

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS DATE: 3/10/16

Departmental Concurrence

**SUBMITTAL TO THE FLOOD CONTROL AND
 WATER CONSERVATION DISTRICT BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

107B
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FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
 April 12, 2016

SUBJECT: Adopt Resolution No. F2016-06, Authorization to Summarily Vacate a District Right of Way Rice Canyon Levee, in the Lake Elsinore Area, RCFC Parcel No. 3050-1; CEQA Notice of Exemption - Rice Canyon Levee Project No. 3-0-00050, District 1, District Funds 0%

RECOMMENDED MOTION: That the Board of Supervisors:

1. Finds that the vacation in real property is categorically exempt from the California Environmental Quality Act ("CEQA") as it has been determined that the project qualifies for a "Class 25 Categorical Exemption" pursuant to the State CEQA Guidelines, Section 15325(a), "Acquisition, sale, or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats" and Section 15061(b)(3), "Common Sense Exemption"; and
2. Adopt Resolution No. F2016-06, Authorization to Summarily Vacate a District Right of Way along Rice Canyon Levee, in the Lake Elsinore Area, RCFC Parcel No. 3050-1; and
3. Direct the Clerk of the Board to file the Notice of Exemption with the County Clerk within five (5) working days of approval by the Board.

Continued on Page 2.

[Signature]
 WARREN D. WILLIAMS
 General Manager-Chief Engineer

AU:rlp
 P8\202668

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

SOURCE OF FUNDS:	Budget Adjustment: No
	For Fiscal Year: 15/16

C.E.O. RECOMMENDATION:

APPROVE
 BY: *[Signature]*
 Steven C. Horn

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

11-4

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FORM 11: Adopt Resolution No. F2016-06, Authorization to Summarily Vacate a District Right of Way Rice Canyon Levee, in the Lake Elsinore Area, RCFC Parcel No. 3050-1; CEQA Notice of Exemption - Rice Canyon Levee Project No. 3-0-00050, District 1, District Funds 0%

DATE: April 12, 2016

PAGE: Page 2 of 2

BACKGROUND:

Summary

In 1957 the District was granted an easement by Mr. and Mrs. Shupp, now known as RCFC Parcel No. 3050-1, recorded as Instrument No. 67251 on September 18, 1957, in the Official Records of Riverside County, California, for the construction and maintenance of a channel, levees and appurtenant works for control and flow of flood, storm and other waters, which encompasses over 80 acres in the unincorporated area of Lake Elsinore referred to as Rice Canyon. This dedication was prior to any design or construction in the Rice Canyon watershed.

In 1999 a portion of this easement was quitclaimed to the existing land owners, Lake Elsinore Unified School District, pursuant to Board Agenda Item 9.4 on November 2, 1999, after it was determined that flood protection was provided by the proposed development, and the easement was no longer necessary in this area. This was recorded as Instrument No. 1999-521858 on November 30, 1999.

In 2010, an additional portion of this easement was vacated for the benefit of the existing land owners, K. Hovnanian Homes, pursuant to Board Agenda Item 11.2 on December 7, 2010, as necessary flood improvements were conditioned by the City of Lake Elsinore, constructed and the remaining property was to be converted into a conservation easement. The District reviewed the developer's improvements and determined that there would be no maintenance responsibilities for the District or additional impact on the natural conditions within this area in the present or future. Therefore the District had determined that it could summarily vacate its easement interests over this area. The vacation was recorded as Instrument No. 2010-0602857 on December 15, 2010.

The District has now evaluated the remaining acreage and determined that there is no future use of the property rights as dedicated in the original 1957 Grant of Easement within the City of Lake Elsinore's general plan. The property shall stay in its natural condition with no additional improvements. The underlying land owner has requested that the District vacate its remaining interests as the landowner intends to convey a conservation easement over the property which would assure that these conditions cannot be altered.

The project is exempt from CEQA because it qualifies as a "Class 25 Categorical Exemption" pursuant the State CEQA Guidelines Section 15325(a), "Acquisition, sale, or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats". The project is also consistent with Section 15061(b)(3), "Common Sense Exemption" because it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment, as it is merely vacating an unnecessary flood control easement on undisturbed property to the existing property owner for which the property will convey a conservation easement for land conservation purposes.

Therefore, the District recommends that the easement right of way referred to as RCFC Parcel No. 3050-1, as dedicated in Instrument No. 67251 on September 18, 1957, be summarily vacated.

Impact on Residents and Businesses

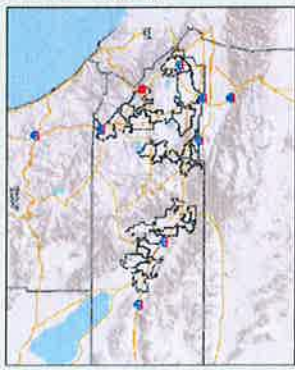
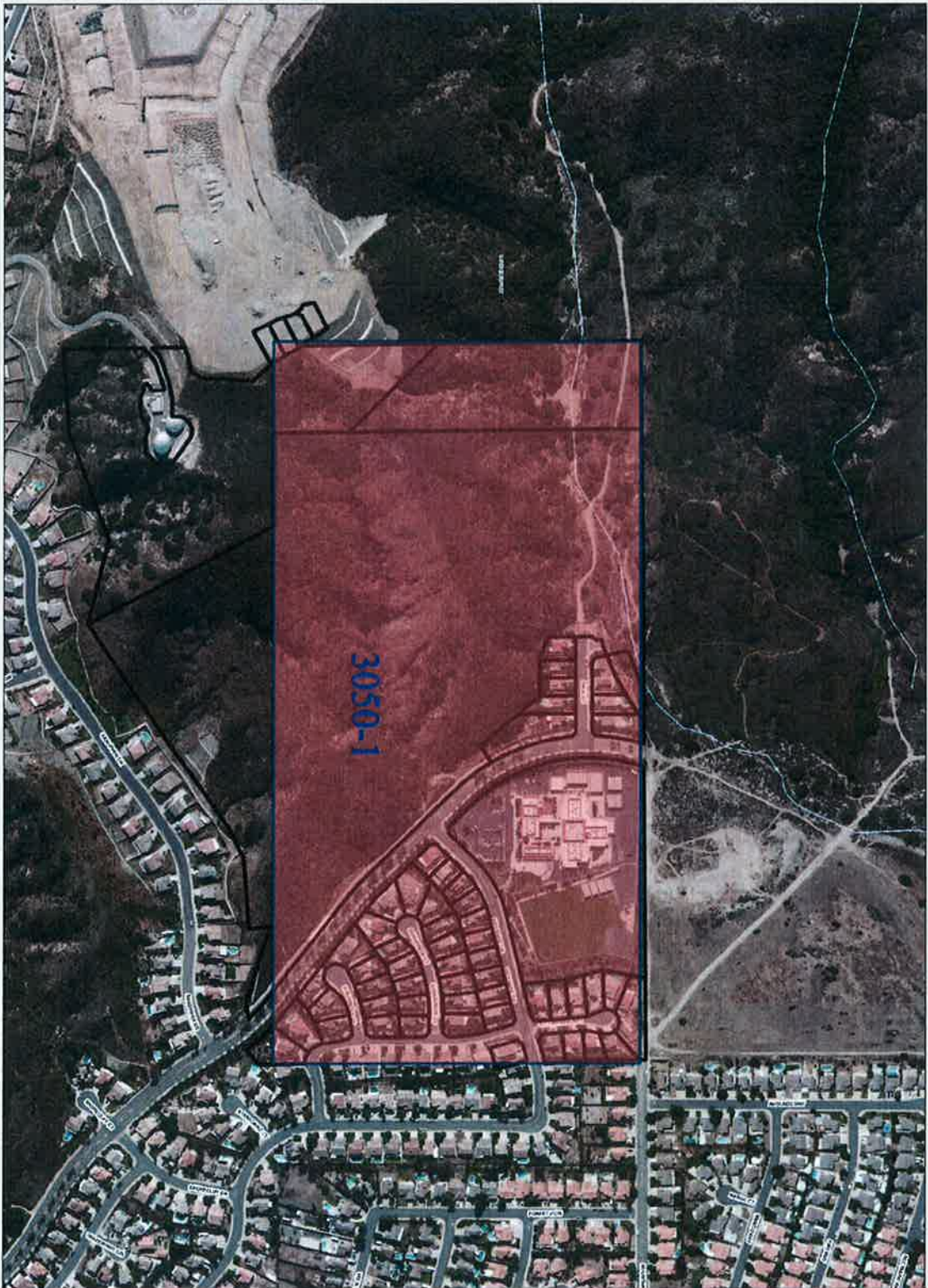
No impact

ATTACHMENTS:

1. Resolution No. F2016-06
2. Regional Map of the subject area
3. Right of Way Map for RCFC Parcel 3050-1
4. Notice of Exemption (NOE) and Authorization to Bill to pay NOE filing fee

Subject: Authorization to Summarily Vacate and Declare District ROW Surplus

Location: Lake Elsinore, RCFC Parcel No. 3050-1



Legend

- roadsanno
- highways
- HWY
- INTERCHANGE
- INTERSTATE
- OFFRAMP
- ONRAMP
- USHWY
- counties
- cities
- hydrographyllines
- waterbodies
- Lakes
- Rivers
- World Street Map



IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON... 3/8/2016 2:56:44 PM

Notes

See Attachment "A" for APN's District: 1

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1 that this Board, based on the review of the proposed vacation, the environmental impacts of the
2 project have been sufficiently assessed and have been determined that the proposed action
3 qualifies for a "Class 25 Categorical Exemption" pursuant to Article 19 of the CEQA, State
4 CEQA Guidelines: Section 15325(a) and Section 15061(b)(3) because it can be seen with
5 certainty that there is no possibility that the activity in question will have a significant effect on
6 the environment because the District is merely vacating an unnecessary right of way on
7 undisturbed property to the existing property owner for land conservation purposes and the
8 vacation of the easement does not adversely affect a change in the environment.

8 BE IT FURTHER RESOLVED, DETERMINED AND ORDERED by a vote of this
9 Board that this Board authorizes the summary vacation of the ROW, RCFC Parcel 3050-1, that
10 certain real property located in the City of Lake Elsinore, County of Riverside, State of
11 California, more particularly described in Exhibit "A".

11 BE IT FURTHER RESOLVED, DETERMINED AND ORDERED that the Clerk of
12 Board is directed to file the Notice of Exemption with the County Clerk within five (5) working
13 days of approval by the Board.

14 BE IT FURTHER RESOLVED, DETERMINED AND ORDERED that the Clerk of the
15 Board is directed to cause a certified copy of this resolution to be recorded in the office of the
16 Recorder of the County of Riverside, California.

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ATTACHMENT "1"

City of Lake Elsinore

APN's within RCFC Parcel 3050-1

389-642-010	391-571-005	391-571-021	391-581-002
391-560-001	391-571-006	391-571-022	391-581-003
391-560-002	391-571-007	391-571-023	391-581-004
391-560-003	391-571-008	391-571-024	391-582-001
391-560-004	391-571-009	391-571-025	391-582-002
391-560-005	391-571-010	391-571-026	391-582-003
391-560-008	391-571-011	391-571-027	391-582-004
391-560-009	391-571-012	391-571-028	391-582-005
391-560-010	391-571-013	391-571-029	391-820-001
391-560-011	391-571-014	391-571-030	391-820-003
391-560-012	391-571-015	391-571-031	391-820-007
391-560-013	391-571-016	391-571-032	391-960-016
391-571-001	391-571-017	391-571-033	391-960-017
391-571-002	391-571-018	391-571-034	391-960-018
391-571-003	391-571-019	391-571-035	391-960-019
391-571-004	391-571-020	391-581-001	

Exhibit "A"

RICE CANYON LEVEE (3050-1)

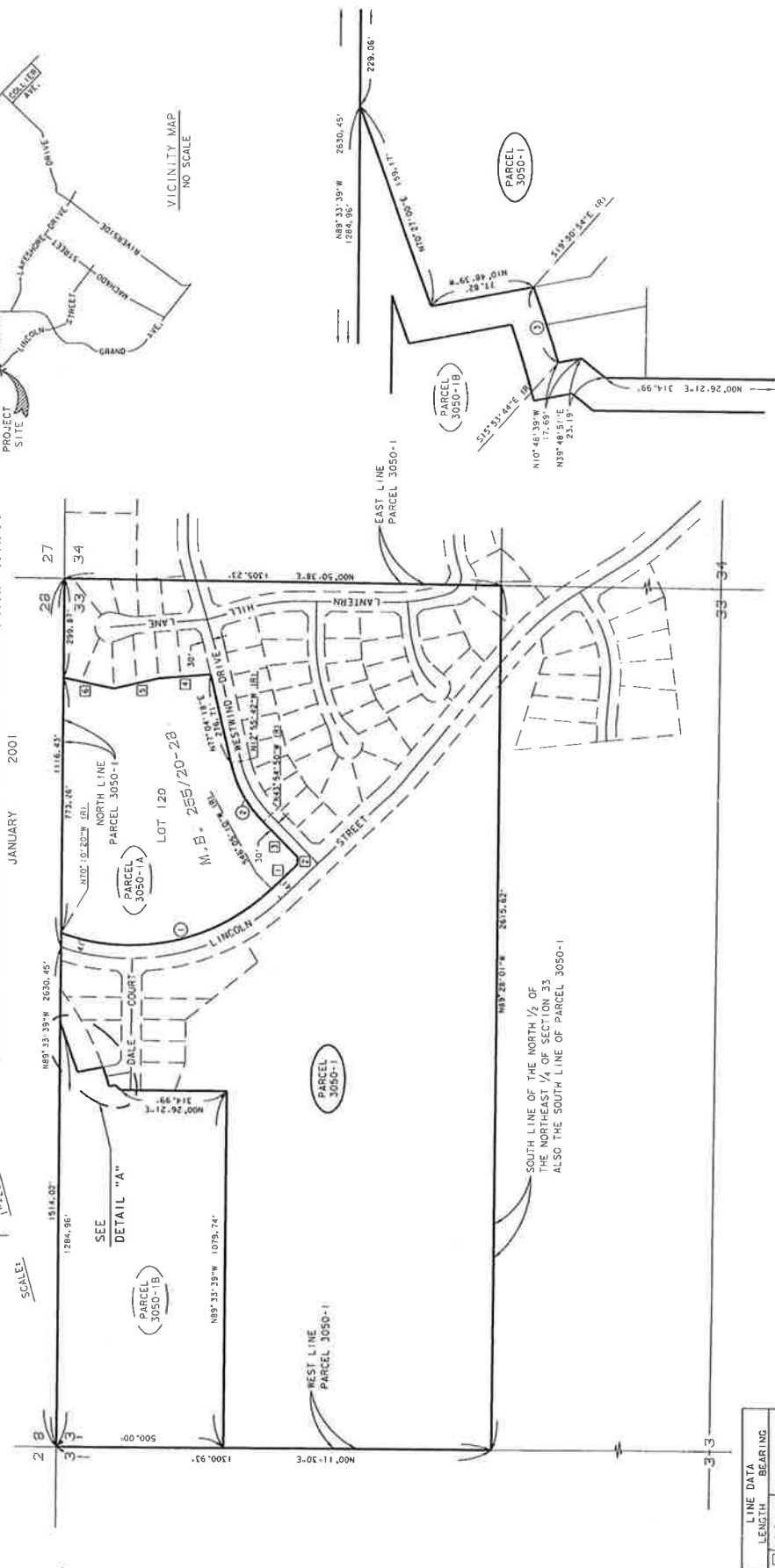
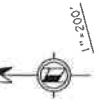
The North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 33, Township 5 South, Range 5 West, San Bernardino Base and Meridian, Riverside County, California.

IN THE CITY OF LAKE ELSINORE, COUNTY OF RIVERSIDE, CALIFORNIA
RIGHT OF WAY

RICE CANYON LEVEE

LOT 120 AS SHOWN ON MAP BOOK 255, PAGES 20 THRU 28, INCLUSIVE, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LOCATED IN SECTION 28, TOWNSHIP 5 SOUTH, RANGE 5 WEST S.B.B. & M. RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
 JANUARY 2001

DATE	REVISION DATA	INITIAL
1/20/01	THIS MAP WAS CREATED TO SERVICE	F.J.B.
3/7/16	UPDATE MAP WITH PARCEL 3150-1B	DLZ



R / W CURVE DATA			
R	T	L	
1	63° 44' 30"	693.00'	378.64'
2	30° 59' 08"	380.00'	105.33'
3	03° 51' 10"	876.50'	30.25'

LINE DATA	
LENGTH	BEARING
1	107.11'
2	214.93'
3	146.70'
4	154.78'
5	137.13'
6	155.08'

PARCEL DATA		
PARCEL NO.	INSTRUMENT NO.	DATE RECORDED
3050-1	67251	9-18-1937
3050-1A	1993-521158	11-20-1999
3050-1B	2010-0602837	12-15-2010

DETAIL "A"
 NOT TO SCALE

NOTICE OF EXEMPTION

To: County Clerk
County of Riverside
2724 Gateway Drive
Riverside, CA 92507

From: Riverside County Flood Control District
1995 Market Street
Riverside, CA 92501
Contact: Kris Flanigan
Phone: 951.955.1200

Project Title: Rice Canyon Levee Project Vacation of District Right of Way

Project Location – City: Lake Elsinore

Project Location – County: Riverside

The parcels total approximately 80 acres of vacant undisturbed land northwest of the intersection of Lincoln Street and Sandpiper Drive. The project is within Township 5 South, Range 5 West, Section 33 of the Alberhill 7.5 Minute US Geological Survey (USGS) Topographic Quadrangle. The properties are located at 33° 41' 45.13" N, 117° 24' 07.05" W. The project affects the following Assessor's Parcel Numbers (APNs):

389-642-010	391-560-011	391-571-007	391-571-016	391-571-025	391-571-034	391-582-004
391-560-001	391-560-012	391-571-008	391-571-017	391-571-026	391-571-035	391-582-005
391-560-002	391-560-013	391-571-009	391-571-018	391-571-027	391-581-001	391-820-001
391-560-003	391-571-001	391-571-010	391-571-019	391-571-028	391-581-002	391-820-003
391-560-004	391-571-002	391-571-011	391-571-020	391-571-029	391-581-003	391-820-007
391-560-005	391-571-003	391-571-012	391-571-021	391-571-030	391-581-004	391-960-016
391-560-008	391-571-004	391-571-013	391-571-022	391-571-031	391-582-001	391-960-017
391-560-009	391-571-005	391-571-014	391-571-023	391-571-032	391-582-002	391-960-018
391-560-010	391-571-006	391-571-015	391-571-024	391-571-033	391-582-003	391-960-019

Project Description:

The Riverside County Flood Control and Water Conservation District (District) is the owner of certain real property interest known as RCFC Parcel No. 3050-1. The subject parcel, which includes the APNs shown above, is no longer needed nor will it be needed in the future for the District's use and purposes. Therefore, pursuant to California Water Code Appendix Section 48-9, Subsection 5 and Chapter 48-13, the District may dispose of real property when interest is no longer necessary to be retained for District use or purposes.

Public Agency Approving Project: Riverside County Flood Control and Water Conservation District

Public Agency Carrying Out Project: Riverside County Flood Control and Water Conservation District

Exempt Status: Categorical Exemption Pursuant to State CEQA Guidelines §§15325(a) and 15061(b)(3)

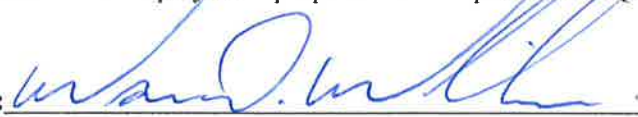
Reasons Why Project is Exempt: The project qualifies for the following CEQA exemptions:

Section 15325(a) – "Acquisition, sale, or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats." The District is merely vacating an unnecessary flood control easement on undisturbed property to the existing property owner for land conservation purposes.

Section 15061(b)(3) – The project qualifies for the "General Rule" or "Common Sense Exemption" because it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment.

The project does not affect a change in the environment. The project will not result in any specific or general exceptions to the validity of the categorical exemptions as detailed under State CEQA Guidelines Section 15300.2. The project will not cause any impacts to scenic resources, historic resources, or unique sensitive environments. Furthermore, no unusual circumstances or potential cumulative impacts would reasonably occur that may create an environmental impact.

Based upon the exemptions identified above, the District hereby concludes that no physical environmental impacts are anticipated to occur and the project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Lead Agency: 
WARREN D. WILLIAMS, General Manager-Chief Engineer
Riverside County Flood Control and Water Conservation District

Date: 3/14/16

RIVERSIDE COUNTY CLERK-RECORDER

AUTHORIZATION TO BILL

TO BE FILLED OUT BY SUBMITTING AGENCY

DATE: 2/25/2016 BUSINESS UNIT/AGENCY: FLOOD CONTROL - FCARC

ACCOUNTING STRING:

ACCOUNT: 526410 FUND: 25130
DEPT ID: 947440 PROGRAM: _____

AMOUNT: \$50.00

REF: CEQA Notice of Exemption Posting Lake Elsinore Rice Canyon Levee 223-3-6-00050-00-20

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO ISSUE AN INVOICE FOR PAYMENT OF ALL DOCUMENTS INCLUDED.

NUMBER OF DOCUMENTS INCLUDED: 1

AUTHORIZED BY: Michael Reyes *MR 2/25/16*
PRESENTED BY: Kris Flanigan EXT 58581
CONTACT: Michael Reyes EXT 56955

TO BE FILLED OUT BY COUNTY CLERK

ACCEPTED BY: _____

DATE: _____

DOCUMENT NO(S)/INVOICE NO(S):

