


FISCAL PROCEDURES APPROVED
ROBERT E. BYRD, AUDITOR-CONTROLLER
BY Samuel Wong 4/27/10
SAMUEL WONG

FORM APPROVED COUNTY COUNSEL
BY: Synthia M. Gunzel 4/27/10
SYNTHIA M. GUNZEL

132
A



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

FROM: Economic Development Agency and Transportation Department

SUBMITTAL DATE:
May 6, 2010

SUBJECT: Acquisition Agreement for the State Route 79 (Winchester) Road Widening Project

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached Acquisition Agreement for Parcel 21116-1 within a portion of Assessor's Parcel Number 480-040-028 and authorize the Chairman of the Board to execute this document on behalf of the County;
2. Authorize the undersigned Assistant County Executive Officer/EDA or his designee to execute any other documents and administer all actions to complete this transaction;

(Continued)

Juan C. Perez
Juan C. Perez, Director
Transportation Department

Robert Field
Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$63,550	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	Yes
	Annual Net County Cost:	\$ 0	For Fiscal Year:	09/10
SOURCE OF FUNDS: Transportation Uniform Mitigation Fee 100%			Positions To Be Deleted Per A-30	<input type="checkbox"/>
			Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:

County Executive Office Signature

Jennifer L. Sargent
Jennifer L. Sargent

Dep't Recomm.: ☐ Consent ☒ Policy

Per Exec. Ofc.: ☐ Consent ☒ Policy

Prev. Agn. Ref.: 3.14 of 3/24/2009

District: 3

Agenda Number:

3.28

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

RECOMMENDED MOTION: (Continued)

3. Authorize the Auditor-Controller to adjust the Economic Development Agency's FY 2009/2010 budget as outlined on Schedule A; and
4. Authorize and allocate the sum of \$45,000 to purchase Parcel 21116-1 within Assessor's Parcel Number 480-040-028 and \$18,550 to pay all related transaction costs.

BACKGROUND:

Winchester Road (SR-79) is one of the key north-south corridors in Southwest Riverside County. Due to significant regional and local growth, a project to widen SR-79 from Thompson Road to Domenigoni Parkway has been proposed. The project would widen this section of SR-79 from two to four lanes in accordance with the Memorandum of Understanding between the State of California Department of Transportation (Caltrans), the County of Riverside Transportation Department, and the City of Murrieta adopted on June 15, 2004, which will address the traffic needs of the area, enhance interregional travel, relieve traffic congestion, improve traffic safety, and reduce response time for emergency service vehicles. The stretch of SR-79 between Thompson Road and Pourroy Road has already been widened to four lanes, but property is being acquired within this stretch in order to complete grading and drainage work. The need for improving SR-79 is a major priority for Supervisor Stone and the need has been recognized by Riverside County Transportation Department, the City of Murrieta, the City of Temecula and Caltrans.

The Economic Development Agency (EDA) has negotiated the acquisition of a portion of Assessor's Parcel Number 480-040-028 from Hong Kong, Incorporated for a price of \$45,000. There are costs of \$18,550 associated with this transaction. Hong Kong, Incorporated will execute a Grant Deed in favor of the State of California for a portion of Assessor's Parcel Number 480-040-028, referencing Parcel 21116-1.

This Form 11 has been reviewed and approved by County Counsel as to legal form.

FINANCIAL DATA:

The following summarizes the funding necessary for the acquisition of a portion of Assessor's Parcel Number 480-040-028:

Acquisition:	\$ 45,000
Estimated Title and Escrow Charges:	\$ 1,300
Preliminary Title Report:	\$ 250
County's Appraisal:	\$ 8,000
Owner's Appraisal:	\$ 5,000
Acquisition Administration:	\$ 4,000
Total Estimated Acquisition Costs:	\$ 63,550

While EDA will cover the cost for the due diligence services (Preliminary Title Report and Appraisals) at the time of this property transaction, it is understood that the Transportation Department will reimburse EDA for these costs. The budget adjustment attached (Schedule A) is necessary to allow this transaction. The remaining costs will be paid directly by the Transportation Department.

All costs associated with this property acquisition are fully funded in the Transportation Department's budget for FY 2009/10. Thus, no net county cost will be incurred as a result of this transaction.

SCHEDULE A

Increase Estimated Revenues:

10000-7200400000-778280	Interfund-Reimb for Service	\$13,250
-------------------------	-----------------------------	----------

Increase Appropriations:

10000-7200400000-525400	Title Company Services	\$ 250
-------------------------	------------------------	--------

10000-7200400000-524550	Appraisal Services	\$13,000
-------------------------	--------------------	----------

PROJECT: STATE ROUTE 79 (WINCHESTER) ROAD
WIDENING
PARCEL: 21116-1
APN: 480-040-028 (portion)

ACQUISITION AGREEMENT

This agreement is made by and between the COUNTY OF RIVERSIDE, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA herein called "County", and HONG KONG, INCORPORATED, A FLORIDA CORPORATION, herein called "Grantor".

Grantor has executed and will deliver to Lorie G. Houghlan, Real Property Agent for the County or to the designated escrow company, a Grant Deed in favor of the State of California dated Sept. 2010, identifying a portion of Assessor's Parcel Number 480-040-028, referenced as Parcel 21116-1 and described on Exhibits "A" and "B" attached hereto and made a part hereof, in consideration of which it is mutually agreed as follows:

1. The County shall:

A. Pay to the order of Grantor the sum of Forty Five Thousand Dollars (\$45,000) for the property, or interest therein, conveyed by said deed, when title to said property or interest vests in County free and clear of all liens, encumbrances, easements, leases (recorded or unrecorded), and taxes except those encumbrances and easements which, in the sole discretion of the County, are acceptable.

B. Handle real property taxes, bonds, and assessments in the following manner:

1. All real property taxes shall be prorated, paid, and canceled pursuant to the provisions of Section 5081 et. seq., of the Revenue and Taxation Code.

2. County is authorized to pay from the amount shown in Paragraph 1A herein, any unpaid taxes together with penalties, cost and interest thereon, and any bonds or assessments that are due on the date title is transferred to, or possession is taken by the County, whichever first occurs.

C. Pay all escrow, recording, and reconveyance fees incurred in this transaction, and if title insurance is desired by County, the premium charged therefore.

2. Grantor shall:

A. Indemnify, defend, protect, and hold County, its officers, employees, agents, successors, and assigns free and harmless from and against any and all claims, liabilities, penalties, forfeitures, losses, or expenses, including without limitation, attorneys' fees, whatsoever, arising from or caused in whole or in part, directly or indirectly, by either (a) the presence in, on, within, under, or about the parcel of hazardous materials, toxic substances, or hazardous substances as a result of Grantor's use, storage, or generation of such materials or substances or (b) Grantor's failure to comply with any federal, state, or local

1 laws relating to such materials or substances. For the purpose of this agreement, such
2 materials or substances shall include without limitation hazardous substances, hazardous
3 materials, or toxic substances as defined in the Comprehensive Environmental Response,
4 Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq.; the
5 Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq.; the Resource
6 Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq.; and those substances
7 defined as hazardous wastes in Section 25117 of the California Health and Safety Code or
8 hazardous substances in Section 25316 of the California Health and Safety Code; and in the
9 regulations adopted in publications promulgated pursuant to said laws.

6 B. Be obligated hereunder to include without limitation, and
7 whether foreseeable or unforeseeable, all costs of any required or necessitated repair, clean-
8 up, detoxification, or decontamination of the parcel, and the preparation and implementation
9 of any closure, remedial action, or other required plans in connection therewith, and such
10 obligation shall continue until the parcel has been rendered in compliance with applicable
11 federal, state, and local laws, statutes, ordinances, regulations, and rules.

10 3. Any and all moneys payable under this contract, up to and including the
11 total amount of unpaid principal and interest on the note secured by Deed of Trust recorded
12 January 15, 2003, as Instrument No. 2003-028785, Official Records of Riverside County,
13 shall, upon demand, be made payable to the beneficiary entitled thereunder; said beneficiary
14 to provide a partial reconveyance as Assessor's Parcel Number 480-040-028, and to furnish
15 Grantor with good and sufficient receipt showing said moneys credited against the
16 indebtedness secured by said Deed of Trust.

14 Grantor hereby authorizes and directs the disbursement of funds which
15 are demanded under the terms of said Deed of Trust.

15 4. It is mutually understood and agreed by and between the parties hereto
16 that the right of possession and use of the subject property by County, including the right to
17 remove and dispose of improvements, shall commence upon the execution of this agreement
18 by all parties. The amount shown in Paragraph 1A includes, but is not limited to, full payment
19 for such possession and use.

18 5. Grantor hereby agrees and consents to the dismissal of any
19 condemnation action which has been or may commenced by County in the Superior Court of
20 Riverside County to condemn said land, and waives any and all claim to money that has been
21 or may be deposited in court in such case or to damages by reason of the filing of such
22 action.

21 6. The performance by the County of its obligations under this agreement
22 shall relieve the County of any and all further obligations or claims on account of the
23 acquisition of the property referred to herein or on account of the location, grade, or
24 construction of the proposed public improvement.

24 7. This agreement shall not be changed, modified, or amended except
25 upon the written consent of the parties hereto.

///
///

1 8. This agreement is the result of negotiations between the parties and is
2 intended by the parties to be a final expression of their understanding with respect to the
3 matters herein contained. This agreement supersedes any and all other prior agreements and
4 understandings, oral or written, in connection therewith. No provision contained herein shall
be construed against the County solely because it prepared this agreement in its executed
form.

5 9. Grantor, their assigns and successors in interest, shall be bound by all
6 the terms and conditions contained in this agreement, and all the parties thereto shall be
jointly and severally liable thereunder.

7
8 Dated: 8 April 2010

GRANTOR:

Hong Kong, Incorporated, a Florida
Corporation

9
10 By: 
JAMES CHIT CHAN

11 Its: President

12 COUNTY OF RIVERSIDE

13 ATTEST:


14 Kecia Harper-Ihem
Clerk to the Board

By: _____
Marion Ashley, Chairman
Board of Supervisors

15
16 By: _____
Deputy

17 APPROVED AS TO FORM:

18 Pamela J. Walls
County Counsel

19 By: 
20 Cynthia M. Gunzel
Deputy County Counsel

21
22
23
24
25
LGH:jw
03/29/09
218TR
12.940

EXHIBIT "A"
LEGAL DESCRIPTION

BEING A PORTION OF PARCEL 4 OF PARCEL MAP NUMBER 15223, ON FILE IN BOOK 86, PAGE 80, OF PARCEL MAPS, RECORDS OF THE RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 29, TOWNSHIP 6 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF STATE ROUTE 79, WINCHESTER ROAD (16.762 METER NORTHWESTERLY HALF-WIDTH), AND JEAN NICHOLAS ROAD (9.143 METER NORTHERLY HALF-WIDTH), AS SHOWN ON SAID PARCEL MAP;

THENCE S 89°52'51" W ALONG THE CENTERLINE OF SAID JEAN NICHOLAS ROAD, A DISTANCE OF 17.201 METERS;

THENCE N 00°07'09" W, A DISTANCE OF 9.143 METERS TO AN ANGLE POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF SAID JEAN NICHOLAS ROAD AS SHOWN ON SAID PARCEL MAP, SAID POINT BEING THE **TRUE POINT OF BEGINNING**;

THENCE S 89°52'51" W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 10.850 METERS TO A POINT 28.039 METERS NORTHWESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, SAID CENTERLINE OF STATE ROUTE 79;

(COURSE "A") THENCE N 36°03'34" E, PARALLEL WITH AND 28.039 METERS NORTHWESTERLY OF SAID CENTERLINE OF STATE ROUTE 79, A DISTANCE OF 215.343 METERS;

(COURSE "B") THENCE S 53°56'26" E, A DISTANCE OF 11.277 METERS TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROUTE 79 AS SHOWN ON SAID PARCEL MAP;

THENCE S 36°03'34" W, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROUTE 79, A DISTANCE OF 202.775 METERS TO AN ANGLE POINT THEREIN;

THENCE S 58°17'24" W, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 6.658 METERS TO THE **TRUE POINT OF BEGINNING**.

CONTAINING: 2,376.5 SQUARE METERS, 25,580 SQUARE FEET, OR 0.587 ACRES, MORE OR LESS.

THIS CONVEYANCE IS MADE FOR THE PURPOSE OF A STATE HIGHWAY AND THE GRANTOR HEREBY RELEASES AND RELINQUISHES TO THE GRANTEE ANY AND ALL ABUTTER'S RIGHTS INCLUDING ACCESS RIGHTS, APPURTENANT TO GRANTOR'S REMAINING PROPERTY IN AND TO SAID STATE HIGHWAY OVER AND ACROSS COURSES "(A)" AND "(B)", HEREINABOVE DESCRIBED.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6. MULTIPLY DISTANCES SHOWN BY 1.000100842 TO OBTAIN GROUND DISTANCE.

REFERENCE IS HEREBY MADE TO STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION - DISTRICT 8 MAP, FILE NUMBER RW 000014 / 1 THROUGH 60, INCLUSIVE, ON FILE AS MAP NUMBER 205 / 401 THROUGH 460, INCLUSIVE, IN THE OFFICE OF THE COUNTY SURVEYOR OF RIVERSIDE COUNTY, CALIFORNIA.

08-RIV-79-KP 16.01-21116 (21116-1)

SEE ATTACHED EXHIBIT "B"

APPROVED BY: Timothy F. Rayburn

DATE: 7/01/09

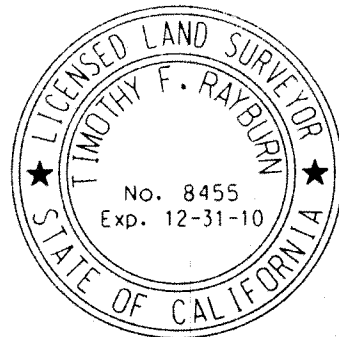


EXHIBIT "B"

08-RIV-79-KP 16.01-21116 (21116-1)

SECTION 29

T.6S., R.2W., S.B.M.



APN 480-040-028

GRANT DEED
INST.NO. 28784.
REC. 1-15-2003

PM 15223

PM 86/80

PCL 4

(COURSE "B")

21116-1

2,376.5 SQ. M
25,580 SQ. FT.
0.587 AC.

(LOT "A") PER
PM 86/80

LINE DATA

- ① S 89°52'51" W - 17.201
- ② N 00°07'09" W - 9.143
- ③ S 89°52'51" W - 10.850
- ④ S 53°56'26" E - 11.277
- ⑤ S 58°17'24" W - 6.658

PM 9506

PM 41/8-9

PCL 4

30.477 R/W PER
O.R. 1075/10.
REC. 5-10-1949

T.P.O.B.

LOT "C"

JEAN NICHOLAS ROAD

P.O.C.

NOTE:

INDICATES RESTRICTED ACCESS

ALL DISTANCES SHOWN ARE METRIC GRID DISTANCES.
GROUND DISTANCES MAY BE OBTAINED BY MULTIPLYING THE
GRID DIST. BY A COMBINATION FACTOR OF 1.000100842.



COUNTY OF RIVERSIDE TRANSPORTATION DEPT., SURVEY DIV.

PROJECT: STATE ROUTE 79

THIS PLAT IS AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE PRECEDING DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DESCRIPTION.

APPROVED BY: *Timothy F. Rayburn* DATE: 7/01/09

PAR. NO.: 21116-1

PREPARED BY: N.J.C.

SCALE: N.T.S.

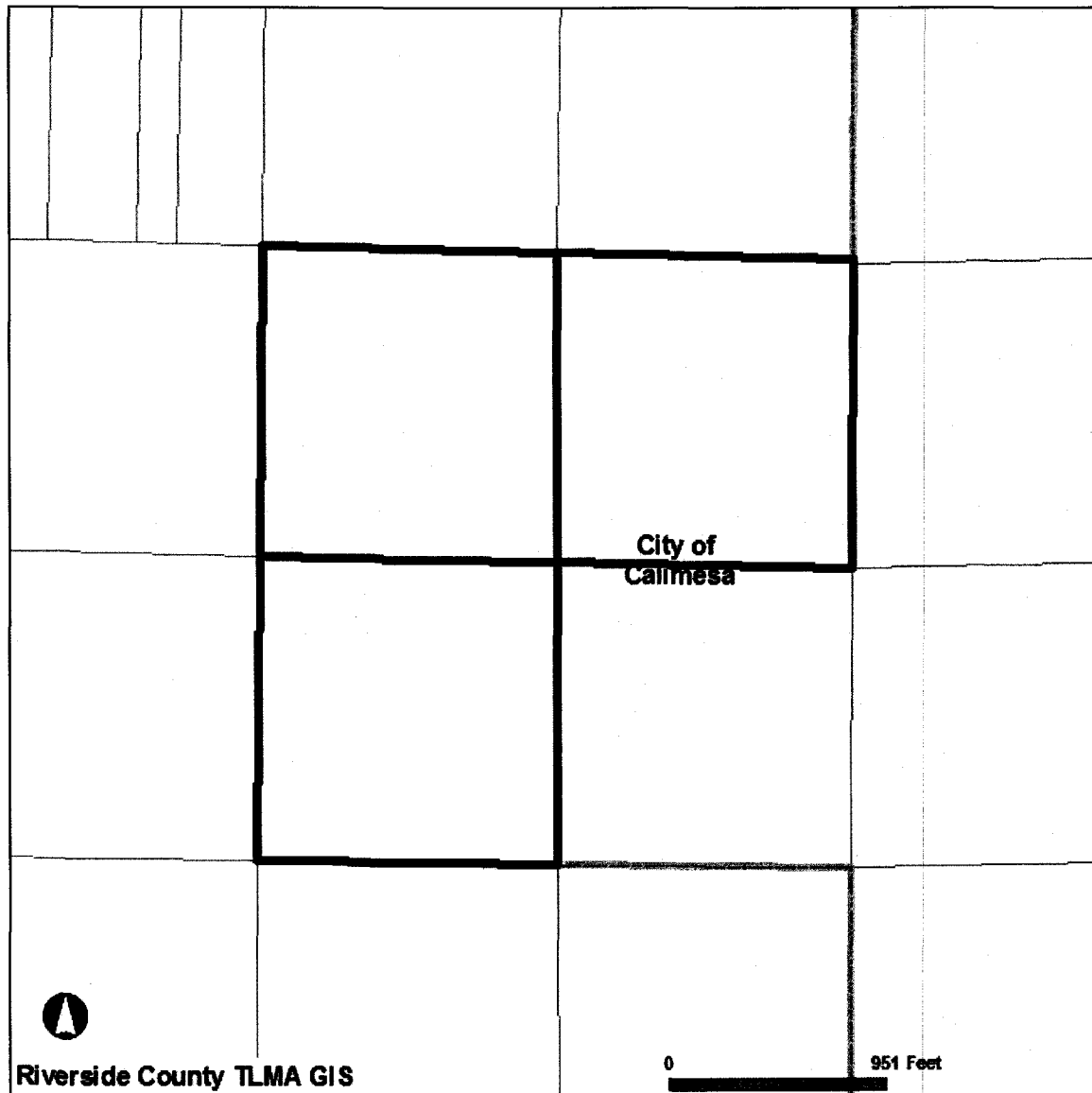
DATE: JULY, 2009

W.O. NO.: B4-0527

SHEET 1 OF 1

ATTACHMENT "B"

County Parcel #1



Selected parcel(s):

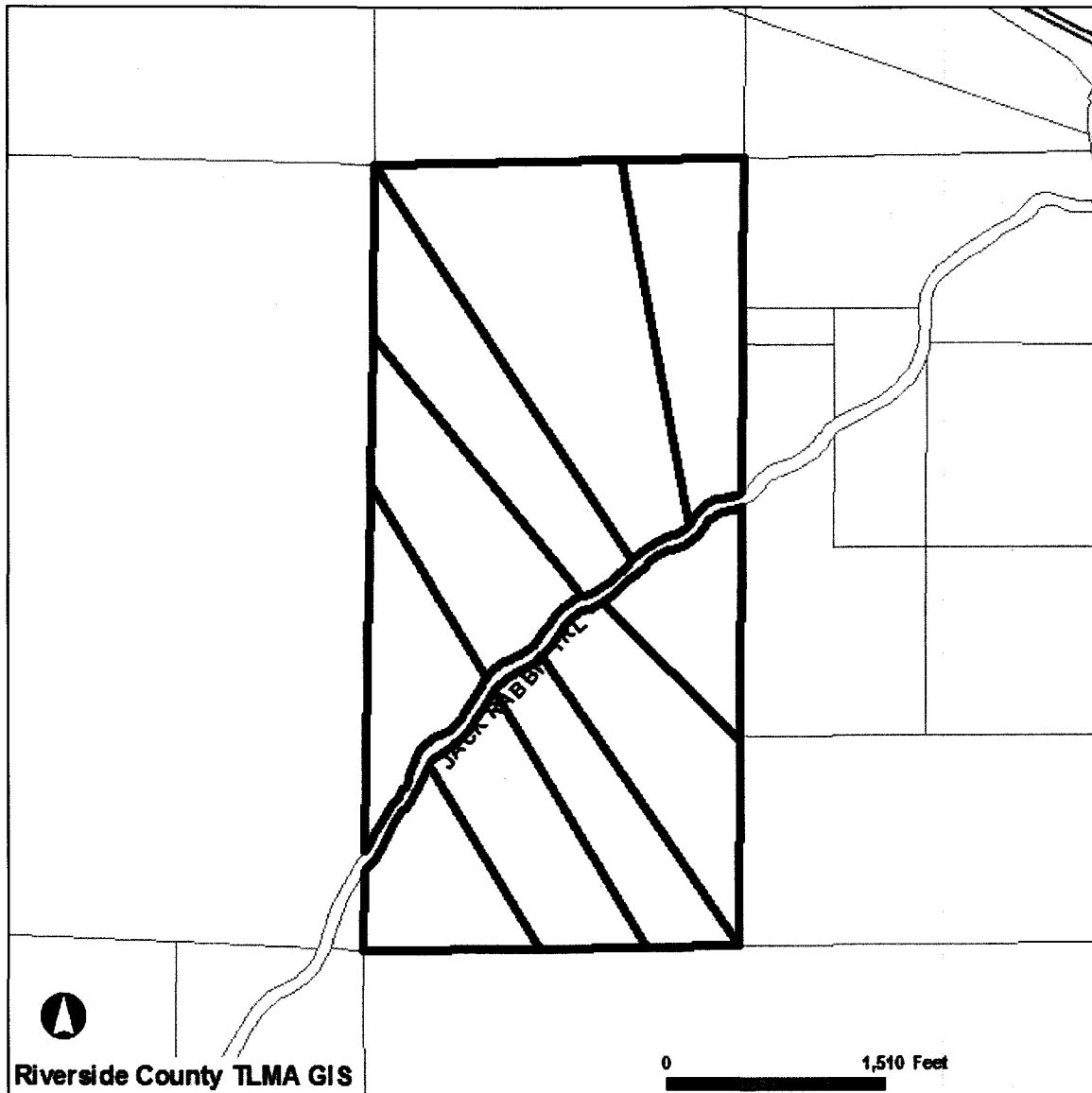
413-030-005 413-030-006 413-030-008

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:38:22 2010

County Parcel #2



Selected parcel(s):

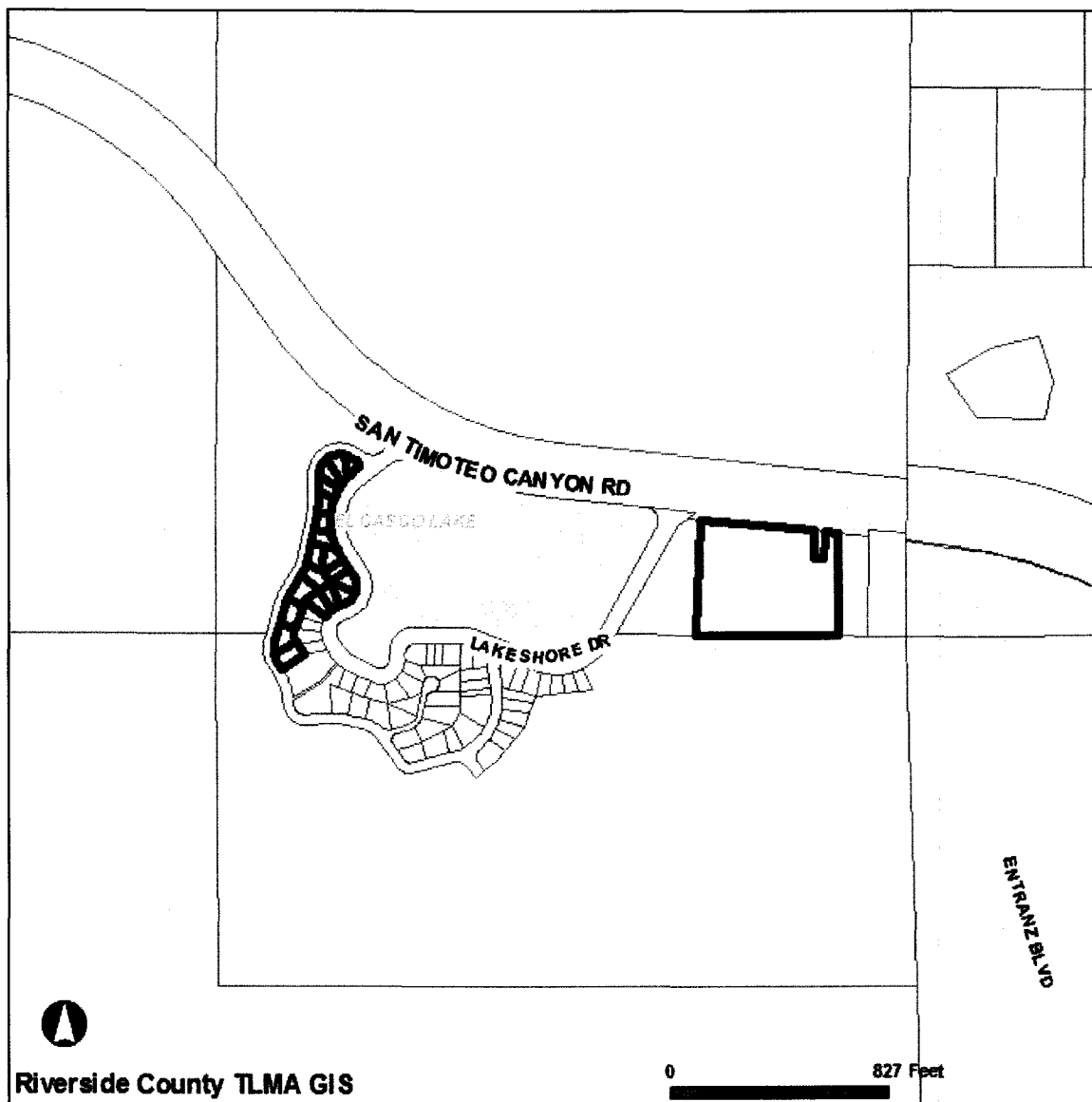
422-250-001 422-250-002 422-250-003 422-250-004 422-250-005 422-250-006 422-250-007
422-250-008 422-250-009 422-250-010

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:39:47 2010

County Parcel #3



Selected parcel(s):

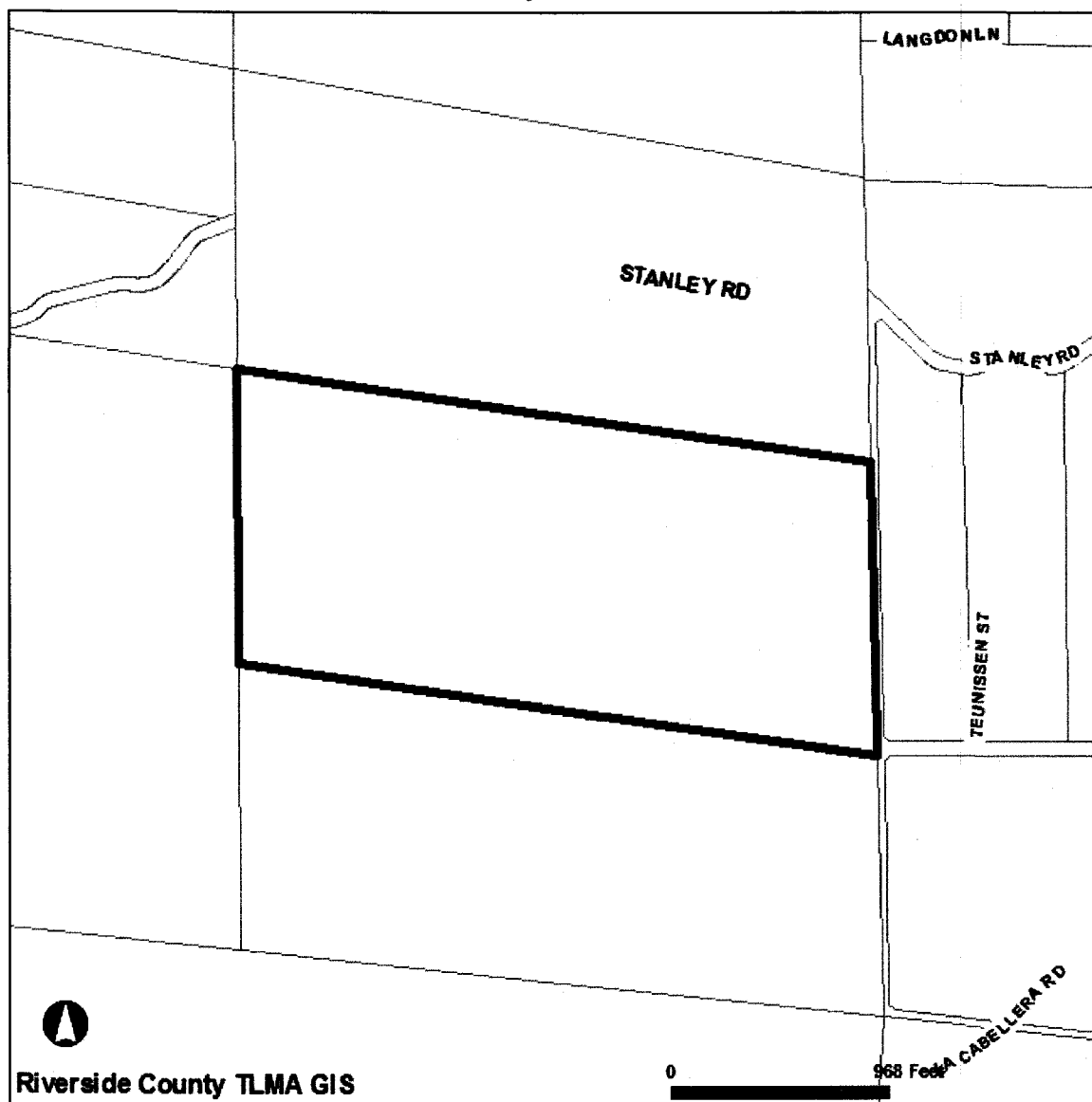
413-122-001 413-122-002 413-122-003 413-122-004 413-122-005 413-122-006 413-122-007
413-122-008 413-122-009 413-122-010 413-122-011 413-122-012 413-122-013 413-122-016
413-122-017 413-122-018 413-122-019 413-131-039 413-131-040 413-420-010

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:43:25 2010

County Parcel #4



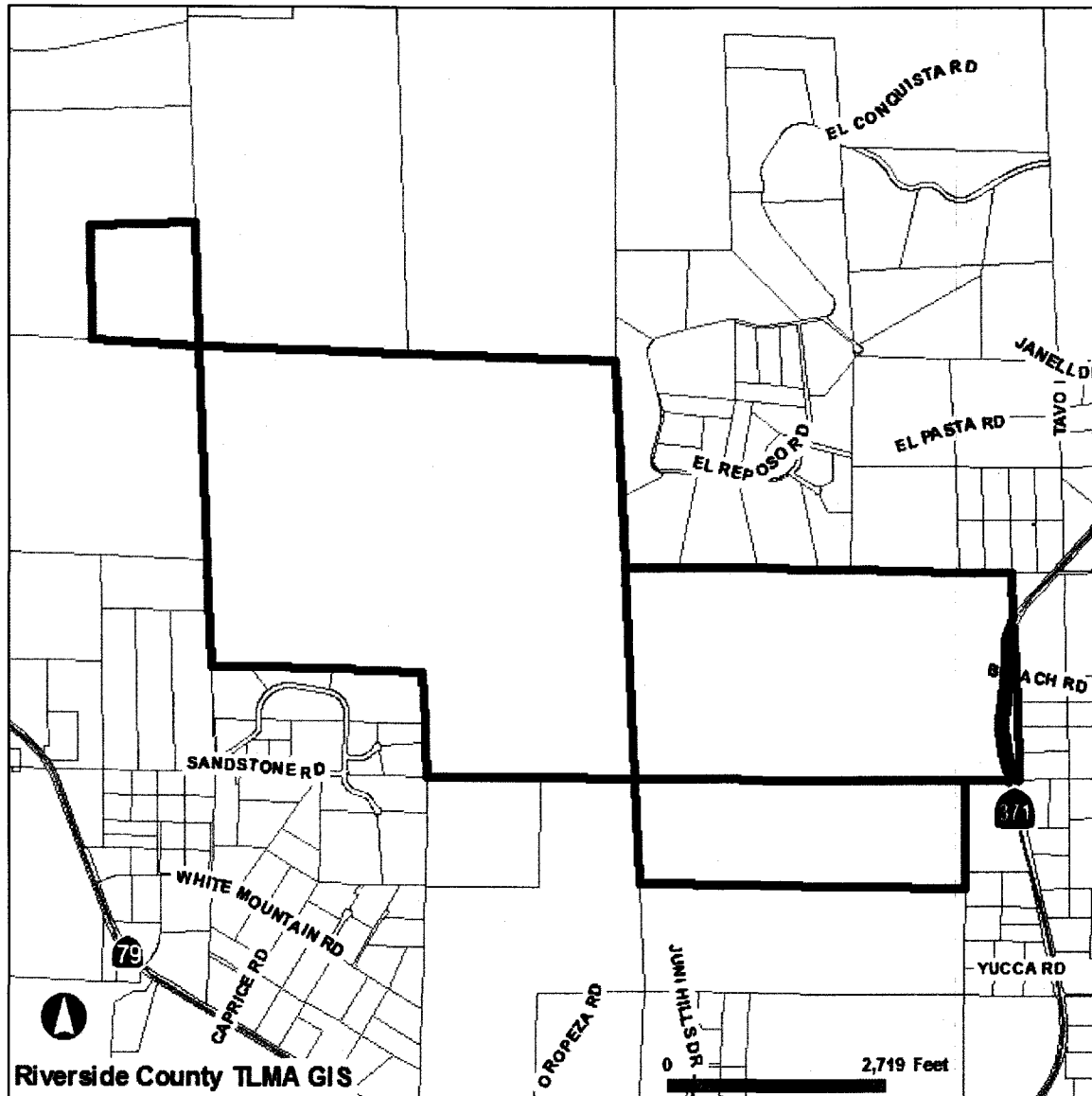
Selected parcel(s):
571-090-031

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:44:25 2010

County Parcel #5



Selected parcel(s):

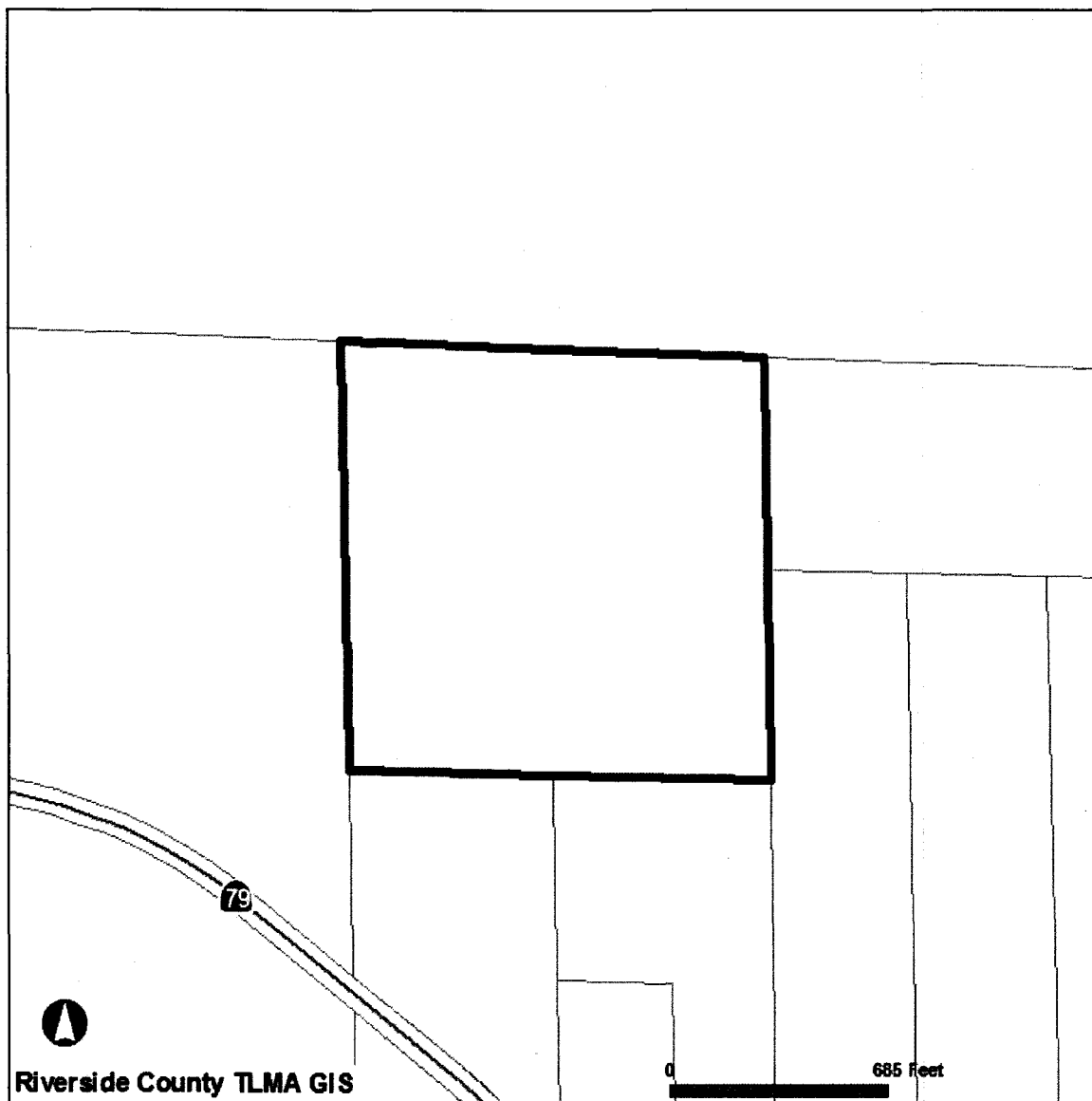
581-180-016 583-050-008 583-080-011 583-080-012 583-160-028

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:57:09 2010

County Parcel #6



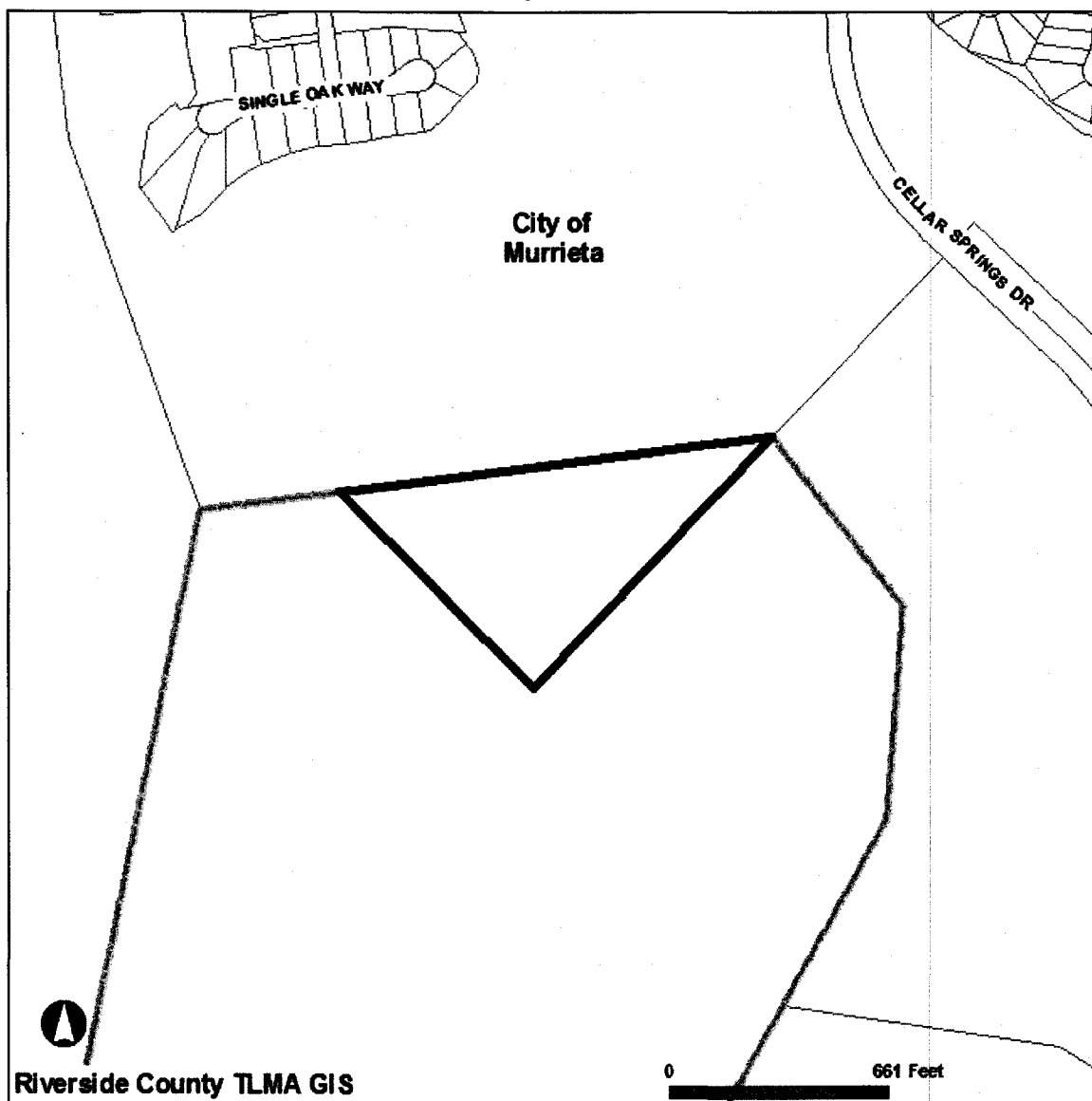
Selected parcel(s):
583-060-022

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:59:00 2010

County Parcel #7



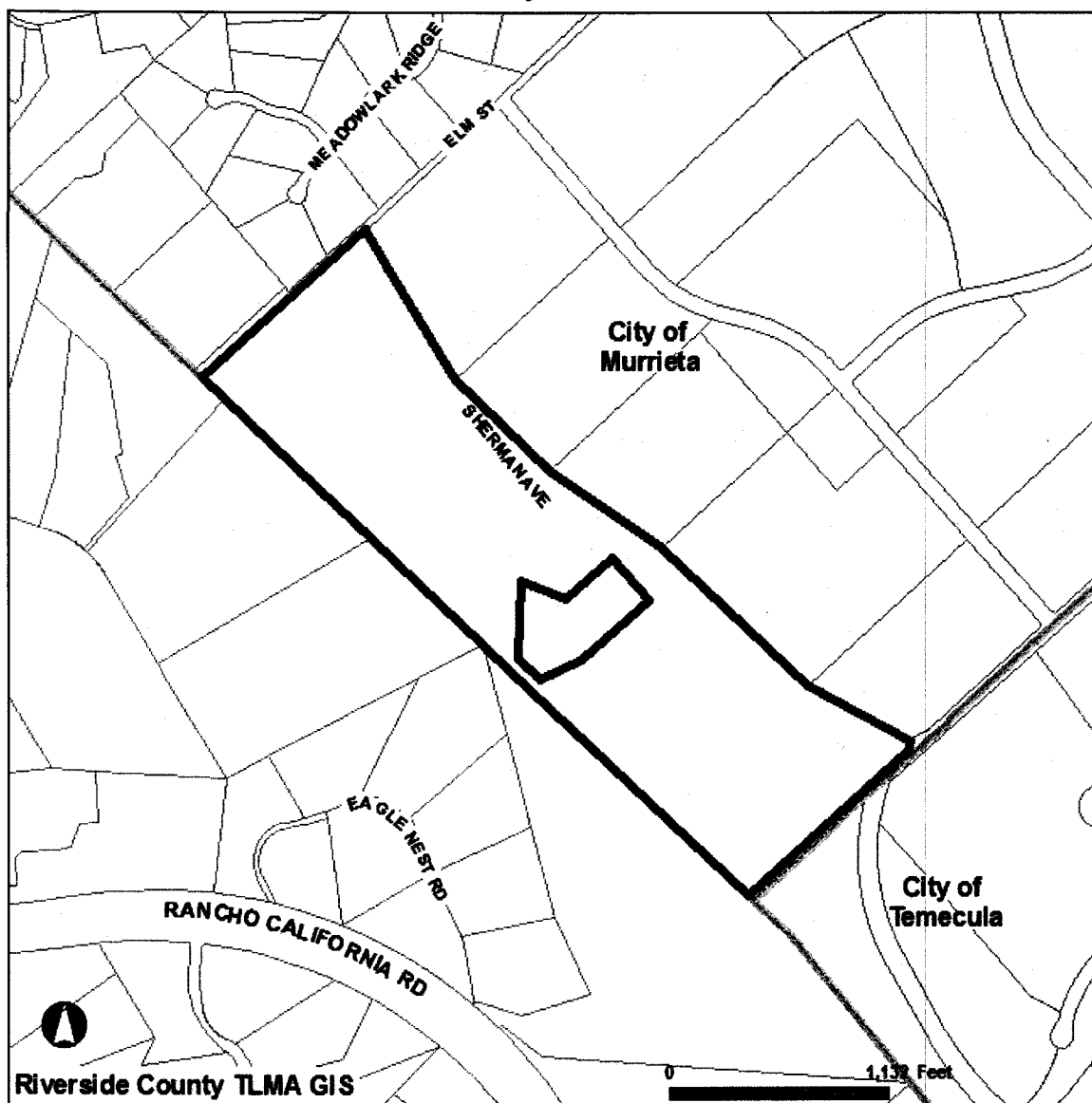
Selected parcel(s):
904-030-041

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:47:40 2010

County Parcel #8



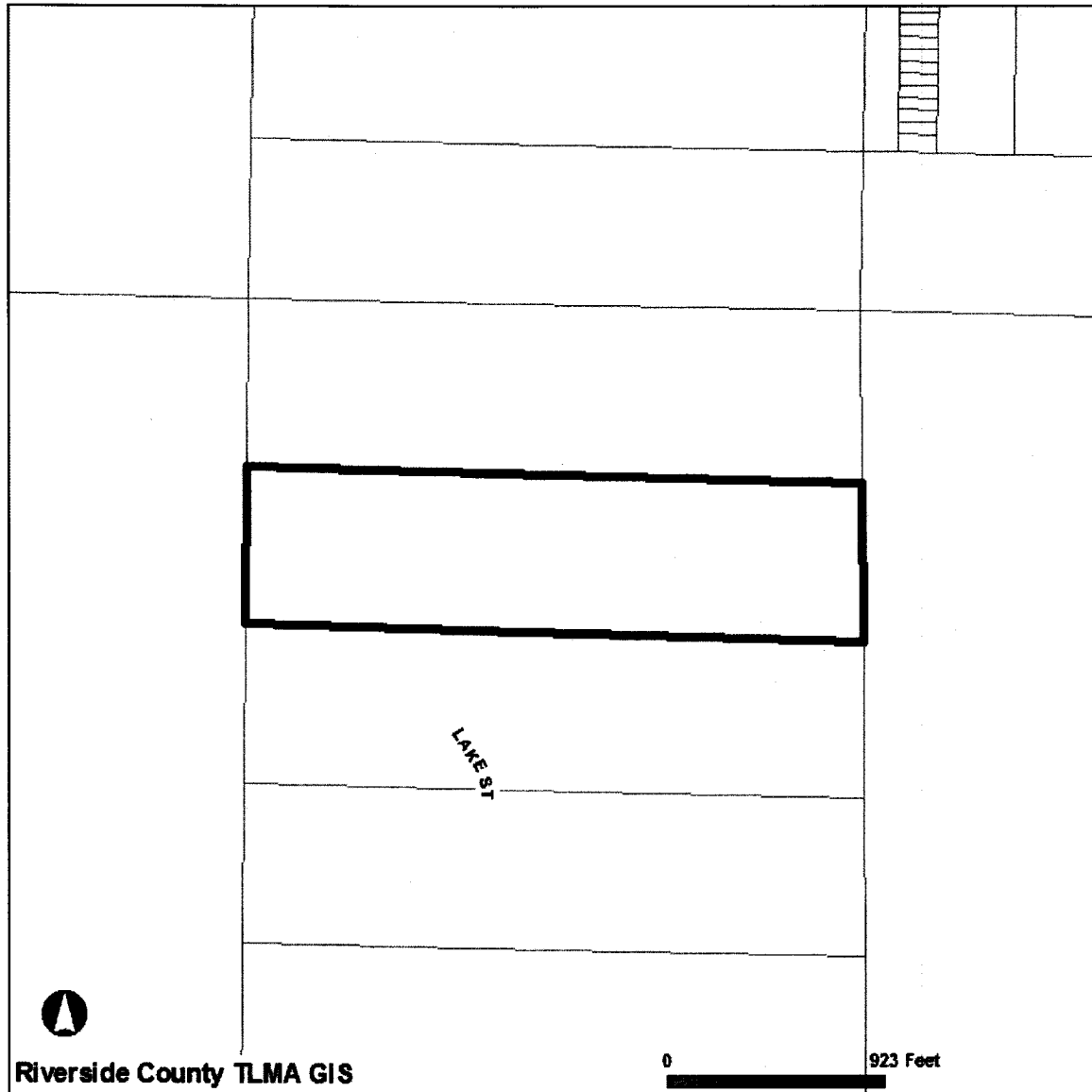
Selected parcel(s):
909-160-012

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:48:19 2010

County Parcel #9



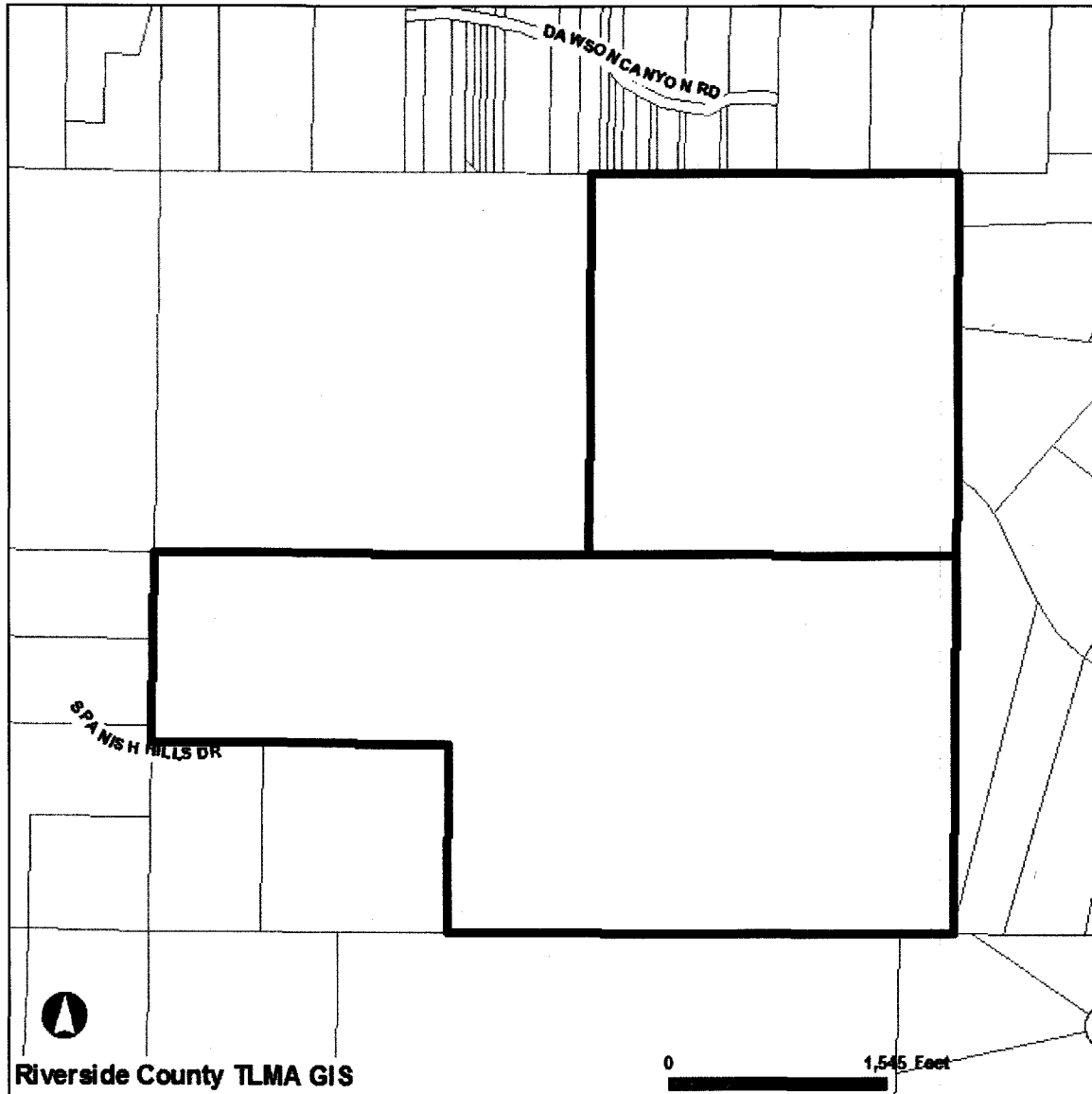
Selected parcel(s):
390-100-007

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:48:57 2010

County Parcel #10



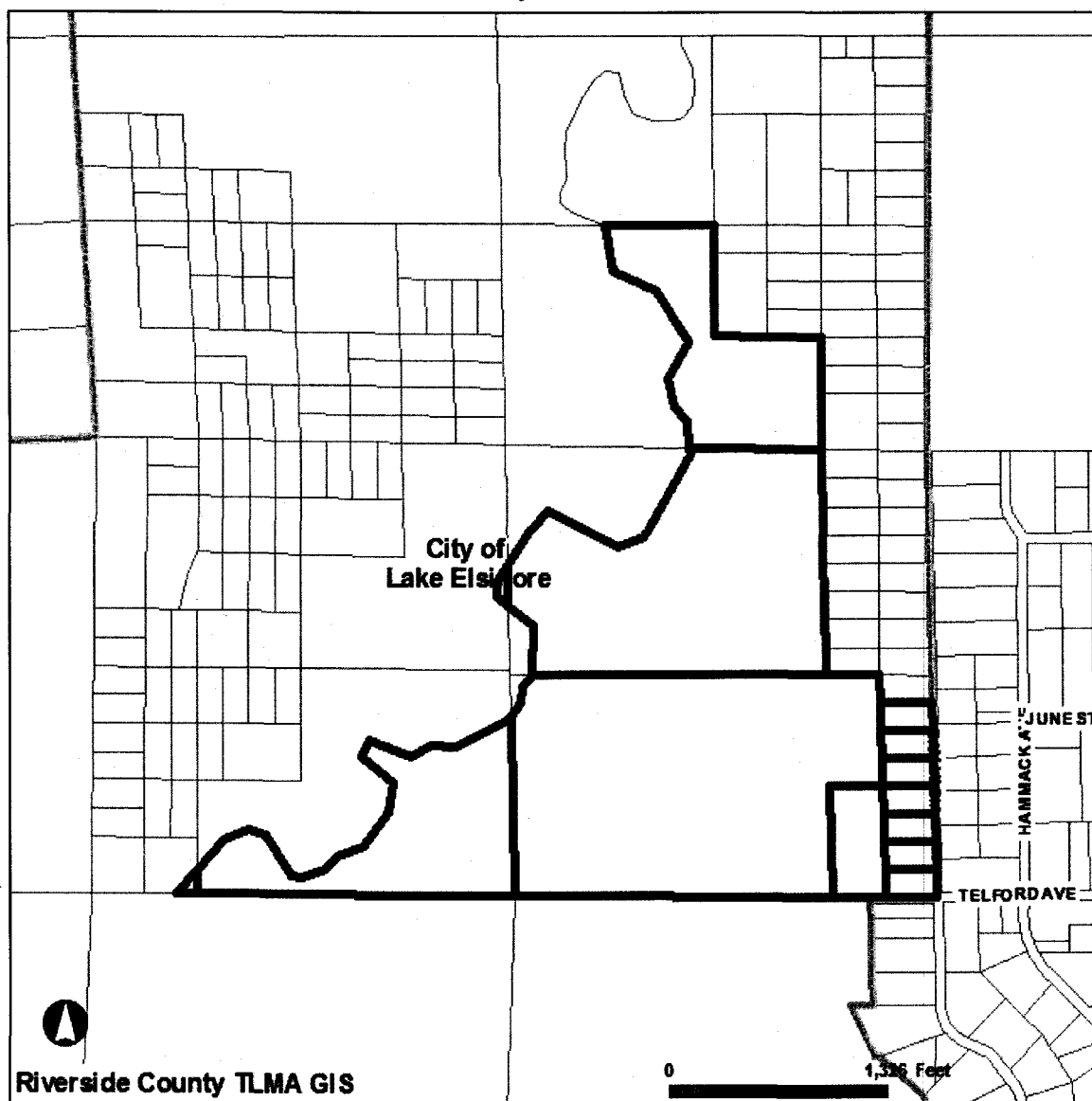
Selected parcel(s):
289-080-003 289-080-008

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:50:21 2010

County Parcel #11



Selected parcel(s):

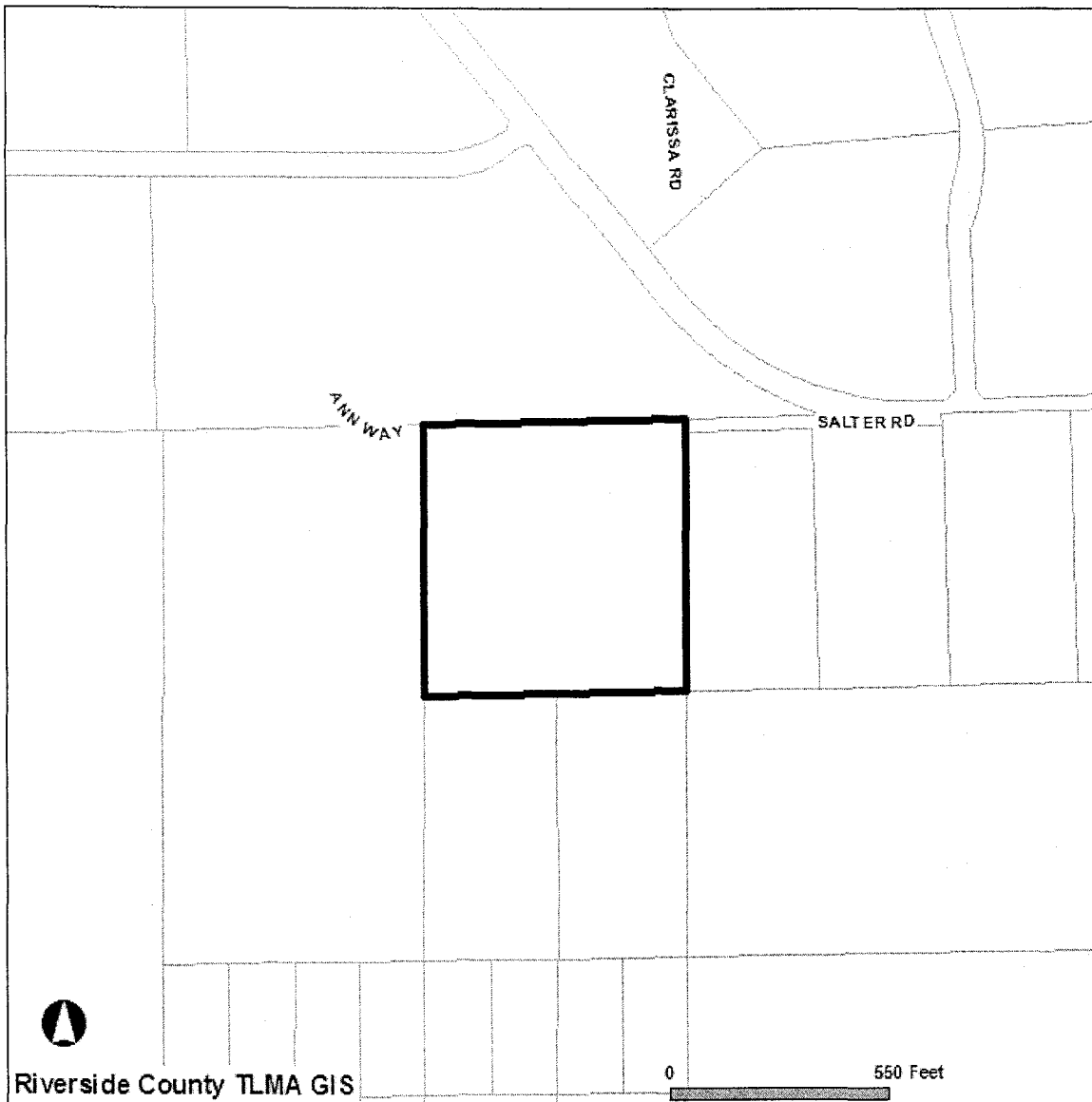
346-150-024 346-160-030 346-170-023 346-170-025 346-180-018 346-190-002 346-190-003
346-190-004 346-190-005 346-190-006 346-190-007 346-190-008 346-190-009 346-190-011

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:51:51 2010

County Parcel #12



Selected parcel(s):

321-190-005 *

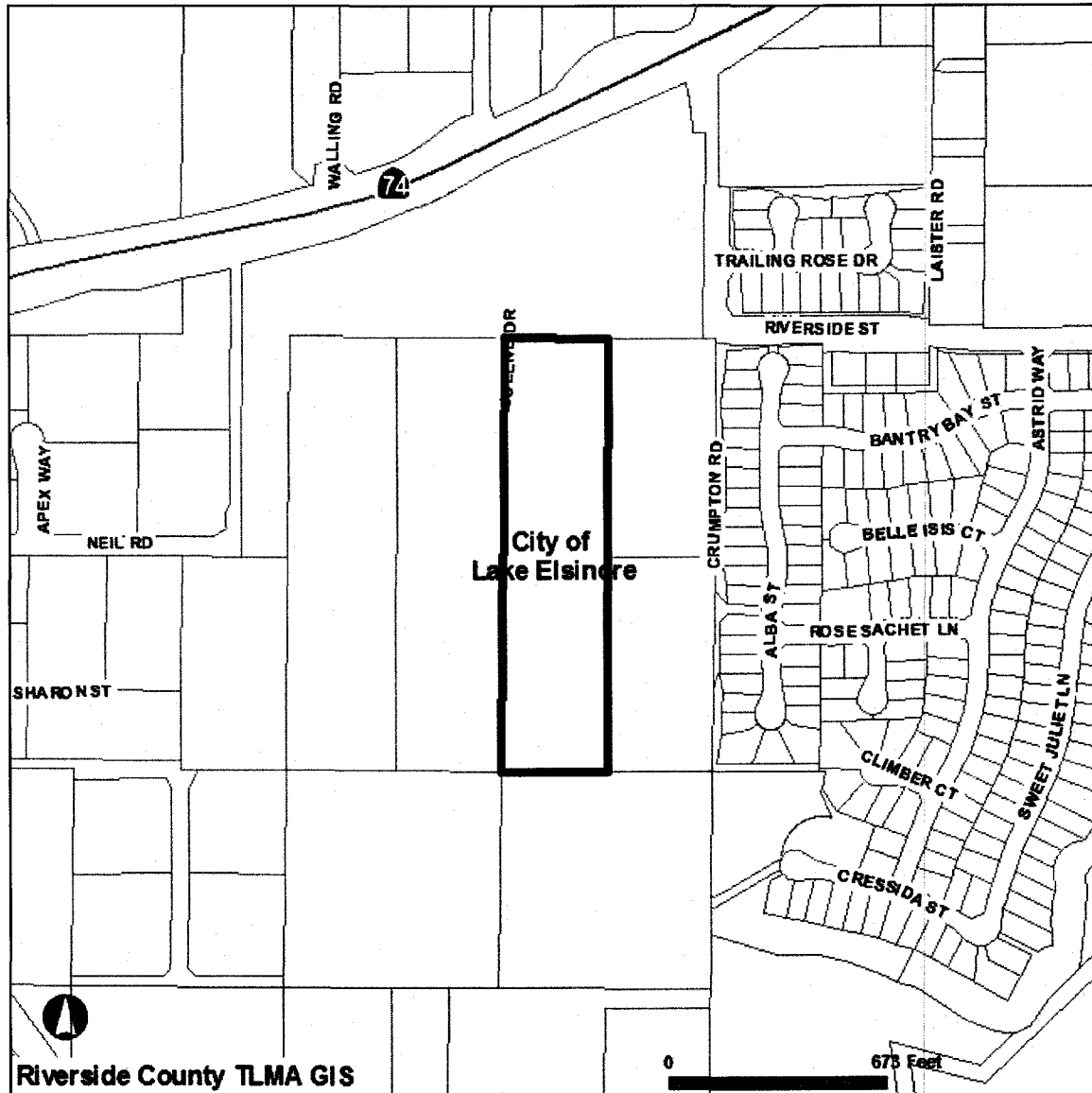
IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 14:48:48 2010

* Excepting therefrom a portion as referenced in Parcel #12 of MOU.

County Parcel #13



Selected parcel(s):
347-110-013

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Wed Mar 24 17:11:31 2010

2 **RESOLUTION NO. 2010-013**

3 **AUTHORIZATION TO CONVEY FEE SIMPLE INTERESTS IN REAL PROPERTY FROM THE**
4 **COUNTY OF RIVERSIDE TO THE WESTERN RIVERSIDE COUNTY REGIONAL**
5 **CONSERVATION AUTHORITY**

6 (Assessor's Parcel Numbers 413-030-005, 006, and 008; 422-250-001, 002, 003, 004, 005,
7 006, 007, 008, 009, and 010; 413-122-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011,
8 012, 013, 016, 017, 018, and 019; 413-131-039 and 040; 413-420-010; 571-090-031; 581-180-
9 016; 583-050-008; 583-080-011 and 012; 583-160-028; 583-060-022; 904-030-041; 909-160-
10 012; 390-100-007; 289-080-003 and 008; 346-150-024; 346-160-030; 346-170-023 and 025;
11 346-180-018; 346-190-002, 003, 004, 005, 006, 007, 008, 009 and 011; 321-190-005; and
12 347-110-013)

13 WHEREAS, Western Riverside County has a diverse ecosystem supporting a wide
14 range of plant and animal species;

15 WHEREAS, to ensure sensitive species and their habitat are protected in spite of
16 anticipated development, the Western Riverside Multiple Species Habitat Conservation Plan
17 (MSHCP) was created;

18 WHEREAS, the County of Riverside (County) began acquiring real property between
19 2001 and 2004 with Ordinance 810 funds designated for the purchase of MSHCP properties
20 that possess important wildlife and habitat value in anticipation and future inclusion of the then-
21 forthcoming MSHCP with the intention to transfer all real property interests to the Western
22 Riverside County Regional Conservation Authority (RCA) at a later date;

23 WHEREAS, the Western Riverside County Regional Conservation Authority (RCA) was
24 created in 2004 to implement the MSHCP;

25 WHEREAS, the County and RCA now intend to enter into a Memorandum of
Understanding to provide the terms and conditions for the conveyance of the real property
interests from County to RCA;

WHEREAS, the County intends to convey its fee simple interests of the properties listed
in Attachment "A" and depicted in Attachment "B" to the Western Riverside County Regional
Conservation Authority by Grant Deed;

FORM APPROVED COUNTY COUNSEL
BY: *Synthia M. Gunzel* 3-24-10
DATE
SYNTHIA M. GUNZEL

1 WHEREAS, RCA will take all responsibilities of ownership, including but not limited to
2 managing, monitoring and maintaining the above-referenced real properties consistent with the
3 wildlife and plant life conservation purposes of the MSHCP;

4 WHEREAS, on May 4, 2010, the Board of Supervisors of the County of Riverside
5 adopted Resolution No. 2010-012, a Notice of Intention to convey the County's fee simple
6 interests in real property to the RCA, now, therefore,

7
8 BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the
9 County of Riverside, California, in regular session assembled on May 18, 2010, at 9:00 am in
10 the meeting room of the Board of Supervisors located on the 1st floor of the County
11 Administrative Center, 4080 Lemon Street, Riverside, California, authorizes the conveyance of
12 the properties listed in Attachment "A".

13 BE IT FURTHER RESOLVED AND DETERMINED that the Chairman of the Board of
14 Supervisors of the County of Riverside is authorized to sign the Memorandum of
15 Understanding between the RCA and County of Riverside and authorize the Chairman of the
16 Board of Supervisors to execute this MOU on behalf of the County;

17 BE IT FURTHER RESOLVED AND DETERMINED that the Chairman of the Board
18 executes the Grant Deeds to complete the conveyances of the fee simple interests in real
19 property and this transaction;

20 BE IT FURTHER RESOLVED AND DETERMINED that the Assistant County Executive
21 Officer/EDA or his designee, is authorized to execute any other documents to complete this
22 transaction;

23 BE IT FURTHER RESOLVED AND DETERMINED that the Clerk of the Board of
24 Supervisors has given notice hereof as provided in Section 6061 of the Government Code.

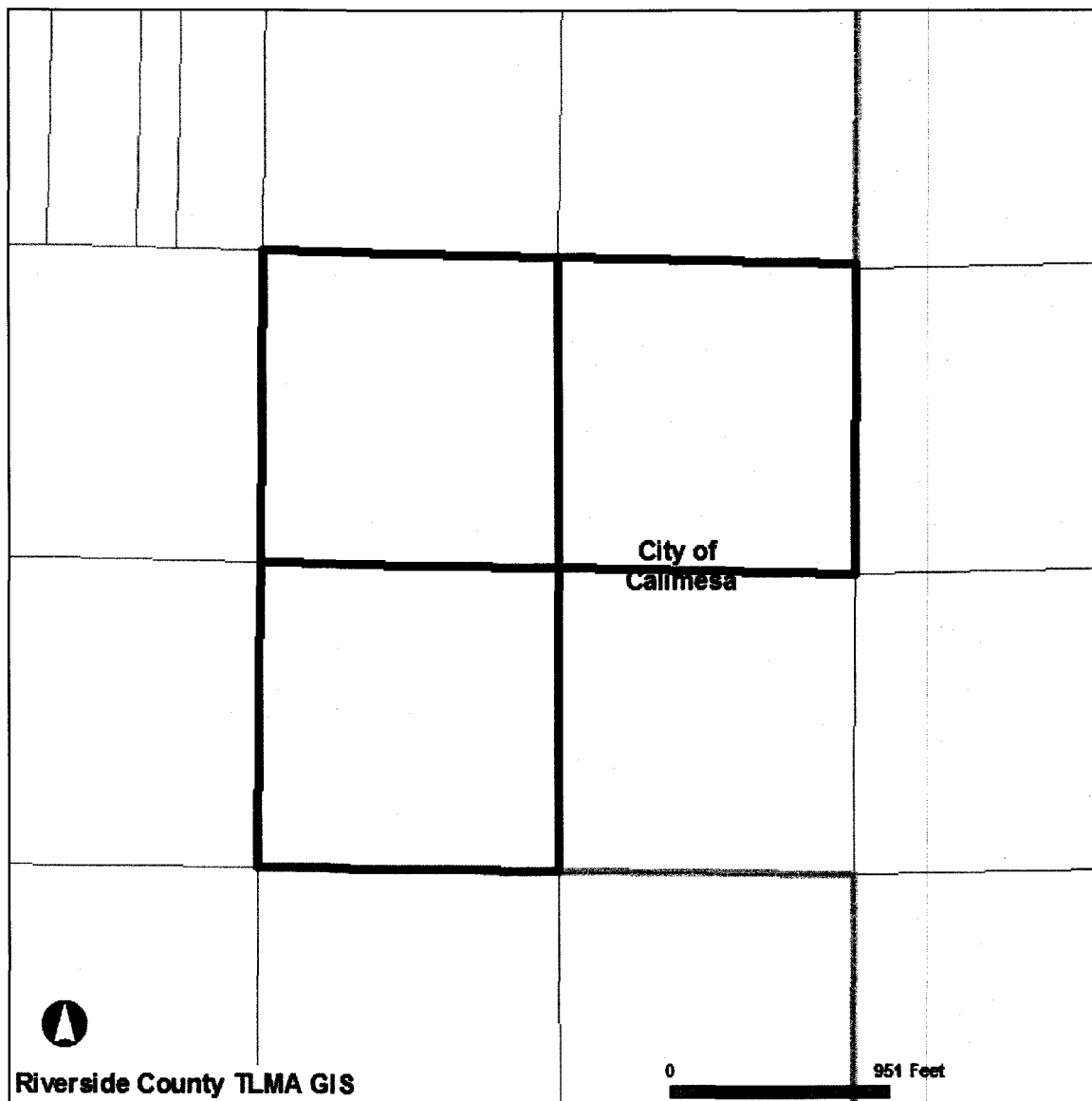
ATTACHMENT "A"

Property Identification	Assessor's Parcel Number(s)	Parcel Size (Acres)
County Parcel #1	413-030-005, 006 & 008 Pass Area	118.00 acres
County Parcel #2	422-250-001, 002, 003, 004, 005, 006, 007, 008, 009, & 010 Reche Canyon /Badlands Area	309.00 acres
County Parcel #3	413-122-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 016, 017, 018 and 019; 413- 131-039 & 040; and 413-420-010 Pass Area	7.00 acres
County Parcel #4	571-090-031	80.00 acres
County Parcel #5	581-180-016; 583-050-008; 583- 080-011 & 012; and 583-160-028 REMAP Area	1,004 acres
County Parcel #6	583-060-022 REMAP Area	40.00 acres
County Parcel #7	904-030-041 Southwest Area	10.00 acres
County Parcel #8	909-160-012 Southwest Area	82.00 acres
County Parcel #9	390-100-007 Elsinore Area	40.00 acres
County Parcel #10	289-080-003 and 006 Elsinore Area	444.00 acres
County Parcel #11	346-150-024; 346-160-030; 346- 170-023 & 025; 346-180-018; and 346-190-002, 003, 004, 005, 006, 007, 008, 009 & 011 Elsinore Area	167.00 acres
County Parcel #12	321-190-005 Lake Mathews/Woodcrest Area	10.00 acres*
County Parcel #13	347-110-013 Elsinore Area	10.00 acres
Total		2,321 acres

*Excepting therefrom a portion as referenced in Parcel #12 of the MOU.

ATTACHMENT "B"

County Parcel #1



Selected parcel(s):

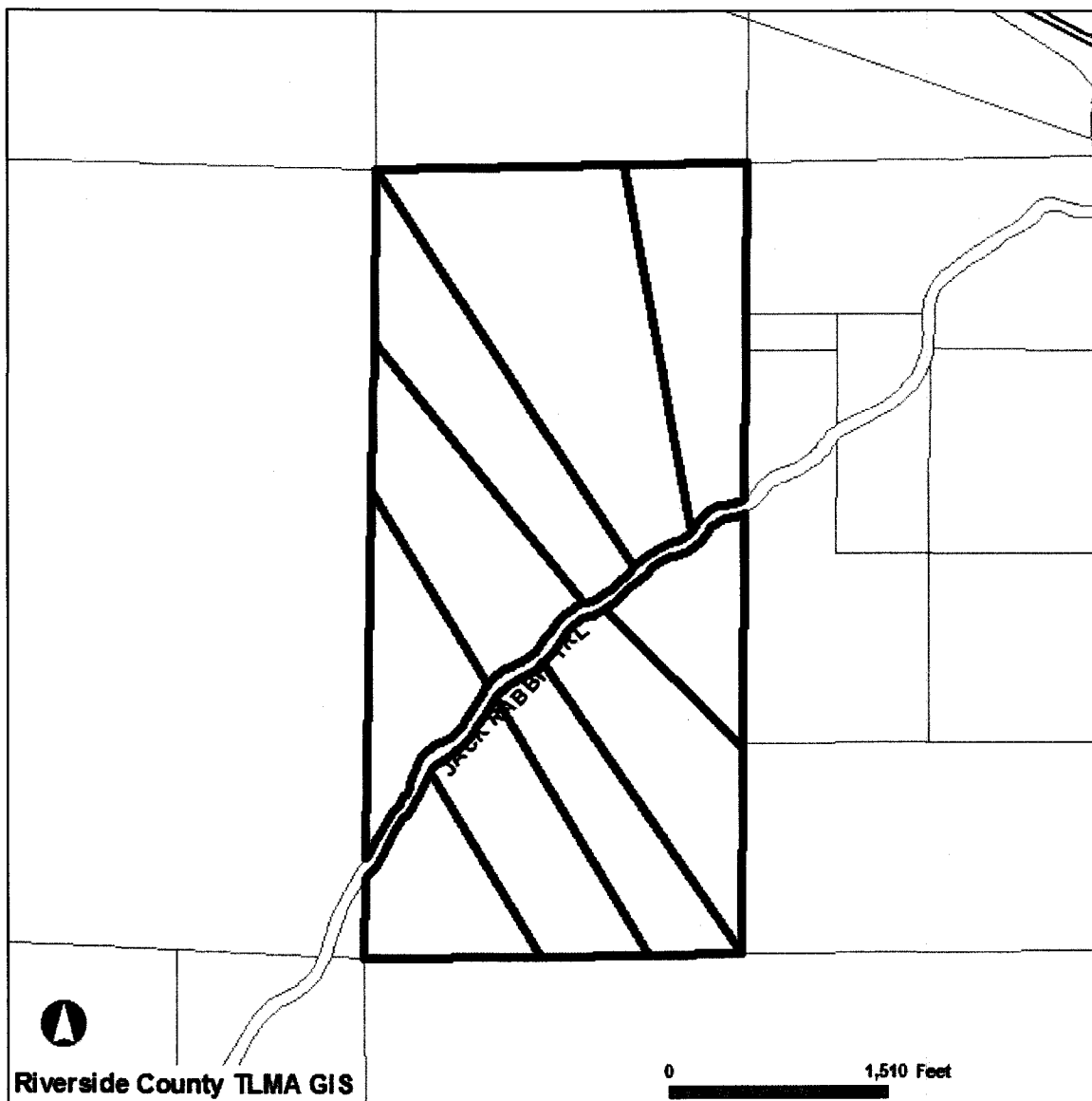
413-030-005 413-030-006 413-030-008

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:38:22 2010

County Parcel #2



Selected parcel(s):

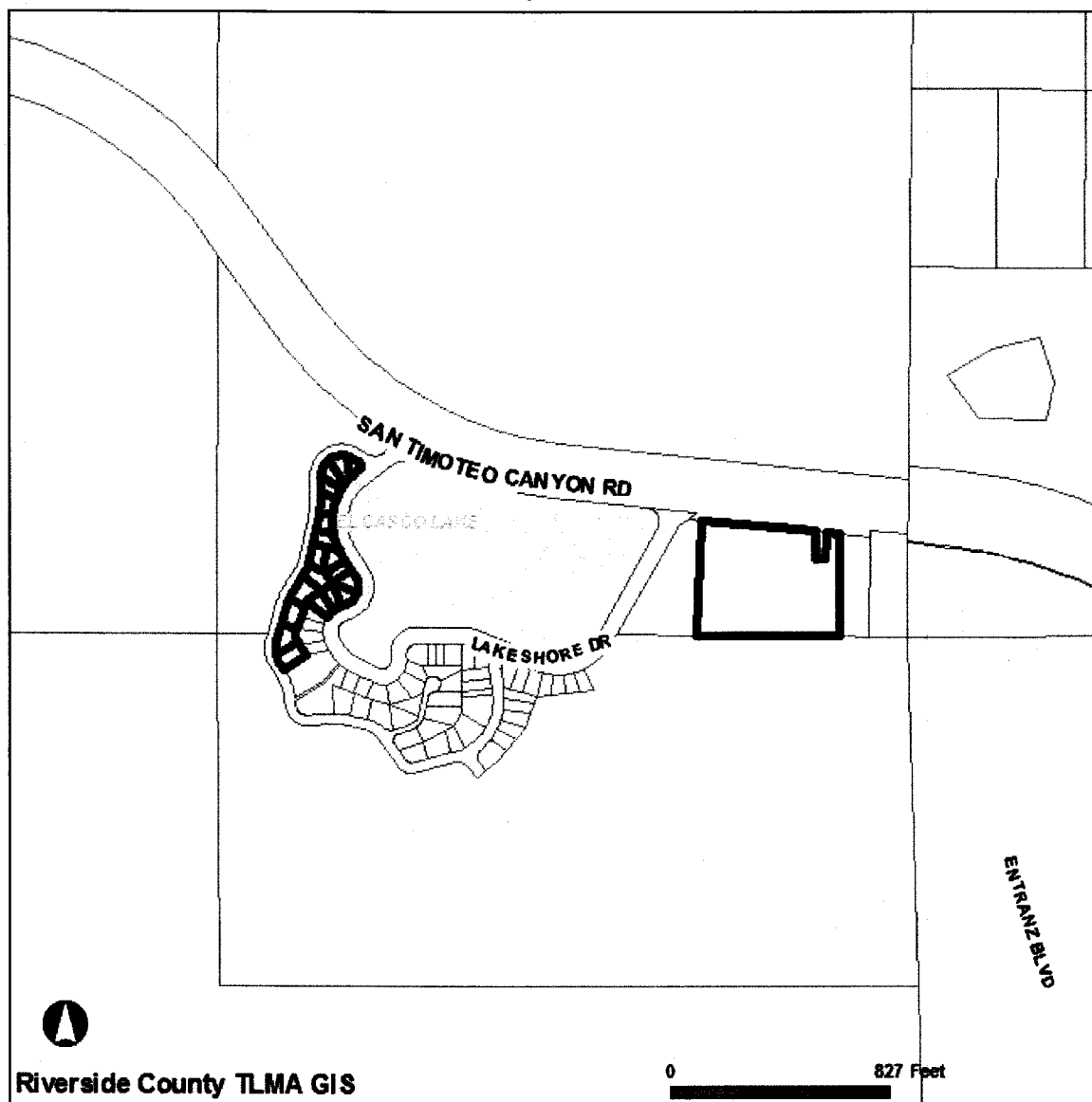
422-250-001 422-250-002 422-250-003 422-250-004 422-250-005 422-250-006 422-250-007
422-250-008 422-250-009 422-250-010

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:39:47 2010

County Parcel #3



Selected parcel(s):

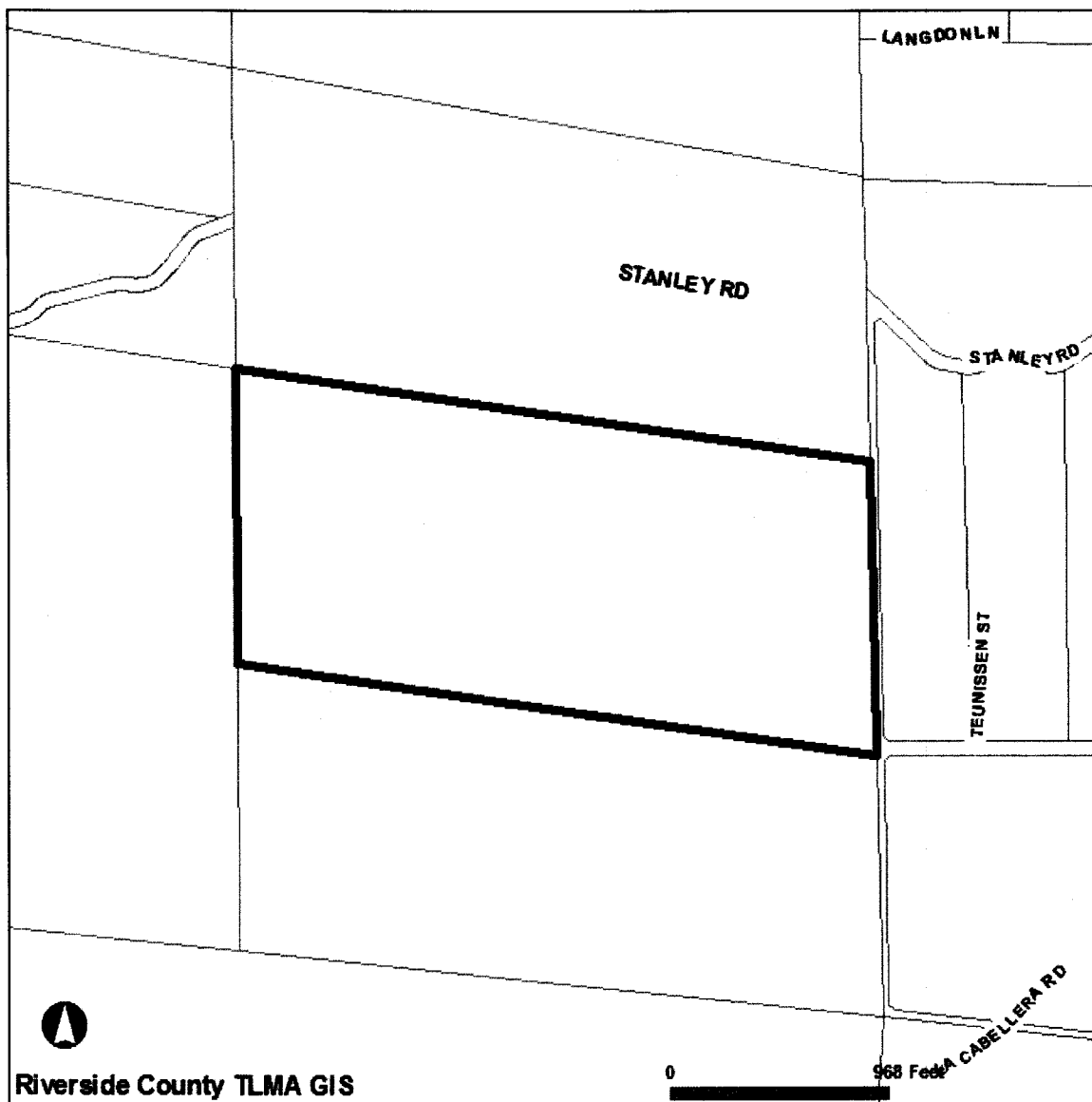
413-122-001 413-122-002 413-122-003 413-122-004 413-122-005 413-122-006 413-122-007
413-122-008 413-122-009 413-122-010 413-122-011 413-122-012 413-122-013 413-122-016
413-122-017 413-122-018 413-122-019 413-131-039 413-131-040 413-420-010

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:43:25 2010

County Parcel #4



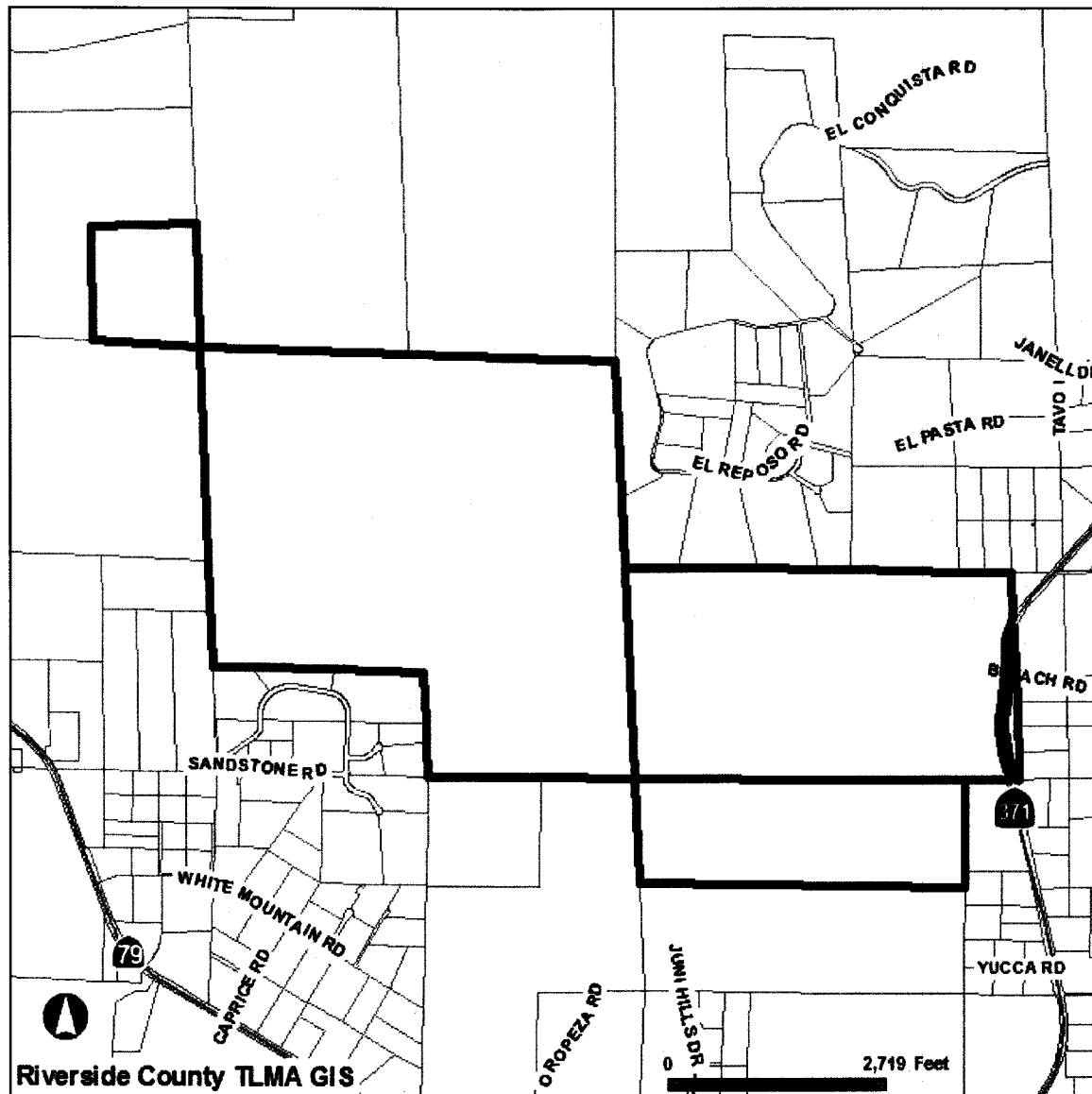
Selected parcel(s):
571-090-031

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:44:25 2010

County Parcel #5



Selected parcel(s):

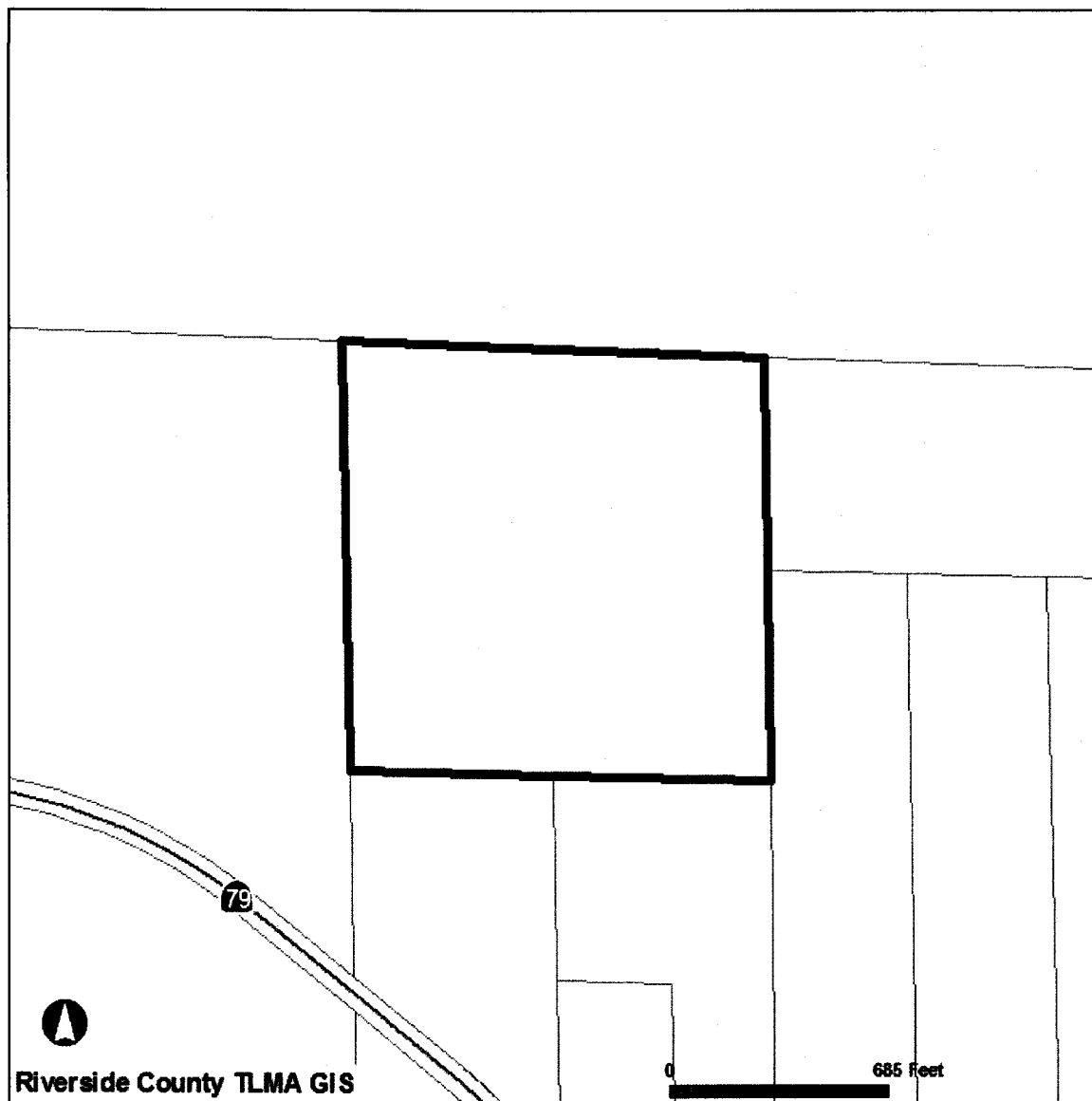
581-180-016 583-050-008 583-080-011 583-080-012 583-160-028

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:57:09 2010

County Parcel #6



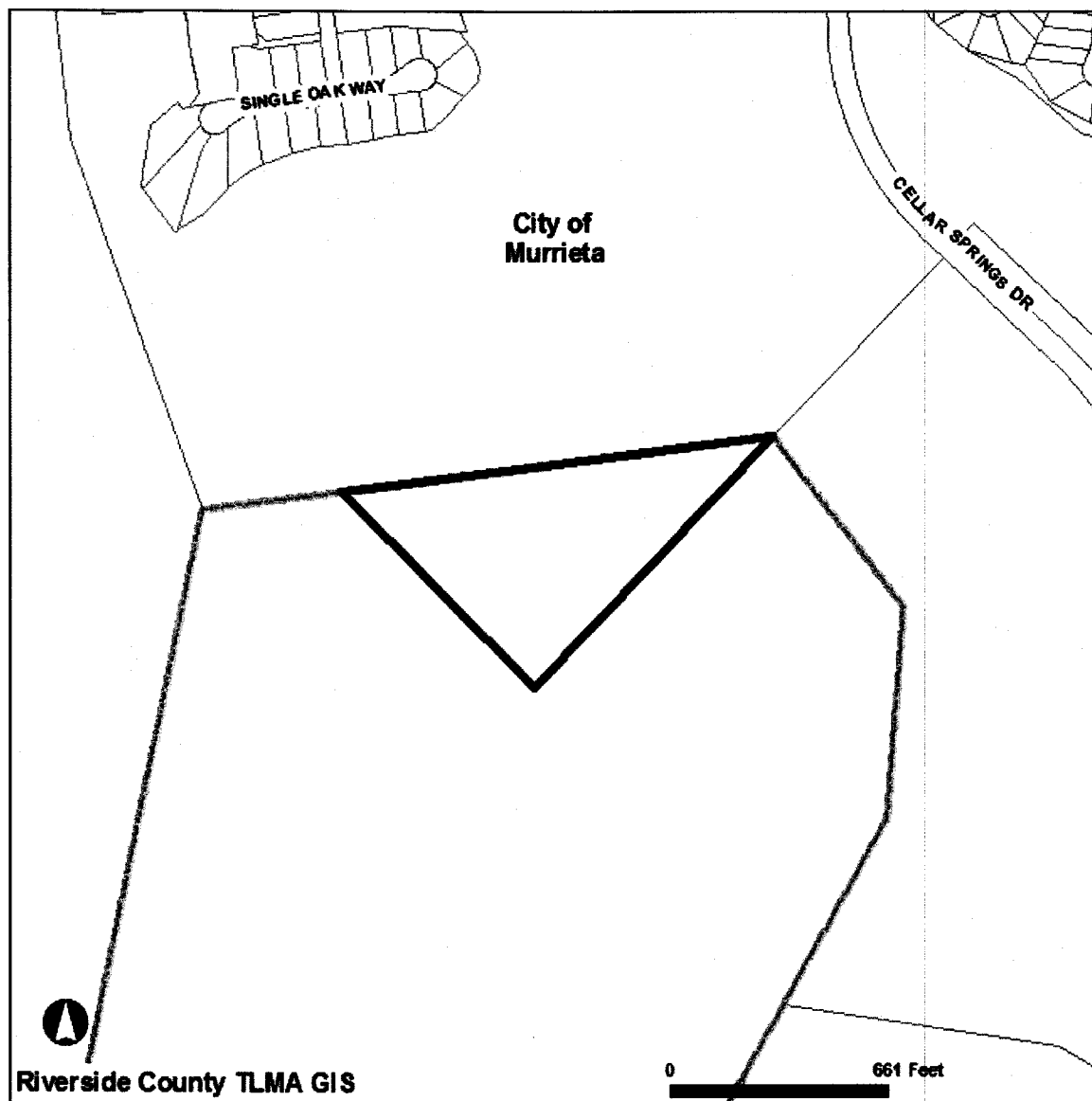
Selected parcel(s):
583-060-022

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:59:00 2010

County Parcel #7



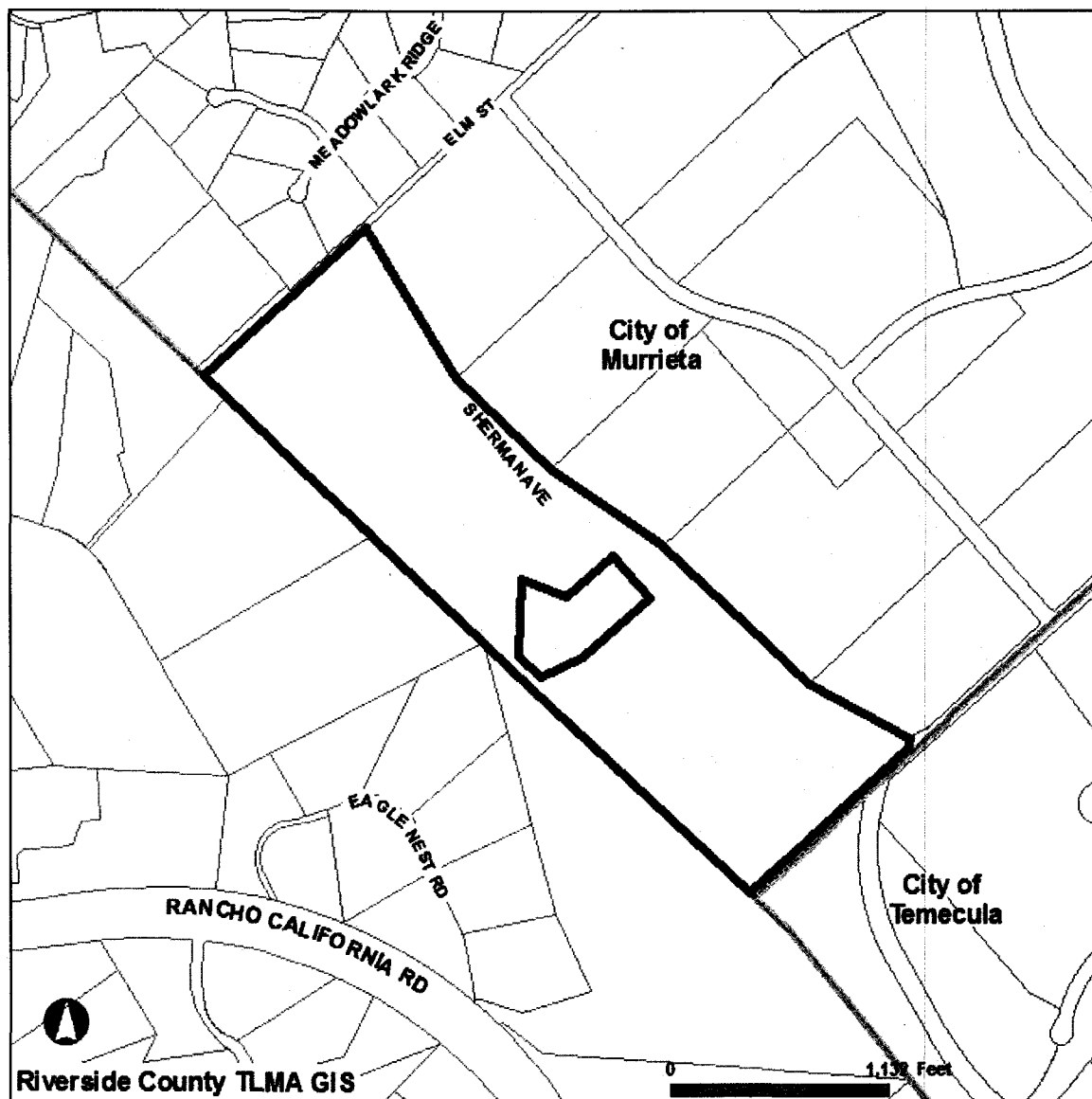
Selected parcel(s):
904-030-041

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:47:40 2010

County Parcel #8



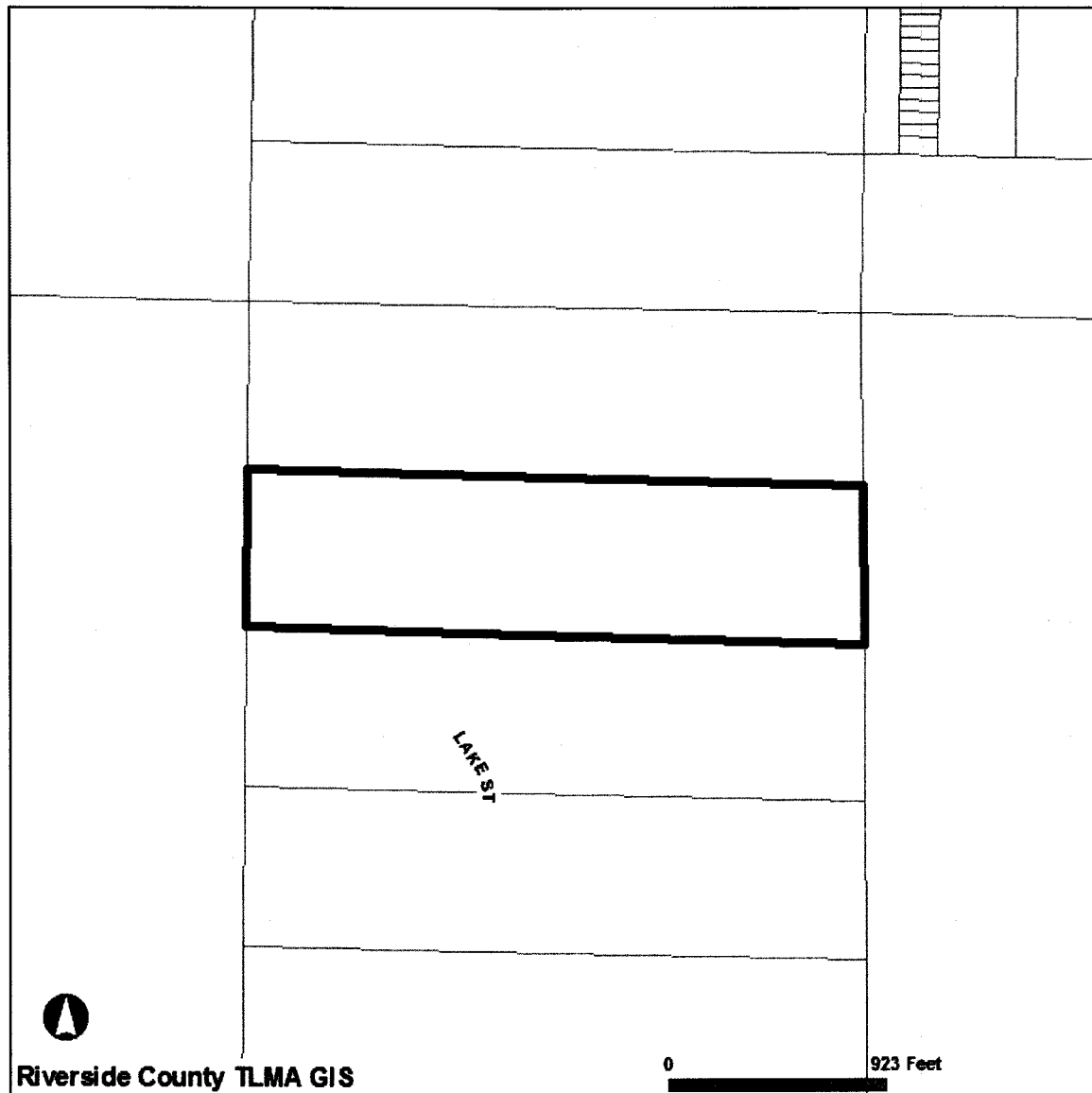
Selected parcel(s):
909-160-012

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:48:19 2010

County Parcel #9



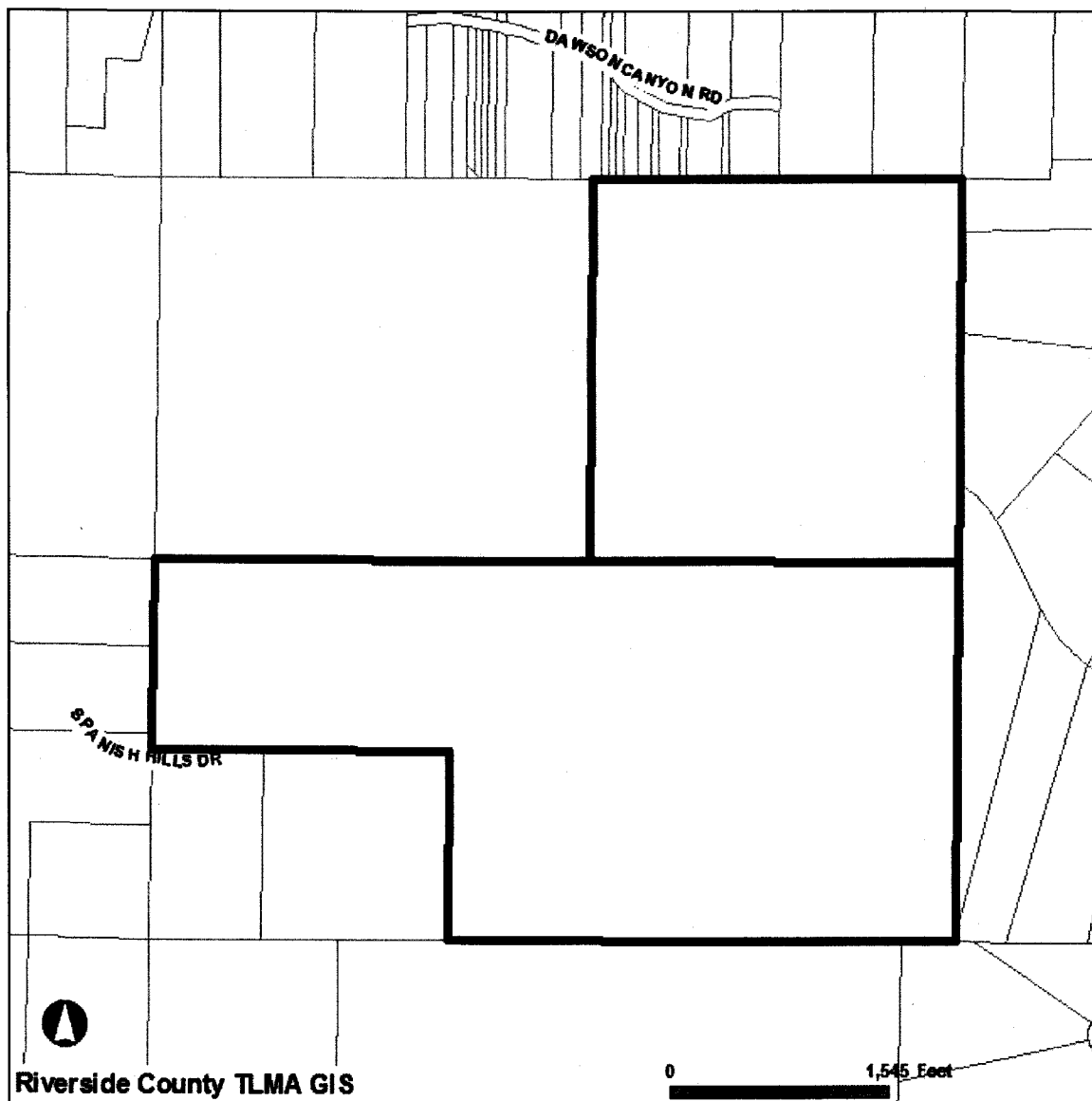
Selected parcel(s):
390-100-007

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:48:57 2010

County Parcel #10



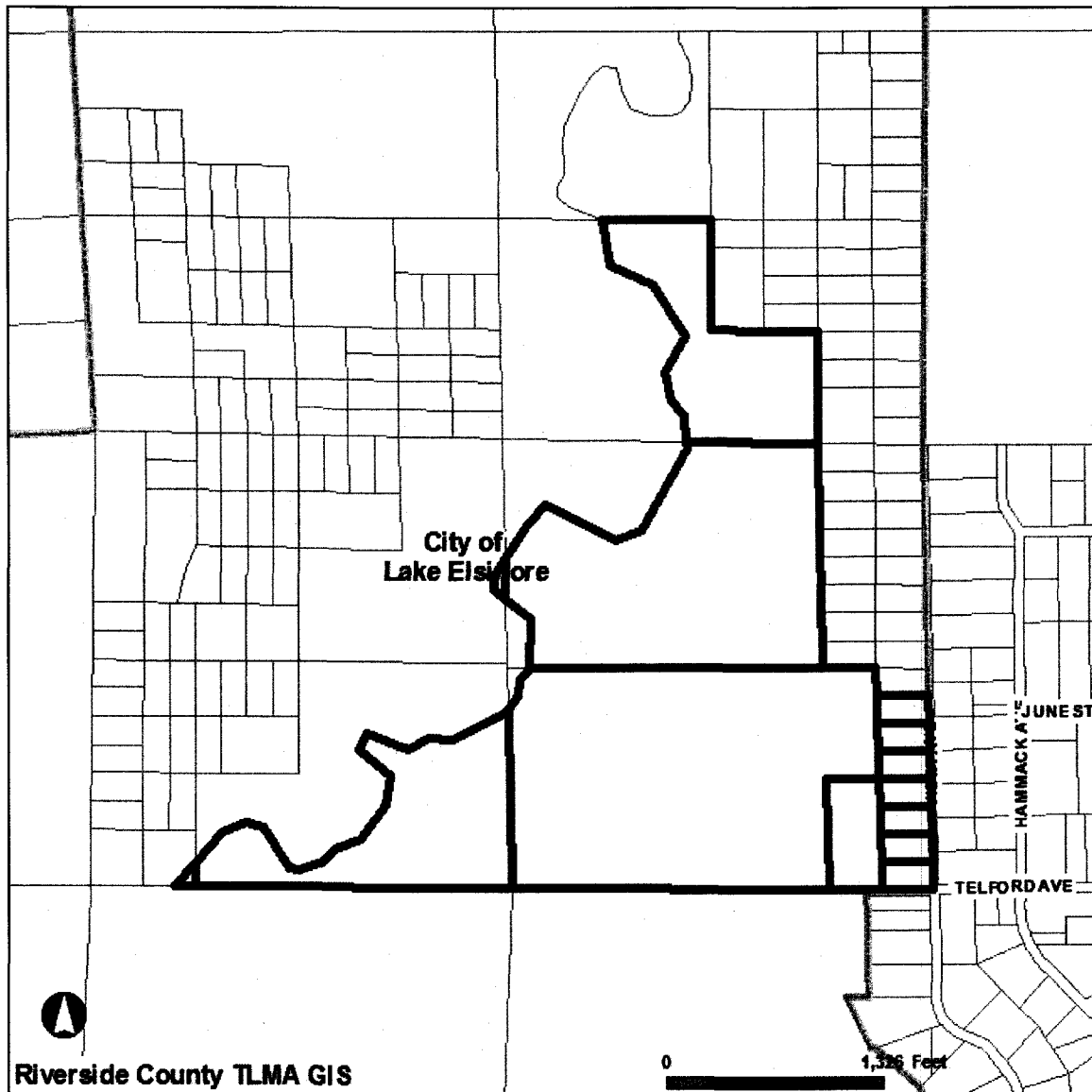
Selected parcel(s):
289-080-003 289-080-008

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:50:21 2010

County Parcel #11



Selected parcel(s):

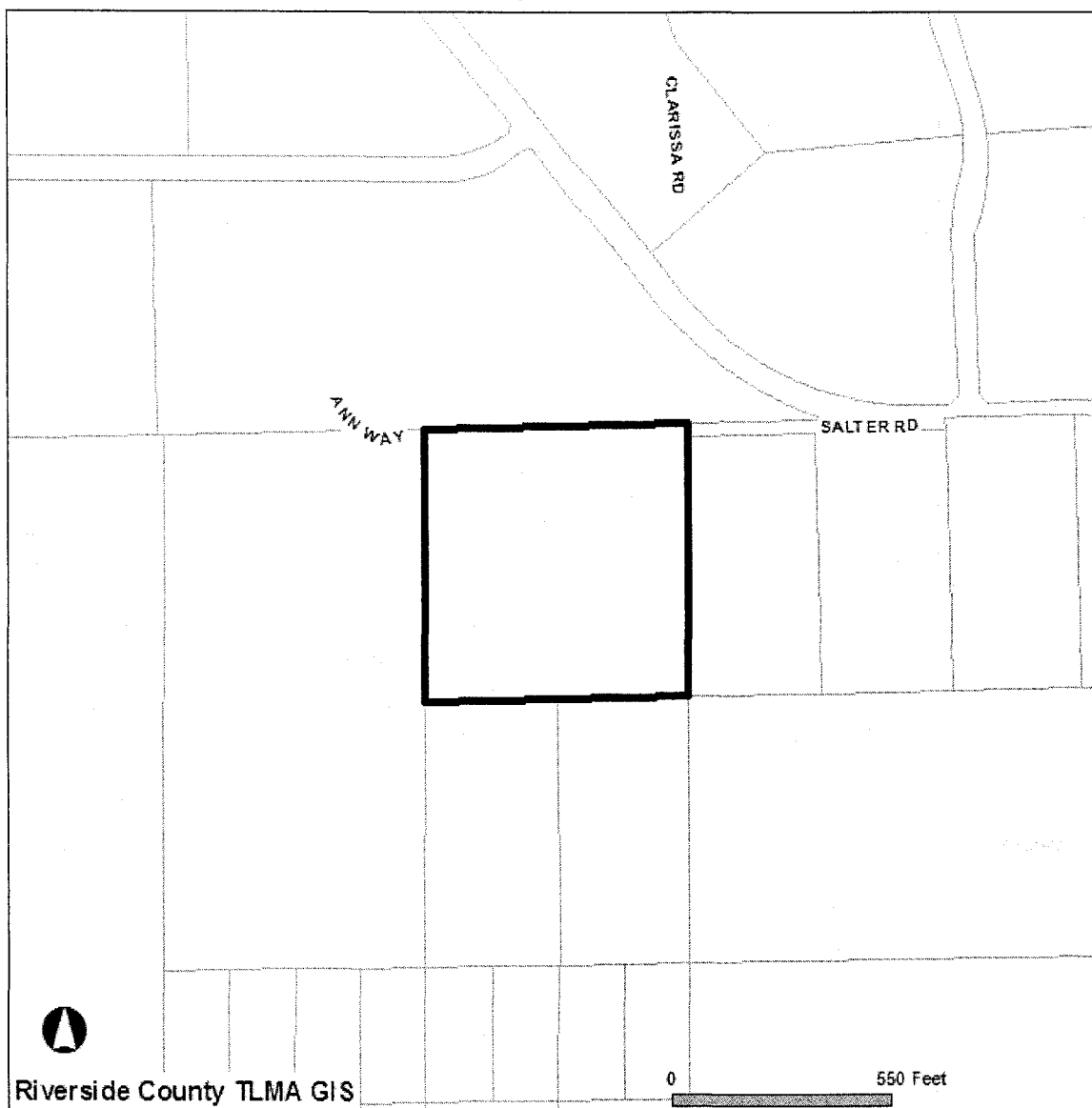
346-150-024 346-160-030 346-170-023 346-170-025 346-180-018 346-190-002 346-190-003
346-190-004 346-190-005 346-190-006 346-190-007 346-190-008 346-190-009 346-190-011

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 13:51:51 2010

County Parcel #12



Selected parcel(s):

321-190-005 *

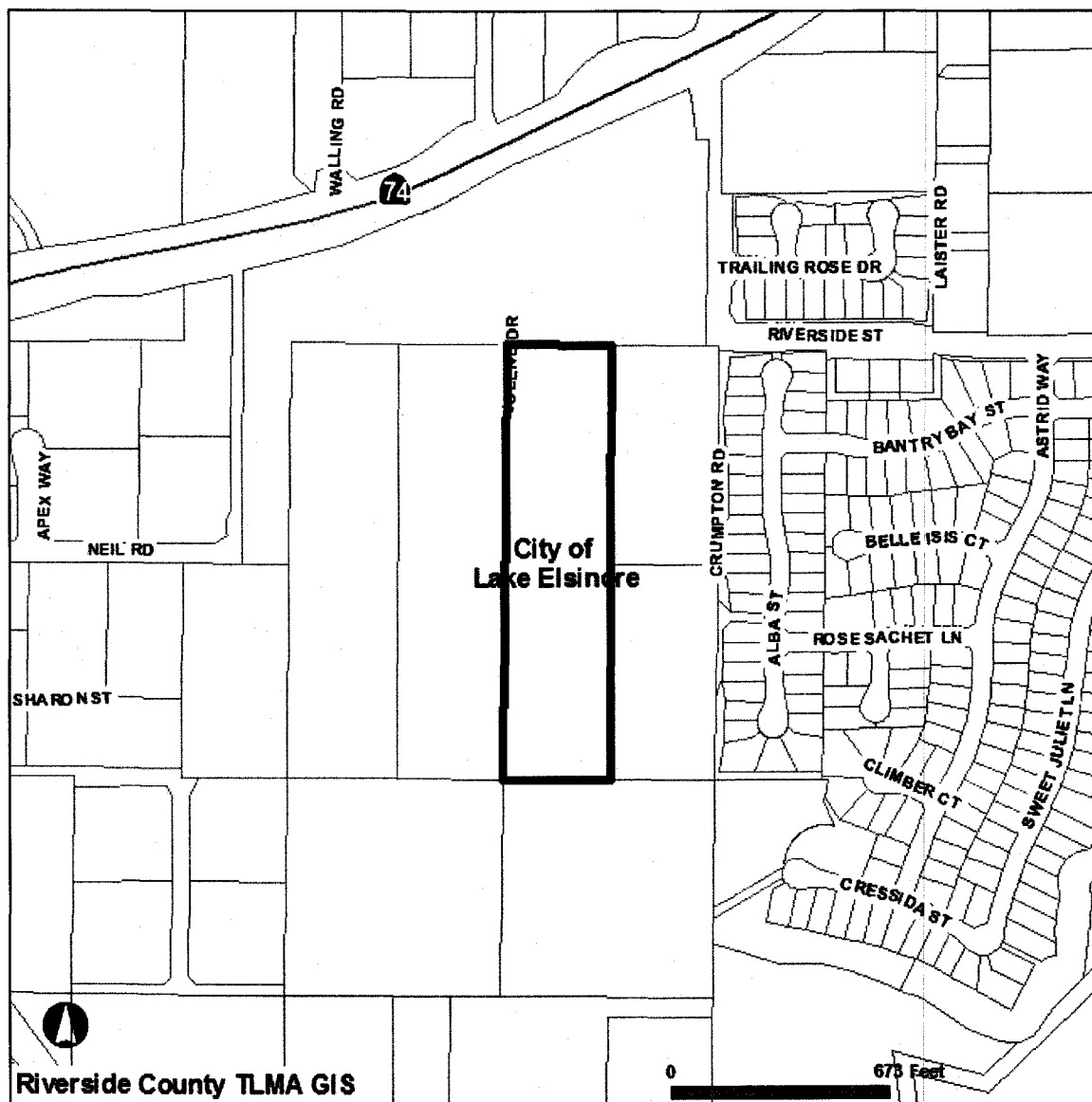
IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Thu Mar 18 14:48:48 2010

* Excepting therefrom a portion as referenced in Parcel #12 of MOU.

County Parcel #13



Selected parcel(s):
347-110-013

IMPORTANT

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON...Wed Mar 24 17:11:31 2010

**MEMORANDUM OF UNDERSTANDING BY AND BETWEEN
WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY
AND THE COUNTY OF RIVERSIDE
REGARDING CONVEYANCE OF THIRTEEN PROPERTIES**

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and effective _____, by and between the WESTERN RIVERSIDE REGIONAL CONSERVATION AUTHORITY, a public agency and joint powers authority, ("RCA") and the COUNTY OF RIVERSIDE, a political subdivision of the State of California, ("County"). RCA and the County are sometimes collectively referred to herein as the "PARTIES."

RECITALS

- A. Western Riverside County has a diverse ecosystem supporting a wide range of plant and animal species, including 32 currently listed species, with additional listed species anticipated in the future; and
- B. Riverside County faces the doubling of its population over the next 20 to 25 years, which will require new infrastructure development; and
- C. To ensure sensitive species and their habitat are protected in spite of the anticipated development, the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP") was created; and
- D. The MSHCP is a multi-jurisdictional habitat conservation plan focusing on the conservation of both sensitive species and associated habitats to address biological and ecological diversity conservation needs in western Riverside County, setting aside undisturbed land for the conservation of sensitive habitats while preserving open space and recreational opportunities. The MSHCP addresses the potential impacts of urban growth, natural habitat loss and species endangerment, and creates a plan to mitigate for the potential loss of covered species and their habitats due to direct and indirect impacts of future development of both private and public lands within the MSHCP Plan Area; and
- E. The MSHCP contemplates the acquisition of a substantial amount of conservation and open space lands within the County's jurisdiction and the transfer of such to RCA to implement the MSHCP's conservation purposes; and
- F. In anticipation of the then-forthcoming MSHCP, the County began acquiring real property possessing important wildlife and habitat value for future inclusion in the MSHCP; and
- G. County is the owner of certain real property as listed below the following thirteen properties located in the County of Riverside that are the subject of this MOU (collectively, "the Properties"):

1. County Parcel #1: 118 acres, Pass Area (APN 413-030-005, -006, and -008), more particularly described in the legal descriptions referenced in the Grant Deed appended as Attachment 1-A and parcel map appended as Attachment 1-B; and
2. County Parcel #2: 309 acres, Reche Canyon/Badlands Area (APN 422-250-001, -002, -003, -004, -005, -006, -007, -008, -009, -010), more particularly described in the legal descriptions referenced in the Grant Deed appended as Attachment 2-A and parcel map appended as Attachment 2-B; and
3. County Parcel #3: 7 acres, Pass Area (APN 413-122-001, -002, -003, -004, -005, -006, -007, -008, -009, -010, -011, -012, -013; -016, -017, -018, and -019; 413-131-039 and -040; and 413-420-010), more particularly described in the legal descriptions referenced in the Grant Deed appended as Attachment 3-A and parcel map appended as Attachment 3-B; and
4. County Parcel #4: 80 acres, REMAP area (APN 571-090-031), more particularly described in the legal descriptions referenced in the Grant Deed appended as Attachment 4-A and parcel map appended as Attachment 4-B; and
5. County Parcel #5: 1004 acres, REMAP area (APN 581-180-016; 583-050-008, 583-080-011, -012; and 583-160-028), more particularly described in the legal descriptions referenced in the Grant Deed appended as Attachment 5-A and parcel map appended as Attachment 5-B; and
6. County Parcel #6: 40 acres, REMAP area (APN 583-060-022), more particularly described in the legal descriptions referenced in the Grant Deeds appended as Attachment 6-A and parcel map appended as Attachment 6-B; and
7. County Parcel #7: 10 acres, Southwest area (APN 904-030-041), more particularly described in the legal descriptions referenced in the Grant Deeds appended as Attachment 7-A and parcel map appended as Attachment 7-B; and
8. County Parcel #8: 82 acres, Southwest area (APN 909-160-012), more particularly described in the legal descriptions referenced in the Grant Deeds appended as Attachment 8-A and parcel map appended as Attachment 8-B; and
9. County Parcel #9: 40 acres, Elsinore area (APN 390-100-007), more particularly described in the legal descriptions referenced in the Grant

19, 2009 sent to Robert Field, Assistant County Executive Officer by Georgia Lloyd on behalf of the RCA.

2. RCA shall:

a. Accept ownership of the Properties; provided however, that if RCA determines that one or more of the Properties are no longer needed for the MSHCP or RCA designates one or more of the Properties as surplus property ("Designated Properties"), then RCA shall provide written notice to the County that the Designated Properties may be conveyed back to the County. Within ninety (90) days of receiving RCA's notice, the County shall respond to RCA in writing whether it wishes to exercise its power of termination and right of re-entry for the Designated Properties. If the County fails to respond within ninety (90) days or if it determines that it does not wish to exercise its power of termination and right of re-entry, then the RCA may dispose of the Designated Properties pursuant to RCA's policies and state law.

b. Take all responsibilities of ownership, including but not limited to, managing, monitoring and maintaining these Properties consistent with the requirements of the MSHCP;

3. Time for Conveyance. Execution and delivery of the deeds by the County to RCA shall occur within 30 days after Parties have obtained authorization from its respective governing bodies. Parties may mutually agree in writing to extend the time for performance of the conveyances.

4. Changes or Modifications. No part of this may be modified, altered, amended, waived, or changed without the express written consent of the parties hereto.

5. Notice. As used in this MOU, notice includes but is not limited to, the communication of any notice, request, demand, approval, statement, report, acceptance, consent, waiver and appointment. All notices must be in writing. Notice is given either (i) when delivered in person to the person or company intended named below, (ii) when delivered via facsimile with confirmation from the receiving party via return fax; or (iii) when sent via reputable overnight courier (such as Federal Express), addressed by name and addressed to the party or persons intended, as follows, until such time as a party gives notice of a change of address in accordance with the terms of this section:

COUNTY

Attn: Executive Officer
4080 Lemon St., 4th Floor
Riverside, CA 92501
Phone: (951) 955-1100
Fax: (951) 955-1105

RCA

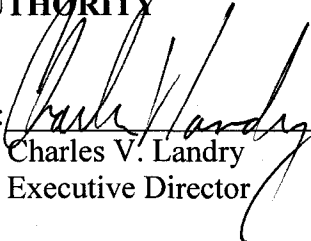
Attn: Executive Director
3403 Tenth Street, Suite 320
P.O. Box 1667
Riverside, CA 92502-1667
Phone: (951) 955-9700
Fax (951) 955-8873

IN WITNESS WHEREOF, the Parties have caused this MOU to be signed as of the date first above written.

COUNTY OF RIVERSIDE

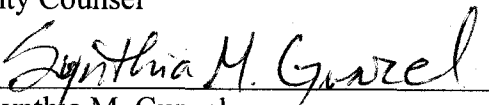
By: _____
Marion Ashley, Chairman
Board of Supervisors

**WESTERN RIVERSIDE
REGIONAL CONSERVATION
AUTHORITY**

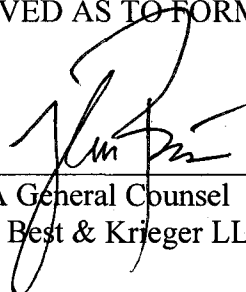
By: _____
Charles V. Landry
Executive Director

APPROVED AS TO FORM:

Pamela J. Walls
County Counsel

By: _____
Synthia M. Gunzel
Deputy County Counsel

APPROVED AS TO FORM:

By: _____
RCA General Counsel
Best Best & Krieger LLP