

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

503



FORM APPROVED COUNTY COUNSEL
BY: Karin Watts-Bazan 8/17/16
DATE: KARIN L. WATTS-BAZAN

FROM: Department of Waste Resources

SUBMITTAL DATE:
August 15, 2016

SUBJECT: Resolution No. 2016-153, Notice of Intention to Establish a Restrictive Covenant Affecting County Owned Fee Interest In Real Property, Commonly Known As The Badlands Landfill, In The Unincorporated Area of the County of Riverside, State of California, Identified within a Portion of Assessor's Parcel Number 413-140-023, District 5, [\$0 – Department of Waste Resources Enterprise Funds], CEQA Exempt

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2016-153, Notice of Intention to Establish a Restrictive Covenant affecting County owned fee interest in real property, commonly known as the Badlands Landfill, in the County of Riverside, State of California, Identified within a Portion of Assessor's Parcel Number 413-140-023; and
2. Direct the Clerk of the Board to give notice pursuant to Government Code Section 6061.

BACKGROUND:
Summary

(continued)

Hans Kernkamp
General Manager, Chief Engineer

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

SOURCE OF FUNDS: N/A	Budget Adjustment:
	For Fiscal Year: 16/17

C.E.O. RECOMMENDATION:

APPROVE
BY:
Steven C. Horn

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 05/24/2005 M.O. 12-4

District: 5

Agenda Number:

COUNTY

12-1

Departmental Concurrence

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Resolution No. 2016-153, Notice of Intention to Establish a Restrictive Covenant affecting County owned fee interest in real property, commonly known as the Badlands Landfill, in the County of Riverside, State of California, Identified with Assessor's Parcel Number 413-140-023, District 5, [\$0 – Department of Waste Resources Enterprise Funds], CEQA Exempt

DATE: August 15, 2016

PAGE: 2 of 2

BACKGROUND:

Summary

In May 2005, the Board of Supervisors adopted a Mitigated Negative Declaration (MND) for the Badlands Landfill Solid Waste Facility Permit Revision Environmental Assessment No. 39813, which analyzed the addition of a sedimentation basin, among other improvements, at the Badlands Landfill. In November 2005, the Department of Waste Resources ("Department") submitted an application for a Streambed Alteration Agreement ("SAA") to the California Department of Fish and Wildlife ("CDFW"). As part of the SAA application, the Department prepared a Conceptual Habitat and Hydrology Mitigation Monitoring Plan ("HMMP") addressing the loss of 0.64 acres of jurisdictional waters under the control of the CDFW. The HMMP proposed mitigation, including the permanent preservation of 1.02 acres of streambed and vegetated area in the northwest portion of Badlands Landfill ("Restricted Property"). While the southwest sedimentation basin was completed in 2008, the subject property remains undeveloped and in a natural state. The Department proposes to establish certain restrictive covenants affecting the Restricted Property ("Restrictive Covenant") by way of recording a Declaration of Restrictive Covenants that limits the activities within the Restricted Property while retaining County ownership and control.

Resolution No. 2016-153 has been approved as to form by County Counsel.

Impact on Residents and Businesses

There will be no impact on residents or businesses.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Price Reasonableness

N/A

Attachments:

1. Resolution No. 2016-153

2
3 **RESOLUTION NO. 2016-153**

4 **NOTICE OF INTENTION TO ESTABLISH A RESTRICTIVE COVENANT**
5 **AFFECTING COUNTY OWNED FEE INTEREST IN REAL PROPERTY,**
6 **COMMONLY KNOWN AS THE BADLANDS LANDFILL,**
7 **IN THE UNINCORPORATED AREA OF THE COUNTY OF RIVERSIDE,**
8 **STATE OF CALIFORNIA, IDENTIFIED WITHIN A PORTION OF**
9 **ASSESSOR’S PARCEL NUMBER 413-140-023**

10 **WHEREAS**, the County of Riverside (“County”) is the owner of certain real property
11 located in the unincorporated area of Riverside County, State of California, consisting of
12 approximately 16.2 acres, identified within a portion of Assessor’s Parcel Number 413-140-023,
13 commonly known as the Badlands Landfill, (the “Property”), more particularly described in the
14 Legal Description in “Exhibit A”, attached hereto and by this reference incorporated herein; and

15 **WHEREAS**, the County Department of Waste Resources (“Department”) operates the
16 Badlands Landfill, located adjacent to the area depicted on the Badlands Cycle Park Preservation
17 Area exhibit, as shown in “Exhibit B”, attached hereto and by this reference incorporated herein;
18 and

19 **WHEREAS**, on May 24, 2005, M.O. 12-4, the County Board of Supervisors adopted a
20 Mitigated Negative Declaration (“MND”) for the Badlands Landfill Solid Waste Facility Permit
21 Revision Environmental Assessment No. 39813, which analyzed the addition of a sedimentation
22 basin, among other improvements, at the Badlands Landfill and approved the Solid Waste
23 Facility Permit Revision for the Badlands Landfill; and

24 **WHEREAS**, the Conceptual Habitat and Hydrology Mitigation Monitoring Plan
25 (“HMMP”) submitted as part of an application for a Streambed Alteration Agreement (“SAA”)
26 with California Department of Fish and Wildlife (“CDFW”), addressed the loss of 0.64 acres of
27 jurisdictional waters under the control of the CDFW; and
28

FORM APPROVED COUNTY COUNSEL
BY: Synthia M. Gunzel 8-17-16
DATE
SYNTHIA M. GUNZEL

1 **WHEREAS**, the HMMP, proposed mitigation, including the permanent preservation of
2 1.02 acres of streambed and vegetated area in the northwest portion of Badlands Landfill;

3 **WHEREAS**, in consideration for the impact of the loss of 0.64 acres CDFW
4 jurisdictional waters, the County, as owner of the property, its assigns and successors in interest,
5 hereby irrevocably covenant that the 16.2 acres as shown on attached Exhibit “B” and contained
6 within the legal description Exhibit “A” are held and hereafter shall be established under and by
7 way of recording a Declaration of Restrictive Covenants affecting the Property, subject to the
8 permanent preservation of the streambeds and vegetated areas;

9 **NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED and**
10 **NOTICE IS HEREBY GIVEN** by the Board of Supervisors of the County of Riverside,
11 California, (“Board”) in regular session assembled on September 13, 2016, that this Board
12 intends to authorize to establish certain restrictive covenants affecting the Property under a
13 Declaration of Restrictive Covenants (“Restrictive Covenant”) on or after September 27, 2016 on
14 real property: Certain real property located in the Unincorporated Badlands Area of the County
15 of Riverside, State of California, identified by and as a portion Assessor Parcel Number 413-140-
16 023 and, more particularly described in Exhibit “A” for the aforementioned Assessor’s Parcel
17 Number, attached hereto and thereby made a part hereof. The terms and conditions of the
18 proposed Restrictive Covenant are as follows: The County of Riverside will ensure the restricted
19 property will be preserved in a natural condition, as defined in the Restrictive Covenant, in
20 perpetuity and prevent any use of the restricted property that will impair or interfere with the
21 conservation value of the restricted property. The Restrictive Covenant will confine the use of
22 the restricted property to such activities that are consistent with those outlined in the Restrictive
23 Covenant, including without limitation, those involving the preservation, restoration, and
24 enhancement of native species and their habitats.

25 **BE IT FURTHER RESOLVED AND DETERMINED** that the Clerk of the
26 Board of Supervisors is directed to give notice hereof as provided in Section 6061 of the
27 Government Code.

28

EXHIBIT A

Legal Description

A portion of Section 32, Township 2 South, Range 2 West, described as follows:

Beginning at the Northwest corner of Section 32,

Thence N. 89°25'04" E., a distance of 2,781 feet to the true point of beginning:

Thence S. 12° 11' 30" E., a distance of 245 feet

Thence S. 46° 18' 43" W., a distance of 385 feet

Thence N. 40° 57' 53" W., a distance of 97 feet

Thence N. 61° 42' 15" W., a distance of 179 feet

Thence S. 37° 54' 59" W., a distance of 108 feet

Thence S. 51° 56' 09" E., a distance of 324 feet

Thence S. 17° 54' 04" E., a distance of 151 feet

Thence S. 59° 22' 47" W., a distance of 109 feet

Thence S. 88° 01' 28" W., a distance of 213 feet

Thence N. 57° 07' 12" W., a distance of 351 feet

Thence N. 73° 48' 52" W., a distance of 328 feet

Thence S. 07° 29' 34" W., a distance of 78 feet

Thence S. 71° 22' 16" E., a distance of 294 feet

Thence S. 54° 11' 39" E., a distance of 269 feet

Thence S. 32° 30' 24" E., a distance of 101 feet

Thence S. 41° 55' 22" W., a distance of 225 feet

Thence S. 65° 52' 01" W., a distance of 122 feet

Thence N. 51° 08' 29" W., a distance of 111 feet

Thence S. 64° 08' 47" W., a distance of 53 feet

Thence S. 17° 31' 52" E., a distance of 106 feet

Thence S. 66° 53' 57" E., a distance of 87 feet

Thence N. 83° 06' 39" E., a distance of 73 feet
Thence N. 69° 15' 34" E., a distance of 329 feet
Thence N. 00° 50' 36" E., a distance of 192 feet
Thence N. 84° 11' 26" E., a distance of 258 feet
Thence N. 70° 28' 34" E., a distance of 513 feet
Thence S. 14° 34' 56" E., a distance of 355 feet
Thence S. 27° 23' 57" E., a distance of 309 feet
Thence S. 68° 51' 15" E., a distance of 110 feet
Thence N. 08° 19' 38" E., a distance of 115 feet
Thence N. 26° 30' 35" W., a distance of 217 feet
Thence N. 16° 01' 58" W., a distance of 295 feet
Thence N. 05° 01' 15" W., a distance of 233 feet
Thence N. 57° 04' 58" E., a distance of 88 feet
Thence S. 42° 30' 42" E., a distance of 85 feet
Thence S. 60° 22' 04" E., a distance of 159 feet
Thence S. 15° 01' 07" E., a distance of 85 feet
Thence S. 23° 02' 39" E., a distance of 116 feet
Thence N. 62° 47' 23" E., a distance of 96 feet
Thence N. 07° 55' 19" W., a distance of 167 feet
Thence N. 42° 45' 18" W., a distance of 212 feet
Thence N. 46° 36' 01" W., a distance of 166 feet
Thence N. 25° 16' 06" E., a distance of 146 feet
Thence N. 27° 36' 55" W., a distance of 57 feet
Thence S. 75° 46' 40" W., a distance of 65 feet
Thence S. 49° 10' 57" W., a distance of 43 feet
Thence S. 33° 52' 18" W., a distance of 432 feet
Thence S. 74° 34' 48" W., a distance of 339 feet

Thence N. 22° 54' 59" W., a distance of 154 feet

Thence N. 57° 03' 32" E., a distance of 378 feet

Thence N. 27° 09' 52" E., a distance of 246 feet

Thence N. 77° 41' 34" E., a distance of 251 feet

Thence N. 07° 03' 44" W., a distance of 96 feet

Thence S. 89° 25' 04" W., a distance of 514 feet to the true point of beginning.

Containing 16.2 acres, more or less.

Streambed and Vegetated Areas

Drainage # (Linear FT.)	CDFW Streambed Acres	CDFW Vegetated Acres	Total
1 (168)	0.008		0.008
2 (2,059)	0.258	0.052	0.310
3 (688)	0.087		0.087
4 (535)	0.059		0.059
5 (694)	0.108		0.108
6 (196)	0.018		0.018
7 (171)	0.014		0.014
8 (550)	0.034	0.123	0.157
9 (63)	0.009		0.009
10 (800)	0.015	0.235	0.250
TOTAL	0.610	0.410	1.020

Legend

-  Badlands Cycle Park Preservation Area (16.2 Acres)
-  Landfill Property Boundary
-  Edge of Landfill Trash
-  Streambeds
-  Vegetated Areas

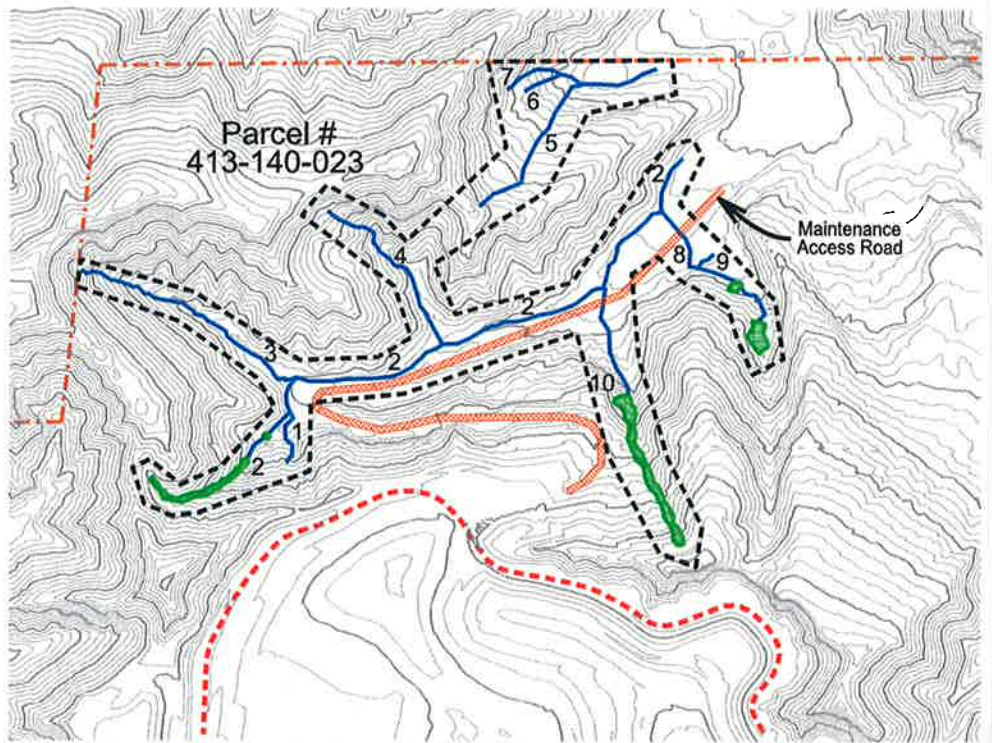


Exhibit B



Hana Karnkamp
General Manager-Chief Engineer



Badlands Sanitary Landfill
Badlands Cycle Park Preservation Area

Project Title:	Deed Restriction	Designed By:	KJJ	Scale:	1"=400'
Folder/File:	sites/Badlands/16ba/projects	Drawn By:	KJJ	Date:	7 March 2016
Model Name:		Checked By:	ACJ	Flight Date:	June 2015