

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

634B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
February 20, 2006

SUBJECT: Adoption of Resolution No. 2006-068, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Coachella Valley Agricultural Preserve No. 52, Map No. 911 – Applicant: Riverside County Economic Development Agency – Fourth Supervisorial District – Mecca Zoning District – Eastern Coachella Valley Area Plan – 30 Acres (Net)

RECOMMENDED MOTION: Adoption of Resolution No. 2006-068, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Coachella Valley Agricultural Preserve No. 52, Amendment No. 1, Map No. 911, based upon the hereinafter listed findings and conclusions:

FINDINGS:

1. On November 8, 2005, the Board of Supervisors tentatively approved a request by the Riverside County Economic Development Agency to diminish Coachella Valley Agricultural Preserve No. 52 pursuant to Agricultural Map No. 911 and to cancel the land conservation contract as it applies to an approximately 30-acre portion of old Assessor's Parcel No. (APN) 727-272-002 and 727-272-003 (new APN 727-272-015-8 and 727-272-018-0).
2. The approximately 30 acres of contracted land is located northerly of 68th Avenue, south of and adjacent to 66th Avenue, easterly of and adjacent to Hammond Road and westerly of Johnson Street in the lower Eastern Coachella Valley.

Robert C. Johnson
Robert C. Johnson
Planning Director

RCJ:kb

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE
John C. Stewart
DATE: 2/20/06

FORM APPROVED COUNTY COUNSEL

FEB 21 2006

BY *Mark Johnson*

Policy
 Policy

Consent
 Consent

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

Prev. Agn. Ref.

District: Fourth

Agenda Number:

3.51

The Honorable Board of Supervisors

RE: Adoption of Resolution No. 2006-068, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Coachella Valley Agricultural Preserve No. 52, Map No. 911

February 20, 2006

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3. The proposed alternative land use of the approximately 30 acres upon cancellation of the current land conservation contract is the development of the Mecca Public Health and Social Service Center. The center will provide severely needed services and facilities such as health care, dental care, counseling, job assistance, housing assistance, WIC Nutritional assistance, a public library and public park to Mecca residents.
4. 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 \$35,625.00 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. Obtain all permits necessary to complete the project (Assessor's Parcel No. 727-272-015-8 and 727-272-018-0).
5. 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.
6. 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. 2006-068

**CERTIFICATE OF TENTATIVE CANCELLATION
OF LAND CONSERVATION CONTRACTS AND
DIMINISHMENT OF AGRICULTURAL PRESERVE**

(Government Code Section 51283.4)

WHEREAS, the Estate of Edwin Silverman, et al, 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, 1974, and was recorded on February 20, 1974 as Instrument No. 20144 in the office of the County Recorder of Riverside County, California; and,

WHEREAS, the Riverside County Economic Development Agency, the subsequent property owner of an approximately 30-acre portion of old Assessor's Parcel No. (APN) 727-272-002 and 727-272-003 (went to APN 727-272-015-8 and 727-272-018-0), filed a Notice of Nonrenewal on November 3, 2003, which notice was recorded on January 7, 2004 as Instrument No. 2004-0010707, in the Office of the County Recorder of Riverside County, California;

WHEREAS, the Riverside County Economic Development Agency, the current owners 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, COACHELLA VALLEY AGRICULTURAL PRESERVE NO. 52, AMENDMENT NO. 1, (DIMINISHMENT), MAP NO. 911," petitioned to cancel the contract on the 30-acre portion of the property and to diminish Coachella Valley Agricultural Preserve No. 52, Map No. 243; and,

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

WHEREAS, all provisions of the California Environmental Quality Act (CEQA) and the Procedures for Implementing CEQA in Riverside County have been satisfied, including Initial Study CEQA-2003-01, prepared by the Riverside County Economic Development Agency (EDA) (Indio),

1 which consider the impacts of the establishment of the proposed alternative land use, as well as the
2 impacts of this cancellation request; and,

3 WHEREAS, the Mecca Public Health and Social Service Center is the alternative use; and,

4 WHEREAS, development of the Mecca Public Health and Social Service Center will provide
5 services and facilities such as health care, dental care, counseling, job assistance, housing assistance,
6 WIC Nutritional assistance, a public library and public park to Mecca residents; and,

7 WHEREAS, the amount of the cancellation fee, pursuant to Section 51283.4 of the
8 Government Code, has been determined and certified by this Board to be \$35,625.00;

9 BE IT RESOLVED, FOUND, AND DETERMINED by the Board of Supervisors of the
10 County of Riverside, State of California, in regular session assembled on February 28, 2006 that:

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

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

16 a. Payment within one year of the total amount of the cancellation fee of
17 \$35,625.00 to the Treasurer of Riverside County, or, if after one year
18 following the date of recordation of this Certificate of Tentative Cancellation,
19 payment of the recomputed fee referenced on page 3 of this resolution. This
20 condition shall not be interpreted as constituting a limitation on the period of
21 validity of this Certificate of Tentative Cancellation, nor shall an Extension of
22 Time application be required.

23 b. All permits necessary for the Riverside County Economic Development
24 Agency to complete the project shall have been obtained.

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

1 to a final certificate of cancellation which provides as follows:

- 2 1. Coachella Valley Agricultural Preserve No. 52, Map No. 243, dated August 7, 1973, as
3 amended, will be further amended by deleting therefrom the area shown on the map
4 entitled "COACHELLA VALLEY AGRICULTURAL PRESERVE NO. 52,
5 AMENDMENT NO. 1, (DIMINISHMENT), MAP NO. 911," 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 the Estate of
9 Edwin Silverman, et al, dated January 1, 1974 and recorded on February 20, 1974 as
10 Instrument No. 20144, in the office of the County Recorder of Riverside County,
11 California, will be canceled as said contract applies to land referenced in the petition
12 of the Riverside County Economic Development Agency thereby removing from the
13 effect of said contract the real property in the County of Riverside, State of
14 California, described in the exhibit entitled, "EXHIBIT A, COACHELLA VALLEY
15 AGRICULTURAL PRESERVE NO. 52, AMENDMENT NO. 1, (DIMINISHMENT),
16 MAP NO. 911," a copy of which is attached hereto and incorporated herein by
17 reference.

18 **BE IT FURTHER RESOLVED** that, if the cancellation fee of \$35,625.00 is not paid within
19 one year following the recordation of this Certificate of Tentative Cancellation, the fee shall be
20 recomputed pursuant to Government Code Section 51283.4 (a), and the landowner shall be required
21 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.

**EXHIBIT A
COACHELLA VALLEY AGRICULTURAL PRESERVE NO. 52
MAP NO. 911**

THAT PORTION OF THE NORTH HALF OF SECTION 17, TOWNSHIP 7 SOUTH, RANGE 9 EAST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 17 AND THE EASTERLY LINE OF THE RIGHT-OF-WAY OF THE SOUTHERN PACIFIC RAILROAD COMPANY;

THENCE SOUTH 89° 47' 00" EAST, ALONG THE NORTHERLY LINE OF SAID SECTION 17, A DISTANCE OF 424.00 FEET;

THENCE SOUTH 00° 13' 00" WEST, A DISTANCE OF 30.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF 66TH AVENUE AS RELINQUISHED TO THE COUNTY OF RIVERSIDE BY DOCUMENT RECORDED AS INSTRUMENT NUMBER 86493 ON JULY 2, 1973, SAID POINT BEING THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED BY GRANT DEED RECORDED IN BOOK 2998, PAGE 555 ON OCTOBER 13, 1961, BOTH BEING RECORDS OF THE RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89° 47' 00" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 66TH AVENUE, A DISTANCE OF 1900.00 FEET;

THENCE SOUTH 00° 13' 00" WEST, A DISTANCE OF 700.12 FEET;

THENCE NORTH 89° 47' 00" WEST, A DISTANCE OF 1714.70 FEET TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF HAMMOND AVENUE (60 FEET WIDE) AS ESTABLISHED BY SUPERVISORS MINUTES BOOK VOLUME 14, PAGE 413, DATED MARCH 7, 1917;

THENCE SOUTH 36° 00' 42" WEST, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 313.54 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED BY SAID GRANT DEED RECORDED IN BOOK 2998, PAGE 555;

THENCE NORTH 00° 13' 00" EAST, ALONG THE EAST LINE OF SAID GRANT DEED, A DISTANCE OF 447.20 FEET TO THE TRUE POINT OF BEGINNING.

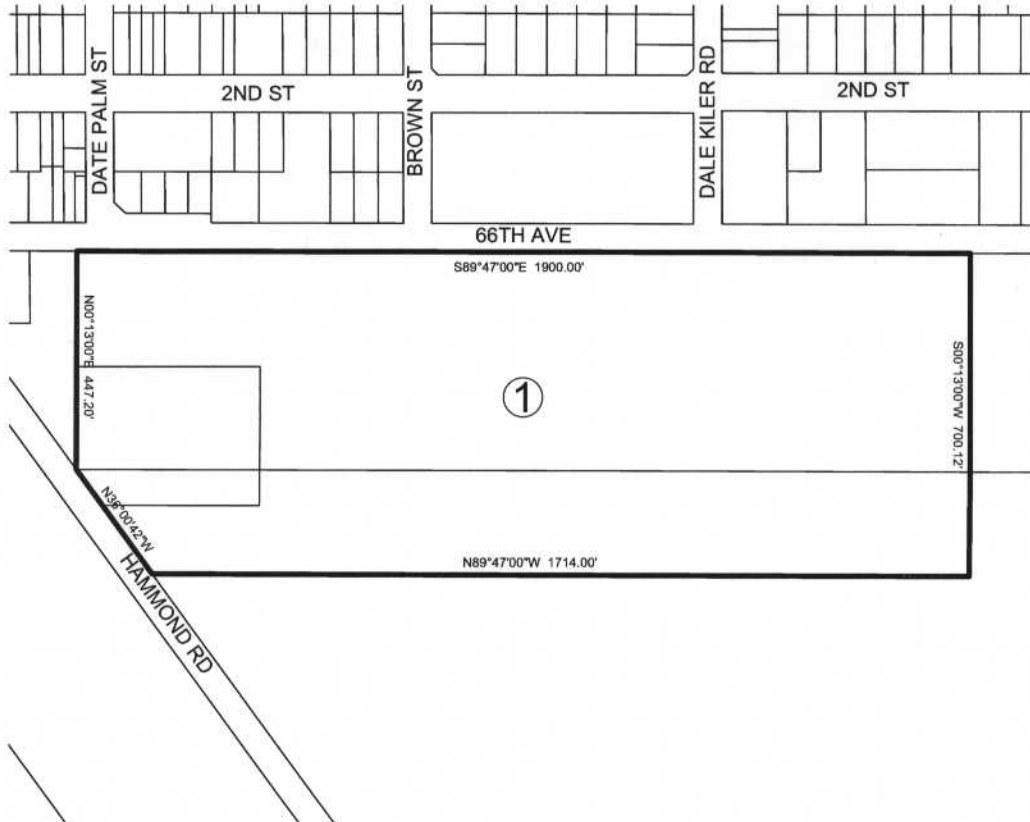
PORTIONS OF: OLD APN 727-272-002 AND OLD APN 727-272-003
CONTAINING: 30.000 ACRES, MORE OR LESS.

| Assessor Parcel No. | Acres | Owners |
|---------------------|---------------|----------------------|
| 727-272-015-7 | 20.208 | Riverside County EDA |
| 727-272-018-0 | 9.226 | Riverside County EDA |
| Total | 29.434 | |

MAP NO. 243 COACHELLA VALLEY AGRICULTURAL PRESERVE NO. 52

AMENDED BY MAP NO. 911

T. 7S - R. 9E



AMENDMENTS:
NO. 1, (DIMINISHMENT), , MAP NO. 911

ADOPTED ON AUGUST 7, 1973
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA.

