

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

723
A



FORM APPROVED COUNTY COUNSEL
BY: Patricia Munroe 5/13/13 DATE
Departmental Concurrence

FROM: Economic Development Agency / Facilities Management

SUBMITTAL DATE:
May 22, 2013

SUBJECT: Resolution No. 2013-076, Notice of Intention to Convey Fee Simple Interest Real Property in the City of Wildomar to the City of Wildomar

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2013-076, Notice of Intention to Convey Fee Simple Interests in Real Property located in Wildomar, County of Riverside, Assessor's Parcel Numbers 376-350-009 and 376-350-017 by Quitclaim Deed to the City of Wildomar; and
2. Direct the Clerk of the Board to give notice pursuant to Government Code Section 6061.

BACKGROUND: (Commences on Page 2)

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	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

BY:
Jennifer L. Sargent

County Executive Office Signature

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

500 MAY 20 09 5:31

APPROVED BY RESOLUTION
WILDOMAR RIVERSIDE COUNTY

Prev. Agn. Ref.: 3.8 of 5/6/2008

District: 1/1

Agenda Number

3-14

BACKGROUND:

Pursuant to Government Code Section 25365, the County may transfer interests in real property, or any interest therein, belonging to the 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 required for county use. The County intends to convey Fee Simple Interests in Real Property located in the Wildomar area, County of Riverside, Assessor's Parcel Numbers 376-350-009 and 376-350-017 by Quitclaim Deed, more particularly described in Exhibits A, Legal Description and Exhibit B for each respective real property interest, attached hereto, to the City of Wildomar.

On April 6, 2004, the Board of Supervisors adopted the County of Riverside Master Park Plan for County Service Area (CSA) 152 Zone A. This plan facilitates the development of parks and recreation facilities by providing guidance to the County in planning and acquiring, designing, building and financing of new facilities and parkland. In May, 2008, the Economic Development Agency identified twenty seven acres of land and used \$1,900,000 CSA 152 Zone A Quimby Fees to complete the purchase of assessor parcels 376-350-009 and 376-350-017, the intent being the development of a community park in the unincorporated area of Wildomar. The City of Wildomar incorporated in July, 2008. Transferring ownership of the land to the City would be in both parties best interest as the City would have direct control of future development of La Estrella Park.

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

2 Resolution No. 2013-076

3 Notice of Intention to Convey Real Property

4 in the City of Wildomar, County of Riverside, California

5 Assessor's Parcel Numbers 376-350-009 and 376-350-017 by Quitclaim Deed

6
7 WHEREAS, the land consisting of 27 acres was acquired by the County of
8 Riverside in 2008 using County Service Area 152 Zone A Quimby Fees for parkland
9 development;

10 WHEREAS, the City of Wildomar incorporated in July, 2008;

11 WHEREAS, the City of Wildomar and the County of Riverside concur that it
12 would be in both parties best interest to transfer the land to the City for park
13 development; now, therefore,

14 BE IT RESOLVED, DETERMINED AND ORDERED and NOTICE IS HEREBY
15 GIVEN by the Board of Supervisors of the County of Riverside, California, in regular
16 session assembled on June 4, 2013, intends to convey on or after June 18, 2013 to the
17 City of Wildomar the following described real property: Certain real property located in
18 the City of Wildomar, County of Riverside, State of California, identified by and as
19 assessor parcel numbers 376-350-009 and 376-350-017 by Quitclaim Deed and, more
20 particularly described in Exhibit "A" Legal Description for each respective assessor
21 parcel number, attached hereto and thereby made a part hereof.

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

25 FORM APPROVED COUNTY COUNSEL
26 BY:  5/15/13
PATRICIA MUNROE DATE

LEGAL DESCRIPTION

PARCEL 1:

THE NORTH ONE-HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 6 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA;

EXCEPTING THEREFROM AN UNDIVIDED 1/2 INTEREST IN ALL OF THE MINERALS, OIL, GAS, COAL AND OTHER HYDROCARBON SUBSTANCES NOW OR AT ANY TIME HEREINAFTER LYING IN OR UNDER THE SAID PROPERTY, TOGETHER WITH THE RIGHT TO TAKE ALL THE USUAL NECESSARY AND CONVENIENT MEANS FOR PROSPECTING, EXPLORING, DRILLING AND REMOVING SAME, WITH THE RIGHT OF ACCESS TO AND USE OF SUCH PARTS OF THE SURFACE AS MAY BE NECESSARY FOR SAID PURPOSES AS RESERVED IN DEED FROM GEORGIA LEWIS HARTMAN ET AL, RECORDED JULY 19, 1966.

EXCEPTING THEREFROM THE FOLLOWING:

A. ANY AND ALL (I) OIL RIGHTS, (II) MINERAL RIGHTS, (III) NATURAL GAS RIGHTS, (IV) RIGHTS TO ALL OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, (V) GEOTHERMAL HEAT RIGHTS OR GEOTHERMAL SUBSTANCES THAT MAY BE PRODUCED FROM THE PROPERTY, (VI) WATER RIGHTS AND CLAIMS OR RIGHTS TO WATER AND (VII) ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING (COLLECTIVELY, "SUBSURFACE RESOURCES") LOCATED IN OR UNDER SAID LAND; AND

B. THE PERPETUAL RIGHT TO DRILL, MINE, EXPLORE AND OPERATE FOR AND PRODUCE, STORE AND REMOVE ANY OF THE SUBSURFACE RESOURCES ON OR FROM THE PROPERTY, INCLUDING WITHOUT LIMITATION THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE, FROM LANDS OTHER THAN THE PROPERTY, WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE PROPERTY, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS WITHIN OR BEYOND THE EXTERIOR LIMITS OF THE PROPERTY, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES, BUT WITHOUT THE RIGHT TO DRILL, MINE, EXPLORE, OPERATE, PRODUCE, STORE OR REMOVE ANY OF THE SUBSURFACE RESOURCES THROUGH OR IN THE SURFACE OF THE PROPERTY OR THE UPPER FIVE HUNDRED (500) FEET OF THE SUBSURFACE OF THE PROPERTY.

AS SET FORTH IN THE DEED TO DRH ENERGY, INC, A COLORADO CORPORATION, RECORDED JANUARY 8, 2007 AS INSTRUMENT NO. 2007-0015792 OF OFFICIAL RECORDS.

(APN 376-350-009)

LEGAL DESCRIPTION

PARCEL 2:

THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 6 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE LAKE ELSINORE UNIFIED SCHOOL DISTRICT BY GRANT DEED RECORDED DECEMBER 9, 2003, AS INSTRUMENT NO. 2003-963082, OFFICIAL RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36;

THENCE WESTERLY ALONG THE SOUTHERLY LINE THEREOF NORTH 89° 41' 06" WEST, 196.82 FEET;

THENCE LEAVING SAID SOUTHERLY LINE NORTH 00° 31' 14" EAST, 664.06 FEET TO THE INTERSECTION WITH THE NORTHERLY LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36;

THENCE EASTERLY ALONG THE NORTHERLY LINE THEREOF SOUTH 89° 38' 28" EAST, 196.82 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36;

THENCE SOUTHERLY ALONG THE EASTERLY LINE THEREOF SOUTH 00° 31' 14" WEST, 663.91 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING:

A. ANY AND ALL (I) OIL RIGHTS, (II) MINERAL RIGHTS, (III) NATURAL GAS RIGHTS, (IV) RIGHTS TO ALL OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN, (V) GEOTHERMAL HEAT RIGHTS OR GEOTHERMAL SUBSTANCES THAT MAY BE PRODUCED FROM THE PROPERTY, (VI) WATER RIGHTS AND CLAIMS OR RIGHTS TO WATER AND (VII) ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING (COLLECTIVELY, "SUBSURFACE RESOURCES") LOCATED IN OR UNDER SAID LAND; AND

B. THE PERPETUAL RIGHT TO DRILL, MINE, EXPLORE AND OPERATE FOR AND PRODUCE, STORE AND REMOVE ANY OF THE SUBSURFACE RESOURCES ON OR FROM THE PROPERTY, INCLUDING WITHOUT LIMITATION THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE, FROM LANDS OTHER THAN THE PROPERTY, WELLS, TUNNELS AND SHAFTS INTO, THROUGH OR ACROSS THE SUBSURFACE OF THE PROPERTY, AND TO BOTTOM SUCH WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS WITHIN OR BEYOND THE EXTERIOR LIMITS OF THE PROPERTY, AND TO REDRILL, RETUNNEL, EQUIP, MAINTAIN, REPAIR, DEEPEN AND OPERATE ANY SUCH WELLS OR MINES, BUT WITHOUT THE RIGHT TO DRILL, MINE, EXPLORE, OPERATE, PRODUCE, STORE OR REMOVE ANY OF THE SUBSURFACE RESOURCES THROUGH OR IN THE SURFACE OF THE PROPERTY OR THE UPPER FIVE HUNDRED (500) FEET OF THE SUBSURFACE OF THE PROPERTY.

AS SET FORTH IN THE DEED TO DRH ENERGY, INC, A COLORADO CORPORATION, RECORDED JUNE 18, 2008 AS INSTRUMENT NO. 2008-0331597 OF OFFICIAL RECORDS.

(APN 376-350-017)