

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



FROM: Supervisor Kevin Jeffries

SUBMITTAL DATE:
January 8, 2015

SUBJECT: Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore, County of Riverside, State of California

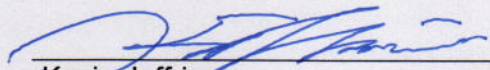
RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore, Riverside County, California, involving the conveyance by the County of Riverside ("County") of its approximately 48 acres of vacant land, portions of Assessor's Parcel Numbers 390-130-029, 390-210-022, 390-200-009, 390-200-011, and 389-080-054, to Castle & Cooke Lake Elsinore West, Inc. ("C&C") via grant deeds with an easement reservation over a portion of the land with APN 390-130-029, in exchange for the conveyance by C&C of certain portions of its real property with Assessor's Parcel Numbers 390-200-010, 390-160-006, and 390-130-028 of approximately 49 acres of vacant land located adjacent to the County owned property, to the County via grant deed; and
2. Direct the Clerk of the Board to give notice as provided in Section 6063 of the Government Code.

BACKGROUND:

Summary

Continued on page 2.


Kevin Jeffries
1st District Supervisor

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS:	Budget Adjustment: N/A
	For Fiscal Year: 2014/15

C.E.O. RECOMMENDATION:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.:

District: 1

Agenda Number:

3-17

Departmental Concurrence

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

FORM 11: Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore, County of Riverside, State of California

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BACKGROUND:

Summary (continued)

Pursuant to Government Code Section 25365, a county may exchange real property or any interest therein, belonging to the county with any person, if the property or interest therein to be conveyed is not required for county use and the property to be acquired is needed for county use. This exchange may be upon the terms and conditions as are agreed upon and without complying with any other provisions of the Government Code. The value of the private real property exchanged shall be equal to or greater than 75% of the value of the county property offered in the exchange.

When the County of Riverside ("County") acquired the vacant land, consisting of approximately 548 acres, located in the City of Lake Elsinore, County of Riverside, State of California, with APNs 390-130-029, 390-210-022, 390-200-009, 390-270-008, 390-210-018, 390-200-011, and 389-080-054, the County entered into a Temporary Operations and Permanent Maintenance Easement Agreement Dated December 30, 2004 with T.T. Group, a California corporation ("TOPME Agreement"). Pursuant to the terms of the TOPME Agreement, the County was obligated to maintain a sloped area upon the completion of certain work. Subsequently, Castle & Cooke Lake Elsinore West acquired from T.T. Group the real property located adjacent to the County owned real property subject to the TOPME Agreement.

The County of Riverside intends to convey the fee simple interests in real property subject to an easement reservation over a portion of the land with Assessor's Parcel Number ("APN") 390-130-029 located in the City of Lake Elsinore, County of Riverside, portions of Assessor's Parcel Numbers 390-130-029, 390-210-022, 390-200-009, 390-200-011, and 389-080-054 (County Property), in exchange for the fee simple interest in real property for vacant land located adjacent to the County Property, portions of Assessor's Parcel Numbers 390-200-010, 390-160-006, and 390-130-028, as shown on the attached Map A, by grant deeds at least three weeks after the notice of intention resolution is adopted by the Board of Supervisors.

As part of this exchange transaction, the easement reservation in favor of the County over a portion of the land with APN 390-130-029 will include covenants and conditions for the translocation of the San Diego Ambrosia plant species discovered on this portion of land. The Exchange Agreement and the Grant Deed with Easement Reservation will include provisions indicating the County will perform, or cause to be performed, the transplanting of the Ambrosia plants from the easement area to another location on County owned property chosen solely by the County. Once the successful translocation has been confirmed, the easement interest would be relinquished by the County to C&C in the manner provided in the Grant Deed with Easement Reservation.

The properties have been valued in equal ranges by an independent MAI appraiser hired by the County. C&C shall assume maintenance responsibilities described in that certain Amended and Restated Temporary Operations and Permanent Maintenance Easement Agreement between the County and C&C entered into concurrently with this transaction. C&C shall be responsible for paying the escrow costs and fees and the full cost of a title policy on the property or costs of clearing title for property to be conveyed. The parties intend to enter into an exchange agreement to provide the terms and conditions for the exchange of the above described real property. County staff has determined that the real property interests to be conveyed to C&C are not required for County use and the real property interests to be acquired from C&C are needed for County use.

The proposed exchange of county-owned property for the land owned by C&C, would be of a greater benefit to the County of Riverside, since the C&C parcel is contiguous to the existing the County's remainder property for conservation purposes. In addition, this exchange transaction would result in a significant cost savings and

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

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Elsinore, County of Riverside, State of California

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relieve the County of the slope maintenance obligation under the TOPME Agreement. The parties intend to amend the TOPME Agreement to reflect that C&C will assume the slope maintenance obligation.

Impact on Citizens and Businesses

There is no impact on citizens and businesses. This is a notice of intention of a proposed real estate exchange between the County and Castle & Cooke.

SUPPLEMENTAL:

Additional Fiscal Information

The other party to this proposed exchange of real property would pay for the costs associated with this real estate exchange.

Contract History and Price Reasonableness

N/A

ATTACHMENTS (if needed, in this order):

Resolution No. 2015-030

Map A

A. BUDGET ADJUSTMENT

N/A

B. CHANGE ORDER REPORT

NUMBER	AMOUNT	PERCENT	DESCRIPTION

(Additional description and details of new change order(s) – one or two paragraphs for each.)

C. PERSONNEL CHANGE and ORDINANCE 440 REPORT

N/A

2 RESOLUTION NO. 2015-030

3 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE
4 NOTICE OF INTENTION TO EXCHANGE REAL PROPERTY
5 IN THE CITY OF LAKE ELSINORE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
6

7 WHEREAS, the County desires to acquire certain real property for the conservation purposes and
8 to preserve a wildlife corridor in the northern part of the City of Lake Elsinore; and

9 WHEREAS, the County is the owner of certain vacant parcels of real property, with Assessor's
10 Parcel Numbers 390-200-009, 390-270-008, 390-210-018, 390-130-029, 390-021-022, 390-200-011 and
11 389-080-054, located in the City of Lake Elsinore, County of Riverside, State of California, where an
12 approximate 48 acre portion of which is not required for county use and is intended to be conveyed to
13 Castle & Cooke Lake Elsinore West, Inc. with an easement reservation over the parcel with Assessor's
14 Parcel Number 390-130-029 containing the San Diego Ambrosia plant species; and

15 WHEREAS, an adjacent property owner Castle & Cooke Lake Elsinore West, Inc. ("C&C") is the
16 owner of certain real property with Assessor's Parcel Number 390-210-021, 390-160-003, 390-190-015,
17 390-200-008, 390-200-010, 389-080-055, 390-190-018, 389-020-064, 390-020-064, 390-160-006, 390-
18 190-014, 390-130-026, and 390-130-028, where an approximate 49 acre portion thereof is to be conveyed
19 to the County, and is desired by the County to accommodate the County's conservation needs; and

20 WHEREAS, pursuant to Government Code Section 25365, the County may exchange real
21 property belonging to the County with any person upon the terms and conditions as are agreed upon and
22 without complying with any other provisions of the Government Code, if the property to be conveyed is
23 not required for County use, the property to be acquired is needed for County use and the values of each
24 parcels of land are approximately equal; and

25 WHEREAS, the County has determined that the real property interests to be conveyed to C&C are
26 not required for County use and the real property interests to be acquired from C&C are needed for
27 County use; and

28 WHEREAS, the County and C&C desire to exchange the fee simple interests in real property

FORM APPROVED COUNTY COUNSEL
BY: *Synthia M. Gunzel* 1-8-15
DATE
SYNTHIA M. GUNZEL

1 described herein with an easement reservation in favor of the County over the parcel with Assessor's
2 Parcel Number ("APN") 390-130-029 to accommodate the translocation of the San Diego Ambrosia
3 plants located thereon; and

4 WHEREAS, the property to be acquired by the County would be of great benefit to the County
5 due to the location and proximity of this real property for conservation purposes and to preserve a wildlife
6 corridor; now, therefore,

7 BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the County
8 of Riverside, California, in regular session assembled on January 13, 2015, that:



9 NOTICE IS HEREBY GIVEN that the Board of Supervisors of County of Riverside intends to
10 authorize the exchange of fee simple interests in real property with Castle & Cooke Lake Elsinore West,
11 Inc. ("C&C") of the following described real property pursuant to an exchange agreement: County to
12 convey to C&C approximately 48 acres of vacant land from portions of real property with Assessor's
13 Parcel Numbers 390-130-029, 390-210-022, 390-200-009, 390-200-011, and 389-080-054 in exchange
14 for C&C conveying to County approximately 49 acres of vacant land from portions of real property with
15 Assessor's Parcel Numbers 390-200-010, 390-160-006, and 390-130-028 as shown on Map A, attached
16 hereto and by this reference incorporated herein. The County and C&C intend to consummate the
17 exchange through escrow and pursuant to a Real Estate Exchange Agreement and Escrow Instructions
18 whereby the County conveys the above described county-owned real property with an Easement
19 Reservation over a portion of the parcel with APN 390-130-029 to C&C and C&C will convey its real
20 property as described above to the County. This exchange transaction is in conformance with
21 Government Code Section 25365 because the values of each parcel are within the same approximate
22 ranges.

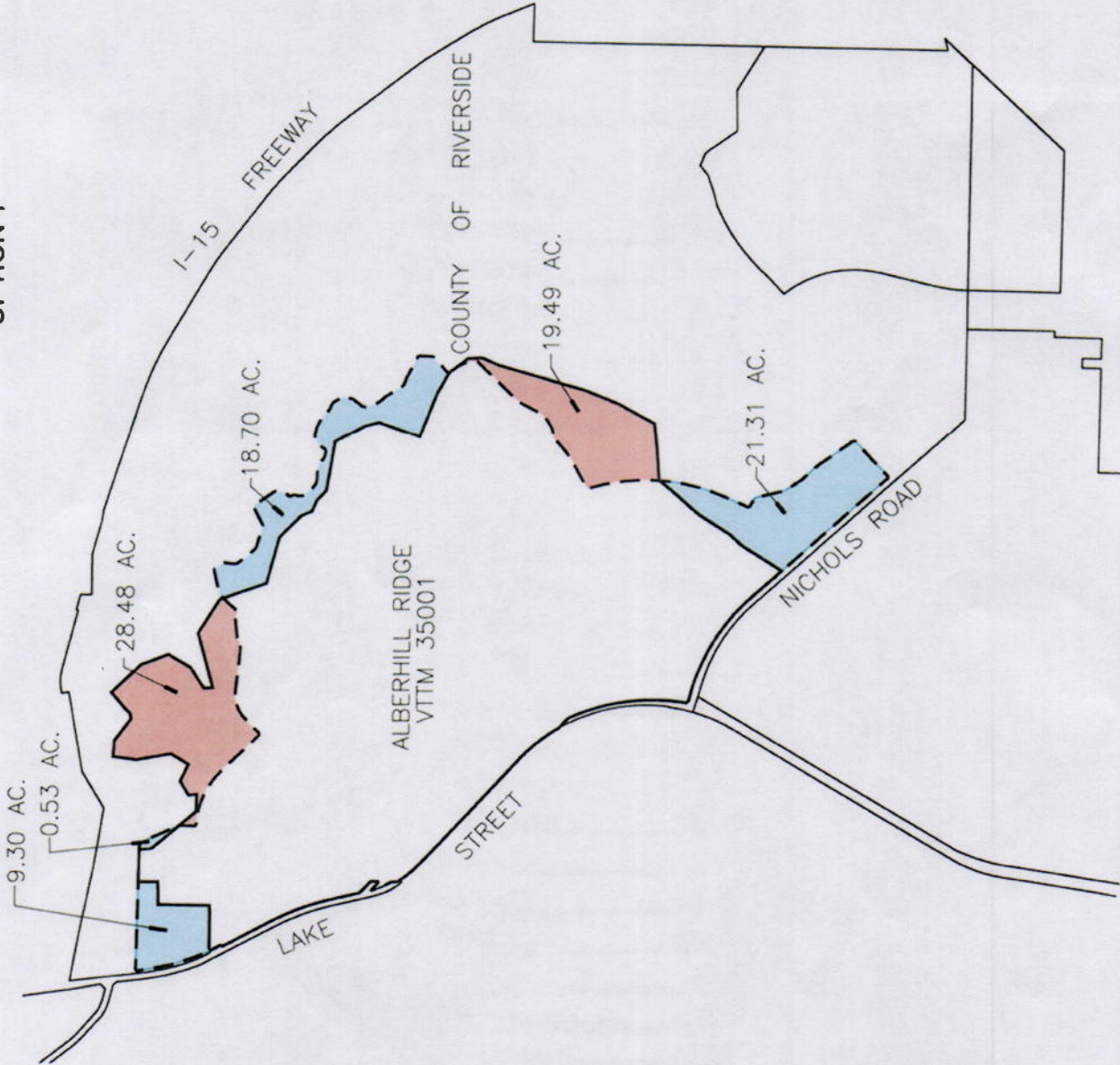
23 The Board of Supervisors intend to meet to conclude the proposed transaction on or after February
24 3, 2015, at 9:00 am, at the meeting room of the Board of Supervisors located on the 1st floor of the County
25 Administrative Center, 4080 Lemon Street, Riverside, California.

26 BE IT FURTHER RESOLVED AND DETERMINED that the Clerk of the Board of Supervisors
27 is directed to give notice hereof as provided in Section 6063 of the Government Code.

OPTION 1

ALBERHILL RIDGE
TRI-VALLEY ACQUISITION
C.C.L.E.W./COUNTY OF RIVERSIDE

AREA EXCHANGE SUMMARY	
AREA DESIGNATION	AREA IMPACT (AC)
 COUNTY OF RIVERSIDE TO EXCHANGE WITH C.C.L.E.W.	49.84
 C.C.L.E.W. TO EXCHANGE WITH COUNTY OF RIVERSIDE	47.97



KWC ENGINEERS
 CIVIL ENGINEERS • PLANNERS • SURVEYORS
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