NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER, 414.86 FEET TO THE POINT OF BEGINNING;

ALSO EXCEPT THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 7 WEST, AS SHOWN BY SECTIONIZED SURVEY OF THE JURUPA RANCHO ON FILE IN BOOK 9, PAGE 33 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA;

EXCEPT THEREFROM THE NORTH 30 FEET IN CLOVERDALE ROAD, AND THE EAST 30 FEET IN HARRISON AVENUE.

Assessor Parcel No.	Acres	Owners
134-050-012	37.01	Knevelbaard Dairies, A General Partnership
Total	37.01	

THAT PORTION OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 7 WEST, AS SHOWN BY SECTIONALIZED SURVEY OF JURUPA RANCHO ON FILE IN BOOK 9 OF MAPS AT PAGE 33 THEREOF, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26;

THENCE SOUTH 00° 06' 17" EAST ALONG THE WEST LINE OF SAID SECTION 26, A DISTANCE OF 1331.81 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26;

THENCE NORTH 89° 48' 44" EAST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 263.34 FEET FOR THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTHEASTERLY LINE OF THAT CERTAIN 60.00 FOOT EASEMENT CONVEYED TO SOUTHERN CALIFORNIA EDISON COMPANY BY DEED RECORDED AS

INSTRUMENT NO. 114384/1969, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE NORTH 69° 31' 44" EAST ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 1113.45 FEET TO AN ANGLE POINT THEREON;

THENCE NORTH 29° 24' 30" EAST ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 25.80 FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26;

THENCE SOUTH 00° 33' 08" WEST ALONG SAID EAST LINE, A DISTANCE OF 408.46 FEET TO THE SOUTHEAST CORNER THEREOF;

THENCE SOUTH 89° 48' 44" WEST ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 1051.87 FEET TO THE TRUE POINT OF BEGINNING.

Assessor Parcel No.	Acres	Owners
134-050-009	4.72	Mike C. Stelzer and Deanna Mae Stelzer
Total	4.72	

MAP NO. 134 MIRA LOMA AGRICULTURAL PRESERVE NO. 10

AMENDED BY MAP NO. 464, 820

T.2S., R.7W. S.B.B. & M.



AMENDMENTS:
NO. 3, (DIMINISHMENT), FEBRUARY 4, 2003, MAP NO. 820

ADOPTED ON FEBRUARY 16, 1971
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA.

