

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



FROM: Supervisor Kevin Jeffries

SUBMITTAL DATE:
January 28, 2016

SUBJECT: Resolution No. 2016-074 Amending 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. 2016-074 Amending 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 40 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 Commercial-CA, 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 40 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 Government Code Section 6063.

BACKGROUND:

Summary

Continued on page 2.

Kevin Jeffries
1st District Supervisor

Departmental Concurrence

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: 2015/16

C.E.O. RECOMMENDATION:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 3-17 of 01/13/2015

District: 1

Agenda Number:

3-37

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Resolution No. 2016-074 Amending Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore, County of Riverside, State of California

DATE: January 28, 2016

PAGE: 2 of 3

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 between the parties. 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.

On January 13, 2015, the Board of Supervisors adopted Resolution No. 2015-030 to provide its notice of intention to exchange approximately 48 acres of land with the adjacent property owner, Castle & Cooke. After further evaluation, the parties have decreased the total number of acres to be exchanged. Therefore, County staff recommends adoption of Resolution No. 2016-074 to amend Resolution No. 2015-030 to provide the revised exchange configuration and information on the decreased acreage.

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 successful 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 that the successful transplanting of the Ambrosia plants from the easement area to another location within County owned property as chosen solely by the County shall be done prior to any development occurring on that portion of land. 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, the full cost of a title policy on the properties and the costs of clearing title for property to be conveyed to the County. The parties intend to enter into an exchange agreement to provide the terms and conditions for the exchange of the above described real property and an Indemnification Agreement whereby C&C shall indemnify the County.

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Resolution No. 2016-074 Amending Resolution No. 2015-030 Notice of Intention to Exchange Real Property in the City of Lake Elsinore, County of Riverside, State of California

DATE: January 28, 2016

PAGE: 3 of 3

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 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 an amended 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. 2016-074

Map A

2 RESOLUTION NO. 2016-074

3 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE

4 NOTICE OF INTENTION TO EXCHANGE REAL PROPERTY

5 LOCATED IN THE CITY OF LAKE ELSINORE, COUNTY OF RIVERSIDE,

6 STATE OF CALIFORNIA

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

10 WHEREAS, on January 13, 2015, the Board of Supervisors of the County of Riverside ("Board")
11 adopted Resolution No. 2015-030 Notice of Intention to Exchange Real Property located in the City of
12 Lake Elsinore, County of Riverside, State of California for a proposed exchange of approximately 48
13 acres of vacant land; and

14 WHEREAS, upon further consideration and evaluation, the parties now desire to decrease the total
15 number of acres to exchange only approximately 40 acres of vacant land; and

16 WHEREAS, the County is the owner of certain vacant parcels of real property, identified with
17 Assessor's Parcel Numbers 390-200-009, 390-200-011, 390-130-029, 390-210-022 and 389-080-054,
18 located in the City of Lake Elsinore, County of Riverside, State of California, where an approximate 40
19 acre portion of which is not required for county use and is intended to be conveyed to Castle & Cooke
20 Commercial-CA, Inc. with an easement reservation over a portion of the parcel with Assessor's Parcel
21 Number 390-130-029 containing the San Diego Ambrosia plant species; and

22 WHEREAS, an adjacent property owner Castle & Cooke Commercial-CA, Inc. ("C&C") is the
23 owner of certain real property, identified with Assessor's Parcel Number 390-200-010, 390-160-006 and
24 390-130-028, where an approximate 40 acre portion thereof is to be conveyed to the County, and is
25 desired by the County to accommodate the County's conservation purpose; and

26 WHEREAS, pursuant to Government Code Section 25365, the County may exchange real
27 property belonging to the County with any person upon the terms and conditions as are agreed upon
28

1 between the parties, if the property to be conveyed is not required for County use, the property to be
2 acquired is needed for County use and the values of each parcels of land are approximately equal; and

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

6 WHEREAS, the County and C&C desire to exchange the fee simple interests in real property
7 described herein with an easement reservation in favor of the County over a portion of the parcel
8 identified with Assessor's Parcel Number ("APN") 390-130-029 to accommodate the successful
9 translocation of the San Diego Ambrosia plants located thereon to another location of real property owned
10 by the County; and

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

14 BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the County
15 of Riverside, California, in regular session assembled on February 9, 2016, that Resolution No 2015-030
16 is hereby amended with adoption of Resolution No. 2016-074 and:

17 NOTICE IS HEREBY GIVEN that the Board of Supervisors of County of Riverside intends to
18 authorize the exchange of fee simple interests in real property with Castle & Cooke Commercial-CA, Inc.
19 ("C&C") of the following described real property pursuant to an exchange agreement: County to convey
20 to C&C approximately 40 acres of vacant land from portions of real property identified with Assessor's
21 Parcel Numbers 390-200-009, 390-200-011, 390-130-029, 390-210-022 and 389-080-054 in exchange for
22 C&C conveying to County approximately 40 acres of vacant land from portions of real property identified
23 with Assessor's Parcel Numbers 390-200-010, 390-160-006 and 390-130-028 as shown on Map A,
24 attached hereto and by this reference incorporated herein. The County and C&C intend to consummate
25 the exchange through escrow and pursuant to a Real Estate Exchange Agreement and Escrow Instructions
26 whereby the County conveys the above described county-owned real property with an Easement
27 Reservation over a portion of the parcel with APN 390-130-029 to C&C and C&C will convey its real
28 property as described above to the County. This exchange transaction is in conformance with

1 Government Code Section 25365 because the values of each parcel are within the same approximate
2 ranges.

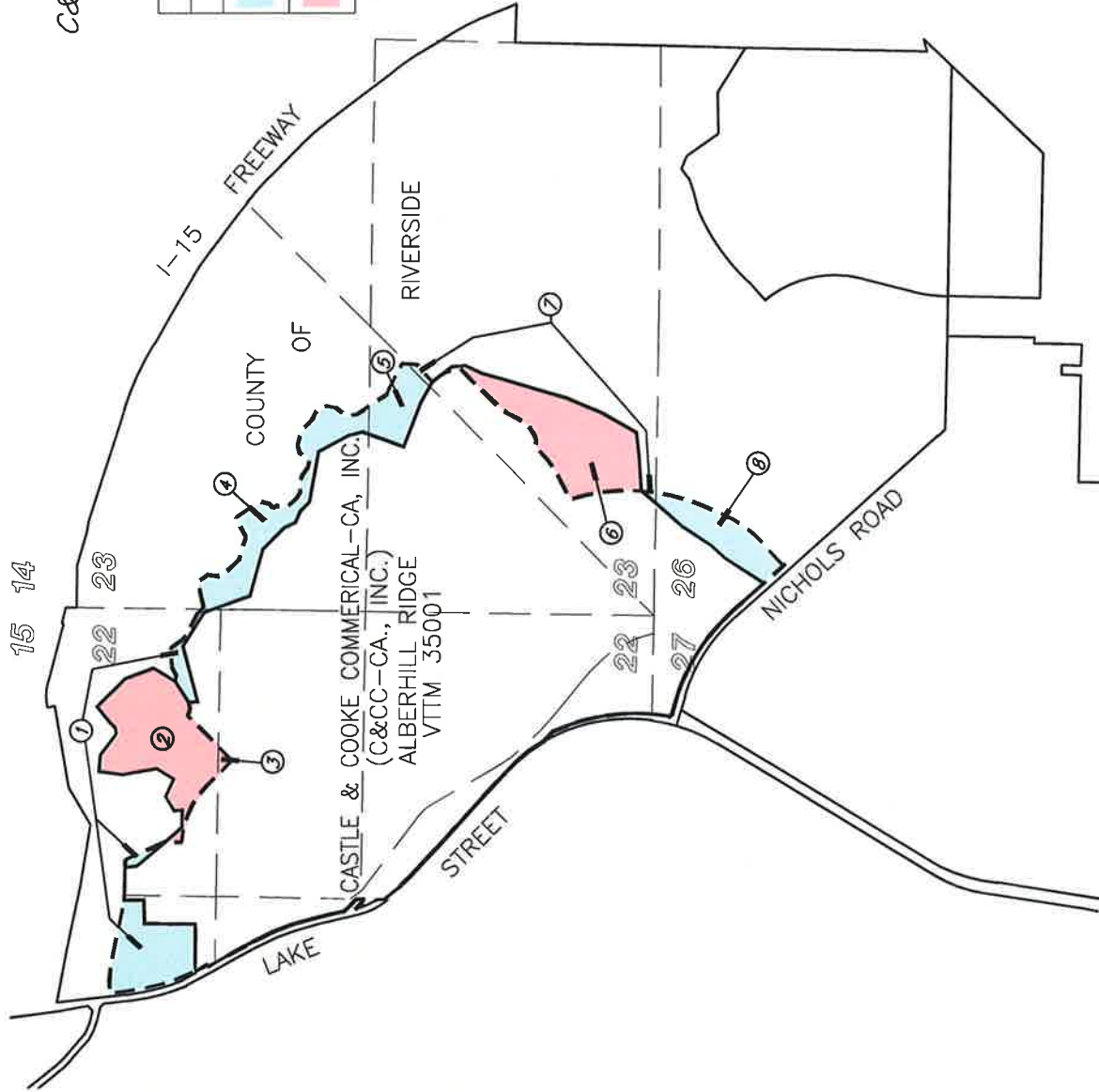
3 The Board of Supervisors intends to meet to conclude the proposed transaction on or after March
4 1, 2016, at 9:00 am, at the meeting room of the Board of Supervisors located on the 1st floor of the County
5 Administrative Center, 4080 Lemon Street, Riverside, California.

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

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

"APN" EXHIBIT

ALBERHILL RIDGE
TRI-VALLEY ACQUISITION
C&CC-CA, INC./COUNTY OF RIVERSIDE
APN EXHIBIT



AREA EXCHANGE SUMMARY	
AREA DESIGNATION	AREA IMPACT (AC)
COUNTY OF RIVERSIDE TRANSFERS TO C&C	39.78
C&C TRANSFERS TO COUNTY OF RIVERSIDE	39.98

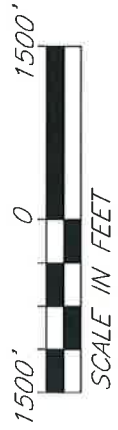
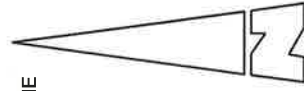
DATED: SEPTEMBER 4, 2015

APN LIST:

- ① APN 390-130-029
- ② APN 390-130-028
- ③ APN 390-160-006
- ④ APN 390-210-022
- ⑤ APN 390-200-009
- ⑥ APN 390-200-010
- ⑦ APN 390-200-011
- ⑧ APN 389-080-054

LEGEND:

- EXISTING PARCEL LINE
- - - PROPOSED PARCEL LINE
- - - APN LIMITS



1880 COMPTON AVENUE, SUITE 100 • CORONA, CA 92681-3370 • 951-734-2130
CIVIL ENGINEERS • PLANNERS • SURVEYORS