

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

439B



**FROM:** TLMA - Planning Department

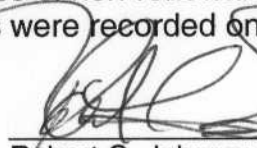
**SUBMITTAL DATE:**  
August 1, 2005

**SUBJECT:** Adoption of Resolution No. 2005-392 – Disestablishment of Murrieta Hot Springs Agricultural Preserve No. 5 – Agricultural Preserve Case and Map No. 949 – Fred J. Fleming, Genevieve Fleming, as Trustee, and Nancy L. Oren – 107.33 acres (net) – Rancho California Zoning Area – Southwest Area Plan – Third Supervisorial District

**RECOMMENDED MOTION:** Adoption of Resolution No. 2005-392 for the disestablishment of Murrieta Hot Springs Agricultural Preserve No. 5, Map No. 949, based upon the hereinafter listed findings and conclusions:

**FINDINGS:**

1. The 107.33-acre site is comprised of four (4) parcels, which are located north of and adjacent to Borel Road, southerly of and adjacent Jolynn Road, easterly of and adjacent to State Highway 79 and westerly and adjacent to Navion Road in southwestern Riverside County, California.
2. Benjamin Fleming and Genevieve G. Fleming, husband and wife, entered into a land conservation contract with the County of Riverside for land within Murrieta Hot Springs Agricultural Preserve No. 5. The contract is dated January 1, 1971, and was recorded on February 24, 1971, as Instrument No. 18024 in the Office of the County Recorder of Riverside County, California.
3. Pursuant to the Land Conservation Act of 1965, Benjamin Fleming and Genevieve G. Fleming filed notices of non-renewal on January 11, 1988 and February 26, 1988, which notices were recorded on January 26, 1988, as

  
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 Robert C. Johnson  
 Planning Director

RCJ:kb

(Continued On Attached Page)

COUNTY CLERK  
 02 AUG - 1 6M 5:30  
 CLERK EXECUTIVE

REVIEWED BY EXECUTIVE OFFICE  
 DATE 8/1/05  
 Departmental Concurrence

Dept't Recomm.:  Consent  Policy  
 Per Exec. Ofc.:  Consent  Policy

Pre. Agn. Ref. \_\_\_\_\_ | District: Third | Agenda Number: \_\_\_\_\_

3.43

Instrument No. 21348 and March 1, 1988, as Instrument No. 54037, respectively, and, as a consequence, the land conservation contract as it applies to the subject parcels expired on January 1, 1998.

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 958-080-011-8, 958-080-012-9, 958-270-010-4 and 958-270-011-5, Fred J. Fleming, Genevieve Fleming, as Trustee, and Nancy L. Oren have now applied to have said parcels removed from the boundaries of the agricultural preserve.

**CONCLUSION:**

1. The disestablishment of Murrieta Hot Springs Agricultural Preserve No. 5, Map No. 116, 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 disestablishment of Murrieta Hot Springs Agricultural Preserve No. 5, Map No. 949, is consistent with the Riverside County General Plan.