

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

536B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
June 22, 2006

SUBJECT: Adoption of Resolution No. 2006-263, a Certificate of Final Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 4, Map No. 888 – Applicant: Enclave Holding Company – Second Supervisorial District– Prado-Mira Loma Zoning District – Eastvale Area Plan – 30.58 acres

RECOMMENDED MOTION: Adoption of Resolution No. 2006-263, a Certificate of Final Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 4, Amendment No. 6, Map No. 888, based upon the hereinafter listed findings and conclusions:

FINDINGS:

1. On May 17, 2005, the Board of Supervisors tentatively approved a request by Lewis Investment Company, LLC, to diminish Mira Loma Agricultural Preserve No. 4 pursuant to Agricultural Preserve Map No. 888, and to cancel the land conservation contract as it applies to the 30.58-acre portion of the 112-acre project site, which is located northerly of Walters Street, southerly of Schleisman Road, east of and adjacent to the Cucamonga Creek Channel and westerly of Archibald Avenue within the Eastvale area of Riverside County.

This cancellation was subject to the following conditions:

- a. Payment of the cancellation fee in the amount of \$292,500.00;
- b. Meet all conditions necessary for the County to issue grading permits

Mark F. Balyasor
Robert C. Johnson
Planning Director

RCJ:kb

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE

DATE 7/13/06 *AG*
Deputy Planning Director

FORM APPROVED COUNTY COUNSEL

JUL 03 2006

BY *Mark F. Balyasor*

Policy

Policy

Consent

Consent

Dept's Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.

District: Second Agenda Number:

The Honorable Board of Supervisors

RE: Adoption of Resolution No. 2006-263, a Certificate of Final Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 4, Map No. 888

June 22, 2006

Page 2 of 2

on Tract Map No. 30971 (Assessor's Parcel No. (APN) 144-060-004-1, 144-060-005-2 and 144-060-006-3).

2. The cancellation fee of \$292,500.00 was paid to the County Treasurer on September 1, 2005.
3. All conditions necessary for the County of Riverside to issue grading permits on Tract Map No. 30971 (APN 144-060-004-1, 144-060-005-2 and 144-060-006-3) have been met.

CONCLUSION:

1. All conditions of approval for the diminishment of Mira Loma Agricultural Preserve No. 4, Amendment No. 6, Map No. 888 and cancellation of the associated land conservation contracts have been made.
2. The applicant is now eligible to receive a Certificate of Final Cancellation for Mira Loma Agricultural Preserve No. 4, Amendment No. 6, Map No. 888.

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RESOLUTION NO. 2006-263
CERTIFICATE OF FINAL CANCELLATION
OF LAND CONSERVATION CONTRACT AND
DIMINISHMENT OF AGRICULTURAL PRESERVE
(Government Code Section 51283.4)

WHEREAS, Harold E. Lee and Henrietta C. Lee 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, 1970, and was recorded on February 27, 1970 as Instrument No. 19049 in the office of the County Recorder of Riverside County, California; and,

WHEREAS, Lewis Investment Company, LLC, as authorized agent of the University of Southern California, a California nonprofit public benefit corporation, 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. 4, AMENDMENT NO. 6, (DIMINISHMENT), MAP NO. 888," petitioned to cancel the contract and to diminish Mira Loma Agricultural Preserve No. 4, Map No. 5; and,

WHEREAS, a public hearing was held on this matter by the Riverside County Board of Supervisors on May 17, 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 Environmental Impact Report 459 (SCH No. 2003061045), which consider the impacts of the establishment of the proposed alternative land use, as well as the impacts of this cancellation request; and,

WHEREAS, Specific Plan No. 331 (SP 331) and Tentative Tract No. 30971 (TR30971) are

FORM APPROVED COUNTY COUNSEL

JUL 03 2006

BY *Mink*

1 the alternative use; and,

2 WHEREAS, SP 331 consists of the land use plan, design guidelines and designation of
3 planning areas for the 112-acre project site and TR30971 will divide the 112-acre project site
4 into 490 residential lots having minimum lot sizes ranging between 2,000 to 7,200 square feet, 5
5 park sites, and 49 open space lots on 97 acres and 1 15-acre commercial site; and,

6 WHEREAS, the amount of the cancellation fee, pursuant to Section 51283.4 of the
7 Government Code, has been determined and certified by this Board to be \$292,500.00;

8 WHEREAS, the following conditions have been met:

- 9 1. The cancellation fee in the amount of \$292,500.00 has been paid to the Treasurer
10 of Riverside County; and
- 11 2. All conditions necessary for the County of Riverside to issue grading permits on
12 Tract Map No. 30971 (Assessor's Parcel No. (APN) 144-060-004-1, 144-060-005-2
13 and 144-060-006-3) have been met.

14 BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of
15 Supervisors of the County of Riverside, State of California, in regular session assembled on July
16 11, 2006, that the Clerk of this Board shall file and record copies of this resolution, map and
17 boundary description, in the Office of the County Recorder of Riverside County, California, and
18 transmit copies thereof to the Director of Conservation of the State of California, the Treasurer
19 of Riverside County, and the Assessor of Riverside County; and, thereafter:

- 20 1. Mira Loma Agricultural Preserve No. 4, Map No. 5, dated February 10, 1969, as
21 amended, will be further amended by deleting therefrom the area shown on the
22 map entitled "MIRA LOMA AGRICULTURAL PRESERVE NO. 4,
23 AMENDMENT NO. 6, (DIMINISHMENT), MAP NO. 888," and described by
24 boundary description thereof, said map and description both being on file in the
25 Office of the Clerk of the Board.
- 26 2. The Land Conservation Contract between the County of Riverside and Harold E.
27 Lee and Henrietta C. Lee, which contract is dated January 1, 1970, and was
28 recorded on February 27, 1970 as Instrument No. 19049 in the office of the

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County Recorder of Riverside County, California, and executed on property now owned by Enclave Holding Company, will be canceled as said contract applies to land referenced in the petition of the aforementioned property owner, thereby removing from the effect of said contract the real property in the County of Riverside, State of California, described in the exhibit entitled, "EXHIBIT A, MIRA LOMA AGRICULTURAL PRESERVE NO. 4, AMENDMENT NO. 6, (DIMINISHMENT), MAP NO. 888," a copy of which is attached hereto and incorporated herein by reference.

**EXHIBIT A
MIRA LOMA AGRICULTURAL PRESERVE NO. 4
MAP NO. 5
(DIMINISHMENT)**

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

PARCEL 1:

That portion of the East half of the Northwest quarter of Section 34, Township 2 South, Range 7 West, as shown by sectionized survey of Jurupa Rancho on file in Book 9 page 33 of Maps, Records of San Bernardino County, California, lying Southerly of a line that is distant South 0° 05' 30" East, 1351.10 feet measured at right angles from the center line of Schleisman Road; also lying Easterly of that certain 200 foot strip conveyed to the County of Riverside for flood control purposes by Deed from H. N. Berger, et al, recorded June 9, 1944 in Book 627 page 392 of Official Records of Riverside County, California.

PARCEL 2:

The West half of the Northeast quarter of Section 34, Township 2 South, Range 7 West, as shown by sectionized survey of the Jurupa Rancho on file in Book 9 page 33 of maps, Records of San Bernardino County, California;

Excepting therefrom the Easterly 621.31 feet;

Also excepting therefrom the Northerly 1351.10 feet, measured at right angles from the center line of Schleisman Road.

PARCEL 3:

An easement for ingress and egress and for the installation, construction, maintenance, operation and repair of utility pipe and pole lines together with appurtenances, in, under, along and over the West 30 feet of the East 651.31 feet of the North 1351.10 feet (said Northerly road) of the West half of the Northeast quarter of Section 34, Township 2 South, Range 7 West, as shown by sectionized survey of the Jurupa Rancho on file in Book 9 page 33 of maps, Records of San Bernardino County, California;

Excepting from said parcels 1 and 2, one-half interest in gas, oil, and other minerals with right of entry, as reserved in deed from I. A. Thomson, a married man, to Andrew De Bos and Josephine De Bos, husband and wife, recorded October 11, 1954 as shown by map on file in Book 1639 page(s) 229 of Maps, Records of Riverside County, California.

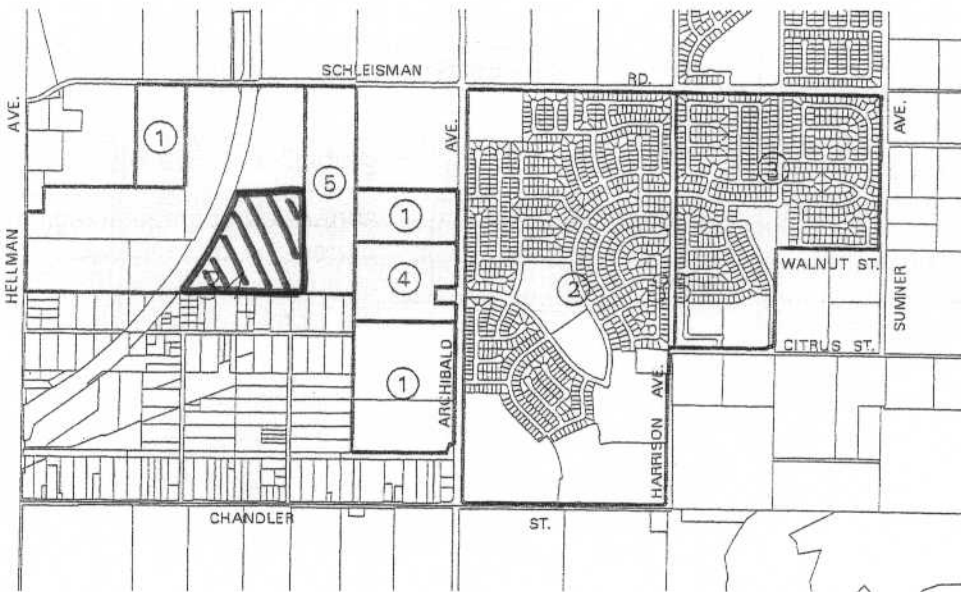
Assessor Parcel No.	Acres	Owners
144-060-004-1	30.58	Enclave Holding Company
Total	30.58	

~~887~~
888

MAP NO. 5 MIRA LOMA AGRICULTURAL PRESERVE NO. 4

AMENDED BY MAPS NO. 596, 749, 782, 871, 887, **888**

T.25., R.7W. S.B.B. & M.

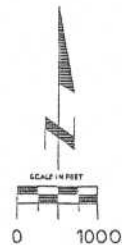


AMENDMENTS:

- NO 1, (DIMINISHMENT), MAY 7, 1985, MAP NO. 596
- NO 2, (DIMINISHMENT), APRIL 2, 1996, MAP NO. 749
- NO 3, (DIMINISHMENT), JULY 29, 1997, MAP NO. 782
- NO 4, (DIMINISHMENT), FEBRUARY 4, 2003, MAP NO. 871
- NO 5, (DIMINISHMENT), MARCH 11, 2003, MAP NO. 887

No. 6, (Diminishment), July 11, 2006, Map No. 888

ADOPTED ON FEBRUARY 10, 1969
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA.





ASSESSOR-COUNTY CLERK-RECORDER

Agricultural Division – Riverside District

4080 Lemon St, 5th Floor P.O. Box 12004

Riverside, CA 92504-2204

ph (909) 955-6203 fax: (909) 955-6216

GARY L. ORSO Assessor – Clerk – Recorder

To: John Tavaglione, CHAIRMAN, BOARD OF SUPERVISORS
From: Gary L. Orso, ASSESSOR - CLERK - RECORDER
Re: CERTIFICATION OF CANCELLATION VALUATION OF LAND
FOR: PORTION OF PRESERVE MIRA LOMA NO 5 , MAP NO 888

CERTIFICATE OF CANCELLATION VALUE BASED ON CURRENT MARKET VALUE

I, the undersigned, hereby certify, pursuant to the provisions of Government Code Section 51283(a) and Title 18, California Administrative Code, Section 470, that the cancellation valuation for the below described property is as follows:

134140008-9	<u>2,340,000</u>	<u>2,340,000</u>	<u>292,500.00</u>
TOTAL:	<u>2,340,000</u>	<u>2,340,000</u>	<u>292,500.00</u>

TOTAL CANCELLATION FEE [Per Section 51283 (a)] \$292,500.00

TOTAL CURRENT MARKET VALUE: 2,340,000

Very truly yours,

GARY L. ORSO
ASSESSOR - CLERK - RECORDER

Date: 4/24/03

by

Krista Rovelto

KRISTA ROVELLO,
Sr. Agricultural Appraiser,
Riverside County Assessor



ASSESSOR-COUNTY CLERK-RECORDER

Agricultural Division – Riverside District

4080 Lemon St, 5th Floor P.O. Box 12004

Riverside, CA 92504-2204

ph (909) 955-6203 fax: (909) 955-6216

GARY L. ORSO Assessor – Clerk – Recorder

CAPTAC CASE # 888 - VALUATION FOR CANCELLATION FEES:

APN#	ACRES	\$ACRE	TOTAL VALUE
134140008-9	30.58	76520	2340000
	<u>30.58</u>		<u>2340000</u>

- (A.) **LAST ANNUAL ASSESSED VALUATION:** 2002
(B.) **EST. ANNUAL ASSESSED VALUATION:** 205,839
(C.) **ESTIMATED DIFFERENTIAL:** 182,207
205,839 ('02 FBV) – 23,182 ('02 AG PRES RV) = 182,207
(D.) **PENALTY FEE (if applicable):** \$292,500.00
(E.) **APN, ACREAGE, OWNER NAME:** 134140008-9, 30.58 acres
LEE, HAROLD E & HENRIETTA C

CAPTAC COMMITTEE RECOMMENDATIONS:

- (1.) Cancellation is for land on which a Notice of Non-Renewal has been served.
ASSESSOR: <YES> NON # 19049 (2/27/1970) EFFECTIVE 1970
- (2.) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
ASSESSOR: <YES>
- (3.) That Cancellation is for an alternative use which is consistent with the applicable provision of the city or county general plan. **ASSESSOR: <YES>**
- (4.) That cancellation will not result in discontinuous patterns of urban development.
ASSESSOR: <YES>
- (5.) That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of non-contracted land.
ASSR: <YES>