

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

953



FROM: Economic Development Agency / Facilities Management

SUBMITTAL DATE:

June 13, 2013

SUBJECT: Resolution No. 2013-011, Authorization to Convey Fee Simple Interests in Real Property from the County of Riverside to the Western Riverside County Regional Conservation Authority

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15325(a) and Section 15061(b)(3);
2. Adopt Resolution No. 2013-011, Authorization to Convey Fee Simple Interests in Real Property from the County of Riverside (County) to the Western Riverside County Regional Conservation Authority (RCA), located in the western/southwestern of Riverside County, California, as described and listed on Attachment A (Properties), by Grant Deeds;

(Continued)

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 checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: Jennifer L. Sargent
County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: Synthia M. Gunzel DATE: 6-7-13
Departmental Concurrence

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

Prev. Agn. Ref.: 3-9 of 3/26/13 **District:** 3 **Agenda Number:** 3-9

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COUNTY OF RIVERSIDE

RECOMMENDED MOTION: (Continued)

3. Approve the attached Memorandum of Understanding (MOU) between the County and RCA and authorize the Chairman of the Board of Supervisors to execute the MOU on behalf of the County;
4. Authorize the Chairman of the Board of Supervisors to execute the Grant Deeds for each of the Properties to complete the conveyance of fee simple interests in real property to RCA;
5. Approve the attached assignment and assumption agreements by and between the County, RCA and the State of California, Wildlife Conservation Board listed in Attachment A for each of the Properties and authorize the Chairman of the Board of Supervisors to execute each agreement on behalf of the County; and
6. Authorize the Assistant County Executive Officer/EDA, or his designee, to execute any other documents and administer any other necessary actions to complete this transaction.

BACKGROUND:

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. Riverside County faces the doubling of its population over the next 20 to 25 years, which will require new infrastructure development. To ensure sensitive species and their habitat are protected in spite of anticipated development, the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) was created. Western Riverside County Regional Conservation Authority (RCA) was created to implement and administer the MSHCP.

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.

In anticipation of the then-forthcoming MSHCP, the County began acquiring real property that possessed important wildlife and habitat value for future inclusion in the MSHCP with funds received from the California Wildlife Conservation Board (WCB) grant programs and funds collected through the MSHCP mitigation fee program (Riverside County Ordinance No. 810).

(Continued)

BACKGROUND: (Continued)

Pursuant to California Environmental Quality Act, the conveyance of the fee simple interests in real property (Project) to the Western Riverside County Regional Conservation Authority (RCA), was reviewed and determined to be categorically exempt from CEQA under CEQA Guidelines Section 15325(a) – Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Section 15061(b)(3). The Project commits the County to the transfer of title in interests of real property where preservation of the natural conditions of the land is intended and because it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment. This Project does not allow specific development or physical activities on any of the property; the Project is merely the transferring title of real property interests by the County to RCA.

On March 26, 2013, the Board adopted Resolution No. 2013-010, a Notice of Intention to Convey Fee Simple Interests in real property from the County to RCA as listed in Attachment A and depicted in Attachment B by Grant Deed and notice was also published by the Clerk of the Board as provided in Section 6061 of the Government Code. RCA will assume all responsibilities of ownership, including but not limited to managing, monitoring and maintaining the above-referenced real properties consistent with the wildlife and plant life conservation purposes of the MSHCP and subject to Assignment and Assumption Agreements for each of the properties

For each of the six properties, the County, RCA and WCB intend to enter into an Assignment and Assumption of Sub-grant Agreement for the Acquisition of Fee Interest and Consent to Assignment and Assumption to consent to the terms and conditions for these conveyances made by the County to RCA. The property listed first on Attachment A and referenced as the Gentry property is subject to a grant and subgrant agreement; therefore, there are 7 total assignment and assumption agreements associated with the conveyance of the 6 properties listed.

ATTACHMENTS:

Attachment A – List of properties

Attachment B – Depiction of properties

Memorandum of Understanding between County and RCA

Grant Deeds with legal descriptions and depictions for each of the properties

Assignment Agreements between County, RCA and WCB (7)

Titled: Assignment and Assumption of Grant Agreement for the Acquisition of Fee Interest and Consent to Assignment and Assumption with corresponding Notice/Memorandum of Unrecorded Grant Agreement (5)

Titled: Assignment and Assumption of Agreement to Subgrant for the Acquisition of Fee Interest and Consent to Assignment and Assumption with corresponding Notice/Memorandum of Unrecorded Agreement of Subgrant (1)

Titled: Assignment and Assumption of Subgrant Agreement for the Acquisition of Fee Interest and Consent to Assignment and Assumption with corresponding Notice/Memorandum of Unrecorded Subgrant Agreement (1)

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Board of Supervisors

County of Riverside

RESOLUTION NO. 2013-011

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

(Assessor's Parcel Numbers listed on Attachment A)

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

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

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

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

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", attached hereto and by this reference incorporated here, to the Western Riverside County Regional Conservation Authority by Grant Deeds;

WHEREAS, RCA will assume all responsibilities of ownership, including but not limited to managing, monitoring and maintaining the above-referenced real properties consistent with

FORM APPROVED COUNTY COUNSEL
BY: *Synthia M. Gunzel* 10-7-13
DATE
SYNTHIA M. GUNZEL

1 the wildlife and plant life conservation purposes of the MSHCP and subject to associated grant
2 and subgrant agreements; and

3 WHEREAS, on March 26, 2013, the Board of Supervisor of the County of Riverside
4 adopted Resolution No. 2013-010, a Notice of Intention to Convey the Fee Simple Interests in
5 Real Property from the County of Riverside to the Western Riverside County Regional
6 Conservation Authority; now, therefore,

7 BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors
8 (Board) of the County of Riverside, California, in regular session assembled on or after June
9 25, 2013, at 9:00 am in the meeting room of the Board of Supervisors located on the 1st floor of
10 the County Administrative Center, 4080 Lemon Street, Riverside, California, authorizes the
11 conveyance of the properties listed in Attachment "A" by Grant Deeds.

12 BE IT FURTHER RESOLVED AND DETERMINED that the Board approves the
13 Memorandum of Understanding (MOU) between the County and RCA and the Chairman of the
14 Board of Supervisors of the County of Riverside is authorized to sign the MOU on behalf of the
15 County.

16 BE IT FURTHER RESOLVED AND DETERMINED that the Chairman of the Board is
17 authorized to execute the Grant Deeds to complete the conveyances of the fee simple interests
18 in real property and this transaction.

19 BE IT FURTHER RESOLVED AND DETERMINED that the Board approves the
20 Assignments and Assumption Agreements listed in Attachment "A" by and between WCB, RCA
21 and County of Riverside and authorizes the Chairman of the Board to execute the agreements
22 on behalf of the County.

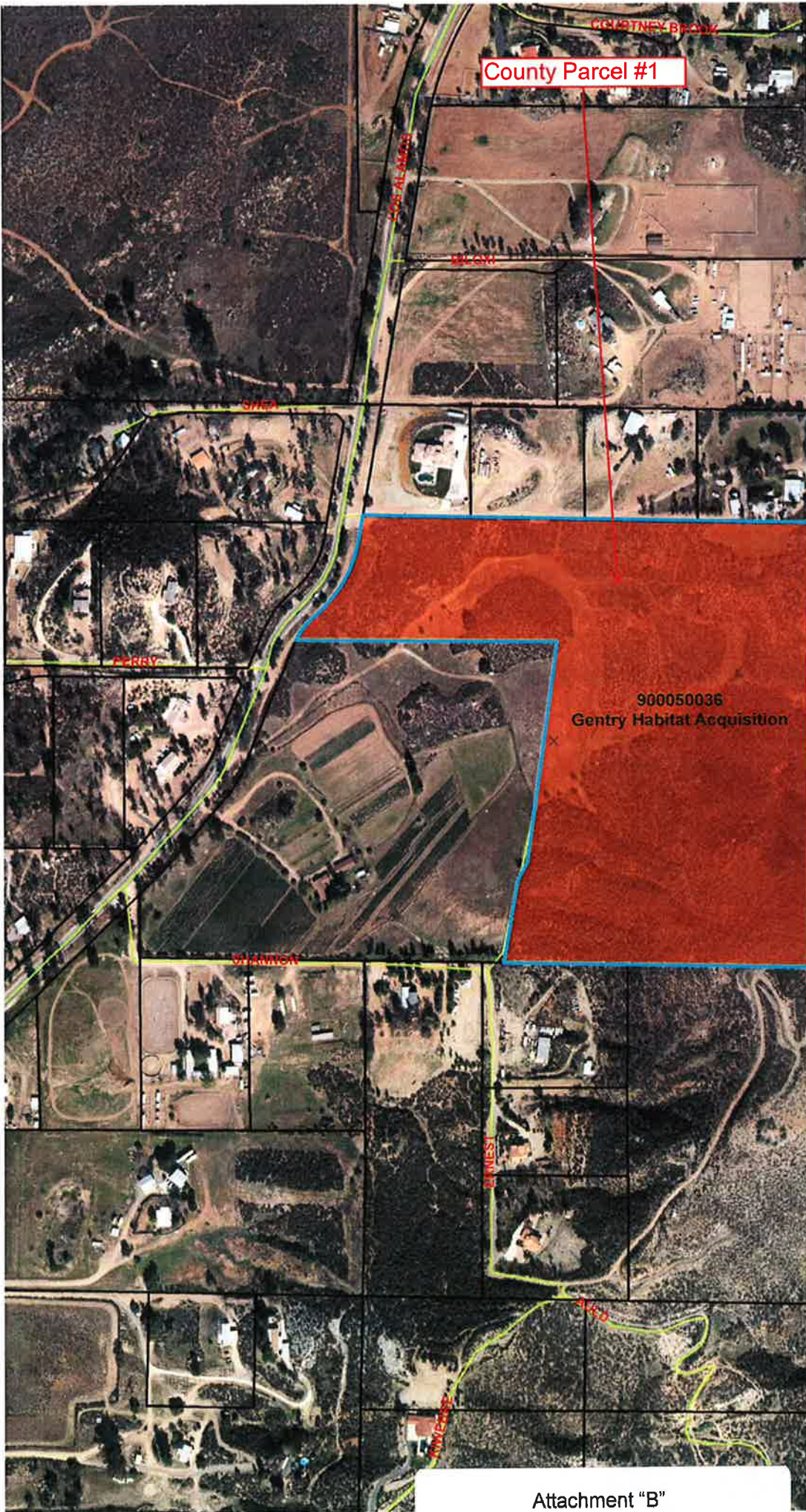
23 BE IT FURTHER RESOLVED AND DETERMINED that the Assistant County Executive
24 Officer/EDA or his designee, is authorized to execute any other documents and administer any
25 other necessary actions to complete this transaction.

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

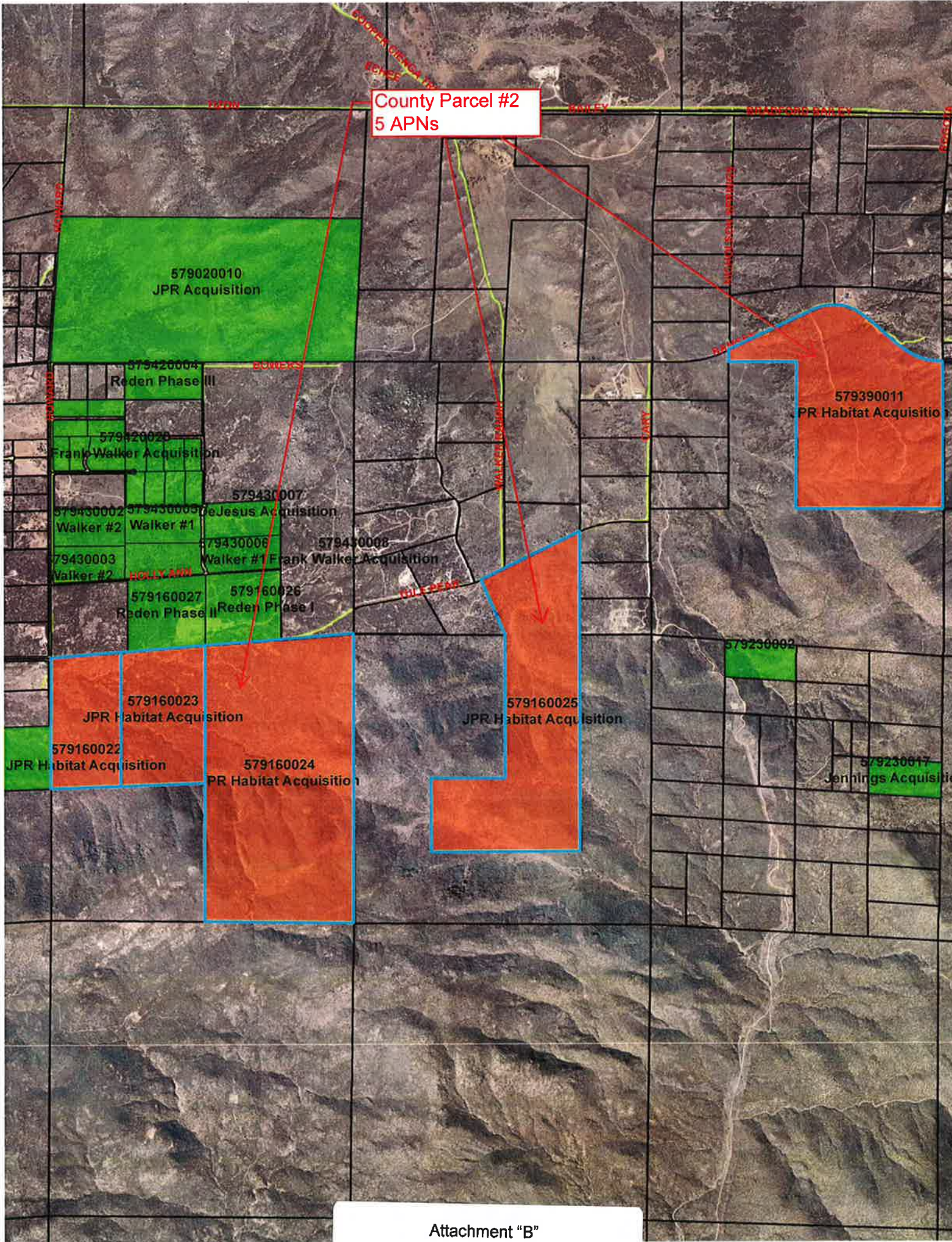
28 JF:ra/050813/15.544 S:\Real Property\TYPING\Docs-15.500 to 15.999\15.544.doc

ATTACHMENT "A"

State Parcel References	County Parcel References	Area	Assessor Parcel Numbers	Parcel Size (Acres)
North Warm Springs Creek Conservation Area (ID# 2004017)	#1 Gentry	Southwest	900-050-036	29.49 acres
Wilson Creek Riparian Corridor (ID # 2003063)	#2 JPR	REMAP	579-390-011; 579-160-022, -023, -024, -025	887.68 acres
Triple Creeks Conservation Area (Bachelor Mountain)	#3 Lake Skinner	Southwest	472-200-003, -004; 472-210-001, -005	293.08 acres
Triple Creeks Conservation Area (Endres)(ID# 2001180)	#4 Larson Endres	Southwest	472-090-006	40.66 acres
French Valley Conservation Area, Exp. 1	#5 Ledbetter	Southwest	964-110-040, -041	41.27 acres
Triple Creeks Conservation Area (Briggs Ranch)(ID# 2001180)	#6 McElhinney Stimmel	Southwest	388-270-008, -009, -010, -015; 472-050-001, -004, -005; 480-010-001, -002	365.91 acres



County Parcel #2
5 APNs



County Parcel #3
4 APNs

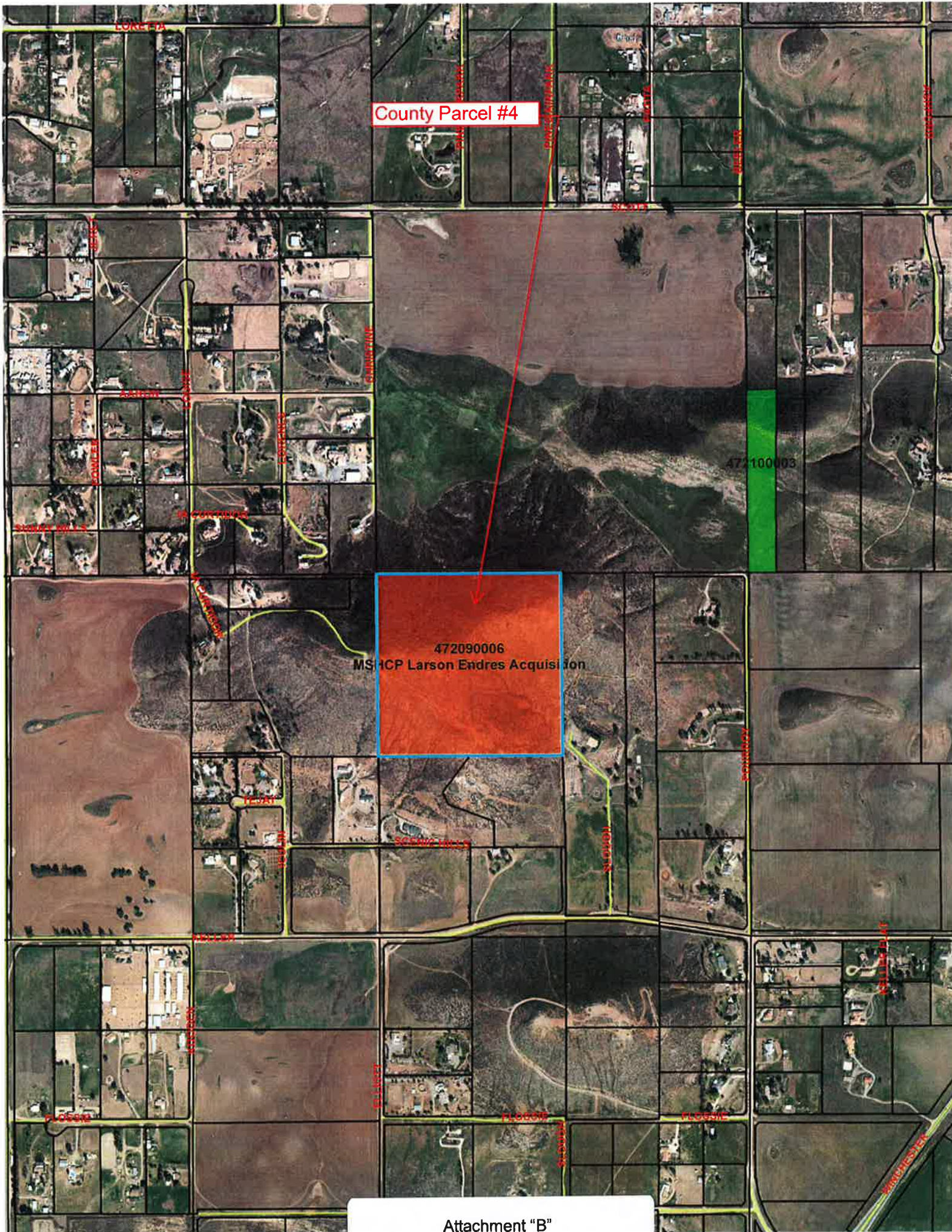
472200004
Lake Skinner Habitat Acquisition

472200003
Lake Skinner Habitat Acquisition

472210001
Lake Skinner Habitat Acquisition

472210005
Lake Skinner Habitat Acquisition

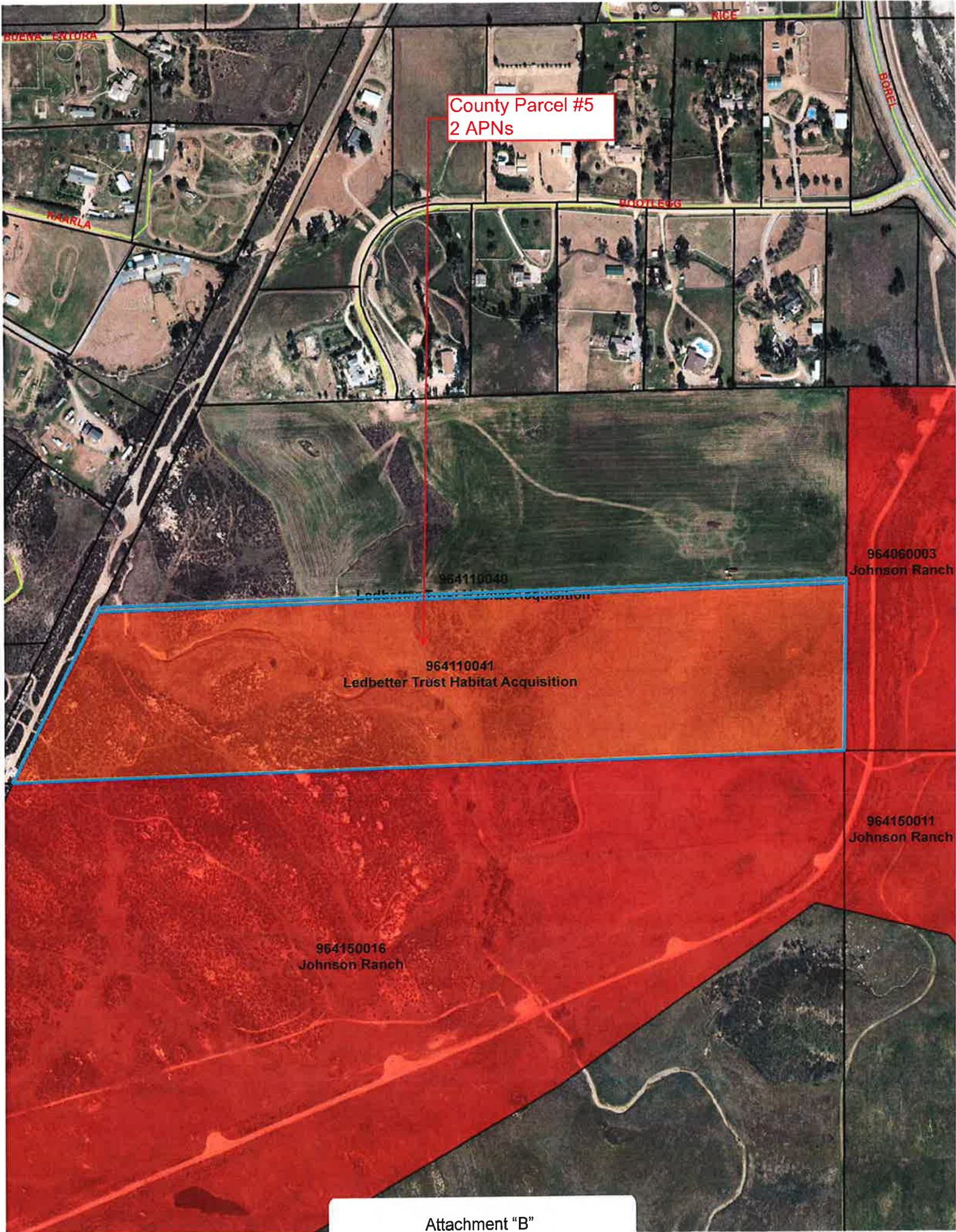
472230001
Lake Skinner Recreation Area



County Parcel #4

472090006
MSHCP Larson Endres Acquisition

472100003



County Parcel #5
2 APNs

964110040

964110041
Ledbetter Trust Habitat Acquisition

964060003
Johnson Ranch

964150011
Johnson Ranch

964150016
Johnson Ranch

County Parcel #6
9 APNs

