



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

621



FROM: Regional Park & Open-Space District

SUBMITTAL DATE:
November 9, 2010

SUBJECT: Resolution No. 2010-5 - Notice of Intention to Convey Easement Interests in Real Property – Unincorporated Area of Western Riverside County - portions of each Assessor's Parcel Numbers 187-210-008 and 189-110-001 respectively – District II

RECOMMENDED MOTION: That the Board of Directors:

1. Adopt Resolution No. 2010-5, Notice of Intention to Convey Easement Interests in Real Property – Unincorporated Area of Western Riverside County, County of Riverside, portions of each APN 187-210-008 and 189-110-001 respectively, to the City of Riverside by Easement Deeds; and
2. Directs the Clerk of the Board to give notice pursuant to Government Code Section 6061.

BACKGROUND: (Continued on page 2)

Tracy Novak, Assistant Parks Director for
Scott Bangle, General Manager

FINANCIAL DATA n/a	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	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

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY:
CYNTHIA M. GUNZEL
DATE: 11/10/10

☐ Consent ☒ Policy
☐ Consent ☒ Policy

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

Prev. Agn. Ref.:

District: II

Agenda Number:

13.1

SUBJECT: Resolution No. 2010-5 Notice of Intention to Convey Easement Interests in Real Property – Unincorporated Area of Western Riverside County - portions of each APN 187-210-008 and 189-110-001 respectively – District II

BACKGROUND: The Riverside County Regional Park & Open-Space District ("District") is governed by the California Public Resources Code regarding the ownership of any interest in real property that may be dedicated and used for park and/or open-space purposes and whether replacement of park land is required. In certain situations, any interest in real property, that is used for parks and/or open-space purposes and actually dedicated for such purpose by a resolution adopted by the District Board of Directors ("Board"), could not be freely and voluntarily conveyed by the District without voter approval or a Legislative concurrence. In addition, if the real property interest is currently being used as a public park and a conveyance was to be made whereby a grantee will not use the property as a public park, then additional standards must be followed. The District owns fee simple interest in certain parcels of real property described above that the City of Riverside desires to acquire easement interests in that real property for the purpose of implementing a sewer utility project known as the Santa Ana River Trunk Sewer Project.

In accordance with California Public Resources Code Section 5540, a district may grant or dispose of real property, within or without the district, necessary to the full exercise of its powers; however, it "...may not validly convey any interest in any real property actually dedicated and used for park or open-space, or both, purposes without the consent of a majority of the voters of the district voting at a special election called by the board and held for that purpose." The conveyance of the easement interests in this transaction is not in violation of Section 5540 because the District did not actually dedicate by a Board resolution the fee simple interest or any interest therein, in the real property in which the easement interest is to be created and conveyed.

The Public Park Preservation Act of 1971 ("Act") (California Public Resources Code Section 5400 et. seq) places conditions in which public agencies must follow when real property that is being used as a public park at the time of the acquisition is to be acquired for the purpose of utilizing such property for any nonpark purpose. A portion of the easement interests to be acquired by the City are located within real property commonly known as the Martha McLean/Anza Narrows Park. California Public Resources Code Section 5402 specifically provides an exception to the general rule whereby the provisions of the Act "shall not apply to the acquisition of real property or any interest in real property for the construction or maintenance of underground utility services. The purpose in which the City of Riverside desires to acquire the easement interests is to construct and maintain sewer utility services for its Santa Ana River Trunk Sewer Project. The conveyance does not require replacement of the easement interests to be acquired by the City.

The Park District intends to convey Easement Interests in Real Property located in the unincorporated area of Western Riverside County, portions of Assessor's Parcel Numbers 187-210-008 and 189-110-001 to the City of Riverside by Easement Deeds, more particularly legally described and depicted in Exhibit "A", for each respective real property interest, attached hereto. All costs for this transaction will be paid by the City. Resolution No. 2010-5 has been reviewed and approved as to form by County Counsel.

1 BOARD OF DIRECTORS

RIVERSIDE COUNTY REGIONAL
PARK & OPEN-SPACE DISTRICT

2
3 RESOLUTION NO. 2010-5
4 NOTICE OF INTENTION TO CONVEY EASEMENT INTERESTS IN REAL PROPERTY
5 TO THE CITY OF RIVERSIDE
6 IN THE UNINCORPORATED AREA OF RIVERSIDE COUNTY, CALIFORNIA
7 PORTIONS OF ASSESSOR'S PARCEL NUMBERS
8 187-210-008 and 189-110-001 BY EASEMENT DEEDS

9 BE IT RESOLVED, DETERMINED AND ORDERED and NOTICE IS HEREBY GIVEN by the
10 Board of Directors of the Riverside County Regional Park & Open-Space District in regular session
11 assembled on November 9, 2010, in accordance with California Public Resources Code Section 5540,
12 that it intends to convey on or after November 30, 2010 to the City of Riverside, easement interests in
13 certain real property in the unincorporated area of Riverside County, State of California, portions of
14 Assessor's Parcel Numbers 187-210-008 and 189-110-001, more particularly legally described and
15 depicted in Exhibit "A", for each respective real property interest, attached hereto and made a part
16 hereof. The terms and conditions of the proposed conveyance are as follows: The Riverside County
17 Regional Park and Open-Space District conveys the easement interests in real property as described
18 above to the City of Riverside ("City") for the public purpose of the City implementing, constructing
19 and maintaining its underground sewer utility project.

20 BE IT FURTHER RESOLVED AND DETERMINED that the Clerk of the Board is directed to
21 give notice hereof as provided in Section 6061 of the California Government Code.
22
23
24
25

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

Exhibit "A"

A.P.N.'s 187-210-008 and 189-110-001

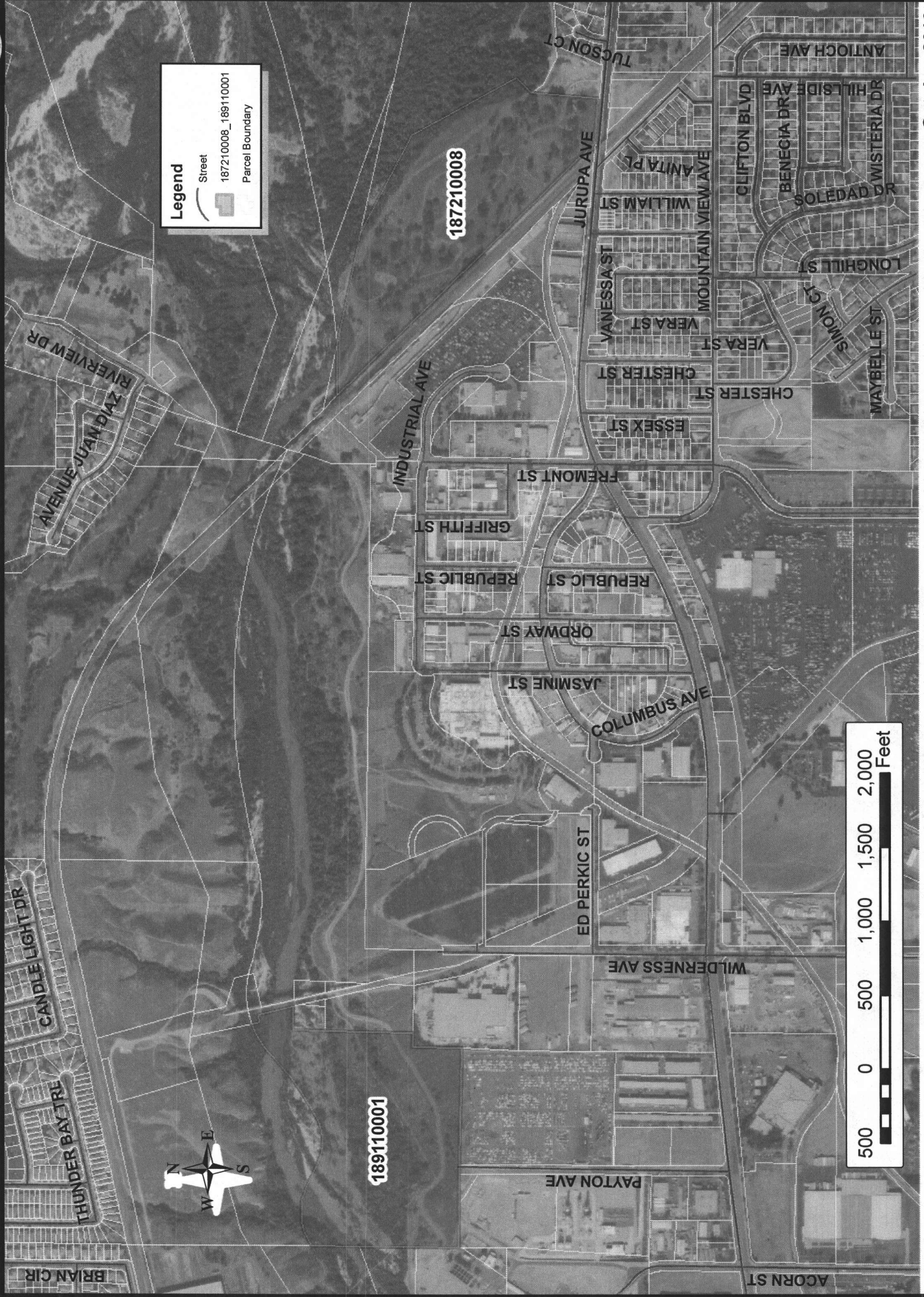


EXHIBIT A

POR. APN: 187-210-008
Sanitary Sewer Easement

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

A strip of land 20.00 feet in width, lying within that portion of Lot 2 of Evans Rio Rancho, as shown by map filed in Map Book 10, Pages 52 through 54, records of Riverside County, California, the centerline of said strip of land being described as follows:

COMMENCING at a 1 1/4" iron pipe at the centerline intersection of Jurupa Avenue with Payton Avenue, formerly Baker Street;

Thence North 01°04'11" East along said centerline of Payton Avenue as shown on Parcel Map No. 19560, filed in Book 118, Pages 90 and 91 of Parcel Maps, records of said Riverside County, a distance of 1,853.59 feet;

Thence North 78°03'48" West, a distance of 544.42 feet to a point in the northerly prolongation of the westerly line of Lot 6 of McClaskey Tract, as shown by map on file in Book 10, Pages 36 and 37 of Maps, records of said Riverside County, and the **POINT OF BEGINNING** of this centerline description;

Thence North 60°38'31" East, a distance of 121.47 feet to an intersection with the base-line of that certain easement for an outfall sanitary sewer, as granted to the City of Riverside, by document recorded December 6, 1957, in Book 2188, Page 499, et seq., of Official Records of said Riverside County;

Thence North 58°36'41" East, along said base-line, a distance of 198.90 feet to an angle point in said base-line;

Thence South 82°52'10" East, a distance of 54.66 feet;

Thence South 43°32'27" East, a distance of 214.87 feet;

Thence North 88°29'57" East, a distance of 391.75 feet;

Thence North 59°14'52" East, a distance of 400.47 feet;

Thence North 59°16'48" East, a distance of 376.42 feet;

Thence North 54°46'26" East, a distance of 215.42 feet;

Thence North 76°25'00" East, a distance of 90.03 feet;

Thence North $41^{\circ}40'35''$ East, a distance of 180.04 feet;

Thence North $81^{\circ}05'15''$ East, a distance of 229.69 feet;

Thence South $56^{\circ}09'59''$ East, a distance of 264.00 feet;

Thence South $68^{\circ}58'17''$ East, a distance of 329.42 feet;

Thence North $87^{\circ}32'31''$ East, a distance of 348.16 feet;

Thence North $87^{\circ}34'17''$ East, a distance of 350.14 feet;

Thence North $76^{\circ}48'56''$ East, a distance of 498.69 feet;

Thence South $68^{\circ}44'50''$ East, a distance of 317.39 feet;

Thence North $60^{\circ}34'29''$ East, a distance of 368.49 feet;

Thence South $77^{\circ}20'11''$ East, a distance of 91.49 feet;

Thence South $52^{\circ}24'30''$ East, a distance of 124.11 feet;

Thence South $67^{\circ}15'40''$ East, a distance of 223.97 feet;

Thence North $78^{\circ}42'03''$ East, a distance of 258.50 feet;

Thence North $65^{\circ}33'51''$ East, a distance of 197.95 feet;

Thence North $51^{\circ}10'20''$ East, a distance of 30.02 feet;

Thence North $81^{\circ}09'04''$ East, a distance of 416.91 feet;

Thence South $59^{\circ}48'29''$ East, a distance of 39.00 feet;

Thence South $14^{\circ}48'29''$ East, a distance of 16.97 feet;

Thence South $59^{\circ}48'29''$ East, a distance of 135.18 feet;

Thence South $72^{\circ}55'31''$ East, a distance of 125.48 feet;

Thence South $46^{\circ}18'26''$ East, a distance of 141.07 feet;

Thence South $52^{\circ}49'45''$ East, a distance of 85.00 feet;

Thence South $52^{\circ}49'50''$ East, a distance of 1,626.49 feet to the beginning of a tangent curve concave northeasterly and having a radius of 999.95 feet;

Thence southeasterly to the left along said curve through a central angle of 29°42'27" an arc length of 518.47 feet to the **END** of this centerline description;

EXCEPTING THEREFROM that portion lying within said easement for an outfall sanitary sewer, as granted to the City of Riverside, by document recorded December 6, 1957, in Book 2188, Page 499, et seq., of Official Records of said Riverside County;

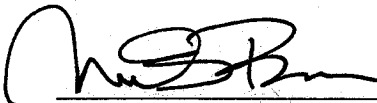
ALSO EXCEPTING THEREFROM that portion lying easterly of the westerly line of that certain parcel of land granted to the Riverside County Regional Park and Open Space District, by document recorded March 4, 2010, per Document No. 2010-0098806 of Official Records of said Riverside County;

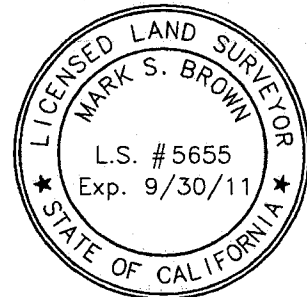
ALSO EXCEPTING THEREFROM that portion lying westerly of the northeasterly line of the Union Pacific Railroad Right of Way, shown as Los Angeles & Salt Lake Ry. by said map of Evans Rio Rancho.

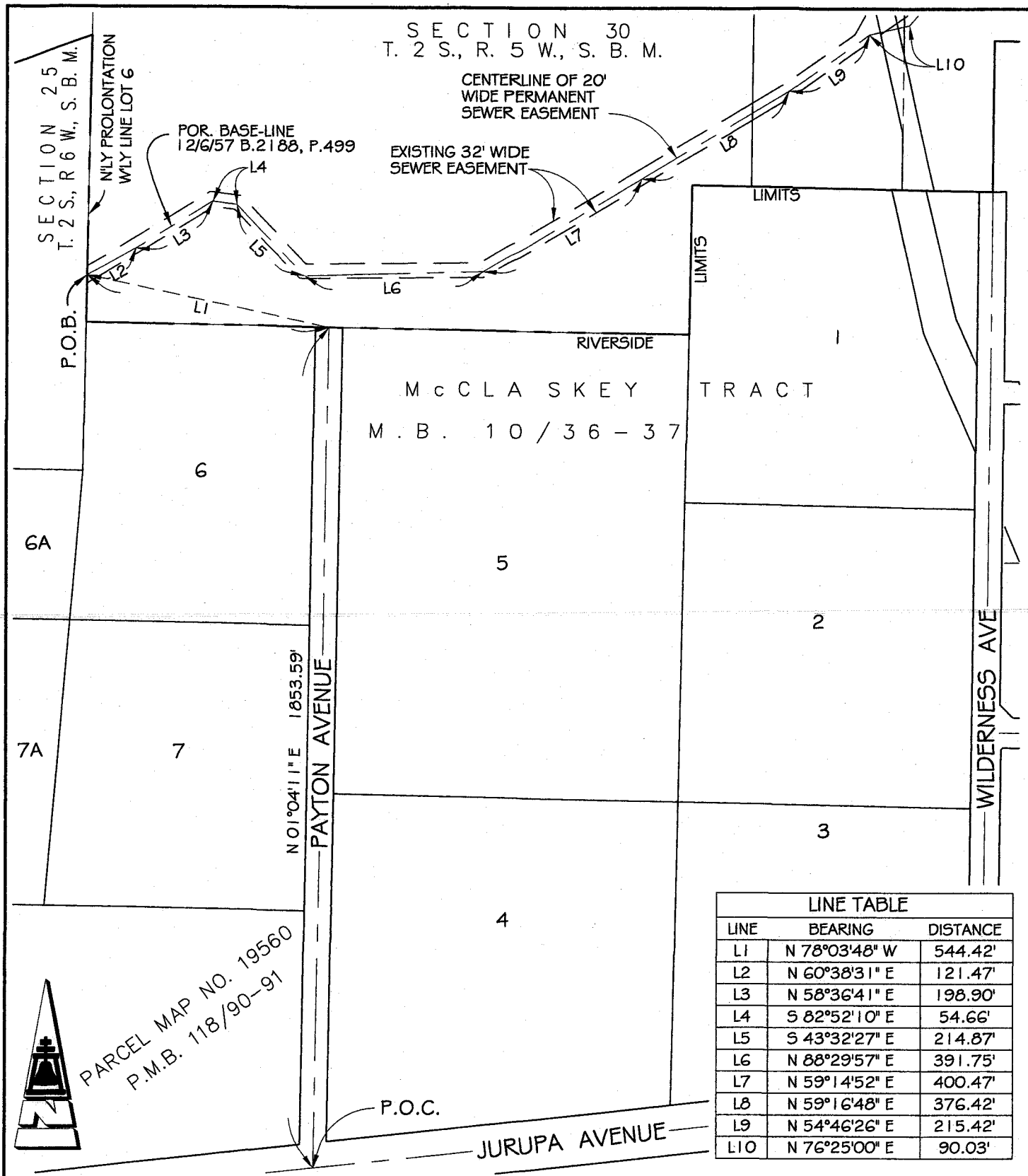
The sidelines of said strip of land are to be lengthened or shortened to terminate southeasterly in said westerly line of the parcel of land granted to the Riverside County Regional Park and Open Space District, and lengthened or shortened to terminate northwesterly in the southerly line of said easement for an outfall sanitary sewer granted to the City of Riverside.

Containing 43,173 square feet, more or less.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

 4/23/2010 Prep. _____
Mark S. Brown, L.S. 5655 Date
License Expires 9/30/11





• CITY OF RIVERSIDE, CALIFORNIA •

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN

SHEET 1 OF 4

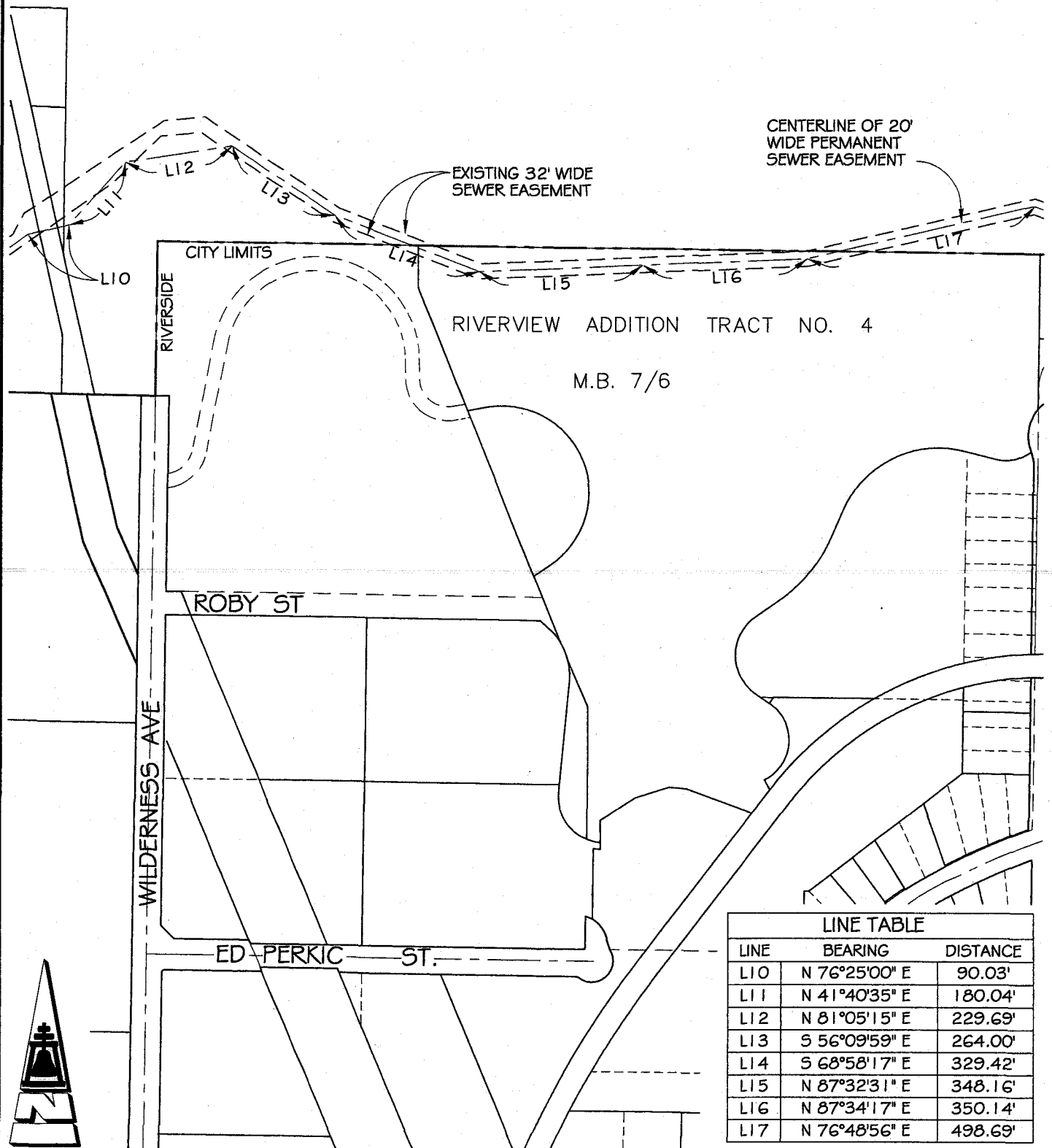
SCALE: 1"=300'

DRAWN BY: RICH

DATE: 4/12/10

SUBJECT: SANTA ANA RIVER TRUNK SEWER

POR. SECTION 30, TOWNSHIP 2 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN



LINE TABLE		
LINE	BEARING	DISTANCE
L10	N 76°25'00" E	90.03'
L11	N 41°40'35" E	180.04'
L12	N 81°05'15" E	229.69'
L13	S 56°09'59" E	264.00'
L14	S 68°58'17" E	329.42'
L15	N 87°32'31" E	348.16'
L16	N 87°34'17" E	350.14'
L17	N 76°48'56" E	498.69'

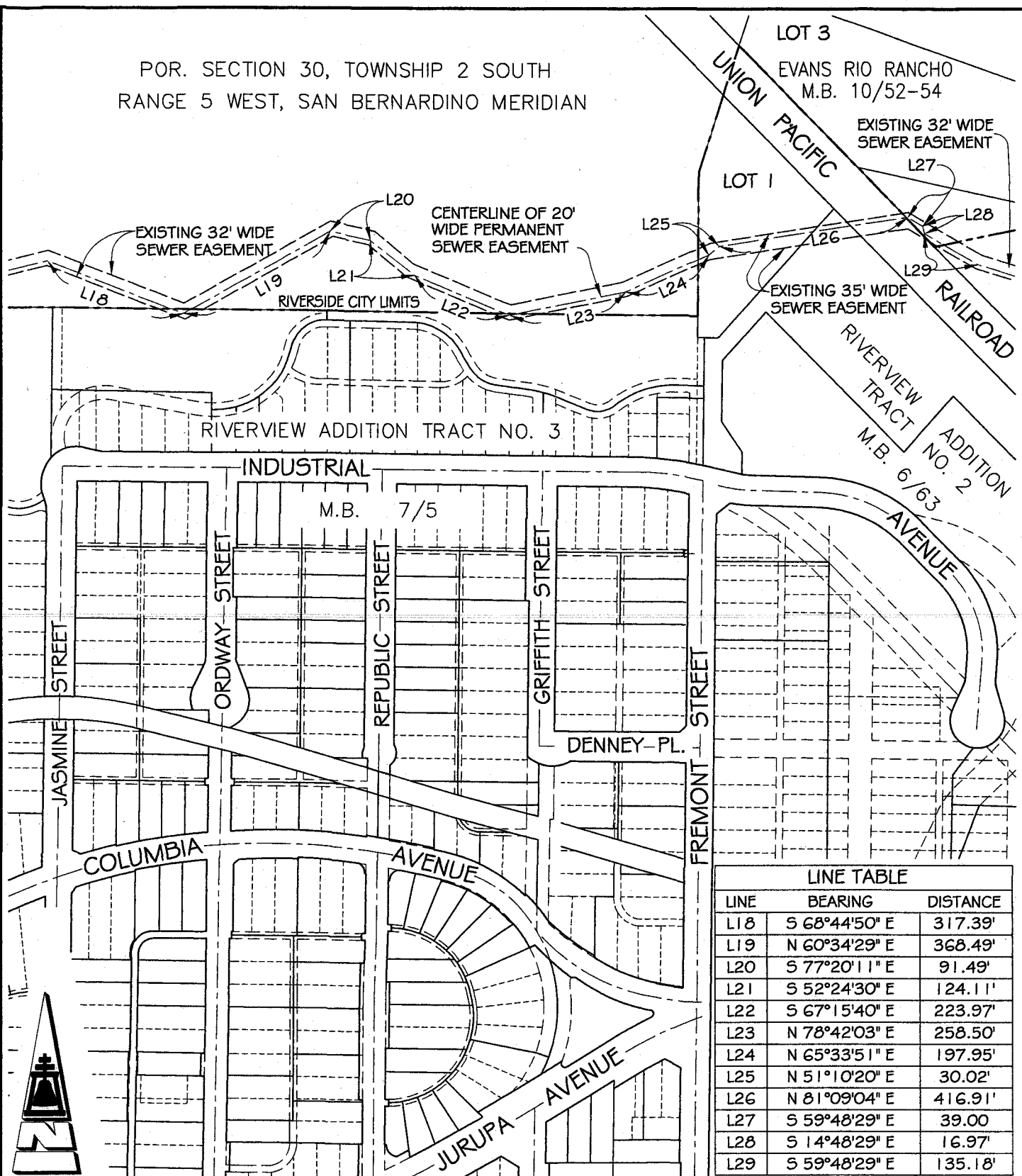
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SHEET 2 OF 4

SCALE: 1"=300' DRAWN BY: RICH DATE: 4/12/10 SUBJECT: SANTA ANA RIVER TRUNK SEWER

POR. SECTION 30, TOWNSHIP 2 SOUTH
RANGE 5 WEST, SAN BERNARDINO MERIDIAN



LINE TABLE		
LINE	BEARING	DISTANCE
L18	S 68°44'50" E	317.39'
L19	N 60°34'29" E	368.49'
L20	S 77°20'11" E	91.49'
L21	S 52°24'30" E	124.11'
L22	S 67°15'40" E	223.97'
L23	N 78°42'03" E	258.50'
L24	N 65°33'51" E	197.95'
L25	N 51°10'20" E	30.02'
L26	N 81°09'04" E	416.91'
L27	S 59°48'29" E	39.00'
L28	S 14°48'29" E	16.97'
L29	S 59°48'29" E	135.18'

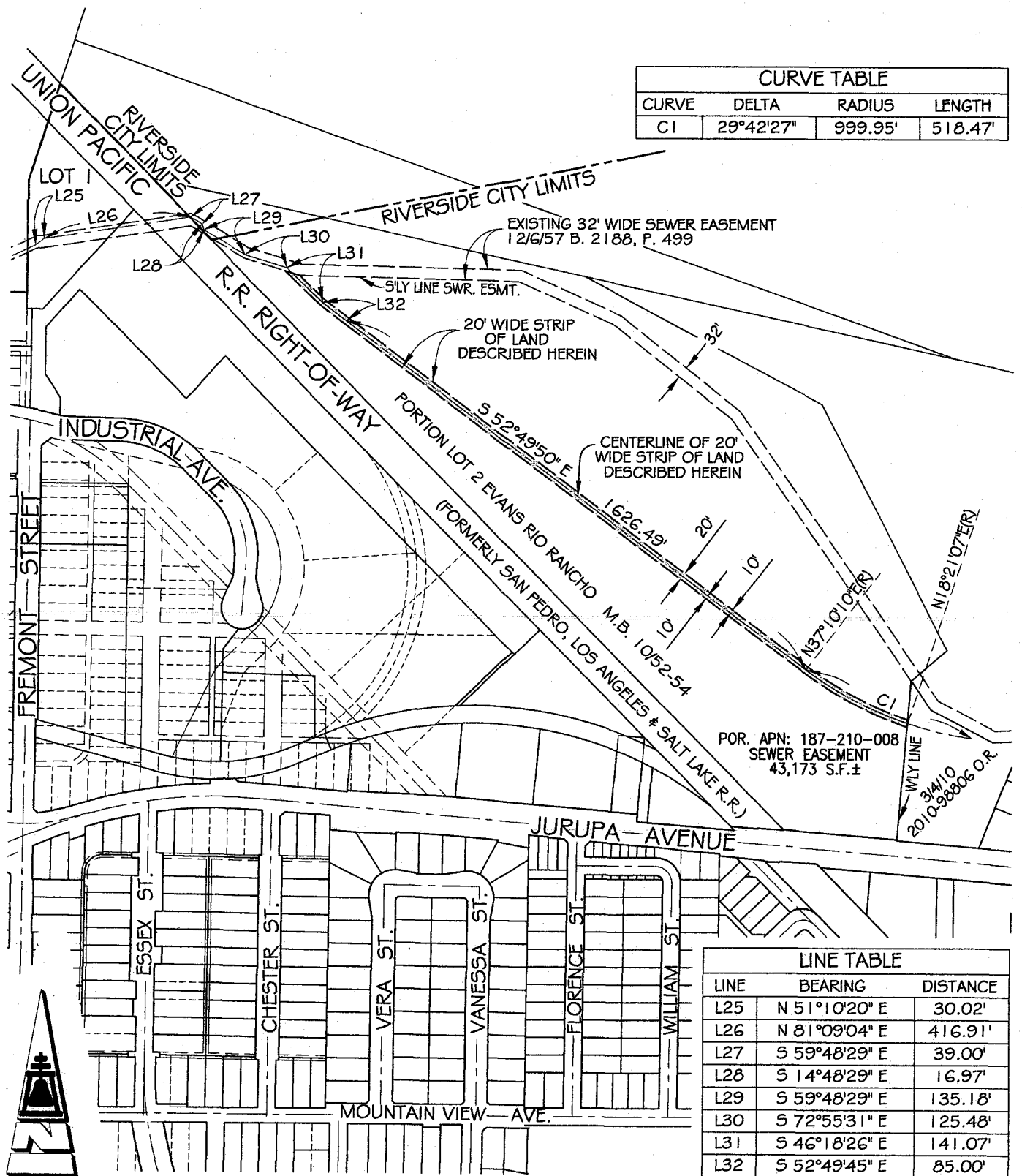
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SHEET 3 OF 4

SCALE: 1"=300' DRAWN BY: RICH DATE: 4/14/10 SUBJECT: SANTA ANA RIVER TRUNK SEWER

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	29°42'27"	999.95'	518.47'



LINE TABLE		
LINE	BEARING	DISTANCE
L25	N 51°10'20" E	30.02'
L26	N 81°09'04" E	416.91'
L27	S 59°48'29" E	39.00'
L28	S 14°48'29" E	16.97'
L29	S 59°48'29" E	135.18'
L30	S 72°55'31" E	125.48'
L31	S 46°18'26" E	141.07'
L32	S 52°49'45" E	85.00'

• CITY OF RIVERSIDE, CALIFORNIA •

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SHEET 4 OF 4

SCALE: 1"=400' DRAWN BY: RICH DATE: 4/12/10 SUBJECT: SANTA ANA RIVER TRUNK SEWER

EXHIBIT A

POR. APN: 189-110-001
Sanitary Sewer Easement

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

A strip of land 20.00 feet in width, lying within Section 30, Township 2 South, Range 5 West, San Bernardino Meridian, the centerline of said strip of land being described as follows:

COMMENCING at a 1 1/4" iron pipe at the centerline intersection of Jurupa Avenue with Payton Avenue, formerly Baker Street;

Thence North 01°04'11" East along said centerline of Payton Avenue as shown on Parcel Map No. 19560, filed in Book 118, Pages 90 and 91 of Parcel Maps, records of said Riverside County, a distance of 1,853.59 feet;

Thence North 78°03'48" West, a distance of 544.42 feet to a point in the northerly prolongation of the westerly line of Lot 6 of McClaskey Tract, as shown by map on file in Book 10, Pages 36 and 37 of Maps, records of said Riverside County, and the **POINT OF BEGINNING** of this centerline description;

Thence North 60°38'31" East, a distance of 121.47 feet to an intersection with the base-line of that certain easement for an outfall sanitary sewer, as granted to the City of Riverside, by document recorded December 6, 1957, in Book 2188, Page 499, et seq., of Official Records of said Riverside County;

Thence North 58°36'41" East, along said base-line, a distance of 198.90 feet to an angle point in said base-line;

Thence South 82°52'10" East, a distance of 54.66 feet;

Thence South 43°32'27" East, a distance of 214.87 feet;

Thence North 88°29'57" East, a distance of 391.75 feet;

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Thence North 59°16'48" East, a distance of 376.42 feet;

Thence North 54°46'26" East, a distance of 215.42 feet;

Thence North 76°25'00" East, a distance of 90.03 feet to the **END** of this centerline description;


EXCEPTING THEREFROM that portion lying within said easement for an outfall sanitary sewer, as granted to the City of Riverside, by document recorded December 6, 1957, in Book 2188, Page 499, et seq., of Official Records of said Riverside County;

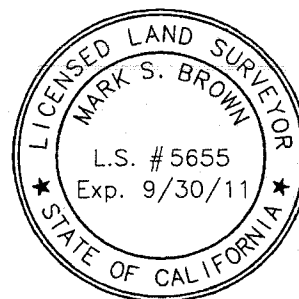
ALSO EXCEPTING THEREFROM that portion lying easterly of the westerly line of that certain parcel of land granted to Worthington Investment Company, et al., per document recorded April 30, 1992, as Instrument No. 156956 of Official Records of said Riverside County;

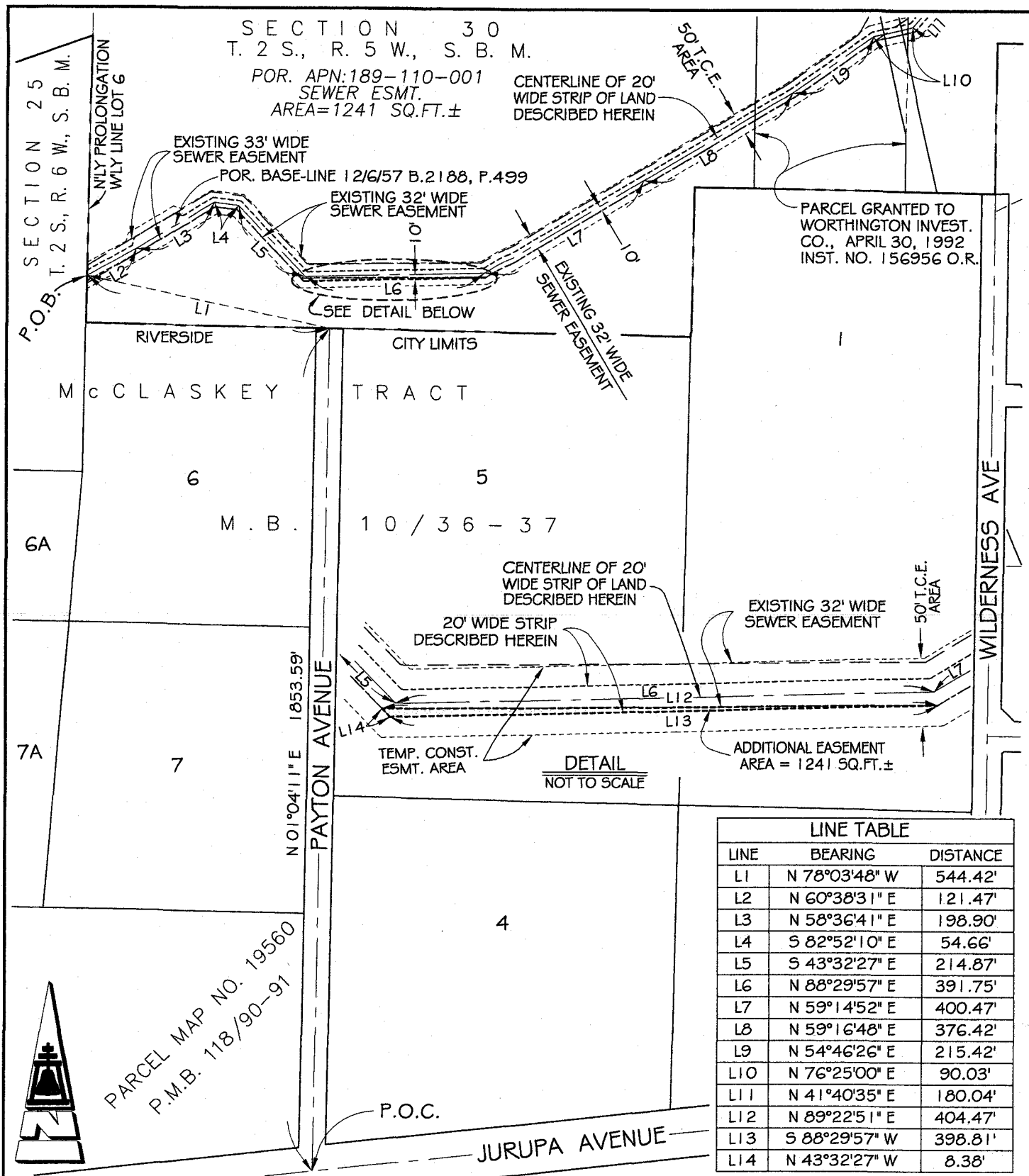
The sidelines of said strip of land are to be lengthened or shortened so as to terminate westerly in said northerly prolongation of the westerly line of said Lot 6 and lengthened or shortened to terminate easterly in said westerly line of said parcel granted to Worthington Investment Company, et al.

Containing 1241 square feet, more or less.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors Act.

 4/23/2010 Prep. _____
Mark S. Brown, L.S. 5655 Date
License Expires 9/30/11





• CITY OF RIVERSIDE, CALIFORNIA •

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SHEET 1 OF 1

SCALE: 1" = 300' DRAWN BY: RICH DATE: 3/17/10 SUBJECT: SANTA ANA RIVER TRUNK SEWER

COUNTY OF RIVERSIDE

10 OCT 28 AM 11:48

EXECUTIVE
OFFICE