

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

202 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
October 12, 2005

SUBJECT: Adoption of Resolution No. 2005-364, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 2, Map No. 882 – Applicant: Centex Homes for Roland Barthelemy – Second Supervisorial District – Prado-Mira Loma Zoning District – Eastvale Area Plan – 120 Acres

RECOMMENDED MOTION: **Adoption of Resolution No. 2005-364**, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 2, Amendment No. 22, Map No. 882, based upon the hereinafter listed findings and conclusions:

FINDINGS:

1. On July 26, 2005, the Board of Supervisors tentatively approved a request by Centex Homes for Roland Barthelemy to diminish Mira Loma Agricultural Preserve No. 2 pursuant to Agricultural Map No. 882, and to cancel the land conservation contract as it applies to the 120-acre site, which is located north of and adjacent to Schleisman Road, south of 65th Street, east of and adjacent to Sumner and west of and adjacent to Cleveland Avenue within the Eastvale area of Riverside County.
2. The alternative land use proposed for the 120-acre site is Tentative Tract Map No. 30931 which would result in the development of a total of four hundred nineteen (419) single-family residential lots, with a minimum lot size of 7,200 square feet, one (1) detention basin lot and one 1 open space lot.

Robert C. Johnson
Planning Director

RCJ:kb

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 10/12/05

Departmental Concurrence

Policy
 Policy

Consent
 Consent

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.

District: Second

Agenda Number:

3.38

The Honorable Board of Supervisors

RE: Adoption of Resolution No. 2005-364, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 2, Map No. 882

October 12, 2005

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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:
 - a. Payment within one year of the total amount of the cancellation fee of \$1,206,250.00 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. All conditions necessary for the County of Riverside to issue grading permits on Tract Map No. 30931 (Assessor's Parcel No. 164-050-001-3, 164-050-002-4, 164-050-005-7, and 164-050-006-8) 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 disestablishing the agricultural preserve.

RESOLUTION NO. 2005-364
CERTIFICATE OF TENTATIVE CANCELLATION
OF LAND CONSERVATION CONTRACTS AND
DIMINISHMENT OF AGRICULTURAL PRESERVE
(Government Code Section 51283.4)

WHEREAS, Roland Barthelemy and Jean Barthelemy, 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, 1972, and was recorded on February 25, 1972 as Instrument No. 24576 in the office of the County Recorder of Riverside County, California; and,

WHEREAS, Roland Barthelemy, a married man, the subsequent owner of the property subject to the Land Conservation Contract referenced above, all of which property is described in the attached legal description entitled "EXHIBIT A, MIRA LOMA AGRICULTURAL PRESERVE NO. 2, AMENDMENT NO. 22, (DIMINISHMENT), MAP NO. 882," petitioned to cancel the contract and to diminish Mira Loma Agricultural Preserve No. 2, Map No. 3; and,

WHEREAS, a public hearing was held on this matter by the Riverside County Board of Supervisors on July 26, 2005; and,

WHEREAS, all procedures of the California Environmental Quality Act (CEQA) and Riverside County Rules to Implement the Act have been satisfied, including Environmental Impact Report No. 454, 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. 30931 is the alternative use; and,

COUNTY COUNSEL

OCT 13 2005

BY: *B. S. [Signature]*

1 WHEREAS, Tract Map No. 30931 will divide the 120-acre site into a total of four
2 hundred nineteen (419) single-family residential lots, with a minimum lot size of 7,200 square
3 feet, one (1) detention basin lot and one (1) open space lot; and,

4 WHEREAS, the amount of the cancellation fee, pursuant to Section 51283.4 of the
5 Government Code, has been determined and certified by this Board to be \$1,206,250.00;

6 BE IT RESOLVED, FOUND, AND DETERMINED by the Board of Supervisors of the
7 County of Riverside, State of California, in regular session assembled on October 25, 2005 that:

8 1. The cancellation of said contract and diminishment of the agricultural preserve,
9 and the use of the land for the proposed alternative use are consistent with the
10 Riverside County General Plan.

11 2. The conditions with which the landowner must comply following the date of the
12 recording of this Certificate of Tentative Cancellation are as follows:

13 a. Payment within one year of the total amount of the cancellation fee of
14 \$1,206,250.00 to the Treasurer of Riverside County, or, if after one year
15 following the date of recordation of this Certificate of Tentative
16 Cancellation, payment of the recomputed fee referenced on page 3 of this
17 resolution. This condition shall not be interpreted as constituting a
18 limitation on the period of validity of this Certificate of Tentative
19 Cancellation, nor shall an Extension of Time application be required.

20 b. All conditions necessary for the County of Riverside to issue grading
21 permits on Tract Map No. 30931 (Assessor's Parcel No. 164-050-001-3,
22 164-050-002-4, 164-050-005-7, and 164-050-006-8) have been met.

23 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED that the Clerk of this
24 Board shall file and record copies of this resolution, map and boundary description, in the
25 Office of the County Recorder of Riverside County, California, and transmit copies thereof to
26 the Director of Conservation of the State of California, the Treasurer of Riverside County, and
27 the Assessor of Riverside County; and, that, upon fulfillment of all of the conditions, the
28 landowner will be entitled to a final certificate of cancellation which provides as follows:

- 1 **1. Mira Loma Agricultural Preserve No. 2, Map No. 3, dated February 5, 1968, as**
2 **amended, will be further amended by deleting therefrom the area shown on the**
3 **map entitled "MIRA LOMA AGRICULTURAL PRESERVE NO. 2,**
4 **AMENDMENT NO. 22, (DIMINISHMENT), MAP NO. 882," and described by**
5 **boundary description thereof, said map and description both being on file in the**
6 **Office of the Clerk of the Board.**

- 7 **2. The Land Conservation Contract between the County of Riverside and Roland**
8 **Barthelemy and Jean Barthelemy, husband and wife, dated January 1, 1972 and**
9 **recorded February 25, 1972, as Instrument No. 24576, in the Office of the County**
10 **Recorder of Riverside County, California, will be canceled as said contract**
11 **applies to land referenced in the petition of Roland Barthelemy, a married man,**
12 **thereby removing from the effect of said contract the real property in the County**
13 **of Riverside, State of California, described in the exhibit entitled, "EXHIBIT A,**
14 **MIRA LOMA AGRICULTURAL PRESERVE NO. 2, AMENDMENT NO. 22,**
15 **(DIMINISHMENT), MAP NO. 882," a copy of which is attached hereto and**
16 **incorporated herein by reference.**

17 **BE IT FURTHER RESOLVED** that, if the cancellation fee of \$1,206,250.00 is not paid
18 **within one year following the recordation of this Certificate of Tentative Cancellation, the fee**
19 **shall be recomputed pursuant to Government Code Section 51283.4 (a), and the landowner shall**
20 **be required to pay the recomputed fee as a condition to final cancellation of the contract.**

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

**EXHIBIT A
MIRA LOMA AGRICULTURAL PRESERVE NO. 2
MAP NO. 882
(DIMINISHMENT)**

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

PARCEL A:

Lots 1, 2, 19 and 20 of the Kingston Tract, in the County of Riverside, State of California, shown by map on file in Book 12 of Maps, Page 6, San Bernardino County Records, together with that portion of Cherry Street abandoned by Order of the Board of Supervisors of Riverside County, a certified copy of which was recorded February 11, 1930 in Book 840, Page 194 of Deeds, Riverside County Records, which would pass with a conveyance of said Lots.

PARCEL B:

Lots 21, 22, 23 and 24 of the Kingston Tract, in the County of Riverside, State of California, as shown by map on file in Book 12 of Maps, Page 6, San Bernardino County Records, together with that portion of Olive Street abandoned by Order of the Board of Supervisors of Riverside County, a certified copy of which was recorded February 11, 1930 in Book 840, Page 194 of Deeds, Riverside County Records, and the West ½ of that portion of Cleveland Avenue abandoned by Order of the Board of Supervisors of Riverside County, a certified copy of which was recorded September 7, 1971 as Instrument No. 101316, Official Records of Riverside County, which would pass with a conveyance of said Lots.

PARCEL C:

Lots 37, 38, 39 and 40 of the Kingston Tract, in the County of Riverside, State of California, as shown by map on file in Book 12 of Maps, Page 6, San Bernardino County Records, together with that portion of Olive Street abandoned by Order of the Board of Supervisors of Riverside County, a certified copy of which was recorded February 11, 1930 in Book 840, Page 194 of Deeds, Riverside County Records, and that portion of the West ½ of Cleveland Avenue abandoned by Order of the board of Supervisors of Riverside County, a certified copy of which was recorded September 7, 1971 as Instrument No. 101316 Official Records, which would pass with a conveyance of said Lots.

EXCEPTING from Lots 37, 38 and 39, 25 percent of the oil and mineral rights as reserved in the Deed from Frank Arrateig et al. recorded August 4, 1955 as Instrument No. 50816, Official Records.

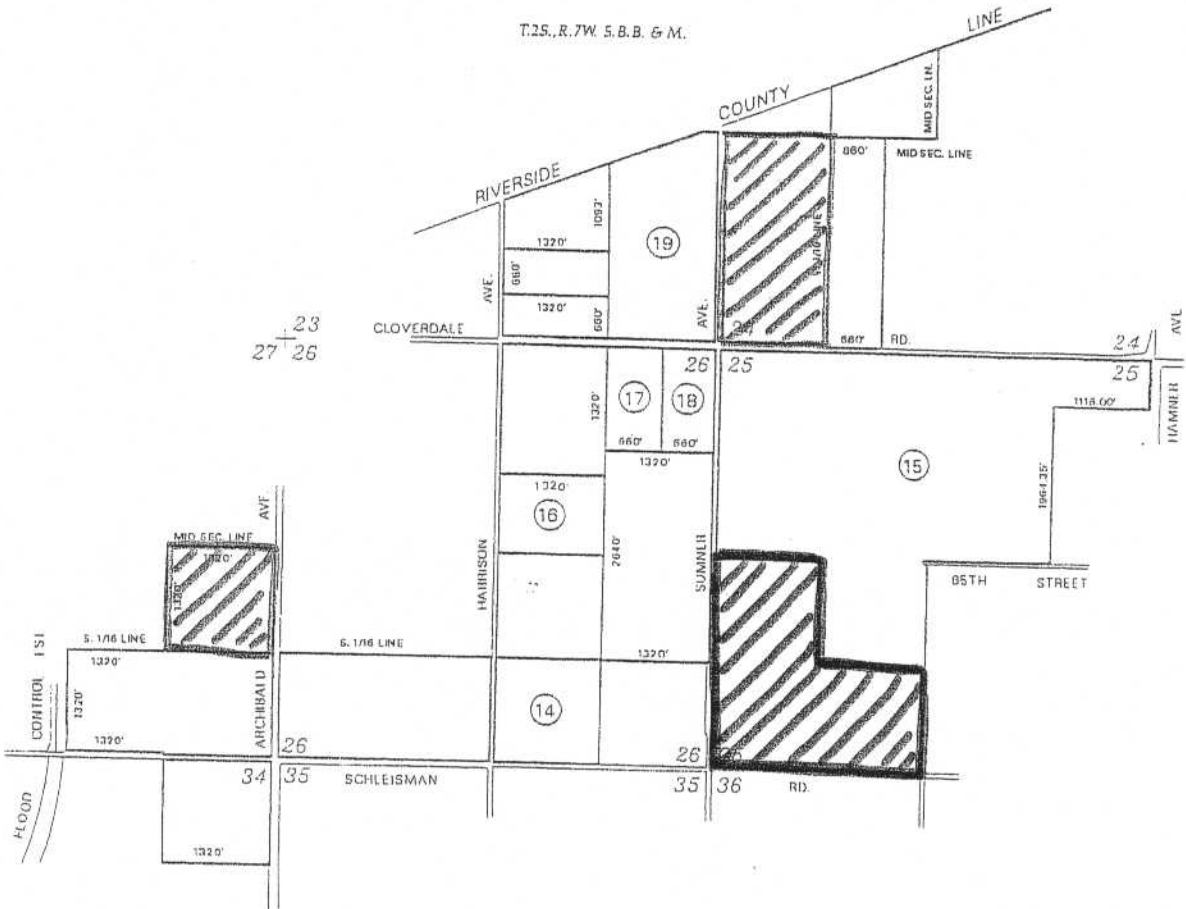
Assessor Parcel No.	Acres (net)	Owners
164-050-001-3	40.00	Roland Barthelemy
164-050-002-4	40.00	Roland Barthelemy
164-050-005-7	30.00	Roland Barthelemy
164-050-006-8	10.00	Roland Barthelemy
Total	120.00	

MAP NO. 3 MIRA LOMA AGRICULTURAL PRESERVE NO. 2

~~883~~
~~879~~
~~881~~
882

AMENDED BY MAPS NO. 7, 26, 148, 253, 256, 393, 595,
714, 736, 783, 784, 785, 797, 815, 822, 821, 849, 863, **879, 881, 882**

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



AMENDMENTS:

- NO. 14, (DIMINISHMENT), OCTOBER 28, 1999, MAP NO. 822
 - NO. 15, (DIMINISHMENT), MARCH 7, 2000, MAP NO. 821
 - NO. 16, (DIMINISHMENT), MAP NO. 841
 - NO. 17, (DIMINISHMENT), MAP NO. 848
 - NO. 18, (DIMINISHMENT), FEBRUARY 5, 2002, MAP NO. 849
 - NO. 19, (DIMINISHMENT), JULY 16, 2002, MAP NO. 863
 - No. 20, (Diminishment),
 - No. 21, (Diminishment),
 - No. 22, (Diminishment),
- ADOPTED ON FEBRUARY 5, 1968
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA.

Map No. 879
, Map No. 881
, Map No. 882

