



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



FROM: Regional Park & Open-Space District

SUBMITTAL DATE:  
October 27, 2008

SUBJECT: Resolution 2008-7 Authorization to Convey Fee Simple and Easement Interests in Real Property – Unincorporated Area of Rubidoux - A portion of each APN 186-230-035, 186-230-009 and 186-230-035 respectively – District II

RECOMMENDED MOTION: That the Board:

- Approves and executes Resolution No. 2008-7, Authorization to Convey Fee Simple and Easement Interests in Real Property located in the unincorporated Rubidoux Area, County of Riverside, a .47 acre portion of Assessor Parcel Number 186-230-035 by Grant Deed and easement rights totaling .5295 acres in portions of Assessor Parcel Numbers 186-230-035 and 186-230-009 by Easement Deed to the Rubidoux Community Services District; and
- Approves the attached settlement agreement between the County of Riverside, Riverside County Regional Park and Open-Space District and Rubidoux Community Service District for the acquisition and disposition of real property located in the unincorporated area of Rubidoux, County of Riverside, to construct Regional Wastewater Conveyance and Facilities; and

(continued on page 2)

CQ/mg

678-02708 Auth to Convey Cnty-RSCD-Park

*Paul Frandsen*

Paul Frandsen, General Manager

FINANCIAL DATA n/a

Current F.Y. Total Cost:	\$
Current F.Y. Net County Cost:	\$
Annual Net County Cost:	\$

In Current Year Budget:
Budget Adjustment:
For Fiscal Year:

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *Alex Gann*  
Alex Gann

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL  
BY: *Synthia M. Gunzel*  
DATE: *10-27-08*  
SYNTHIA M. GUNZEL

Dep't Recomm.:	<input type="checkbox"/>	Consent	<input type="checkbox"/>	Policy	<input checked="" type="checkbox"/>
Per Exec. Ofc.:	<input type="checkbox"/>	Consent	<input type="checkbox"/>	Policy	<input checked="" type="checkbox"/>

Prev. Agn. Ref.: 10/28/08 13.1

District: II

Agenda Number:

13.2

**SUBJECT:** Resolution 2008-7 Authorization to Convey Fee Simple and Easement Interests in Real Property – Unincorporated Area of Rubidoux - A portion of each APN 186-230-035, 186-230-009 and 186-230-035 respectively

**RECOMMENDED MOTION:**

3. Authorizes the Chairman of the Board of Directors of the Riverside County Regional Park & Open-Space District to execute the documents to complete the conveyance of real property and this transaction; and
4. Authorizes the General Manager of the Riverside County Regional Park & Open-Space District, or his designee, to execute any other documents to complete this transaction.

**BACKGROUND:** During the 2005 storm events, Rubidoux Community Services District (Rubidoux), lost critical regional wastewater conveyance and facilities that adversely impacted the transmission of wastewaters for treatment and disposal. The replacement facilities and alignments of the new "project" were designed on higher ground in order to prevent the destruction of its facilities again and to traverse across Riverside County Regional Park and Open-Space District (Park District) and County properties.

At its regular meeting on June 5, 2008, the Board of Directors for the Rubidoux Community Services District approved Resolution No. 776, a Resolution of Necessity that identifies certain properties and easements owned or controlled by the County and District as necessary for the replacement facilities and alignment of the Project. Further, under threat of eminent domain/condemnation, this Resolution authorizes Rubidoux to acquire subject properties at fair market values. The installation of this new regional wastewater conveyance and facilities is crucial to the area that Rubidoux serves, and it is imperative that it acquire the interests to begin the repairs and construction.

Rubidoux desires to acquire fee simple and easement interests from the Park District and will tender fair market value consideration plus transactions costs associated with the acquisition of the real property interests. Due to the proximity of the parcels of land to each other and the valuation, Rubidoux, the County and Park District intend to enter into a settlement agreement that results in Rubidoux acquiring the needed interests in real property and the County receiving interests in real property that can be used for parks and open-space purposes. As mentioned above, Rubidoux will purchase a fee simple and easement interests in real property owned by the Park District.

The Park District is governed by the Public Resources Code Sections 5540 regarding the ownership of any interest in real property that is dedicated and used for park and/or open-space purposes. The general rule is that specific limitations affect the Park District's ability to freely and voluntarily convey an interest in real property that it owns that is dedicated and used for parks and open-space purposes. However, when a Park and Open-Space District faces a credible threat of condemnation, the Court in **Johnston v. Sonoma County Agricultural Preservation & Open-Space District**, 100 Cal.App. 4<sup>th</sup> 973, 123 Cal.Rptr.2d 226, Cal.App.1Dist., 2002. July 31, 2002 ruled that the District "was not required to obtain legislative

**SUBJECT:** Resolution 2008-7 Authorization to Convey Fee Simple and Easement Interests in Real Property – Unincorporated Area of Rubidoux - A portion of each APN 186-230-035, 186-230-009 and 186-230-035 respectively

**BACKGROUND:**

or voter approval for its grant of utility easement over open-space land to city for pipeline carrying reclaimed wastewater, where conveyance was not voluntary, but made under threat of condemnation." In this instance, Rubidoux has approved a Resolution of Necessity to Condemn and is prepared to do so. The conveyance by the Park District does not have to be in response to an eminent domain action commencing.

The Park District intends to convey Fee Simple and Easement Interests in Real Property located in the unincorporated Rubidoux Area, County of Riverside, a .47 acre portion of Assessor Parcel Number 186-230-035 by Grant Deed and easement rights totaling .5295 acres in portions of Assessor Parcel Numbers 186-230-035 and 186-230-009 by Easement Deed to the Rubidoux Community Services District, more particularly described in Exhibits "A", Legal Description and Exhibit "B" for each respective real property interest, attached hereto, pursuant to the above-referenced Settlement Agreement. All costs for this transaction will be paid by Rubidoux per this Settlement Agreement. Resolution 2008-8 has been reviewed and approved by County Counsel as to legal form.

1 BOARD OF DIRECTORS

RIVERSIDE COUNTY  
REGIONAL PARK &  
OPEN-SPACE DISTRICT

2  
3 RESOLUTION NO. 2008-7  
4 AUTHORIZATION TO CONVEY REAL PROPERTY  
5 TO THE RUBIDOUX COMMUNITY SERVICES DISTRICT  
6 IN THE UNINCORPORATED AREA OF RUBIDOUX,  
7 COUNTY OF RIVERSIDE, CALIFORNIA  
8 A .47 ACRE PORTION OF ASSESSOR PARCEL NUMBER 186-230-035 BY GRANT DEED  
9 AND EASEMENT RIGHTS TOTALING .5295 ACRES IN PORTIONS OF ASSESSOR  
10 PARCEL NUMBERS 186-230-035 AND 186-230-009 BY EASEMENT DEED TO THE  
11 RUBIDOUX COMMUNITY SERVICES DISTRICT

12  
13 BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors  
14 of the Riverside County Regional Park & Open-Space District, in regular session on  
15 November 4,, 2008, at 1:30 pm at the meeting room of the Board of Directors located  
16 on the 1<sup>st</sup> floor of the County Administrative Center, 4080 Lemon Street, Riverside,  
17 California, authorizes to convey to the Rubidoux Community Services District the  
18 following described real property: Certain real property located in the Unincorporated  
19 Rubidoux Area, County of Riverside, State of California, identified by and as a .47 acre  
20 portion of Assessor Parcel Number 186-230-035 by Grant Deed and easement rights  
21 totaling .5295 acres in portions of Assessor Parcel Numbers 186-230-035 and 186-  
22 230-009 by Easement Deed, more particularly described in Exhibit "A" Legal  
23 Description for each respective assessor parcel number, attached hereto and thereby  
24 made a part hereof.

25  
26 BE IT FURTHER RESOLVED AND DETERMINED that the Chairman of the  
27 Board of Directors of the Riverside County Regional Park & Open-Space District is  
28 authorized to execute the documents to complete the conveyance of real property and  
29 this transaction.

30  
31 BE IT FURTHER RESOLVED AND DETERMINED that the General Manager of  
32 the Riverside County Regional Park & Open-Space District, or his designee, is  
33 authorized to execute any other documents to complete this transaction.

1 BE IT FURTHER RESOLVED AND DETERMINED that the Clerk of the Board of  
2 the County of Riverside has given notice hereof as provided in Section 6061 of the  
3 Government Code.

4 Dated: \_\_\_\_\_

RIVERSIDE COUNTY  
REGIONAL PARK & OPEN-  
SPACE DISTRICT

7 By: \_\_\_\_\_

8 ATTESTED:

Jeff Stone, Chairman  
Board of Directors

9 CLERK OF THE BOARD  
Nancy Romero

11 By: \_\_\_\_\_

Deputy

FORM APPROVED COUNTY COUNSEL  
BY: Sybil M. Gunzel 10-08-18 DATE  
SYBIL M. GUNZEL

**EXHIBIT "A"**

APN 186-230-035

**REGIONAL LIFT STATION SITE**

That portion of Lot 2 of Miller & Newman's Survey of Rubidoux Rancho, as shown by map on file in Book 7 of Maps at Page 36 thereof, Records of San Bernardino County, California, lying in protracted Section 20, Township 2 South, Range 5 West, San Bernardino Meridian, being more particularly described as follows:

**COMMENCING** at the intersection of the northeasterly line of said Lot 2 with the northwesterly line of Parcel 1100-36 as shown by Record of Survey on file in Book 51 of Records of Surveys at Pages 76 through 81, inclusive thereof, Records of Riverside County, California;

Thence South 28°32'24" West, along said northwesterly line, a distance of 67.65 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing South 28°32'24" West, along said northwesterly line, a distance of 131.62 feet to the southwesterly line of that certain parcel of land conveyed to Riverside County Regional Park and Open Space District by quitclaim deed recorded March 3, 1999 as Instrument No. 085489, Official Records of Riverside County, California;

Thence North 70°59'45" West, along said southwesterly line, a distance of 152.10 feet;

Thence North 28°32'24" East, departing said southwesterly line, a distance of 106.82 feet;

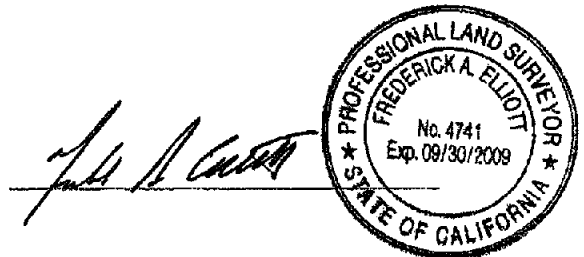
Thence North 73°32'24" East, a distance of 70.71 feet;

Thence South 61°27'36" East, a distance of 100.00 feet to the **TRUE POINT OF BEGINNING**.

Contains 0.47 acres, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

MWE/jcb  
LEGAL/587-40-A2  
(11/13/2007)



POR LOT 2  
 MILLER & NEWMAN'S SURVEY  
 RUBIDOUX RANCHO  
 MB 7/36 SB CO.

PROTRACTED  
 SECTION 20  
 T.2S., R.5W.  
 S.B.M.

APN 186-230-034

SOUTHWESTERLY LINE  
 INST. NO. 085489

N28°32'24"E  
 106.82'

INST. NO. 085489  
 REC'D 03/03/1999  
 APN 186-230-035

20' ACCESS EASEMENT

SOUTHWESTERLY LINE  
 OF INST. NO. 085489

N70°59'45"W  
 152.10'

N73°32'24"E  
 70.71'

AREA=0.47 ACRES

S61°27'36"E  
 100.00'

NORTHEASTERLY LINE LOT 2

S28°32'24"W

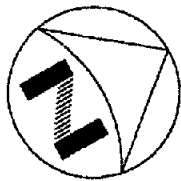
S28°32'24"W 131.62'

67.65'

T.P.O.B.

PARCEL  
 1100-37

PARCEL  
 1100-36



R.S. 51/76-81  
 RIV. CO.

SCALE: 1"=50'



This Plat is Solely an Aid in Locating the Parcel(s) Described in the Attached Document.

PREPARED BY:

**KRIEGER**

**STEWART**

INCORPORATED

3602 University Ave. • Riverside, CA. 92501 • 951-684-6900

RUBIDOUX COMMUNITY SERVICES DISTRICT

REGIONAL LIFT STATION SITE

A.P.N. 186-230-035

EXHIBIT

**B**

SCALE: 1"=50'

DATE: 11/14/07

DRAWN BY: MWE

CHECKED BY: FAE

W.O.: 587-40

SHEET 1 OF 1

587-40

**EXHIBIT "A"**

APN 186-230-009  
186-230-035

**ACCESS EASEMENT**

That portion of Lot 2 of Miller & Newman's Survey of Rubidoux Rancho, as shown by map on file in Book 7 of Maps at Page 36 thereof, Records of San Bernardino County, California, and that portion of Lot 4 of the Riverview Tract, as shown by map on file in Book 4 of Maps at Page 58 thereof, Records of Riverside County, California, lying in protracted Section 20, Township 2 South, Range 5 West, San Bernardino Meridian, being more particularly described as follows:

**BEGINNING** at the intersection of the easterly right-of-way line of County Road No. 71 (Riverview Drive) (20 foot half width) with the northwesterly prolongation of the northeasterly line of said Lot 2;

Thence South 70°00'02" East, along said northwesterly prolongation and the northeasterly line of said Lot 2, a distance of 846.09 feet to the most northerly corner of Parcel 1100-36 as shown by Record of Survey on file in Book 51 of Records of Surveys at Pages 76 through 81, inclusive thereof, Records of Riverside County, California;

Thence South 28°32'24" West, along said northwesterly line of said Parcel 1100-36, a distance of 67.65 feet;

Thence North 61°27'36" West, departing said northwesterly line, a distance of 100.00 feet;

Thence North 28°32'24" East, parallel to said northwesterly line, a distance of 32.41 feet to a line parallel with and distant 20.00 feet southwesterly as measured at right angles to the northeasterly line of said Lot 2;

Thence North 70°00'02" West, parallel to said northeasterly line and the northwesterly prolongation thereof, a distance of 744.42 feet to said easterly right-of-way line;

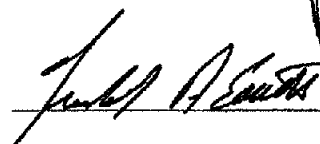

Thence North 25°21'18" East, along said easterly right-of-way line, a distance of 16.58 feet;

Thence North 34°40'01" East, continuing along said easterly right-of-way line, a distance of 3.61 feet to the **POINT OF BEGINNING**.

Contains 0.480 acres, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

MWE/lgm  
LEGAL/587-40-B (9/14/2006)

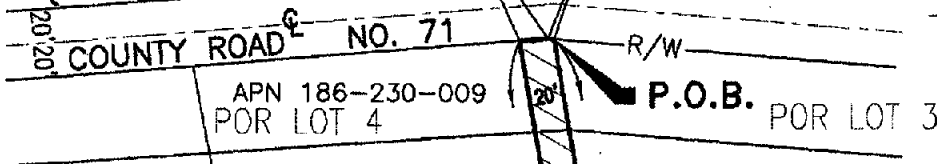
RIVERVIEW TRACT  
MB 4/58 RIV CO

(RIVERVIEW DRIVE)

N25°21'18"E  
16.58'

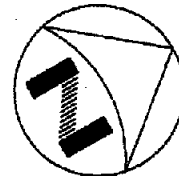
N34°40'01"E  
3.61'

PROTRACTED  
SECTION 20  
T.2S., R.5W.  
S.B.M.

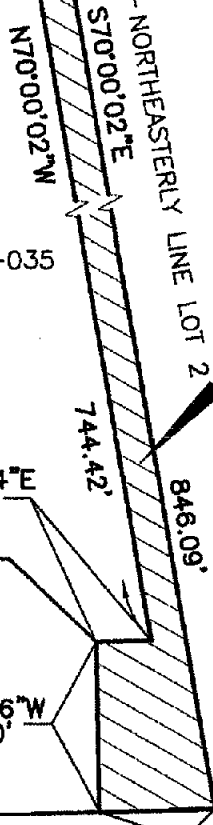


POR LOT 2  
MILLER & NEWMAN'S SURVEY  
RUBIDOUX RANCHO  
MB 7/36 SB CO.

APN 186-230-034      APN 186-230-035



SCALE: 1"=100'



ACCESS EASEMENT

N28°32'24"E  
32.41'

LIFT STATION  
SITE

N61°27'36"W  
100.00'

S28°32'24"W  
67.65'

R.S. 51/76-81  
RIV. CO.

PARCEL  
1100-37

PARCEL  
1100-36



This Plat is Solely an Aid in Locating the Parcel(s) Described in the Attached Document.

PREPARED BY:

**KRIEGER**

**STEWART**

INCORPORATED

3602 University Ave. • Riverside, CA. 92501 • 951-684-6900

RUBIDOUX COMMUNITY SERVICES DISTRICT

REGIONAL LIFT STATION ACCESS EASEMENT

A.P.N. 186-230-035

A.P.N. 186-230-009

EXHIBIT

**B**

SCALE: 1"=100'

DATE: 04/18/07

DRAWN BY: MWE

CHECKED BY: FAE

W.O.: 587-40

SHEET 1 OF 1

587-40

**EXHIBIT "A"**

APN 186-230-035

**SEWER EASEMENT**

That portion of Lot 2 of Miller & Newman's Survey of Rubidoux Rancho, as shown by map on file in Book 7 of Maps at Page 36 thereof, Records of San Bernardino County, California, lying in protracted Section 20, Township 2 South, Range 5 West, San Bernardino Meridian, being more particularly described as follows:

**COMMENCING** at the intersection of the northeasterly line of said Lot 2 with the Northwesterly line of Parcel 1100-36 as shown by Record of Survey on file in Book 51 of Records of Surveys at Pages 76 through 81, inclusive thereof, Records of Riverside County, California;

Thence South 28°32'24" West, along said northwesterly line and the northwesterly line of Parcel 1100-37 as shown by said Record of Survey, a distance of 267.65 feet, said point being the most southerly corner of the regional lift station;

Thence North 61°27'36" West, departing said northwesterly line, a distance of 150.00 feet;

Thence North 28°32'24" East, a distance of 43.17 feet to the **TRUE POINT OF BEGINNING**, said point being on the southwesterly line of that certain parcel of land conveyed to Riverside County Regional Park and Open Space District by quitclaim deed recorded March 3, 1999 as Instrument No. 085489, Official Records of Riverside County, California;

The preceding two (2) courses being along the regional lift station site boundary.

Thence North 70°59'50" West, along said southwesterly line, a distance of 124.08 feet;

Thence North 40°55'50" East, departing said southwesterly line, a distance of 29.31 feet;

Thence South 61°27'36" East, a distance of 116.08 feet to the northwesterly line of the regional lift station site;

Thence South 28°32'24" West, along said northwesterly line, a distance of 8.07 feet to the **TRUE POINT OF BEGINNING**.

Contains 0.0495 acres more or less.

See Exhibit 'B' attached hereto and made a part hereof.

MWE/jcb  
LEGAL/587-40-P  
(11/13/2007)

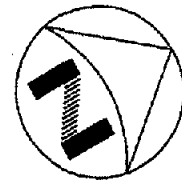


186-240-003  
 PROTRACTED  
 SECTION 20  
 T.2S.,R.5W.  
 S.B.M.

186-230-034

186-230-035

POR LOT 2  
 MILLER & NEWMAN'S SURVEY  
 RUBIDOUX RANCHO  
 MB 7/36 SB CO.



SCALE: 1"=100'

INST. NO. 085489  
 REC'D 03/03/1999

SOUTHWESTERLY LINE  
 INST. NO. 085489

N40°55'50"E  
 29.31'

SEWER EASEMENT

S61°27'36"E  
 116.08'

N70°59'50"W  
 124.08'

T.P.O.B.

S28°32'24"W  
 8.07'

N28°32'24"E  
 43.17'

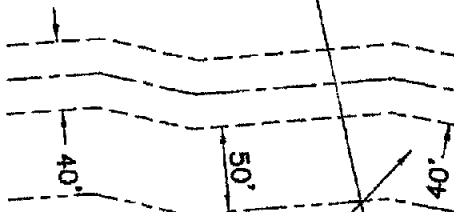
N61°27'36"W  
 150.00'

REGIONAL  
 LIFT STATION

S28°32'24"W

267.65'  
 PARCEL  
 1100-36

PARCEL  
 1100-37



TEMPORARY  
 CONSTRUCTION  
 EASEMENT

R.S. 51/76-81  
 RW. CO.

NORTHEASTERLY LINE LOT 2

P.O.C.



This Plat is Solely an Aid in Locating the Parcel(s) Described in the Attached Document.

PREPARED BY:

**KRIEGER**

**STEWART**

INCORPORATED

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RUBIDOUX COMMUNITY SERVICES DISTRICT

SEWER EASEMENT  
 A.P.N. 186-230-035

EXHIBIT

**B**

SCALE: 1"=100'

DATE: 11/14/07

DRAWN BY: MWE

CHECKED BY: FAE

W.O.: 587-40

SHEET 1 OF 1

587-40