

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

913B



FROM: TLMA - Planning Department

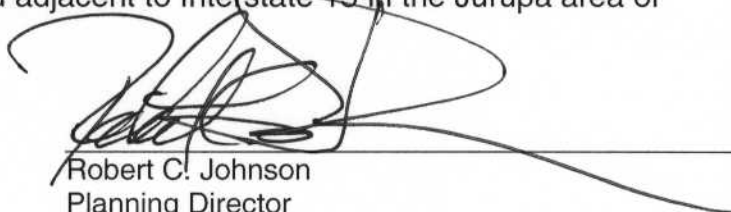
SUBMITTAL DATE:
December 5, 2005

SUBJECT: Adoption of Resolution No. 2005-494, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 1, Map No. 919 – Applicant: Lewis Investment Co., LLC for SC Eastvale Development Corporation – Engineer / Representative: Albert A. Webb Associates – Second Supervisorial District – Prado-Mira Loma Zoning District – Jurupa Area Plan – 195.8 Acres

RECOMMENDED MOTION: Adoption of Resolution No. 2005-494, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 1, Amendment No. 16, Map No. 919, based upon the hereinafter listed findings and conclusions:

FINDINGS:

1. On December 6, 2005, the Board of Supervisors tentatively approved a request by Lewis Investment Co., LLC, for SC Eastvale Development Corporation to diminish Mira Loma Agricultural Preserve No. 1 pursuant to Agricultural Map No. 919, and to cancel the land conservation contract as it applies to 94.89 acres of the approximately 195.8-acre project site.
2. Six parcels comprise the approximately 195.8-acre project site; however, only three parcels are subject to contract. The project site is located north of and adjacent to Bellegrave Avenue, southerly of Cantu-Galleano Ranch Road, east of and adjacent to Hamner Avenue and the Riverside/San Bernardino County line and west of and adjacent to Interstate 15 in the Jurupa area of western Riverside County.


Robert C. Johnson
Planning Director

RCJ:kb

(Continued On Attached Page)

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE

DATE 12/16/05

Policy
 Policy

Consent
 Consent

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

Prev. Agn. Ref.

District: Second | Agenda Number:

3.29

The Honorable Board of Supervisors

RE: Adoption of Resolution No. 2005-494, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 1, Map-No. 919

December 5, 2005

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3. Diminishment of Mira Loma Agricultural Preserve No. 1, Map No. 2 includes the portion of the project site subject to contract as referenced above and an approximately 1-acre portion of Assessor's Parcel No. (APN) 160-020-023-2 (came from APN 160-020-009) which is not under contract but is located within the boundaries of the affected agricultural preserve.
4. The alternative land use proposed for the approximately 195.8-acre project site is Specific Plan No. 335 (SP 335) and implementing Parcel Map No. 31645 (PM31645). SP 335 establishes standards and design guidelines for development of the master planned community with 1,750 single-family detached and attached residential units on 131.11 acres, 11.31 acres of mixed use commercial, a 12.92-acre community park, 6.99 acres for three recreation centers, and an 8-acre elementary (K-8) school site. PM31645 will subdivide the project site into 16 planning areas, ranging between 3.17 to 18.44 gross acres or 2.4 to 16.7 net acres.
5. SP 335 further identifies acquisition of the community park site, the well site which is located within the community park site and the elementary school site to the Jurupa Area Recreation and Parks District, the Chino Basin Desalter Authority and the Jurupa Unified School District, respectively.
6. Pursuant to Section 51295 of the Government Code when any action in eminent domain for the condemnation of the fee title of an entire parcel, or any portion thereof, of land subject to a contract is filed, or when the land is acquired in lieu of eminent domain for a public improvement by a public agency or person, the contract shall be deemed null and void for all land actually condemned, or so acquired as of the date the action is filed, and for the purposes of establishing the value of the land, the contract shall be deemed never to have existed.
7. 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 \$1,577,625.00 or for purposes of addressing the potential public acquisition of the community park, well and school sites such lesser amount identified by the Office of the Assessor which has apportioned the cancellation fee to be as follows: community park (portions of APN 160-020-006-7 and APN 160-020-007-8) \$223,625.00; well (portion of APN 160-020-007-8) \$2,750.00; school (portions of APN 160-020-006-7 and APN 160-020-007-8)

The Honorable Board of Supervisors

RE: Adoption of Resolution No. 2005-494, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 1, Map.No. 919

December 5, 2005

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\$140,000.00; and non-public use (portions of APN 160-020-006-7, APN 160-020-007-8 and all of the contracted portion of APN 160-020-023-2) \$1,211,250.00, 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. Notice pursuant to Section 51291 of the Government Code advising the Director of Conservation and the County of Riverside Board of Supervisors of the proposed public acquisition, as applicable, of the community park, well and school sites by the public agency responsible for maintaining said public improvement.
 - c. All conditions necessary for the County of Riverside to issue grading permits on Parcel Map No. 31645 (APN 160-020-005-6, 160-020-006-7, 160-020-007-8, 160-020-010-0, 160-020-022-1 (came from 160-020-008) and 160-020-023-2 (came from 160-020-009)) shall have been met.
8. 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.
 9. 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.

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RESOLUTION NO. 2005-494
CERTIFICATE OF TENTATIVE CANCELLATION
OF LAND CONSERVATION CONTRACTS AND
DIMINISHMENT OF AGRICULTURAL PRESERVE
(Government Code Section 51283.4)

WHEREAS, two separate contracts were executed pursuant to the Land Conservation Act of 1965 (Government Code Section 51200 et. seq.) for land within Mira Loma Agricultural Preserve No. 1.

WHEREAS, Anthony B. Barba and Frank Barba entered into the first of these land conservation contracts with the County of Riverside for Assessor's Parcel No. (APN) 160-020-006-7 and APN 160-020-007-8, which contract is dated January 1, 1971, and was recorded on February 26, 1971 as Instrument No. 19459 in the office of the County Recorder of Riverside County, California.

WHEREAS, Wilbur Hettinga and Mary Hettinga, the subsequent property owners of APN 160-020-006-7 and APN 160-020-007-8, filed a Notice of Nonrenewal on March 23, 2004, which notice was recorded on May 6, 2004 as Instrument No. 2004-0336444, in the Office of the County Recorder of Riverside County, California.

WHEREAS, James A. and William E. Stein entered into the second of these land conservation contracts with the County of Riverside for APN 160-020-009-0, which contract is dated January 1, 1971 and was recorded on February 26, 1971 as Instrument No. 19437 in the office of the County Recorder of Riverside County, California.

WHEREAS, Joe Gorzeman and Elsie Gorzeman, the subsequent property owners of APN 160-020-009-0, filed a Notice of Nonrenewal on October 2, 1997, which notice was recorded on November 18, 1997 as Instrument No. 1997-0422942, in the Office of the County Recorder of Riverside County, California.

COUNTY COUNSEL
NOV 6 2005
[Signature]

1 WHEREAS, Lewis Investment Co., LLC, as authorized representative of SC Eastvale
2 Development Corporation, the current owner of the property subject to the Land Conservation
3 Contracts referenced above, all of which property is described in the attached legal description
4 entitled "EXHIBIT A, MIRA LOMA AGRICULTURAL PRESERVE NO. 1, AMENDMENT
5 NO. 16, (DIMINISHMENT), MAP NO. 919," petitioned to cancel the contracts and to diminish
6 Mira Loma Agricultural Preserve No. 1, Map No. 2; and,

7 WHEREAS, a public hearing was held on this matter by the Riverside County Board of
8 Supervisors on December 6, 2005; and,

9 WHEREAS, all procedures of the California Environmental Quality Act (CEQA) and
10 Riverside County Rules to Implement the Act have been satisfied, including Environmental
11 Impact Report 465 (SCH No. 2003121166), which consider the impacts of the establishment of
12 the proposed alternative land use, as well as the impacts of this cancellation request; and,

13 WHEREAS, Lewis Investment Co., LLC, as authorized representative of the above listed
14 property owner, has proposed, if the cancellations are approved, that the land will be used for
15 the following alternative uses: Specific Plan No. 335 (The Resort), Change of Zone No. 6848 and
16 Parcel Map No. 31645. These documents will allow mixed use development of the 195.77-acre
17 site with the following uses: 131.11 acres of residential development, within two density ranges,
18 totaling approximately 1,750 residential units, 11.31 acres for commercial development, 6.99
19 acres for three recreation centers, 12.92 acres for a community park and 8.0 acres for an
20 elementary school. These documents will also allow for the acquisition of the community park
21 site containing a well site and the elementary school site by the appropriate public agencies; and,

22 WHEREAS, pursuant to Section 51295 of the Government Code when any action in
23 eminent domain for the condemnation of the fee title of an entire parcel, or any portion thereof,
24 of land subject to a contract is filed, or when the land is acquired in lieu of eminent domain for a
25 public improvement by a public agency or person, the contract shall be deemed null and void
26 for all land actually taken or acquired; and

27 WHEREAS, the following portions of APN 160-020-006-7 which are subject to the Land
28 Conservation Contracts referenced above may be acquired by action in eminent domain or

1 acquired in lieu of eminent domain by a public agency or person for a public improvement:
2 10.10 acres for a community park site and 6.22 acres for a school site; and,

3 WHEREAS, the following portions of APN 160-020-007-8 which are subject to the Land
4 Conservation Contracts referenced above may be acquired by action in eminent domain or
5 acquired in lieu of eminent domain by a public agency or person for a public improvement: 2.68
6 acres for a community park site, 0.16 acres for a well site within the community park site and
7 1.78 acres for a school site; and,

8 WHEREAS, the amount of the cancellation fee, pursuant to Section 51283.4 of the
9 Government Code, has been determined and certified by this Board to be \$760,500 (APN
10 160-020-006-7), \$82,875 (APN 160-020-007-8) and \$734,250 (APN 160-020-009-0), for a total of
11 \$1,577,625; and

12 WHEREAS, the Office of the Assessor has apportioned the cancellation fee for APN
13 160-020-006-7 to reflect the potential acquisition of portions of the said parcel by a public
14 agency or person for a public improvement as follows: \$176,750 for a community park site,
15 \$108,850 for a school site, and \$474,900 for non-public improvement uses; and,

16 WHEREAS, the Office of the Assessor has apportioned the cancellation fee for APN
17 160-020-007-8 to reflect the potential acquisition of portions of the said parcel by a public
18 agency or person for a public improvement as follows: \$46,875 for a community park site,
19 \$2,750 for a well site within the community park site, \$31,150 for a school site, and \$2,100 for
20 non-public improvement uses; now therefore,

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

- 23 1. The cancellation of said contracts and diminishment of the agricultural preserve
24 and the use of the land for the proposed alternative use are consistent with the
25 Riverside County General Plan.
- 26 2. The conditions with which the landowner must comply following the date of the
27 recording of this Certificate of Tentative Cancellation are as follows:
 - 28 a. Payment within one year of the total amount of the cancellation fee of

1 \$1,577,625.00 or for purposes of addressing the potential public
2 acquisition of the community park, well and school sites such lesser
3 amount identified by the Office of the Assessor which has apportioned the
4 cancellation fee to be as follows: community park (portions of APN
5 160-020-006-7 and APN 160-020-007-8) \$223,625.00; well (portion of APN
6 160-020-007-8) \$2,750.00; school (portions of APN 160-020-006-7 and APN
7 160-020-007-8) \$140,000.00; and non-public improvement use (portions of
8 APN 160-020-006-7, APN 160-020-007-8 and all of the contracted portion
9 of APN 160-020-023-2) \$1,211,250.00, to the Treasurer of Riverside
10 County, or, if after one year following the date of recordation of the
11 Certificate of Tentative Cancellation, payment of a re-computed fee
12 referenced on page 5 of this resolution for any lands for which termination
13 by cancellation may be necessary and for which the fee has not been paid.
14 This condition shall not be interpreted as constituting a limitation on the
15 period of validity of this Certificate of Tentative Cancellation, nor shall an
16 Extension of Time application be required.

17 b. Notice pursuant to Section 51291 of the Government Code advising the
18 Director of Conservation and the County of Riverside Board of
19 Supervisors of the proposed public acquisition and acquisition, as
20 applicable, of the community park, well and school sites by the public
21 agency responsible for maintaining said public improvement.

22 c. All conditions necessary for the County of Riverside to issue grading
23 permits on Parcel Map No. 31645 (APN 160-020-005-6, 160-020-006-7,
24 160-020-007-8, 160-020-010-0, 160-020-022-1 (came from 160-020-008) and
25 160-020-023-2 (came from 160-020-009)) shall have been met.

26 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** that the Clerk of this
27 Board shall file and record copies of this resolution, map and boundary description, in the
28 Office of the County Recorder of Riverside County, California, and transmit copies thereof to

1 the Director of Conservation of the State of California, the Treasurer of Riverside County, and
2 the Assessor of Riverside County; and, that, upon fulfillment of all of the conditions, the
3 landowner will be entitled to a final certificate of cancellation which provides as follows:

- 4 1. Mira Loma Agricultural Preserve No. 1, Map No. 2, dated February 5, 1968, as
5 amended, will be further amended by deleting therefrom the area shown on the
6 map entitled "MIRA LOMA AGRICULTURAL PRESERVE NO. 1,
7 AMENDMENT NO. 16, (DIMINISHMENT), MAP NO. 919," and described by
8 boundary description thereof, said map and description both being on file in the
9 Office of the Clerk of the Board.
- 10 2. The two Land Conservation Contracts, executed on property now owned by SC
11 Eastvale Development Corporation, or lesser portions thereof for which the
12 requirements for final cancellation have been satisfied, will be canceled as said
13 contracts apply to land referenced in the petition of the aforementioned property
14 owner, thereby removing from the effect of said contracts the real property in the
15 County of Riverside, State of California, described in the exhibit entitled,
16 "EXHIBIT A, MIRA LOMA AGRICULTURAL PRESERVE NO. 1,
17 AMENDMENT NO. 16, (DIMINISHMENT), MAP NO. 919," a copy of which is
18 attached hereto and incorporated herein by reference. The first of these contracts
19 being dated January 1, 1971 and recorded in the Office of the County Recorder
20 of Riverside County, California on February 26, 1971 as Instrument No. 19459;
21 the second of these contracts being dated January 1, 1971 and recorded in the
22 Office of the County Recorder of Riverside County, California on February 26,
23 1971 as Instrument No. 19437.

24 BE IT FURTHER RESOLVED that, if any portion of the cancellation fee of
25 \$1,577,625.00 is not paid within one year following the recordation of this Certificate of
26 Tentative Cancellation, that portion of the fee shall be recomputed pursuant to Government
27 Code Section 51283.4 (a), and the landowner shall be required to pay the applicable portion of
28 the recomputed fee as a condition to any subsequent final cancellation of the contract.

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

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MIRA LOMA AGRICULTURAL PRESERVE

NO. 1

MAP NO. 2

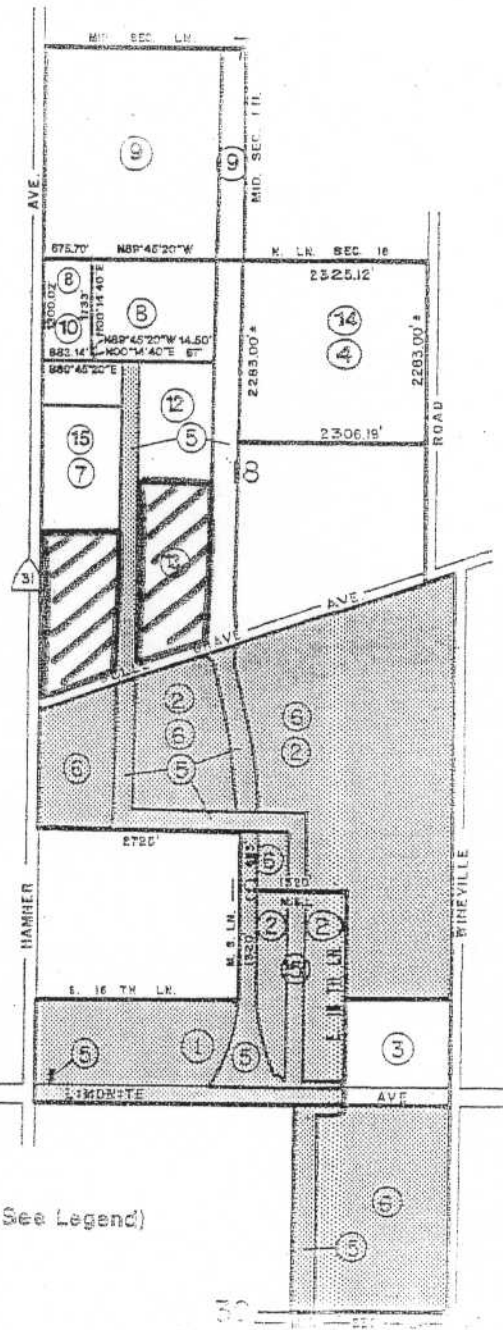
AMENDED BY MAP NO. 44, 524, 633, 683, 681
703, 705, 706, 774, 780
781, 837, 838, 850, 876,
919

T2S-R6W

Legend:
 NO. 11

AMENDMENTS

- NO. 1, (ENLARGEMENT), NOVEMBER 17, 1969, MAP NO. 44
- NO. 2, (DIMINISHMENT), WITHDRAWN, MAP NO. 524
- NO. 3, (DIMINISHMENT), DECEMBER 22, 1987, MAP NO. 633
- NO. 4, (DIMINISHMENT), WITHDRAWN, MAP NO. 683
- NO. 5, (DIMINISHMENT), MAP NO. 681
- NO. 6, (DIMINISHMENT), WITHDRAWN, MAP NO. 703
- NO. 7, (DIMINISHMENT), MAP NO. 705
- NO. 8, (DIMINISHMENT), (RESCINDED), MAP NO. 706
- NO. 9, (DIMINISHMENT), APRIL 30, 1996, MAP NO. 774
- NO. 10, (DIMINISHMENT), MARCH 25, 1997, MAP NO. 780
- NO. 11, (DIMINISHMENT), MARCH 17, 1998, MAP NO. 781 (See Legend)
- NO. 12, (DIMINISHMENT), AUGUST 29, 2000, MAP NO. 837
- NO. 13, (DIMINISHMENT), MAP NO. 838
- NO. 14, (DIMINISHMENT), FEBRUARY 5, 2002, MAP NO. 850
- NO. 15, (DIMINISHMENT), MAP NO. 876



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Map No. 919

ADOPTED ON FEBRUARY 5, 1968
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

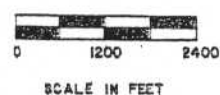


EXHIBIT A
MIRA LOMA AGRICULTURAL PRESERVE NO. 1
AMENDMENT NO. 16
MAP NO. 919
(DIMINISHMENT)

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

PARCEL:

Lot 7 together with those portions of Lots 3 and 6 and of the Northwest quarter of the Southwest quarter, all of Section 18, Township 2 South, Range 6 West, San Bernardino Meridian, in the County of Riverside, State of California, according to the official plat thereof of said Township, approved August 22, 1895, described as a whole as follows:

Beginning at the Southwest corner of said Section 18;

Thence East 1,099.66 feet on the South line thereof to the intersection of a line parallel with, and Easterly 115.50 feet from the West line of said Lot 6 and Northwest quarter of the Southwest quarter; Thence North 00° 00' 03" East, 1,820.22 feet on said parallel line; Thence West 1,102.07 feet to the West line of said section; Thence South 00° 04' 00" East, 1,820.22 feet to the point of beginning;

Except the West 60.00 feet.

APN 160-020-006-7

PARCEL 2:

That portion of Section 19, Township 2 South, Range 6 West, San Bernardino Meridian, in the County of Riverside, State of California, according to the official plat thereof, approved August 22, 1895, lying Northwesterly of the Northwest line of Belle Grave Avenue, as shown on a map filed in Book 15, Page 89 of Record of Surveys, in the Office of the County Recorder of said County.

Except that portion lying Easterly of the Southerly prolongation of a line parallel with and Easterly 115.50 feet from the West line of Lot 6 in Section 18 of said Township.

Also except the West 60.00 Feet.

APN 160-020-007-8

PARCEL 3:

The Northeast ¼ of the Southwest ¼, and Lot 6 in Section 18, Township 2 South, Range 6 West, San Bernardino Meridian, in the County of Riverside, State of California, according to the Official Plat thereof.

Except the West 360.50 feet.

Also except therefrom an undivided ½ interest in and to all oil, gas, petroleum, naphtha and other hydrocarbon substances and minerals of whatsoever kind and nature, in, upon and beneath said property, as reserved in Deed from Federal Land Bank of Berkeley, Recorded May 10, 1941, in Book 504, Page 119, Official Records.

APN 160-020-023-2 (came from APN 160-020-009-0)

Assessor' Parcel No.	Acres (net)	Owners
160-020-006-7	43.46	SC Eastvale Development Corporation
160-020-007-8	4.74	SC Eastvale Development Corporation
160-020-023-2	47.69	SC Eastvale Development Corporation
TOTAL	95.89	

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919

MIRA LOMA AGRICULTURAL PRESERVE

NO. 1 MAP NO. 2

AMENDED BY MAP NO. 44, 524, 633, 683, 681
703, 705, 706, 774, 780
781, 837, 838, 850, 876,
919

T 2 S - R 6 W

Legend:
[Hatched Box] NO. 11

AMENDMENTS

- NO. 1, (ENLARGEMENT), NOVEMBER 17, 1969, MAP NO. 44
- NO. 2, (DIMINISHMENT), WITHDRAWN, MAP NO. 524
- NO. 3, (DIMINISHMENT), DECEMBER 22, 1987, MAP NO. 633
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- NO. 12, (DIMINISHMENT), AUGUST 29, 2000, MAP NO. 837
- NO. 13, (DIMINISHMENT), WITHDRAWN, MAP NO. 838
- NO. 14, (DIMINISHMENT), FEBRUARY 5, 2002, MAP NO. 850
- NO. 15, (DIMINISHMENT), MAY 13, 2003, MAP NO. 876
- NO. 16, (DIMINISHMENT), WITHDRAWN, MAP NO. 919

ADOPTED ON FEBRUARY 5, 1968
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

