MINUTES OF THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



9.16

During the oral communication section of the agenda for Tuesday, June 29, 2010, Robert Mabee read his statement into the record.

ATTACHMENTS FILED WITH CLERK OF THE BOARD

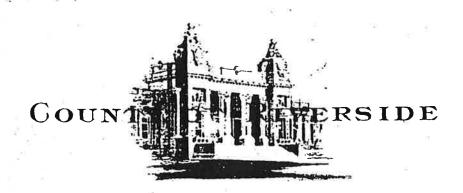
Several weeks ago at a board meeting Supervisor Ashley said that his staff would investigate my complaint and report back to the board. I met with Steve Hernandez at a later date. We discussed documents I submitted to this board. Steve asked me what did I want from the County. I said, "no more deaths in the easement. Remove the encroachments in the public road and file a motion to set aside the judgment in case 187104 based upon fraud upon the court." Steve said, "no, how much money do you want to go away?" I told him I would check comparables for damages that would have been used for damages in case 187104. On June 15th we drove to the site. We were there several hours. He said that from his personal inspection that he believed that the encroachments in the south end of the public road blocked my access to my property. He also said based upon a personal inspection of Lake Hemet pumps, etc, that occupied over 22 ft. of the 40' public road and a title report that showed Lake Hemet's prior rights that he believed that County Flood Control did not have 100% ownership at the time the public road was recorded. On June 22 I met with Steve Hernandez, Director of Transportation Juan Perez, County Counsel Pamela Walls, and Steve Thomas of Flood Control. The meeting lasted aprox 2 hours, behind closed doors. I presented about 20 documents to back up my claims. To Director Perez's credit when asked by me if he would have recorded this public road with its flawed title he said, "no". Before this meeting I asked Steve Hernandez if the meeting could be taped and if Gary Grant who is highly regarded by this Board could set in on this meeting to keep it honest. He said, "no". The only real comments were by County Counsel and Steve Hernandez saying that as long as it was called a public road the encroachments did not matter as long as the public could drive around the encroachments. This is laughable. Mr. Ashley, you have more experience than anyone sitting here today, including County Counsel. I am sure you do not believe Steve Hernandez or County Counsel. I have 2 documents today. Document No. 1: a Title Report stating the County did not have 100% ownership at time of recording. No. 2: A report to the Board by Supervisor Younglove with 8 public documents attached and pictures of the encroachment and a statement saying that the County did not have 100 % ownership of the land at time of recording and describing the blocking of my access. Over 1/2 million dollars has been spent in this fraud.

Robert Mabee

Robert Make 3086 Mibrel St Riversine-92506

951-788-4858

Submitted by Lobert Mabe



BOARD OF SUPERVISORS

WALT P. ABRAHAM

275-1010

MELBA DUNLAP

275-1020

KAY CENICEROS

275-1030

PATRICIA (CORKY) LARSON

275-1040

NORTON YOUNGLOVE

275-t050

TO:

CORKY LARSON, SUPERVISOR KAY CENICEROS, SUPERVISOR MELBA DUNLAP, SUPERVISOR BOB BUSTER, SUPERVISOR

LARRY PARRISH, CAO

KEN EDWARDS, FLOOD CONTROL

BILL KATZENSTEIN, COUNTY COUNSEL

FROM:

NORTON YOUNGLOVE, SUPERVISOR

DATE:

DECEMBER 31, 1992

RE:

ROBERT MAYBEE DISPUTES

ATTACHED PLEASE FIND THE MAYBEE REPORT I PROMISED MANY WEEKS AGO.

WHAT DO YOU WISH DONE WITH IT? I HAVE SENT A COPY TO MR. MAYBEE. I SUGGEST WE FOLLOW KAY'S DIRECTION; ESPECIALLY SINCE SHE WILL BE CHAIR OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT IN 1993.

A REPORT

RELATING TO THE DISPUTES OF ROBERT MAYBEE WITH FLOOD CONTROL

Too many weeks ago, I assured the Board and Mr. Maybee that I would personally review the records, ask questions and provide a report on the dispute between Mr. Maybee and our Flood Control District. I apologize for my slowness in getting this done. It is a very complicated subject which doesn't lend itself to easy analysis.

I. DISCLAIMERS

I am not an engineer nor am I surveyor, attorney etc. I also am not an arbitrator with any official duties or responsibilities. I have reviewed much but not all of the written records and have interviewed Mr. Maybee, Mr. Edwards and others. I have also viewed the property. The conclusions and recommendations are my own and do not necessarily reflect the view of any other person.

II. A BRIEF CHRONOLOGY

- ATTACHMENT #1 November 5, 1909. Joseph Crawford grants to the Lake Hemet Water Company a 32 foot wide easement for a "main flume" right-of-way, crossing both the current and previous road or easement right-of-way of Mr. Maybee. This right remains fully intact.
- ATTACHMENT #2 September 12, 1932. An easement is granted to Riverside County page 211 of official Records over the westerly 50' for roadway purposes affecting Parcel 1 as noted above.
- ATTACHMENT #3 July 24, 1946. Rights of Way, reservations, conditions and restrictions as set out in Deed from Hemet Land Company in Book 766, page 162.
- ATTACHMENT #4 May 12, 1960. Riverside County Flood Control District initiated action in Superior Court to condemn a portion of Parcel 1 (see above) for Bautista Creek Channel. Superior Court Case No. 72010 as recorded in Book 2694, Page 316.
- ATTACHMENT #5 The Maybees purchased the property on October 7, 1964. Grant Deed was recorded on the same date with instrument No. 121565. It is worth noting that the Maybee property is almost one half mile removed from the road right of way and therefore neaeds additional right of way to reach his property. Neither the county nor county flood control are involved in that, in so far as I know.

A 201 ROAD EASEMENT WAS RECORDED AFTER A SURVEY. oct-19-1965-INSTRUMENT NO 119544 FROM THE DEICHSEL

- ATTACHMENT #6 August 9, 1965. Riverside County Flood Control grants a non-exclusive private easement for ingress and egress over the 15' most immediately adjacent to the Bautista Creek Channel to Raymond and Lola Deichsel; instrument 91932. County Counsel later opines that the Maybees are legitimate successors to this easement right. Significantly, this easement deed states in part: "If at any time a public highway or street shall be extended to the described lands in Section 22 lying easterly of Bautista Creek Channel, this easement shall cease and determine. If at any time this easement shall be intersected by a public highway or public street, the portion of this easement lying north and northwesterly of such intersection shall cease and determine".
- ATTACHMENT #7 April 27, 1987. Superior Court Case #187104 filed by the Maybees.

 Ultimately appealed to the 4th Circuit Court of Appeals with a finding in favor of the County.
- ATTACHMENT #8 May 12, 1988. Riverside County Flood Control grants to Riverside County for "public road and drainage purpose, including public utility and public services purposes", a strip of land 40' in width along the most easterly border of district Bautista Creek land and affecting Parcels 4030-16, 17, 17B, 19A, 20, 21A and 22. Riverside County's Recorder Instrument #127298.

III. BRIEF ADDITIONAL FACTS

As the Board has witnessed, Mr. Maybee is extremely difficult to get facts from; his mind runs to charges of lying, conspiracy, lawsuits, etc. The root of the problem lies on the fact that our Flood Control District was being subjected to increasing liability from increased use of the private use easement granted in 1965. The only solution was to fence off the easement next to the flood control channel and substitute a road outside the fence and adjacent to the private properties being served. This process took about a decade and involved many negotiations, considerations, etc. Including more than a few misunderstandings and disagreements but also included all the appropriate public hearings, notifications etc. in so far as I can determine.

It is unfortunate that two 30" syphons were built for Lake Hemet Water District in 1960 as a part of the necessities for the concrete lining of the channel in a location that precludes the current 'road' right-of-way being of sufficient width its full length to satisfy Road Commissioner requirements for a road to be accepted into the County-maintained road system.

The Maybees have an understandable desire to do some division of their land and apparently are not able to do so without adequate road access as defined by law and required by our Road Commissioner and the Board of Supervisors. This he does not have nor apparently has he ever had.

IV. QUESTIONS AND CONCLUSIONS.

A. Have you found any indications of lying, conspiracy, etc. on the part of Mr. Edwards, Supervisor Ceniceros or anyone else?

Conclusion: No. Misunderstandings, yes. Information which is confusing and easily misunderstood or not sufficiently understood by all parties, yes.

B. Were the Maybees 'made-whole' by the transfer of their ingress/egress 15' easement next to the channel to a 40' easement with constrictions reducing to as little as 20' further removed from the channel but immediately adjacent to their property?

Conclusion: Yes, in so far as right-of-way width and a lack of change in the Lake Hemet "main flume" right of crossing either road right-of-way. However, there is a further important consideration which I make subject of the next question.

C. Does the transfer from flood to roads for road and related purposes satisfy the phrase "public highway or street" as found in the August 1965 grant deed by Flood Control?

Is the condition of the road as constructed sufficient to satisfy that condition?

Conclusion: As to the first question, I don't know; legal counsel needs to answer it. As to the second question, a review of the property raises serious questions as to its ability to meet the condition. If the condition is not met then presumably Mr. Maybee still has rights to his initial 15' ingress and egress passage-way and Flood Control presumably should provide him access.

V. RECOMMENDATIONS

A. The Board should direct Flood Control to prepare a base map with appropriate overlays showing each property rights change that relates in order that both the Board and Mr. Maybee can be assured as to which property is affected by what through the long and complicated series of transactions and also in order that we may all be assured that Flood Control

had adequately perfected its rights prior to transfer of rights. Mr. Maybee claims that we, Flood Control, vested rights without first adequately owning the property.

- B. County Counsel should be directed to provide answers to the legal questions posed in "C" above.
- C. Roads and Flood Control should either provide clear evidence that the new substitute 'road' was in useable condition at the time of ingress/egress transfer, including sufficient compaction, turning angles and overall utility, to provide normal ingress/egress to the Maybee property or in the alternative put the 'new' access into useable condition.
- D. Embankment effects upon the Maybee access rights should be reviewed.
- E. Roads should be directed to work with the Maybees and other affected property owners in an attempt to provide a road right of way sufficient to allow access to the properties dependent upon the current 'road' but capable of being accepted into the county-maintained road system upon sufficient improvements by the affected property owners.
- F. Supervisor Younglove should never again volunteer for another assignmentsuch as this.

Sincerely.

Norton Younglove, Supervisor

Fifth District

Attachments: Documents listed chronologically

Photographs taken by Norton Younglove on December 30, 1992.



April 17, 2008

Robert Mabee 3086 Miguel Street Riverside, CA. 92506

Dear Mr. Mabee:

This letter is to acknowledge that I had a delightful meeting with you and your lovely wife at my pharmacy in Murrieta prior to me taking the oath of Riverside County's Third District Supervisor. We discussed matters of your concern.

We look forward to our continued communication and wish you and your family well.

Sincerely,

JEEF STONE

JS:re

DISTRICT OFFICE: MENIFEE 29995 EVANS ROAD, SUITE 103 SUN CITY, CA 92586 TOLL FREE 1-866-383-2203 (951) 301-5414 * Fax: (951) 301-8571

Verne Lauritzen, Chief of Staff E-mail: district3@rcbos.org

1998

Mr Robert Maybea

20 March

I have not been able to compose a letter that might be of use to you. Instead I will be in Department 08 at 8:30 AM in case I may of any use to you.

Two thoughts do occur.

- I) Coun ty decisions might have been different if we had known that Flood Control did not have the necessary approval from the Army Corps of Engineers.
- 2) The fact that you were offered an encroachment permit rather than a new non-exclusive easment I find important. This I believe relates to your reduced ability to sell or borrow against the property.

Sincerely,

Norton Younglove

KINEKSINE LALIFORNIA 35201

(714) 686-4180

(800) 442-4970

December 7, 1990

To: Robert Mabee

Attn: Robert Mabee

27750 Grant Hemet, CA 92344

Your Reference: Riverside County Flood Control and Water Conservation District Our No. : C523610

In response to the above referenced application for a Policy of Title Insurance, TICOR TITLE INSURANCE COMPANY OF CALIFORNIA hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth on the attached cover. Copies of the Policy forms should be read. They are available from the office which issued this report.

This Report (and any supplements or amendments thereto) is issued solely for the purpose of facilitating the issuance of a Policy of Title Insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a Policy of Title Insurance, a Binder or Commitment should be requested.

Dated as of December 4, 1990, at 7:30 a.m.

Steve Gallagher/pk) Title Officer

T, NO. NN00627 1944 CA (9—84)

TICOR TITLE INSURANCE

dividual)

STATE OF CALIFORNIA COUNTY OF _____ Riverside

lverside SS.

On December 20, 1990 before me, the undersigned, a Notary Public in and for said State, personally appeared Steven J. Gallagher

proved to me on the basis of satisfactory evidence to be the person whose name 1s subscribed to the within instrument and acknowledged that he executed the same.

The form of Dollar of Till-

WITNESS my hand and official seal.

OFFICIAL SEAL
IRTHE M. KEATING
HOTARY PUBLIC - CAUFORNIA
RIVERSIDE COUNTY
My Comm. Expirit Nov. 12, 1991

ered by

Signature F. 19

(This area for official notarial seal)

DIRECTORS

Walter Bothner President

C.H. Nordal Vice President

Nobert Lindquist, Jr. Secretary

Walson Gilmore, Jr. Treasurer

Charles Ludke



LAKE HEMET MUNICIPAL WATER DISTRICT

40988 FLORIDA AVENUE — P.O. BOX 5038 — HEMET, CALIFORNIA 92344-0809
PHONE [714] 658-3241 FAX [714] 766-7031

STAFF Leounrd C. Hale
General Manager

Mary E. White

Leroy Hamilton
Operations Supervisor

December 13, 1990

To Whom It May Concern:

Lake Hemet Municipal Water District owns and operates an irrigation distribution channel, part of which crosses a portion of Section 16, Township 5 South, Range 1 East, San Bernardino Base & Meridian. This system crosses the Bautista Flood Control Channel in this area.

Attached, find a description of the Easement given to Lake Hemet Water Company by Joseph Crawford in 1909 for a "main flume" right-of-way 32 feet wide. The redwood trestle across the Bautista Wash was replaced at the expense of Riverside County Flood Control District with two 30" syphons in 1960 when the Flood Control District constructed the concrete flood control channel through this area. The flume is still in use including the 30" syphons across the Flood Control Channel. The attached drawing, "Detail A", shows the approximate location of Lake Hemet Municipal Water District's flume facilities as it enters the syphon tubes. Also located on the right-of-way near the syphon tubes are pump and pipe facilities enclosed within a chain link cage.

Lake Hemet Municipal Water District still retains the ownership of the easement and has never relinquished any of its rights in any way.

LAKE HEMET MUNICIPAL WATER DISTRICT

Leonard C. Hale, General Manager

ICH:bw

RECEIVED

MAR 2 9 1996

Riverside County Transportation Dept. Title to said estate or interest at the date hereof is vested in:

Riverside County Flood Control and Water Conservation District

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions contained in said Policy form would be as follows:

1. A right of way in favor of Joseph Crawford, 32.00 feet wide, lying on the Southeasterly side of a line described as follows:

Beginning on the South line of said Section 16, distant 577.90 feet Easterly from the Southwest corner of said section; thence North 40°43'00" East 1.145.70 feet, to the corner No. 8 of herein parcel, said line, herein described, being parallel with and 31.00 feet Northwest of the Southeast face of Lake Hemet Water Company's Flume, as reserved in Deed to H.L. Thompson, recorded November 16, 1909 in Book 291, Page 393 of Deeds and in Deed to Hemet Land Company recorded May 4, 1912 in Book 350, Page 97 of — Deeds.

2. An easement over said land for pole lines, and incidental purposes, as granted to Southern Sierras Power Company, by Deed recorded July 9, 1924 in Book 607, Page 574 of Deeds,

Said deed provides that the poles of said line shall be erected within a strip of land 10.00 feet wide the centerline thereof being described as follows:

Beginning at a point on the West line of said Southwest quarter 1,416.60 feet more or less North of the Southwest corner thereof; thence East 92.00 feet; thence North 228.00 feet; thence South 89°17'00" East 1,496.20 feet.

Said Matter Affects : Parcel 1

3. An easement over the Westerly 50.00 feet of said land for roadway, as granted to Riverside County by Deed recorded September 12, 1932 in Book 89, Page 211 of Official Records.

Said Matter Affects : Parcel 1

- 4. Rights of way, reservations, conditions and restrictions as set out in Deed from Hemet Land Company, recorded July 24, 1946 in Book 766. Page 162 of Official Records.
- 5. An action commenced May 12, 1960 entitled Riverside County Flood Control and Water Conservation District vs. Lake Hemet Municipal Water District, et al. to condemn a portion of said land therein designated as Parcel No. 4030-18 for Bautista Creek Channel Case No. 72010 Superior Court Riverside County. Notice of the pendency of said action was recorded May 12, 1960 in Book 2694, Page 316 of Official Records.
- 6. An easement affecting the portion of said land and for the purposes stated herein, and incidental purposes.

In Favor of : Robert A. Barnes and Leslie Barnes

For : Ingress and egress

Recorded: May 15, 1987 as Instrument No. 137239

Affects : As follows:

...

The unpaved road lying Northeasterly of and adjacent to the Northeasterly 15.00 feet of the Southwesterly 155.00 feet of that certain 200.00 foot wide right of way as shown on Record of Survey filed April 14, 1960 in Record of Survey Book 31, Pages 52-59, inclusive, Records of Riverside County, California, between the Easterly right of way line of Fairview Avenue and the South line of Section 22, Township 5 South, Range 1 East, San Bernardino Meridian.

7. An easement affecting the portion of said land and for the purposes stated herein, and incidental purposes.

In Favor of

: County of Riverside

For

: Public road and drainage purposes, including public utility

and public services purposes

Recorded Affects : May 12, 1988 as Instrument No. 127298

: Being a portion of Sections 16, 21 and 22, Township 5 South, Range 1 East, San Bernardino Meridian, lying within all or parts of Parcels 4030-16, 4030-17, 4030-17B, 4030-19A, 4030-20, 4030-21A and 4030-22 as shown on Record of Survey, Book 31,

Pages 52-59, inclusive, Records of Riverside County, California,

described as follows:

A strip of land 40.00 foot in width measured at right angles, lying Easterly of, parallel and concentric with a line which lies 60.00 feet Easterly of, parallel and concentric with the centerline of Bautista Creek as shown on said Record of Survey.

The side lines of said 40.00 foot wide strip of land shall be prolongated or shortened so as to terminate at the Northerly end with the Easterly right of way of Fairview Avenue and terminate at the Southerly end with the Southerly line of Section 22.

DESCRIPTION

The land referred to in this report is situated in the County of Riverside, State of California, and is described as follows:

PARCEL 1:

Parcel 4030-18 in the County of Riverside, State of California, as shown on map filed April 14, 1960 in Record of Survey Book 31, Pages 52 through 59 inclusive, in the Office of the County Recorder of said County.

PARCEL 2:

Parcel 4030-19A in the County of Riverside, State of California, as shown on map filed April 14, 1960 in Record of Survey Book 31, Pages 52 through 59 inclusive, in the Office of the County Recorder of said County.

in and for the County of Riverside, State of California, personally appeared John I.

Tubus and Frances E. Tubus, his wife, known to me to be the persons described in and
whose names are subscribed to the within instrument, and acknowledged that they execute
ed the same.

IN TITUES TEXASOF, I have hereunto set my hand and private seal, at my office in the said County, the day and year in this certificate first above written.

George E. Zennett. Justice of the Peace in and for Riverside County. State of California, in Elsinore Judicial Township.

Received for record Nov. 16. 1909, at 16 min. past 9 o'clock 1. K. at request of The Diverside Abstract Co. Copied in book No. 291 of Decds, page 392 et seq., record of Riverside County, California.

Jeen, \$1.10

I. S. Logan, Recorder.

By J. Hamabotton, Deputy Redorder.

11-5,90

JOSEPH CRUITOID.

10

Z. L. TROMPSON.

year of our Lord one thousand nine hundred said nine, between JOSEPH CHENTORD, FIN

IMMERIES SEN, of San Jacinto, Riverside County, California, party of the first part

and R. L. PROMESON, of Heast, Riverside County, California, party of the second part.

FINITESHEET: That for and in consideration of the sum of ten dollars, in hand

paid by the said party of the second part, the receipt whereof is hereby solmowledged

the said party of the first part does by these presents grant Dergain Sell; sound

the said party of the first part does by these presents grant Dergain Sell; sound

fant confirm into the said party of the second part, and to his hairs and assigns

forever, all that certain lut or parcel of limit situate in the Por. Section 16, 7, 8

3. 2. 1 Knet, S. B. B. & M., County of Riverside, State of California, and bounded

out particularly described as follows, to will:

[Contensing at the S.T. corner of Section 16, 7, 5 S., R. 1 K., thouse F. O. 15.

L. Island from by the went line of Section 16, 7, 5 S., R. 1 K., thouse F. O. 15.

L. Island from by the went line of Section 16, 7, 5 S., R. 1 K., thouse F. O. 15.

L. Island from by Land now, our forthly of signs to corner Ec. 21 thence B. 19.

E. Int CO Dot many the Line Section was right of any to corner Ec. 15.

n ,

themse S. E. 50., E. 117-60 feet by said right of way to corner Bo. 5; themse S.

14-21-K., 111-0 feet by said right of way to corner Bo. 6; themse S. 13-64-Y.,

98-68 feet by said right of way to corner Bo. 7; themse S. 40-43-Y., 350-60 feet
by said right of way to corner Bo. 8; themse S. 0- x 13-, Y. 876 feet to corner

10. 9; themse K. 89-25-, Y. 1322 feet by the south line of said Section 16 to

corner No. 1 the point of beginning, comtaining 65-43 bares-

These rive lowerer from the Lake Henet Water Co's main finme line a right of the control of the southeasterly side of a line described as follows:

Beginning on the south line of said Section 16. distant 577-90 feet easterly from the 5.K. corner of said Section, thense S. 40-45-K. 1145-70 feet to corner So. 8 of above parcel. Said line above described being parallel with and 31 feet X.K. of the S.K. face of the Lake Homet Fater Co's flume.

TOGETHER with all and singular the tenements, hereditements and appartenances thereunto belonging, or in anywise apparteining, and the reversion and reversions, recainder and remainders, rents, issues and profits thereof.

TO PATE AND TO MOLD, all and singular the said precises, together with the appurtonarged, unto the said party of the second part, and to his heirs and useigns forever.

IN BITHESS WHENEOF, the raid party of the first part has horsunto not his hand and seal, the day and year first above written:

Joseph Cramford. (Eeal)

State of California. County of Biverside.

On this fifth day of Borenber, in the year one

thousand nine hundred and nine, before me, J. W. Ryan, a Motary Piblic in and for said County of Riverside. State of California, residing therein, duly commissioned and sworm, personally appeared Joseph Cranford, as unmarried man, personally known to me to be the person described in, and whose masse is subscribed to and who executed the within instrument, and soknowledged to me that he executed the same.

IN TELESCOPE, I have horeunto set my hand and official seal, at my office in new Jaciuto, in the said county, the day and year in this certificate first above written.

[DOTERTOR]

€ IĒ

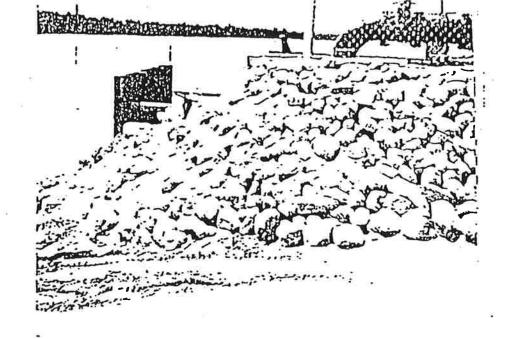
J. W. Ryan; Botary Public in and for Riverside County. . . State of California.

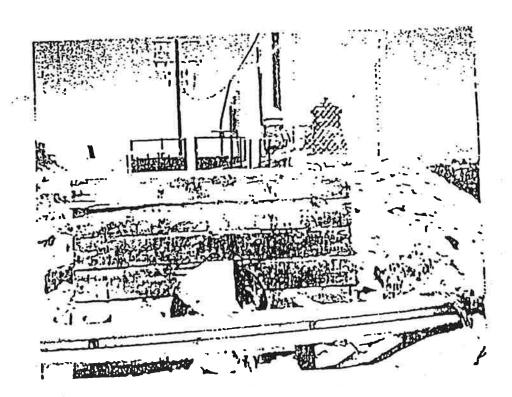
Henet Land Uo. Copied in book Eq. 191 of Doeds, page 293 et seq., resords of Riversite
County, California.

Jeon; (1.10 ·

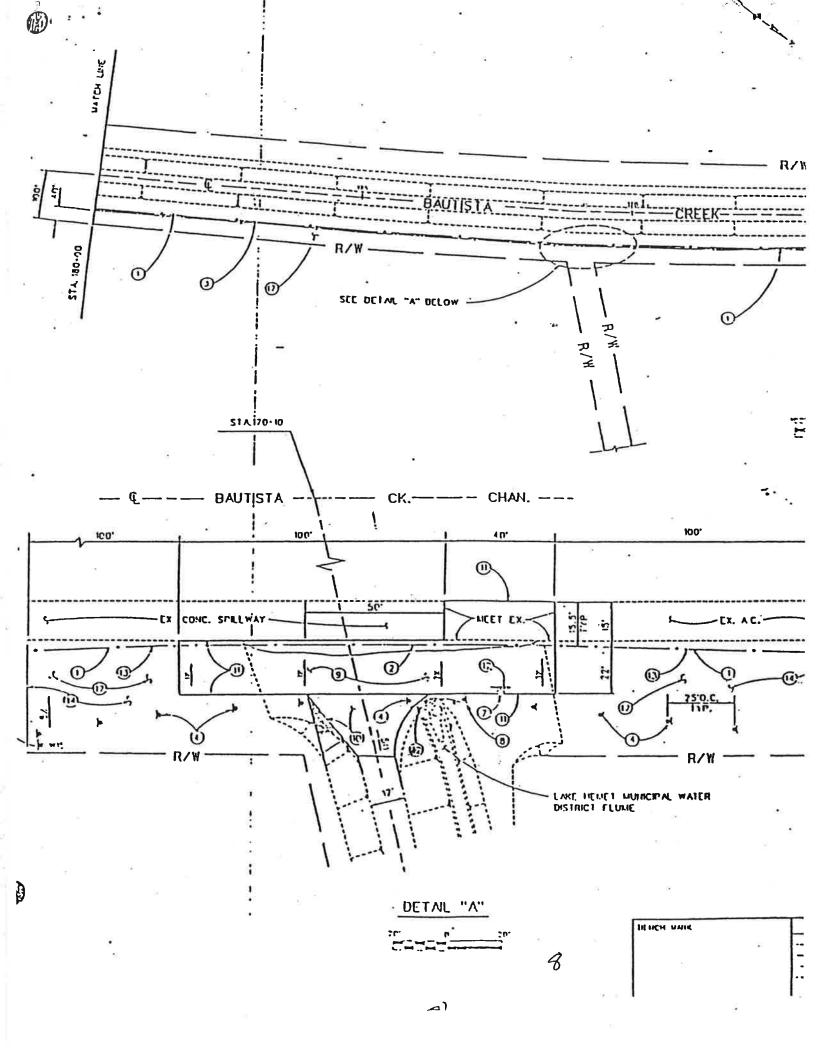
I. S. leigan, Rocordan.

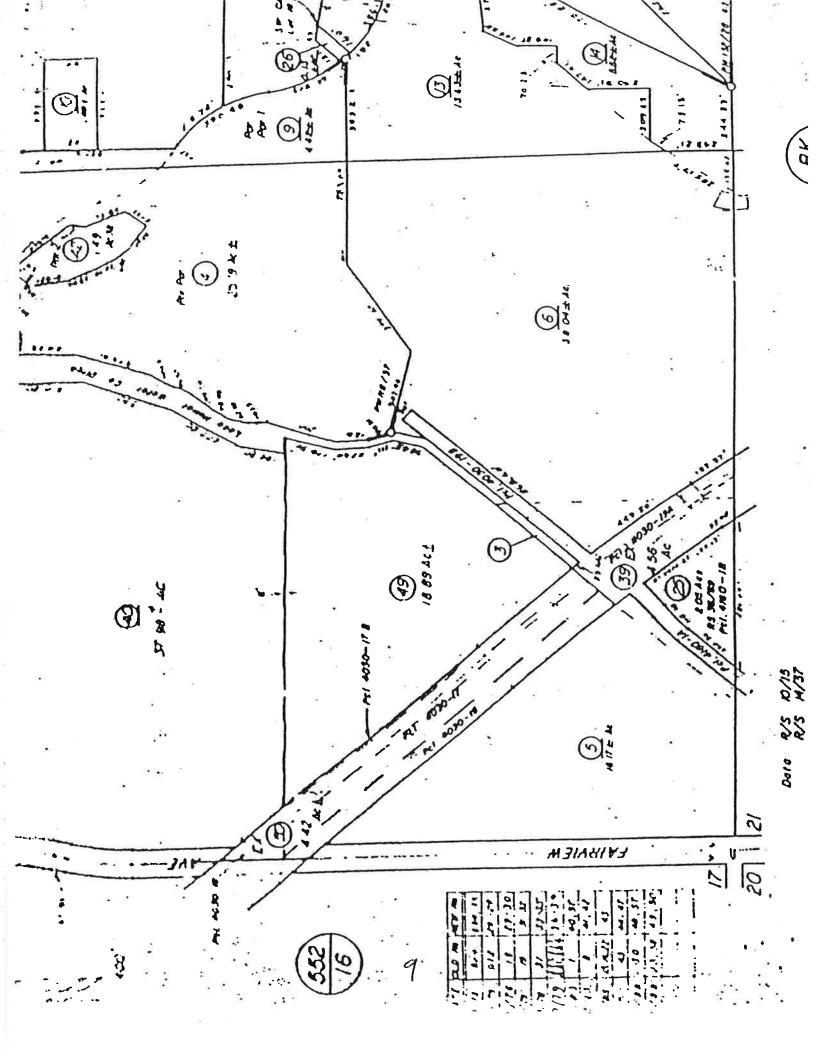
In J. Remebuttom. Departy Maggreer.

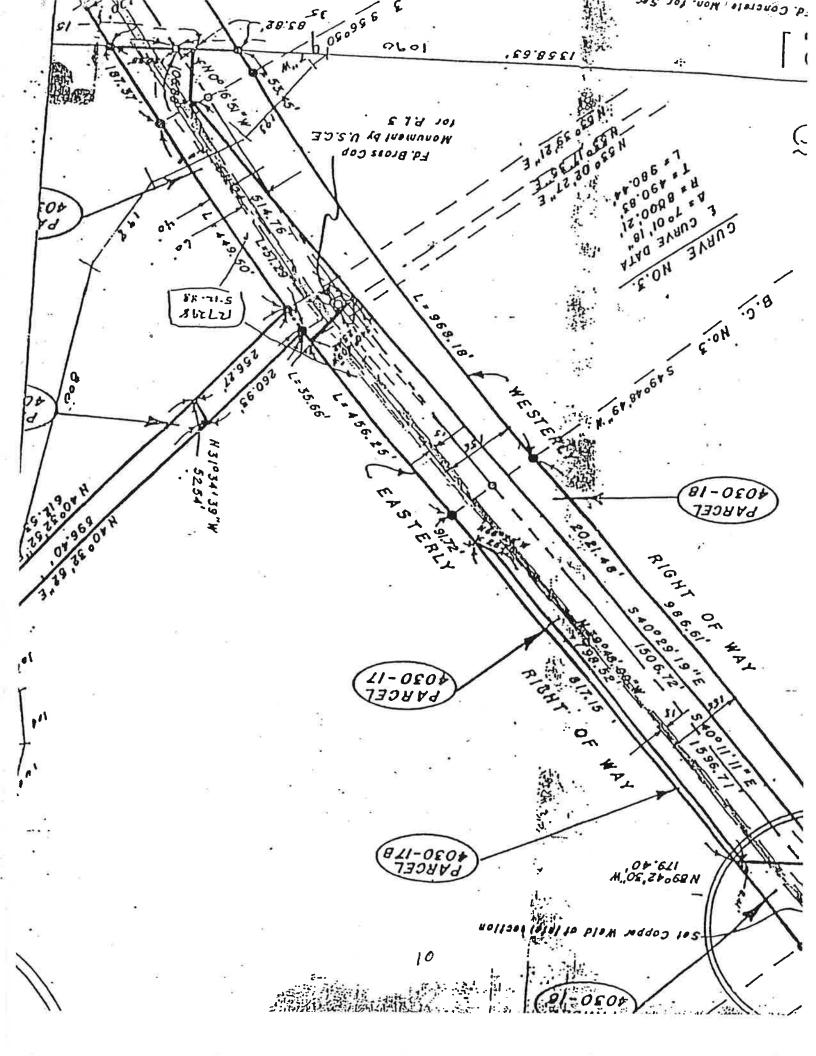




DetAil -A







Riverside County Board of Supervisors Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject Board Rules listed on the reverse side of this form.
SPEAKER'S NAME: ROBERT MABEE
Address: 3086 Mibue L St (only if follow-up mail response requested)
City: Riversipe Zip: 92506
Phone #: 788 -4858
Date: 6-29-10 Agenda #
PLEASE STATE YOUR POSITION BELOW:
Position on "Regular" (non-appealed) Agenda Item:
SupportOpposeNeutral
ORAL convoications
Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:
SupportOpposeNeutral