

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

904B



FROM: TLMA - Planning Department

SUBMITTAL DATE: October 30, 2003

**SUBJECT:** Adoption of Resolution No. 2003-478 – Certificate of Tentative Cancellation of Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 6, Amendment No. 4, Map No. 877 – Owners: Marie and Michel Minaberry, Trustees for the Minaberry Family Trust – 25.12-acres – Prado-Mira Loma Zoning District – Second Supervisorial District.

**RECOMMENDED MOTION:** Adoption of Resolution No. 2003-478, a Certificate of Tentative Cancellation of Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 6, Amendment No. 4, Map No. 877, based upon the hereinafter listed findings and conclusions:

**FINDINGS:**

1. On July 22, 2003, the Board of Supervisors tentatively approved a request by JMS-Chandler, LLC for Marie and Michel Minaberry, Trustees for the Minaberry Family Trust, to diminish Mira Loma Agricultural Preserve No. 6 pursuant to Agricultural Preserve Map No. 877, and to cancel the land conservation contract as it applies to the 25.12-acre site located northerly of the Santa Ana River, south of the easterly extension of Chandler Street, east of the southerly extension of Harrison Avenue and west of the southerly extension of Sumner Avenue in the Prado-Mira Loma area.
2. The alternative land use proposed for the site is Tentative Tract No. 30702 which would result in the development of ninety-five (95) single-family residential lots with a minimum lot size of 7,200 square feet, and an average lot size of 8,986 square feet.

  
 Robert C. Johnson, Planning Director

RCJ:kb

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE

DATE 11-10-03 *RCJ*

Department Recommendation:  Consent

Policy

Per Executive Office:  Consent

Policy

Prev. Agn. Ref.

Dist. Second

AGENDA NO.

3.32

3. Upon adoption of the Certificate of Tentative Cancellation by the Board of Supervisors, the landowner would be required to comply with the following conditions prior to the issuance of a Certificate of Final Cancellation, as outlined in Government Code Section 51283.4:
  - a. Payment within one year of the total amount of the cancellation fee of \$175,875.00 to the Treasurer of Riverside County, or, if after one year following the date of recordation of the Certificate of Tentative Cancellation, payment of a re-computed fee;
  - b. Comprehensive General Plan Amendment No. 626 shall have been approved by the Board of Supervisors and adopted by Board Resolution; and
  - c. All conditions necessary for the County of Riverside to issue grading permits on Tract Map No. 30702 (Assessor's Parcel No. 130-060-010-5 and 130-060-004-0) shall have been met.
4. Once all the conditions and contingencies enumerated on the Certificate of Tentative Cancellation have been satisfied, the landowners would notify the Board of Supervisors to that effect.
5. Within 30 days of such notification, a Certificate of Final Cancellation would be executed and recorded, thereby removing the subject site from the effect of the land conservation contract and diminishing the agricultural preserve.

**RESOLUTION NO. 2003-478  
CERTIFICATE OF TENTATIVE CANCELLATION  
OF LAND CONSERVATION CONTRACT AND  
DIMINISHMENT OF AGRICULTURAL PRESERVE  
(Government Code Section 51283.4)**

**WHEREAS, Jane Koning and John Walter Koning, husband and wife, 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 26, 1971 as Instrument No. 19418 in the office of the County Recorder of Riverside County, California; and,**

**WHEREAS, Marie and Michel Minaberry, Trustees for the Minaberry Family Trust, the current owner of the property subject to the Land Conservation Contract referenced above (which property is described in the attached legal description entitled "EXHIBIT A, MIRA LOMA AGRICULTURAL PRESERVE NO. 6, AMENDMENT NO. 4, MAP NO. 877," petitioned to cancel the contract and to diminish Mira Loma Agricultural Preserve No. 6, Map No. 19; and,**

**WHEREAS, a public hearing was held on this matter by the Riverside County Board of Supervisors on July 22, 2003; 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. 38743, 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. 30702 is the alternative use; and,**

**WHEREAS, Tract Map No. 30702 will divide the 25.12-acre parcel and the adjacent 3.31-acre parcel not under contract into ninety-five (95) single-family residential lots with a**

FORM APPROVED  
COUNTY COUNSEL

OCT 30 2003

*[Handwritten signature]*

1 minimum lot size of 7,200 square feet, and an average lot size of 8,986 square feet; and,

2 WHEREAS, the amount of the cancellation fee, pursuant to Section 51283.4 of the  
3 Government Code, has been determined and certified by this Board to be \$175,875.00; and,

4 BE IT RESOLVED, FOUND, AND DETERMINED by the Board of Supervisors of the  
5 County of Riverside, State of California, in regular session assembled on November 18, 2003  
6 that:

- 7 1. The cancellation of said contract and diminishment of the agricultural preserve,  
8 and the use of the land for the proposed alternative use are consistent with the  
9 Riverside County Comprehensive General Plan.
- 10 2. The conditions with which the landowner must comply following the date of the  
11 recording of this Certificate of Tentative Cancellation are as follows:
  - 12 a. Payment within one year of the total amount of the cancellation fee of  
13 \$175,875.00 to the Treasurer of Riverside County, or, if after one year  
14 following the date of recordation of this Certificate of Tentative  
15 Cancellation, payment of the recomputed fee referenced on page 3 of this  
16 resolution. This condition shall not be interpreted as constituting a  
17 limitation on the period of validity of this Certificate of Tentative  
18 Cancellation, nor shall an Extension of Time application be required.
  - 19 b. Comprehensive General Plan Amendment No. 626 shall have been  
20 approved by the Board of Supervisors and adopted by Board Resolution.
  - 21 c. All conditions necessary for the County of Riverside to issue grading  
22 permits on Tract Map No. 30702 (Assessor's Parcel No. 130-060-010-5 and  
23 130-060-006-0) have been met.

24 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED that the Clerk of this  
25 Board shall file and record copies of this resolution, map and boundary description, in the  
26 Office of the County Recorder of Riverside County, California, and transmit copies thereof to  
27 the Director of Conservation of the State of California, the Treasurer of Riverside County, and  
28 the Assessor of Riverside County; and, that, upon fulfillment of all of the conditions, the

1 landowner will be entitled to a final certificate of cancellation which provides as follows:

- 2 1. Mira Loma Agricultural Preserve No. 6, Map No. 19, dated February 24, 1969, as  
3 amended, will be further amended by deleting therefrom the area shown on the  
4 map entitled "MIRA LOMA AGRICULTURAL PRESERVE NO. 6,  
5 AMENDMENT NO. 4, (DIMINISHMENT), MAP NO. 877," and described by  
6 boundary description thereof, said map and description both being on file in the  
7 Office of the Clerk of the Board.
- 8 2. The Land Conservation Contract between the County of Riverside and Jane  
9 Koning and John Walter Koning, husband and wife, dated January 1, 1971 and  
10 recorded February 26, 1971, as Instrument No. 19418, in the Office of the County  
11 Recorder of Riverside County, California, will be canceled as said contract  
12 applies to land referenced in the petition of Marie and Michel Minaberry,  
13 Trustees for the Minaberry Family Trust, thereby removing from the effect of  
14 said contract the real property in the County of Riverside, State of California,  
15 described in the exhibit entitled, "EXHIBIT A, MIRA LOMA AGRICULTURAL  
16 PRESERVE NO. 6, AMENDMENT NO. 4, (DIMINISHMENT), MAP NO. 877,"  
17 a copy of which is attached hereto and incorporated herein by reference.

18 **BE IT FURTHER RESOLVED** that, if the cancellation fee of \$175,875.00 is not paid  
19 within one year following the recordation of this Certificate of Tentative Cancellation, the fee  
20 shall be recomputed pursuant to Government Code Section 51283.4 (a), and the landowner shall  
21 be required to pay the recomputed fee as a condition to final cancellation of the contract.

22 **BE IT FURTHER RESOLVED** that, upon application of the landowner, the Board may  
23 hereafter amend a tentatively approved specified alternative use if the Board finds that such  
24 amendment is consistent with the findings made pursuant to Government Code Section 51282.

25

**EXHIBIT A  
MIRA LOMA AGRICULTURAL PRESERVE NO. 6  
AMENDMENT NO. 4  
MAP NO. 877  
(DIMINISHMENT)**

All real property in the County of Riverside, State of California, described as follows:

That portion of Lot "O" of Fuller Rancho, as shown by Map on file in Book 16, pages 94 through 97, inclusive of Maps, Riverside County Records, described as follows:

Beginning at a point on the Northerly line of said Lot "O", said point being the intersection of the centerlines of Chandler Street and Harrison Avenue; thence South 89 degrees 21' 39" East along the Northerly line of said Lot "O" 188.00 feet to the Northwest corner of Parcel 8 of the land conveyed to Ben F. Smith Inc., a corporation by deed recorded May 15, 1951 in Book 1271, page 209 of Official Records, Riverside County Records; thence South 00 degrees 38' 21" West along the Westerly line of said land conveyed to Ben F. Smith Inc., 156.00 feet to Southwest corner thereof; thence South 89 degrees 09' 40" East along the Southerly line of said land conveyed to Ben F. Smith Inc., 800.88 feet to an angle point therein; thence North 33 degrees 46' 07" East, and continuing along the Southerly line of said land conveyed to Ben F. Smith Inc., 58.23 feet to a point on the Northwesterly line of that certain portion taken by the United States of America for flood control purposes by Decree of Condemnation, a certified copy of which was recorded March 3, 1941 in Book 492, page 418 of Official Records, Riverside County Records; thence Southwesterly along the Northwesterly line of said Condemnation the following bearings and dimension:

South 53 degrees 48' 20" West, 295.66 feet; thence South 24 degrees 37' 15" West, 244.04 feet; thence South 08 degrees 21' 20" West, 273.32 feet; thence South 26 degrees 15' 10" West, 66.30 feet; thence South 05 degrees 13' 45" West, 429.32 feet; thence South 79 degrees 14' 20" West, 178.45 feet; thence South 65 degrees 56' 30" West, 172.71 feet; thence South 52 degrees 17' 00" West, 191.85 feet; thence South 62 degrees 13' 10" West, 128.85 feet; thence leaving the boundary of said above mentioned Condemnation, North 00 degrees 37' 33" East, 1560.73 feet to THE POINT OF BEGINNING.

Excepting therefrom any portions thereof lying within Chandler Road and Harrison Avenue.

Assessor' Parcel No.	Acres	Owners
130-060-010-5	25.12	Marie Minaberry and Michel Minaberry, Trustees of the Minaberry Family Trust
TOTAL	25.12	

