

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

107B



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
July 2, 2014

SUBJECT: Approval of Final Parcel Map 34159, a Schedule "E" Subdivision in the Thermal Area and Approval of Subdivision Improvement, Monumentation, and Lien Agreements Associated Therewith. 4th/4th District; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Final Parcel Map; and
2. Approve the Subdivision Improvement Agreements; and
3. Approve the Monumentation Agreement; and
4. Approve the Lien Agreement; and
5. Authorize the Chairman of the Board to sign on behalf of the County of Riverside the Final Parcel Map, the Subdivision Improvement Agreements, the Monumentation Agreement, and the Lien Agreement associated therewith.

BACKGROUND:

Summary

Tentative Parcel Map 34159 was approved by the Board of Supervisors with Fast Track status on September 26, 2006, as Agenda Item 16-1. This 151.73 acre subdivision is creating 69 commercial parcels in the Thermal area. This final parcel map complies in all respects with the provisions of Division 3 of Title 15 of the Government Code and applicable local ordinances. All necessary conditions of approval have been satisfied to allow for the recordation of the final map.


Patricia Romo

Juan C. Perez, Director of Transportation and Land Management Assistant Director of Transportation

HS:lf

- Submittals: Final Map
- Road/Drainage Improvement Agreements
 - Water System Improvement Agreements
 - Sewer System Improvement Agreements
 - Monumentation Agreement
 - Lien Agreement

REVIEWED BY EXECUTIVE OFFICE

DATE 06/27/14

Tina Grande

Departmental Concurrence

FORM APPROVED COUNTY COUNSEL

BY: Synthia M. Gunzel DATE 7-14-14

DATE

DATE

Policy

Consent

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

Prev. Agn. Ref. 09/26/06, Item 16-1 | District: 4/4 | Agenda Number:

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Approval of Final Parcel Map 34159, a Schedule "E" Subdivision in the Thermal Area and Approval of Subdivision Improvement, Monumentation and Lien Agreements Associated Therewith. 4th/4th District; [\$0]

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BACKGROUND:

Summary (continued)

The developer, Desert Cities Industrial Park (DCIP), desires to enter into Subdivision Improvement Agreements to guarantee the construction of the required improvements, a Monumentation Agreement to guarantee the placement of survey monuments, and a Lien Agreement to guarantee the funding for the improvements and monuments. The Subdivision Improvement and Monumentation Agreement and Lien Agreement for Securities have been approved by County Counsel as to form.

On July 17, 2009, Coachella Valley Water District (CVWD) sent a letter to DCIP indicating that the development will unreasonably interfere with its free and complete exercise of the unrecorded easements and/or facilities held by the United States Bureau of Reclamation, and maintained by CVWD. DCIP responded by making modifications as follows:

- 1) Redesigned Aviation Road to avoid the Thermal Drain and Stormwater Channel
- 2) Placed the following note on each sheet of the final map: "NOTE: NO WATER OR SEWER SYSTEMS ARE AVAILABLE FOR THIS LAND DIVISION AS OF THE DATE OF RECORDATION OF THIS MAP. NO ISSUANCE OF GRADING OR CONSTRUCTION PERMITS IS ALLOWED UNTIL WATER AND SEWER DISPOSAL SYSTEMS ARE PROVIDED IN ACCORDANCE WITH RIVERSIDE COUNTY ORDINANCE 460."
- 3) Plotted and noted on the final map all easements of record as listed in the preliminary title report for the property
- 4) Provided to CVWD on November 9, 2013, a written non-interference acknowledgement letter that DCIP agrees to submit an abandonment package to CVWD prior to the issuance of the first building permit

For a summary of CVWD concerns of interference and the County of Riverside's (County) resolution to insure that the development will not unreasonably interfere with the free and complete exercise of the interests, see Exhibit A.

In addition to the actions and correspondence noted, the County has met with CVWD on several occasions to discuss concerns and mitigation measures to address concerns.

Pursuant to Government Code Section 66436, DCIP, on November 9, 2013, sent CVWD by certified mail a request for a non-interference acknowledgement letter to allow the map to record. CVWD failed to respond to the County and applicant within the required 30 days. In accordance with Section 66436(a)(3)(A)(iv), if an objection is not received, then the County may record the final map without CVWD's signature.

The Transportation Department recommends the approval of Subdivision Improvement Agreements, Monumentation Agreement, Lien Agreement, and final map.

EXHIBIT "A"

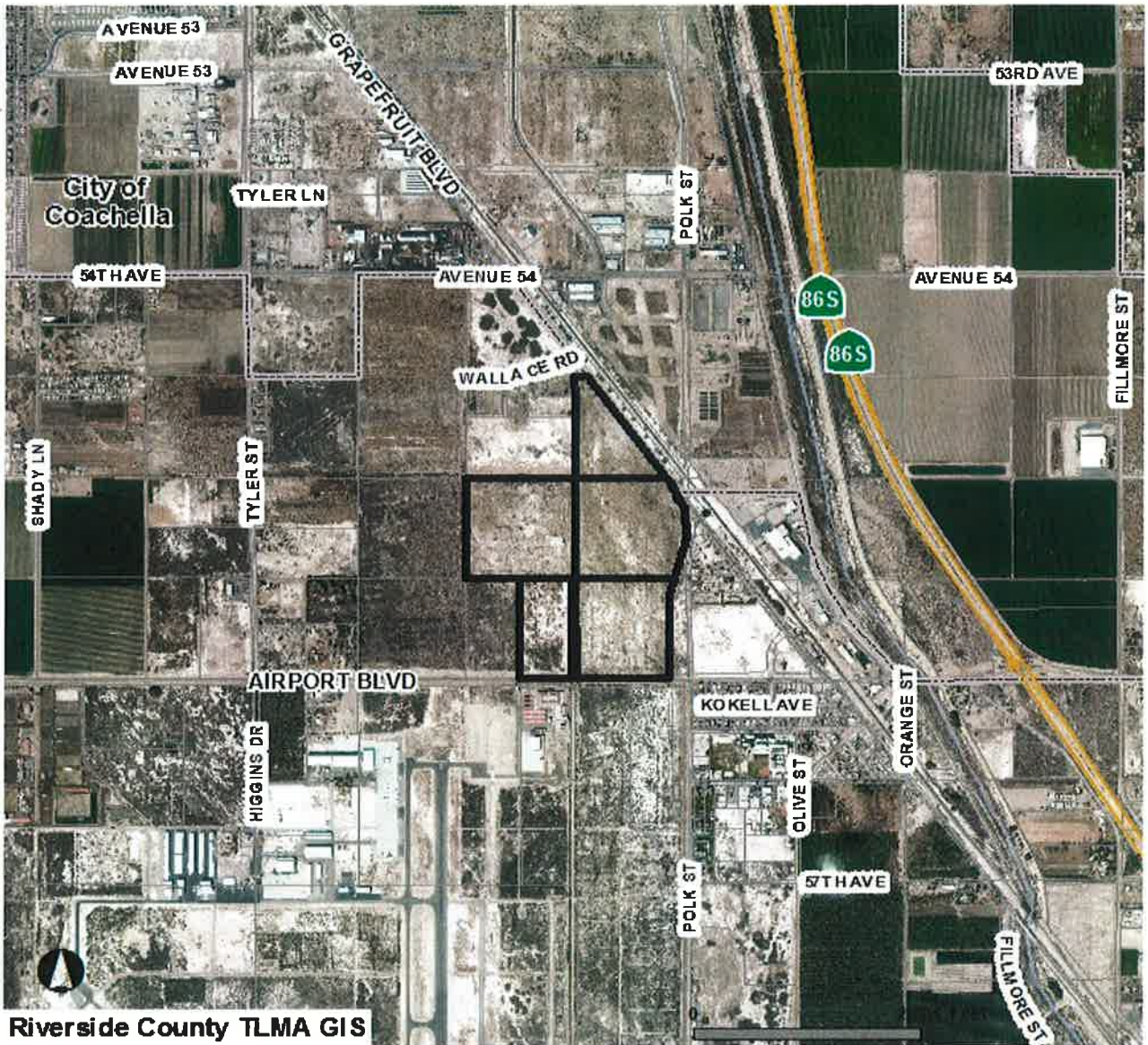
Parcel Map 34159

Addressing CVWD's Interference Concerns

	CVWD's Concern	Resolution
1	If the parcel map records as-is, it would allow parcels to be sold and the street lots to be transferred to a Property Owners Association as required by the County of Riverside's conditions of approval.	The County's lien (unencumbered) expressly prohibits the sale of individual parcels until bonds are obtained to guarantee the completion of the improvements.
2	Easements for street and public utility purposes are dedicated over said Laterals and easements and will unreasonably interfere with the Laterals and their easements.	None of the grading, street, sewer, water, dry utility or storm drain improvements within the existing CVWD easements can be constructed without an encroachment permit from CVWD. As no development activities can occur until water and sewer systems are provided, CVWD will have no impacts to the operation of its channel until such time that it approves such water and sewer systems.
3	A portion of proposed Aviation Road is adjacent to the Thermal Drain and Stormwater Channel. CVWD requested the developer to be required to install suitable facilities to prohibit access to this right-of-way.	Improvement plans have been prepared to underground the existing open channel facility into a box culvert and the plans have been processed through CVWD. In addition, Aviation Road has been redesigned around the CVWD fee parcel and provides access to the existing open channel facility within the CVWD fee parcel.
4	Existing Bureau of Reclamation and District facilities are not shown on the development plans.	All easements of record as listed in the preliminary title report for the parcel map have been plotted and noted on the map.
5	Irrigation laterals are to be abandoned and the Bureau abandonment application must be submitted by the owner/developer.	The developer has agreed in writing to submit the application to abandon the easements prior to the issuance of the first building permit because the facilities are still in use and would not be relocated until development takes place.

Note:

A notation was placed on each sheet of the map and the environmental constraint sheet stating that no water or sewer disposal systems are available for this land division as of the date of recordation of this map and issuance of grading or construction permits is not allowed until water and sewage disposal systems are provided.



VICINITY MAP

PM-34159

SEC. 16 TWP. 6S RNG. 8E

Supervisorial District: 4 (John Benoit)