

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

636 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
May 27, 2005

SUBJECT: Adoption of Resolution No. 2005-285 – Diminishment of Woodcrest Agricultural Preserve No. 5 – Agricultural Preserve Case and Map No. 948 – Gary L. McMillan and Patricia McMillan – 79.64 acres (net) – Mead Valley Zoning District – First Supervisorial District

RECOMMENDED MOTION: Adoption of Resolution No. 2005-285 for the diminishment of Woodcrest Agricultural Preserve No. 5, Map No. 948, based upon the hereinafter listed findings and conclusions:

FINDINGS:

1. The 79.64-acre site is comprised of four (4) parcels and is located north of and adjacent to Avenue C, south of and adjacent to Markham Street, easterly of Wood Road and westerly of Una Street in the Woodcrest area of Riverside County, California.
2. Richard C. McMillan and Gary L. McMillan entered into a land conservation contract with the County of Riverside for land within Woodcrest Agricultural Preserve No. 5. The contract is dated January 1, 1970, and was recorded on February 27, 1970, as Instrument No. 19144 in the Office of the County Recorder of Riverside County, California.
3. Pursuant to the Land Conservation Act of 1965, Richard C. McMillan and Gary L. McMillan filed a notice of non-renewal on March 24, 1987, which notice was recorded on April 6, 1987, as Instrument No. 94041, and, as a consequence,

Robert C. Johnson
Planning Director

RCJ:kb

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 6/1/05
Departmental Concurrence

Policy
 Policy

Consent
 Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.

District: First

Agenda Number:

3.46

the land conservation contract as it applies to the subject parcels expired on January 1, 1997.

4. Under both the County's Rules and Regulations Governing Agricultural Preserves and the Comprehensive General Plan's Williamson Act Program (i.e., Land Conservation Act of 1965), a landowner may apply to have property removed from the boundaries of an agricultural preserve, once the contract has expired.
5. The land conservation contract having expired, the current property owners of APN 321-320-001-6, 321-320-002-7, 321-310-013-6 and 321-090-008-3, Gary L. McMillan and Patricia McMillan, have now applied to have said parcels removed from the boundaries of the agricultural preserve.

CONCLUSION:

1. The diminishment of Woodcrest Agricultural Preserve No. 5, Map No. 47, is consistent with the provisions of the Land Conservation Act of 1965 and the Rules and Regulations Governing Agricultural Preserves in Riverside County as adopted by the Board of Supervisors.
2. The diminishment of Woodcrest Agricultural Preserve No. 5, Map No. 948, is consistent with the Riverside County General Plan.

**RESOLUTION NO. 2005-285
DIMINISHMENT OF WOODCREST
AGRICULTURAL PRESERVE NO. 5
PURSUANT TO NOTICE OF NONRENEWAL**

WHEREAS, Richard C. McMillan and Gary L. McMillan entered into a Land Conservation Contract with the County of Riverside pursuant to the California Land Conservation Act of 1965 (Government Code Section 51200 et seq.), which contract is dated January 1, 1970, and was recorded February 27, 1970, as Instrument No. 19144, in the Office of the County Recorder of Riverside County, California; and

WHEREAS, Richard C. McMillan and Gary L. McMillan, the landowners, filed a Notice of Nonrenewal on March 24, 1987, which notice was recorded on April 6, 1987, as Instrument No. 94041, in the Office of the County Recorder of Riverside County, California;

WHEREAS, the filing of said Notice of Nonrenewal resulted in the expiration of the contract as it applies to the subject property on January 1, 1997, pursuant to Government Code Section 51246;

BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on June 7, 2005, 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, with the Director of Conservation, State of California, and with the Office of the Assessor of Riverside County, California, and that:

- 1. Woodcrest Agricultural Preserve No. 5, Map No. 47, dated February 9, 1970, and on file in the Office of the Clerk of this Board, is further amended by deleting therefrom the area shown on the map entitled "AGRICULTURAL PRESERVE MAP NO. 948: AMENDMENT NO. 8 (DIMINISHMENT) OF WOODCREST AGRICULTURAL**

1 **PRESERVE NO. 5"** and described by boundary description thereof, as fully set forth
2 in the attached document entitled "**EXHIBIT A, WOODCREST AGRICULTURAL**
3 **PRESERVE NO. 5, MAP NO. 948 (DIMINISHMENT),"** said map and description
4 both being on file in the Office of the Clerk of the Board.

- 5 2. **The Land Conservation Contract of Richard C. McMillan and Gary L. McMillan,**
6 **and the County of Riverside, dated January 1, 1970, and recorded on February 27,**
7 **1970, as Instrument No. 19144, in the Office of the County Recorder of Riverside**
8 **County, California, and as said contract applies to the subject property, has expired,**
9 **removing from the effect of said contract the real property in the County of**
10 **Riverside, State of California, described in the attached document entitled**
11 **"EXHIBIT A, WOODCREST AGRICULTURAL PRESERVE NO. 5, MAP NO. 948**
12 **(DIMINISHMENT)," which is made a part of this resolution.**

13 **BE IT FURTHER RESOLVED** that the Clerk of this Board shall file and record copies
14 of this resolution, map and boundary description in the Office of the County Recorder of
15 Riverside County, California, with the Director of Conservation of the State of California, and
16 with the Office of the Assessor of Riverside County, California.

FORM APPROVED
COUNTY COUNSEL

MAY 24 2005

BY 

EXHIBIT A
WOODCREST AGRICULTURAL PRESERVE NO. 5
MAP NO. 948
(DIMINISHMENT)

Real property in the unincorporated area of the County of Riverside, State of California, described as follows:

PARCEL 1:

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, AS SHOWN BY SECTIONIZED SURVEY OF THE RANCHO EL SOBRANTE DE SAN JACINTO ON FILE IN BOOK 7, PAGE 10 OF MAPS, SAN BERNARDINO COUNTY RECORDS; LYING SOUTHWESTERLY OF MARKHAM ROAD, AS CONVEYED TO THE COUNTY OF RIVERSIDE. TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES AND PUBLIC PURPOSES OVER THE EAST 20 FEET OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, FOR THE USE AND BENEFIT OF THE NORTHWEST QUARTER AND THE EAST HALF OF SAID SECTION 5.

EXCEPTING THEREFROM ONE-HALF OF ALL OIL, GAS AND MINERAL RIGHTS AS RESERVED UNTO BURBANK GORDON GREEN, A MARRIED MAN, BY DEED RECORDED MARCH 19, 1964 AS INSTRUMENT NO. 34337 WITHOUT THE RIGHT OF ENTRY ONTO THE SURFACE AND INTO THE SUBSURFACE LYING ABOVE A DEPTH OF 500 FEET AS PROVIDED IN DEED FROM BURBANK GORDON GREEN, RECORDED APRIL 24, 1964.

PARCEL 2:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN.

EXCEPTING THEREFROM ONE-HALF OF ALL OIL, GAS AND MINERAL RIGHTS AS RESERVED UNTO BURBANK GORDON GREEN, A MARRIED MAN, BY DEED RECORDED MARCH 19, 1964 AS INSTRUMENT NO. 34337 WITHOUT THE RIGHT OF ENTRY ONTO THE SURFACE AND INTO THE SUBSURFACE LYING ABOVE A DEPTH OF 500 FEET AS PROVIDED IN DEED FROM BURBANK GORDON GREEN, RECORDED APRIL 24, 1964.

PARCEL 3:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN.

EXCEPTING THEREFROM ONE-HALF OF ALL OIL, GAS AND MINERAL RIGHTS AS RESERVED UNTO BURBANK GORDON GREEN, A MARRIED MAN, BY DEED RECORDED MARCH 19, 1964 AS INSTRUMENT NO. 34337 WITHOUT THE RIGHT OF ENTRY ONTO THE SURFACE AND INTO THE SUBSURFACE LYING ABOVE A DEPTH OF 500 FEET AS PROVIDED IN DEED FROM BURBANK GORDON GREEN, RECORDED APRIL 24, 1964.

PARCEL 4:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 4 WEST, AS SHOWN BY SECTIONIZED SURVEY OF THE RANCHO EL SOBRANTE DE SAN JACINTO, ON FILE IN BOOK 7, PAGE 10 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA;

EXCEPTING THEREFROM ONE-HALF OF ALL OIL, GAS AND MINERAL RIGHTS AS RESERVED UNTO BURBANK GORDON GREEN, A MARRIED MAN, BY DEED RECORDED MARCH 19, 1964 AS INSTRUMENT NO. 34337 WITHOUT THE RIGHT OF ENTRY ONTO THE SURFACE AND INTO THE SUBSURFACE LYING ABOVE A DEPTH OF 500 FEET AS PROVIDED IN DEED FROM BURBANK GORDON GREEN, RECORDED APRIL 24, 1964.

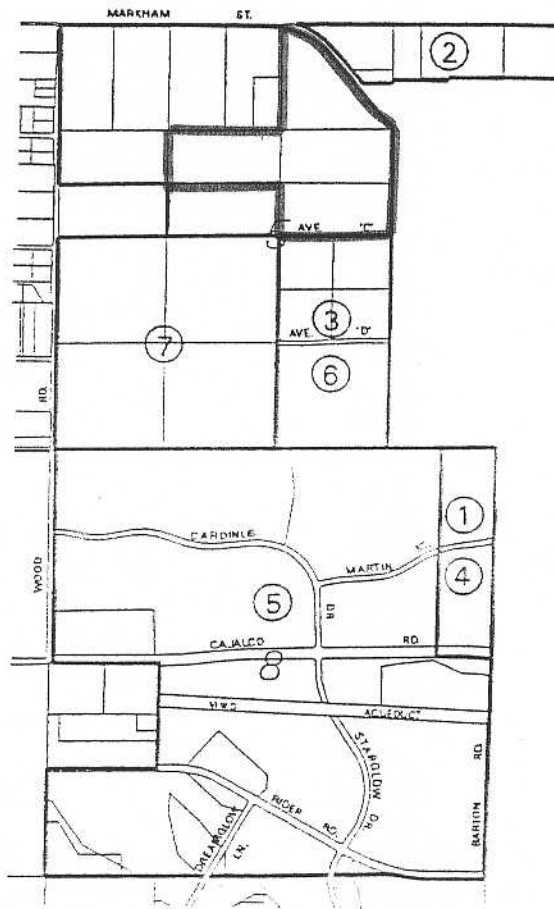
Assessor Parcel No.	Acres (net)	Owners
321-090-008-3	19.63	Gary L. McMillan and Patricia McMillan
321-310-013-6	20.85	Gary L. McMillan and Patricia McMillan
321-320-001-6	19.58	Gary L. McMillan and Patricia McMillan
321-320-002- 7	19.58	Gary L. McMillan and Patricia McMillan
Total	79.64	

MAP NO. 47 WOODCREST AGRICULTURAL PRESERVE NO. 5

~~847~~
948

AMENDED BY MAPS NO. 223-a, 297, 533, 603, 606, 675, 847, 948

T4S., R.4W. S.B.B. & M.



AMENDMENTS:

- NO. 1. (ENLARGEMENT), FEBRUARY 27, 1970. MAP NO. 223-a
- NO. 2. (ENLARGEMENT), FEBRUARY 26, 1974. MAP NO. 297
- NO. 3. (DIMINISHMENT), WITHDRAWN. MAP NO. 533
- NO. 4. (DIMINISHMENT), MAY 7, 1983. MAP NO. 603
- NO. 5. (DIMINISHMENT), DECEMBER 13, 1984. MAP NO. 606
- NO. 6. (DIMINISHMENT), JANUARY 16, 1990. MAP NO. 675
- NO. 7. (DIMINISHMENT), FEBRUARY 27, 2001. MAP NO. 847

No. 8. (Diminishment), June 7, 2005, Map No. 948

ADOPTED ON FEBRUARY 9, 1970
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA.

