

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

205B



**FROM:** TLMA - Planning Department

**SUBMITTAL DATE:**  
June 18, 2007

**SUBJECT:** Adoption of Resolution No. 2007-260 – Disestablishment of Mira Loma Agricultural Preserve No. 15 – Agricultural Preserve Case and Map No. 979 – Applicant: McCune Realty Investment Co., L.P. – Second Supervisorial District – Prado-Mira Loma Zoning District – Eastvale Area Plan: Community Development - Commercial Retail (CR) and Medium Density Residential (MDR) – 39.85 Acres (Gross)

**RECOMMENDED MOTION:** Adoption of Resolution No. 2007-260 for the disestablishment of Mira Loma Agricultural Preserve No. 15, Map No. 979, based upon the hereinafter listed findings and conclusions:

**FINDINGS:**

1. The 39.85-acre parcel is located northerly of Brayton Avenue, south of and adjacent to Chandler Street, east of and adjacent to Hellman Avenue and the Riverside/San Bernardino County line and westerly of Archibald Avenue in the Eastvale area of western Riverside County, California.
2. Flamingo Dairy, a partnership composed of R. M. McCune and R. E. Stanley, entered into a land conservation contract with the County of Riverside for land within Mira Loma Agricultural Preserve No. 15. The contract is dated January 1, 1974, and was recorded on November 14, 1973, as Instrument No. 148921 in the Office of the County Recorder of Riverside County, California.
3. Pursuant to the Land Conservation Act of 1965, Flamingo Dairy filed a notice of non-renewal for Assessor's Parcel No. 130-020-001-3 on September 26, 1986,

Ron Goldman  
Planning Director

RG:kb

(Continued On Attached Page)

FORM APPROVED  
COUNTY COUNSEL  
JUN 18 2007  
BY *[Signature]*

REVIEWED BY EXECUTIVE OFFICE  
Tina Grande  
DATE

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

Prev. Agn. Ref. | District: Second | Agenda Number:

3.62

which notice was recorded on October 1, 1986, as Instrument No. 242454, and, as a consequence, the land conservation contract as it applies to the subject parcel expired on January 1, 1996.

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, McCune Realty Investment Co., L.P., a California Limited Partnership, and Richard J. Hoeksema and Robert E. Stanley, Jr., as Co-Trustees of the R. and M. Stanley Living Trust dated August 2, 1974, have now applied to have the property removed from the boundaries of the agricultural preserve.
6. Disestablishment of Mira Loma Agricultural Preserve No. 15, Map No. 979, includes an administrative amendment to adjust the boundaries of the agricultural preserve to remove a 66.96-acre parcel, Assessor's Parcel No. 130-020-008-0, which was acquired by action in eminent domain for the condemnation of the fee title or in lieu of eminent domain by the Orange County Flood Control District on May 3, 2006, as Instrument No. 0320595, for flood control purposes.

**CONCLUSION:**

1. The disestablishment of Mira Loma Agricultural Preserve No. 15, Map No. 979, 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 Mira Loma Agricultural Preserve No. 15, Map No. 979, is consistent with the Riverside County General Plan.

**RESOLUTION NO. 2007-260  
DISESTABLISHMENT OF MIRA LOMA  
AGRICULTURAL PRESERVE NO. 15  
PURSUANT TO NOTICE OF NONRENEWAL**

**WHEREAS, Flamingo Dairy, a partnership composed of R. M. McCune and R. E. Stanley, entered into a Land Conservation Contract with the County of Riverside pursuant to the California Land Conservation Act of 1965 (Government Code Section 51200 et seq.), which contract is dated January 1, 1974, and was recorded November 14, 1973, as Instrument No. 148921, in the Office of the County Recorder of Riverside County, California; and**

**WHEREAS, Flamingo Dairy filed a notice of non-renewal for Assessor's Parcel No. 130-020-001-3 on September 26, 1986, which notice was recorded on October 1, 1986, as Instrument No. 242454, in the Office of the County Recorder of Riverside County, California;**

**WHEREAS, the filing of said Notice of Nonrenewal resulted in the expiration of the contract as it applies to the subject property on January 1, 1996, pursuant to Government Code Section 51245 and 51246;**

**WHEREAS, Harold Jongsma entered into a Land Conservation Contract with the County of Riverside pursuant to the California Land Conservation Act of 1965 (Government Code Section 51200 et seq.), which contract is dated January 1, 1974, and was recorded on January 18, 1974, as Instrument No. 7083, in the Office of the County Recorder of Riverside County, California; and,**

**WHEREAS, 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 taken or acquired; and,**

**WHEREAS, Assessor's Parcel No. 130-020-008-0, which is subject to the Land Conservation**

1 Contract referenced above, was acquired by action in eminent domain or acquired in lieu of  
2 eminent domain by the Orange County Flood Control District on May 3, 2006, and recorded as  
3 Instrument No. 0320595, in the Office of the County Recorder of Riverside County, California;  
4 now, therefore,

5 **BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of  
6 Supervisors of the County of Riverside, State of California, in regular session assembled on June  
7 26, 2007, that the Clerk of this Board shall file and record copies of this resolution, map and  
8 boundary description, in the Office of the County Recorder of Riverside County, California, with  
9 the Director of Conservation, State of California, and with the Office of the Assessor of Riverside  
10 County, California, and that:

- 11 1. **Mira Loma Agricultural Preserve No. 15, Map No. 250, dated August 21, 1973, and**  
12 **on file in the Office of the Clerk of this Board, is further amended by deleting**  
13 **therefrom the area shown on the map entitled "AGRICULTURAL PRESERVE MAP**  
14 **NO. 979: AMENDMENT NO. 1 (DISESTABLISHMENT) OF MIRA LOMA**  
15 **AGRICULTURAL PRESERVE NO. 15" and described by boundary description**  
16 **thereof, as fully set forth in the attached document entitled "EXHIBIT A, MIRA**  
17 **LOMA AGRICULTURAL PRESERVE NO. 15, MAP NO. 979**  
18 **(DISESTABLISHMENT)," said map and description both being on file in the Office**  
19 **of the Clerk of the Board.**
- 20 2. **The Land Conservation Contract between Flamingo Dairy, a partnership composed**  
21 **of R. M. McCune and R. E. Stanley, and the County of Riverside, dated January 1,**  
22 **1974, and recorded on November 14, 1973, as Instrument No. 148921, in the Office of**  
23 **the County Recorder of Riverside County, California, and as said contract applies to**  
24 **Assessor's Parcel No. 130-020-001-3, has expired, removing from the effect of said**  
25 **contract the real property in the County of Riverside, State of California, described in**  
26 **the attached document entitled "EXHIBIT A, MIRA LOMA AGRICULTURAL**  
27 **PRESERVE NO. 15, MAP NO. 979 (DISESTABLISHMENT)," which is made a part**  
28 **of this resolution.**

1           3.    **The Land Conservation Contract between Harold Jongsma and the County of**  
2                   **Riverside, dated January 1, 1974, and recorded January 18, 1974, as Instrument No.**  
3                   **7083, in the Office of the County Recorder of Riverside County, California, and as**  
4                   **said contract applies to Assessor's Parcel No. 130-020-008-0, is now deemed null and**  
5                   **void, removing from the effect of said contract the real property in the County of**  
6                   **Riverside, State of California, described in the attached document entitled**  
7                   **"EXHIBIT A, MIRA LOMA AGRICULTURAL PRESERVE NO. 15, MAP NO. 979**  
8                   **(DISESTABLISHMENT)," which is made a part of this resolution.**

9           **BE IT FURTHER RESOLVED** that the Clerk of this Board shall file and record copies of  
10 **this resolution, map and boundary description in the Office of the County Recorder of Riverside**  
11 **County, California, with the Director of Conservation of the State of California, and with the Office**  
12 **of the Assessor of Riverside County, California.**

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**EXHIBIT A**  
**MIRA LOMA AGRICULTURAL PRESERVE NO. 15**  
**MAP NO. 979**  
**(DISESTABLISHMENT)**

**Assessor's Parcel No. 130-020-001-3:**

That portion of Lot "A" of Fuller Rancho, in the County of Riverside, State of California, within the Westerly section, as per Map recorded in Book 16, Pages 80 and 81 of Maps, in the Office of the County Recorder of said County, more particularly described as follows:

Beginning at the Northwest corner of said Lot "A";

Thence North 89° 50' 39" East along the North line of said Lot "A", 1,361.26 feet;

Thence South 00° 02' 21" East, parallel with the West line of said Lot "A", 1,280.00 feet;

Thence South 89° 50' 39" West, parallel with the North line of said Lot "A", 1,361.26 feet to a point on the West line of said Lot "A";

Thence North 00° 02' 21" West along the West line of said Lot "A", 1,280.00 feet, to the point of beginning;

EXCEPT the Northerly 14.00 feet of the Westerly 680.00 feet as conveyed to the County of Riverside by Deed recorded May 11, 1966, as Instrument No. 49648.

NOTE: Said land is also known as all that property lying within the boundaries of Tentative Tract 29997.

**Assessor's Parcel No. 130-020-008-0:**

That portion of Section 3, Township 3 South, Range 7 West, San Bernardino Base and Meridian, being also know as a portion of Lot "A" of Fuller Rancho, as shown by Map on file in Book 16, Pages 80 and 81 of Maps, Records of Riverside County, California, and Lot 6 of Cedar Rapids Colony Tract, as shown by Map on file in Book 8, Page 37 of Maps, Records of Riverside County, California, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 3, being the intersection of the center lines of County Highway No. 3, also known as Hellman Avenue, and Collier Road as shown on Map of Fuller Rancho filed in Book 16, Pages 80 and 81 of Maps, Records of Riverside County, California; thence, South 00° 43' 20" West along the center line of said County Highway No. 3, 1,310 feet to the point of beginning; thence, South 89° 22' 25" East, 3,747 feet to a point; thence, South 62° 51' 50" West, 1,116.38 feet; thence, South 30° 43' 20" West, 695 feet; thence, North 89° 22' 25" West, 320.50 feet; thence, South 00° 43' 20"

West, 1,527.45 feet to the center line of Brayton Avenue, as shown on said Map of Cedar Rapids Colony Tract; thence, North 89° 23' 30" West along the center line of said Brayton Avenue, 2,092 feet to the West line of said Section 3, being the center line of said County Highway No. 3; thence, North 00° 43' 20" East, along the said West line of Section 3, 2,649.42 feet to the point of beginning.

EXCEPTING therefrom that portion acquired by the United States of America through Final Judgment of Condemnation as recorded on March 3, 1941 in Book 492, Page 418 thereof of Official Records of Riverside County, California.

ALSO EXCEPTING therefrom that portion of the above described property lying in the County Highway No. 3, being also known as Hellman Avenue, and that portion lying in Brayton Avenue.

ALSO EXCEPTING therefrom the following described property:

That portion of Lot "A" of Fuller Rancho, Westerly Section, as shown by Map on file in Book 16, Pages 80 and 81 of Maps, Riverside County Records, and Lot 6 of Cedar Rapids Colony Tract, as shown by Map on file in Book 8, Page 37 of Maps, Riverside County Records, described as follows:

COMMENCING at the Northwest corner of Section 3, Township 3 South, Range 7 West, San Bernardino Base and Meridian, being the intersection of the center line of County Highway No. 3, also known as Hellman Avenue, and Collier Road, as shown on said Map of Fuller Rancho; thence, South 00° 43' 20" West, on the center line of said Hellman Avenue, 2,625.72 feet to the True Point of Beginning; thence, South 89° 44' 40" East, 2,092.06 feet to the East line of that certain parcel conveyed to Charles Rusticus and Ann Rusticus, his wife, by deed filed for record February 29, 1952 as Instrument No. 8543; thence, South 00° 43' 20" West on said East line, 1,346.32 feet, to the center line of Brayton Avenue, as shown on the Map of Cedar Rapids Colony Tract; thence, North 89° 23' 30" West, 2,092 feet, to the center line of Hellman Avenue; thence, North 00° 43' 20" East on said center line, 1,333.70 feet to the True Point of Beginning.

EXCEPT that portion deeded to John Oosten and Agnes Oosten, husband and wife as joint tenants, by joint tenancy Grant Deed dated July 19, 1965 and recorded August 17, 1965 of Official Records of Riverside County, California, described as:

That portion of Section 3, Township 3 South, Range 7 West, San Bernardino Meridian, being also known as a portion of Lot "A" of Fuller Rancho as shown by Map on file in Book 16, Pages 80 and 81 of Maps, Records of Riverside County, California, more particularly described as follows:

BEGINNING at the Northeast corner of Lot "A" of Fuller Rancho; thence, South 00° 09' 21" East, along the East line of said Lot "A", 1,280 feet; thence, South 89° 40' 39" West, 1,647.19 feet parallel with the North line of said Lot "A", to the True Point of Beginning; thence, South 62° 05' 20" West, 1,116.38 feet; thence, North 06° 44' 46" East, 519.96 feet;

thence, North 89° 50' 39" East, 979.75 feet, parallel with the North line of said Lot "A", to the True Point of Beginning.

<b>Assessor Parcel No.</b>	<b>Acres</b>	<b>Owners</b>
130-020-001-3	39.85	Zeiders Business Park, Inc.
130-020-008-0	66.96	Orange County Flood Control District
<b>Total</b>	<b>106.81</b>	

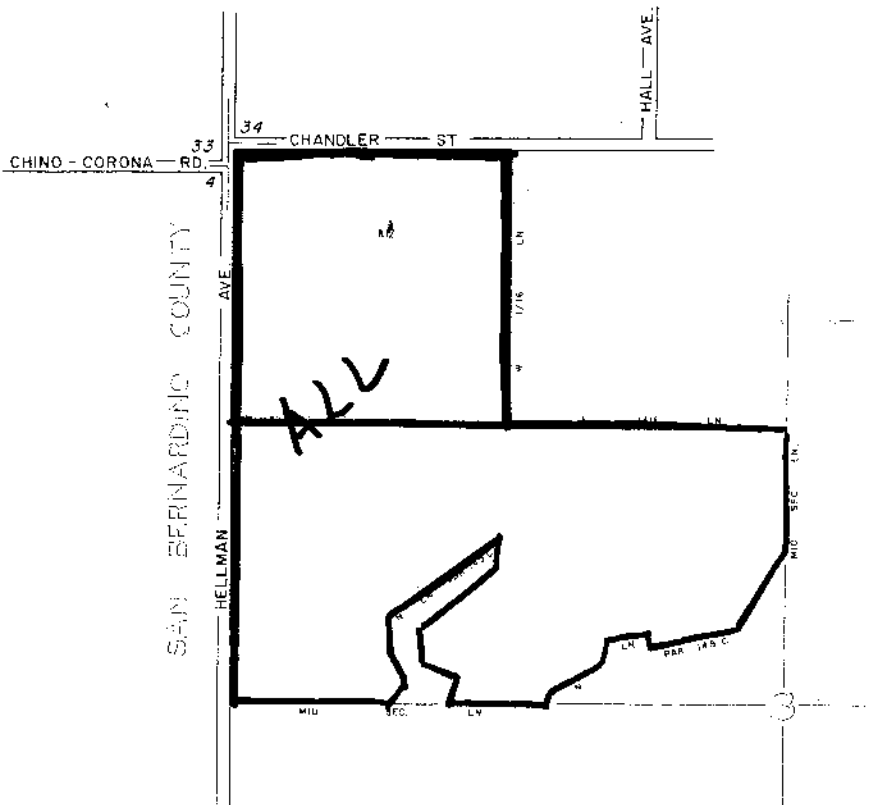
250  
979

# MAP NO. 250 MIRA LOMA AGRICULTURAL PRESERVE

## NO. 15

Amended by Map No. 979

T. 35. - R. 7W.



Amendments

No. 1, (Disestablishment), June 5, 2007, Map No. 979

ADOPTED ON AUGUST 21, 1973  
BY THE BOARD OF SUPERVISORS  
OF THE COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA.

