

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



FROM: Economic Development Agency/Facilities Management and
Transportation Department

SUBMITTAL DATE:
November 29, 2012

SUBJECT: Resolution No. 2012-167, Notice of Intention to Convey a Conservation Easement in Real Property from the County of Riverside to the Western Riverside County Regional Conservation Authority

RECOMMENDED MOTION: That the Board of Supervisors

1. Adopt Resolution No. 2012-167, Notice of Intention to Convey a Conservation Easement Interest in Real Property, located in the unincorporated area of County of Riverside near Murrieta, over portions of Assessor's Parcel Numbers 392-340-025, 392-340-026, and 392-340-027, by Conservation Easement Deed to the Western Riverside County Regional Conservation Authority; and,

(Continued)

Juan C. Perez, Director
Transportation and Land Management

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2012/13

COMPANION ITEM ON BOARD AGENDA: No

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

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

BY:
Jennifer L. Sargent

FORM APPROVED COUNTY COUNSEL
BY:
DATE: 10-15-12
CYNTHIA M. GUNZEL
Departmental Concurrence

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

Prev. Agn. Ref.: 3.62 of 7/31/07; 3.14 of 4/03/07 and 3.16 of 4/03/07

District: 3/3

Agenda Number:

3.11

RECOMMENDED MOTION: (Continued)

2. Direct the Clerk of the Board to give notice pursuant to Government Code Section 6061.

BACKGROUND:

The Riverside County Transportation Department (RCTD) proposes to construct Clinton Keith Road as a six-lane urban arterial between Antelope Road and State Route 79 in Western Riverside County, in accordance with County General Plan Amendment (CGPA) 409, adopted December 19, 2000 (Road Project). The length of the proposed Road Project, including the existing alignment and the extension of the alignment is approximately 3.4 miles.

As part of the Road Project, RCTD required a fee simple interest for Southern California Edison (SCE) over Assessor's Parcel Number 480-100-001, parcel owned by DR Horton Los Angeles Holding Company, Inc. (DR Horton Property), in order for SCE to gain access to their transmission lines. However, RCTD discovered that a conservation easement in favor of Western Riverside County Regional Conservation Authority (RCA) was already placed over the portion of the DR Horton property which disallowed access over the parcel.

After RCTD completed its due diligence, it was determined that a portion of Assessor's Parcel Numbers 392-340-025, 392-340-026, and 392-340-027, (County Property), acquired for the Road Project had the characteristics that would be a comparable exchange for the conservation easement in favor of RCA on the DR Horton property. The proposed conservation easement is 4.83 acres and depicted on Attachment A, attached hereto and made a part hereof.

RCTD desires that the County of Riverside, on behalf of RCTD, grant a conservation easement, legally described and depicted on Attachment B, over a portion of the County Property to RCA in exchange for the fee simple interest in real property for SCE that is necessary for the Road Project.

The Notice of Exemption will be filed after conveyance of the conservation easement is approved. RCTD staff conducted a review of the proposed conservation easement and found it is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15325, Class 25, which consists of the transfers of ownership interests in land in order to preserve open space, habitat and historical resources. The proposed conservation easement will allow RCA to preserve existing natural conditions on Assessor Parcel Numbers 392-340-025, 392-340-026 and 392-340-027, consistent with Categorical Exemption 15325(a) which exempts acquisition, sale or other transfer of areas to preserve the existing natural conditions including plant or animal habitats.

Staff recommends that the County, in furtherance of the Clinton Keith Road Project, convey the conservation easement on the portion of the County's property in favor of RCA in exchange for the portion of the DR Horton Property in fee simple for Southern California Edison. While the conveyance of this conservation easement to RCA is to replace a portion of the conservation easement on the DR Horton Property that needs to be conveyed to SCE, this conveyance can and is intended to occur separately due to the different property ownership.

(Continued)

BACKGROUND: (Continued)

Pursuant to Government Code Section 25365, a county may transfer real property or any interest therein, belonging to a county to another public agency, upon the terms and conditions as are agreed upon and without complying with any other provisions of the Government Code, if the property or interest therein to be conveyed is not needed for county use. The County intends to convey a conservation easement interest in real property, located in the unincorporated area of Riverside County near Murrieta, referenced hereinabove as County Property, pursuant to terms and conditions for the conveyance of the conservation easement made by the County to RCA.

The Form 11 and Resolution has been approved as to form by County Counsel.

Attachments:

Attachment "A" – Map delineating Conservation Easement on County Property

Attachment "B" – Legal Description and Plat Map

2
3 **RESOLUTION NO. 2012-167**

4
5 **NOTICE OF INTENTION TO CONVEY A CONSERVATION EASEMENT INTEREST**
6 **IN REAL PROPERTY FROM THE COUNTY OF RIVERSIDE TO THE WESTERN**
7 **RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY**

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10 **WHEREAS**, the Riverside County Transportation Department (RCTD) proposes
11 to construct Clinton Keith Road as a six-lane urban arterial between Antelope Road
12 and State Route 79 in Western Riverside County, in accordance with County General
13 Plan Amendment (CGPA) (Road Project); and,

14 **WHEREAS**, as part of the Road Project, RCTD required a fee simple interest for
15 Southern California Edison (SCE) over Assessor's Parcel Number 480-100-001, a
16 parcel owned by DR Horton Los Angeles Holding Company, Inc. (DR Horton Property)
17 in order for SCE to gain access to its transmission lines; and,

18 **WHEREAS**, RCTD discovered that a conservation easement in favor of Western
19 Riverside County Regional Conservation Authority (RCA) was already placed on the
20 DR Horton Property which disallowed access over the portion of the property needed
21 for SCE; and,

22 **WHEREAS**, the County of Riverside (County) is the owner of that certain real
23 property identified as Assessor's Parcel Numbers 392-340-025, 392-340-026, and 392-
24 340-027 (County Property) located in unincorporated area of Riverside County near
25 Murrieta of which a portion could be used as an exchange to provide the access
26 needed for SCE over the DR Horton Property in furtherance of the Road Project and to
27 replace the conservation easement in favor of RCA; and,

FORM APPROVED COUNTY COUNSEL
BY: *Synthia M. Gunzel* 10-15-12
DATE
SYNTHIA M. GUNZEL

28

1 **WHEREAS**, the County has full legal title and has full power and authority to
2 convey all property rights described herein to the RCA; and,

3 **WHEREAS**, the conveyance of the conservation easement of the portion of
4 County Property to WRRCRA will serve two purposes: (1) replace the conservation
5 easement in favor of WRRCRA on the DR Horton property and (2) provide the access
6 for SCE needed for the Road Project.

7 **WHEREAS**, pursuant to Government Code Section 25365, the County may
8 transfer interests in real property or interest belonging to the County to another public
9 agency upon terms and conditions the parties agree upon and without complying with
10 any other provisions of the Government Code; and,

11 **WHEREAS**, the County and RCA intend to execute a Conservation Easement
12 Deed to provide the terms and conditions for the conveyance of the County Property
13 from County to RCA; now, therefore,

14 BE IT RESOLVED, DETERMINED AND ORDERED that the Board of
15 Supervisors of the County of Riverside, California, in regular session assembled on or
16 after December 11, 2012, hereby directs the Clerk of the Board of Supervisors to give
17 notice pursuant to Government Code Section 6061, of the following:

18 NOTICE IS HEREBY GIVEN by the Board of Supervisors of the County of
19 Riverside intends to convey to RCA, the following described real property:
20 Conservation easement located on a portion of the County Property in the
21 unincorporated area of County of Riverside, near Murrieta, California, identified as a
22 portion of Assessor's Parcel Numbers 392-340-025, 392-340-026, and 392-340-027,
23 consisting of 4.83 acres of land. The terms and conditions of the proposed
24 conveyance are as follows: The County of Riverside will convey an easement interest
25 on and over a portion of the County Property to RCA for conservation purposes in
26 perpetuity and pursuant to the terms and conditions provided in a Conservation
27 Easement Deed.

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1 BE IT FURTHER RESOLVED AND ORDERED THAT the Board of Supervisors
2 intends to meet to conclude the proposed conveyance transaction on or after January
3 15, 2013, at 9:00 am at the meeting room of the Board of Supervisors located on the
4 1st floor of the County Administrative Center, 4080 Lemon Street, Riverside, California.

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27 SV:ra/092712/220TR/15.054 S:\Real Property\TYPING\Docs-15.000 to 15.499\15.054.doc

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ATTACHMENT "A"

ATTACHMENT "B"

EXHIBIT "A"
LEGAL DESCRIPTION
PRESERVATION AREA

That certain parcel of land situated in the Unincorporated Territory of the County of Riverside, State of California, being a portion of Parcel 1 of Parcel Map No. 17774 filed in Book 121, Page 66 of Parcel Maps in the Office of the Riverside County Recorder, situated in Section 36, Township 6 South, Range 3 West, San Bernardino Base and Meridian, described as a whole as follows:

BEGINNING at the northeasterly corner of said Parcel 1;

Thence along the easterly line of said Parcel 1 South 00°13'53" East 164.11 feet;

Thence leaving said easterly line North 19°13'54" West 44.28 feet;

Thence South 89°48'00" West 166.37 feet;

Thence South 49°48'46" West 119.98 feet;

Thence South 00°25'30" West 36.25 feet;

Thence South 88°35'04" West 37.64 feet;

Thence South 24°27'17" West 20.09 feet;

Thence South 89°46'07" West 28.30 feet to the westerly line of said Parcel 1;

Thence along said westerly line North 00°13'53" West 239.67 feet to the northwesterly line of said Parcel 1;

Thence along said northwesterly line North 44°47'04" East 21.21 feet to the northerly line of said Parcel 1;

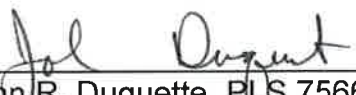
Thence along said northerly line North 89°48'00" East 332.50 feet to the **POINT OF BEGINNING**.

EXHIBIT "A"
LEGAL DESCRIPTION
PRESERVATION AREA

CONTAINING: 1.27 acres, more or less.

EXHIBIT "B" attached hereto and by this reference made a part hereof.

This description was prepared
by me or under my direction.



John R. Duquette, PLS 7566
My license expires 12/31/13

4/4/12

Date




THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: 
DATE: 7-9-12

EXHIBIT "B"

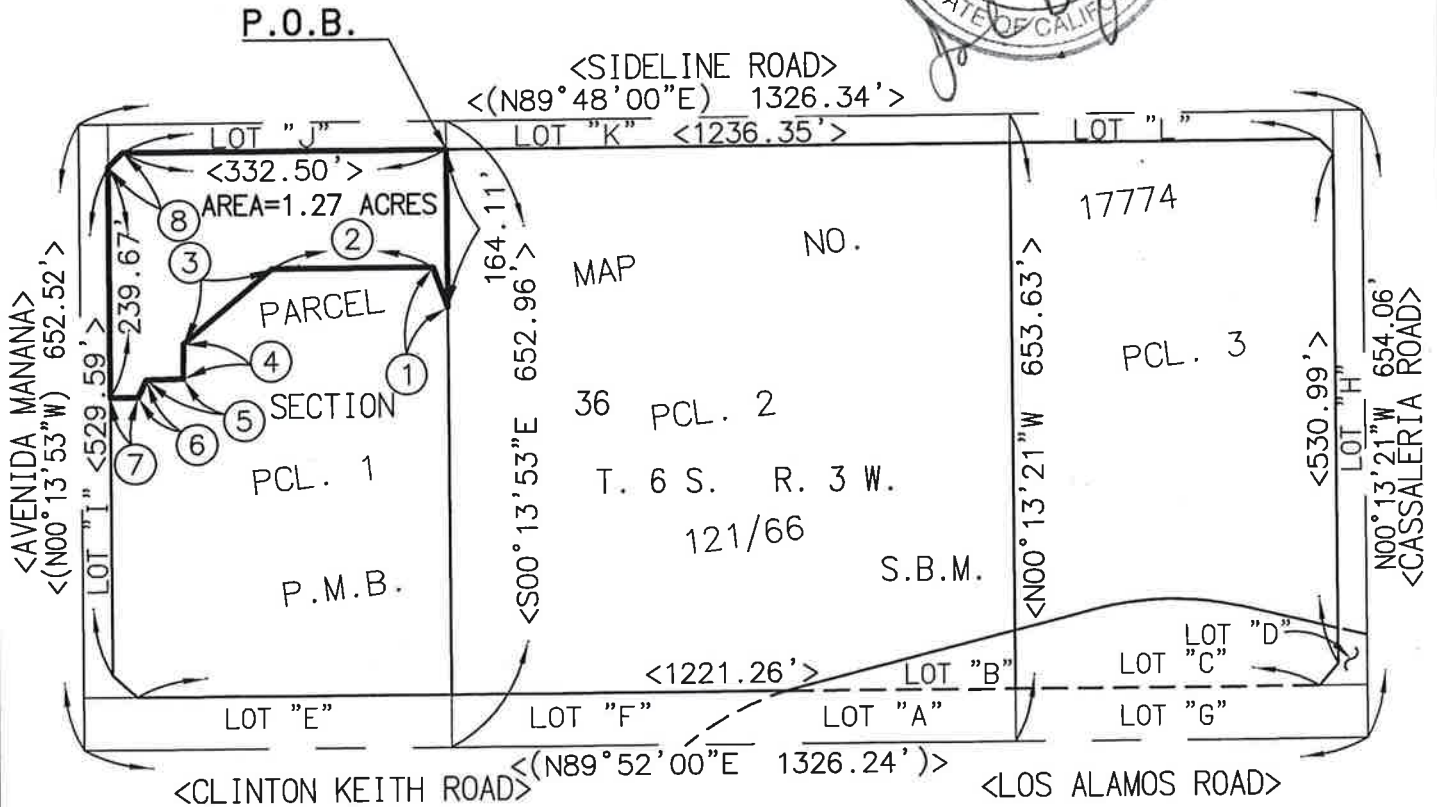
(PRESERVATION AREA)

DATA TABLE			
(NO)	BEARING/DELTA	RADIUS	LENGTH
1	N19° 13' 54" W	--	44.28'
2	S89° 48' 00" W	--	166.37'
3	S49° 48' 46" W	--	119.98'
4	S00° 25' 30" W	--	36.25'
5	S88° 35' 04" W	--	37.64'
6	S24° 27' 17" W	--	20.09'
7	S89° 46' 07" W	--	28.30'
8	N44° 47' 04" E	--	21.21'

() = RECORD DATA PER PMB 27/23.
 < > = RECORD DATA PER PMB 121/66.

R/W SHOWN IS DEDICATED AND
 ACCEPTED ON PMB 121/55

SCALE: 1"=200'



THIS DOCUMENT REVIEWED BY
 RIVERSIDE COUNTY SURVEYOR.
 BY: *[Signature]*
 DATE: 7-9-12



CONSULTING SHEET 1 OF 1 SHEET

EXHIBIT "A"
LEGAL DESCRIPTION
PRESERVATION AREA

That certain parcel of land situated in the Unincorporated Territory of the County of Riverside, State of California, being a portion of Parcel 2 of Parcel Map No. 17774 filed in Book 121, Page 66 of Parcel Maps in the Office of the Riverside County Recorder, situated in Section 36, Township 6 South, Range 3 West, San Bernardino Base and Meridian, described as a whole as follows:

BEGINNING at the northeasterly corner of said Parcel 2;

Thence along the easterly line of said Parcel 2 South 00°13'21" East 203.51 feet;

Thence leaving said easterly line South 89°31'29" West 558.83 feet;

Thence North 28°04'01" West 47.60 feet to the westerly line of said Parcel 2;


Thence along said westerly line North 00°13'53" West 164.11 feet to the northerly line of said Parcel 2;

Thence along said northerly line North 89°48'00" East 581.09 feet to the **POINT OF BEGINNING**.

CONTAINING: 2.72 acres, more or less.

EXHIBIT "B" attached hereto and by this reference made a part hereof.

This description was prepared
by me or under my direction.


John R. Duquette, PLS 7566 4/4/12
My license expires 12/31/13 Date




THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: 
DATE: 7-9-12

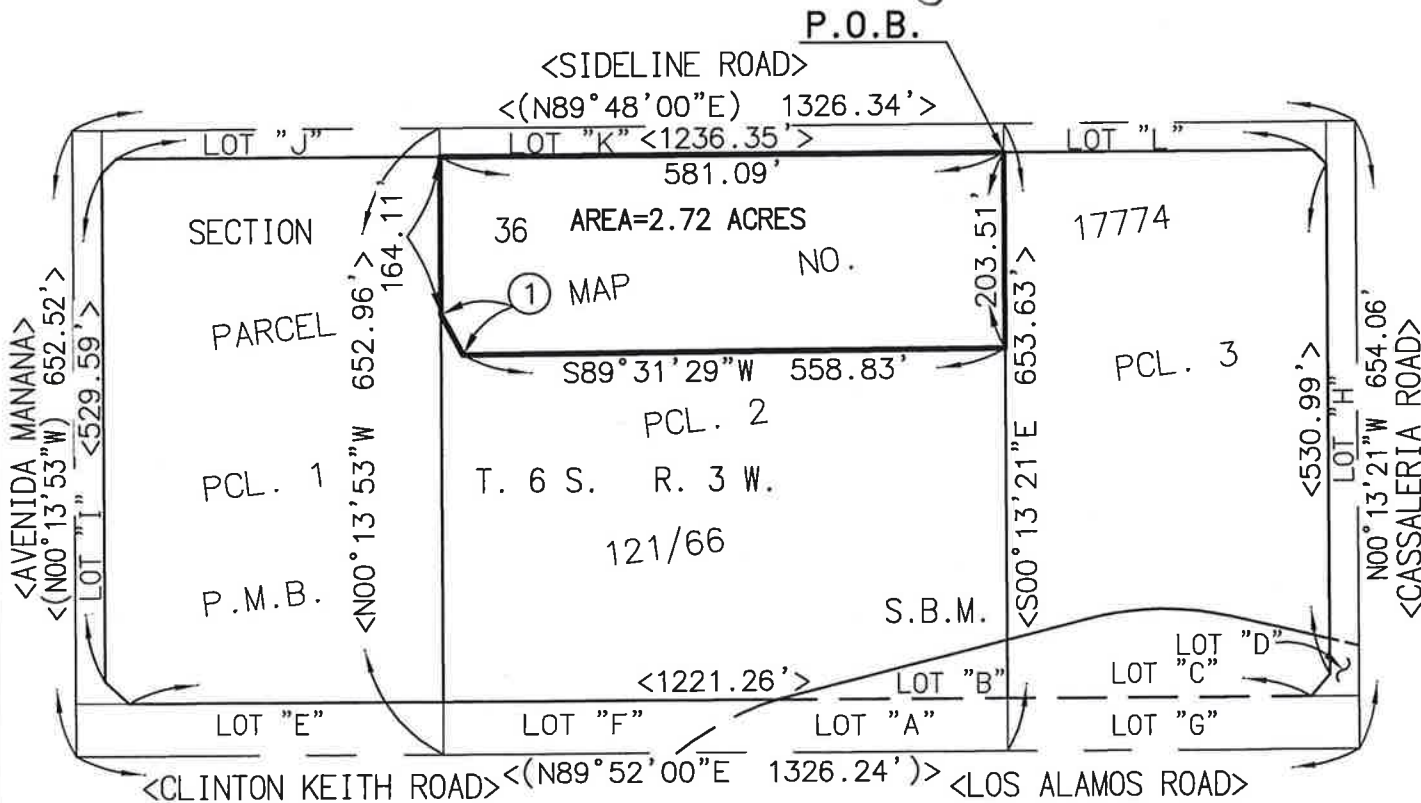
EXHIBIT "B"

(PRESERVATION AREA)

DATA TABLE			
(NO)	BEARING/DELTA	RADIUS	LENGTH
1	N28°04'01"W	--	47.60'

() = RECORD DATA PER PMB 27/23.
 < > = RECORD DATA PER PMB 121/66.

R/W SHOWN IS DEDICATED AND
 ACCEPTED ON PMB 121/55



THIS DOCUMENT REVIEWED BY:
 RIVERSIDE COUNTY SURVEYOR.

BY: *[Signature]*

DATE: 7-9-12



CONSULTING SHEET 1 OF 1 SHEET

EXHIBIT "A"
LEGAL DESCRIPTION
PRESERVATION AREA

That certain parcel of land situated in the Unincorporated Territory of the County of Riverside, State of California, being a portion of Parcel 3 of Parcel Map No. 17774 filed in Book 121, Page 66 of Parcel Maps in the Office of the Riverside County Recorder, situated in Section 36, Township 6 South, Range 3 West, San Bernardino Base and Meridian, described as a whole as follows:

BEGINNING at the northwesterly corner of said Parcel 3;

Thence along the westerly line of said Parcel 3 South 00°13'21" East 203.51 feet;

Thence leaving said westerly line North 89°31'29" East 37.05 feet;

Thence North 51°27'26" East 13.66 feet;

Thence North 22°34'48" East 70.62 feet;

Thence North 43°42'29" East 33.03 feet;

Thence North 67°18'58" East 37.38 feet;

Thence North 81°09'12" East 110.62 feet;

Thence East 56.86 feet;

Thence South 86°33'57" East 39.01 feet to the easterly line of said Parcel 3;

Thence along said easterly line North 00°13'21" West 62.71 feet to the northeasterly line of said Parcel 3;

Thence along said northeasterly line North 45°12'41" West 21.20 feet to the northerly line of said Parcel 3;

Thence along said northerly line South 89°48'00" West 322.76 feet to the **POINT OF BEGINNING**.

EXHIBIT "A"
LEGAL DESCRIPTION
PRESERVATION AREA

CONTAINING: 0.84 acres, more or less.


EXHIBIT "B" attached hereto and by this reference made a part hereof.

This description was prepared
by me or under my direction.


John R. Duquette, PLS 7566
My license expires 12/31/13

4/4/12
Date



THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: 
DATE: 7-9-12

