

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



9.11

During the oral communication section of the agenda for Tuesday, October 19, 2010, Robert Mabee read his statement into the record.

**ATTACHMENTS FILED WITH
CLERK OF THE BOARD**

**AGENDA NO.
9.11**

**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 Miguel St
(only if follow-up mail response requested)

City: Riverside **Zip:** 92506

Phone #: 788-4858

Date: Oct-19-10 **Agenda #** _____

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** _____ **Oppose** _____ **Neutral**

ORAL COMMUNICATIONS

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. ***Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.***

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.

Oct 19th, 2010

Riverside County Board of Supervisors:

On the last board meeting, Oct 5th at the end of my opposition to agenda no. 11-13 report, Bob Buster said he was not involved in the Bautista Access Road issue. Today I have 4 documents.

Document no. 1: Supervisor Younglove's report dated Dec 31, 1992. Bob Buster's name is on the cover. The report states that based upon 8 public documents Supervisor Younglove explains in detail his concern that Bautista Access Road could never be a public road because of encroachments and Lake Hemet's prior ownership rights.

Again Mr. Buster you have lied to the board and the public.

Mr. Ashley on Oct 5th agenda 11-13 report you stated that you drove the entire road at 60 miles per hour.

Document no. 2: 4 photos No. 1 a photo of a speed limit sign posted at the entrance of the road, 25 miles per hour. No. 2 a photo of Lake Hemet's pump, etc occupying 24 ft. of the 40 ft. wide road. No. 3 a photo of encroachments in the road. No. 4 a photo of encroachments of thousands of cubic yards of dirt and a fence blocking the public access to the south 300 ft of the public road.

Document no. 3: A aerial photo of the blocking of access to my property with a 14 ft. wide ramp, fence and thousands of cubic yards of dirt.

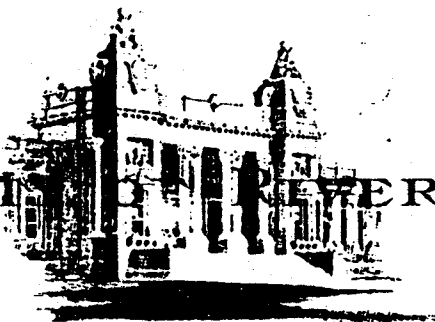
Document no. 4: Flood Control certified Eng. Drawings showing in detail the blocking of my property.

I would remind this board that 2 men have lost their lives in this project. Mr. Ashley, on the last page of your report on agenda no. 11-13 you state, "I do not believe, nevertheless, that Mr. Mabee was wronged or short changed by County Flood Control. A 40 ft. easement was built to replace the original 15 ft. easement. While Mr. Mabee was never granted easement rights to Bautista Rd., that never prevented him or any other private property owner from using Bautista Rd for either access to their property or for future entitlements. Simply put, it's a public road."

All of the above documents and photos clearly shows that you have denied me my prescriptive rights of access, and that the County held my property hostage and has never taken responsibility for a mistake it tried to cover up with deceit.

Robert Mabee
3086 Mibuel St
Riverside, 92506
951-788-4858

COUNTY OF RIVERSIDE



BOARD OF SUPERVISORS

WALT P. ABRAHAM

275-4010

MELBA DUNLAP

275-1020

KAY CENICEROS

275-1030

PATRICIA (CORKY) LARSON

275-1040

NORTON YOUNGLOVE

275-1050

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 *Norton Younglove*

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.

December 30, 1992

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 needs 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.

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 Cenicerros 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.

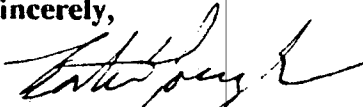
V. RECOMMENDATIONS

- 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 assignment such as this.

Sincerely,

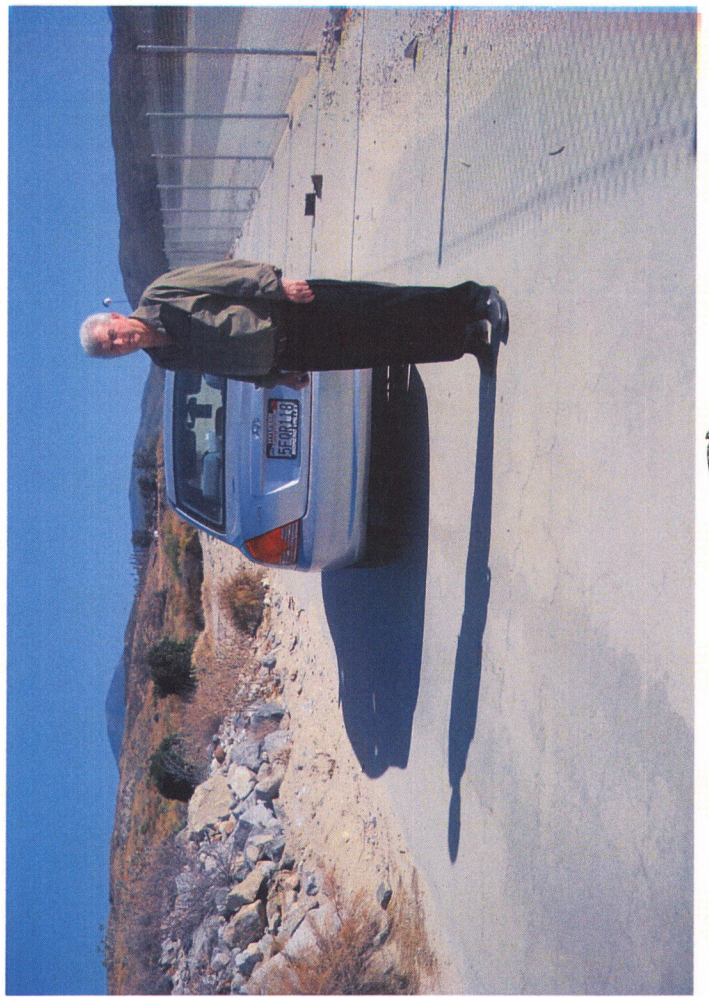


Norton Younglove, Supervisor
Fifth District

Attachments: Documents listed chronologically

Photographs taken by Norton Younglove
on December 30, 1992.

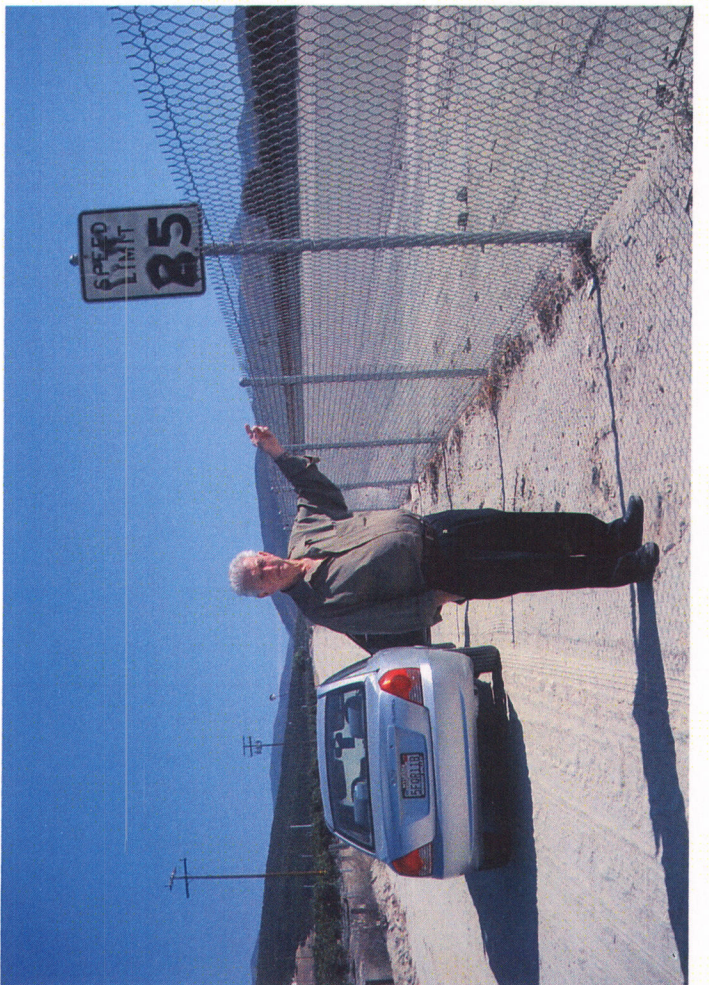
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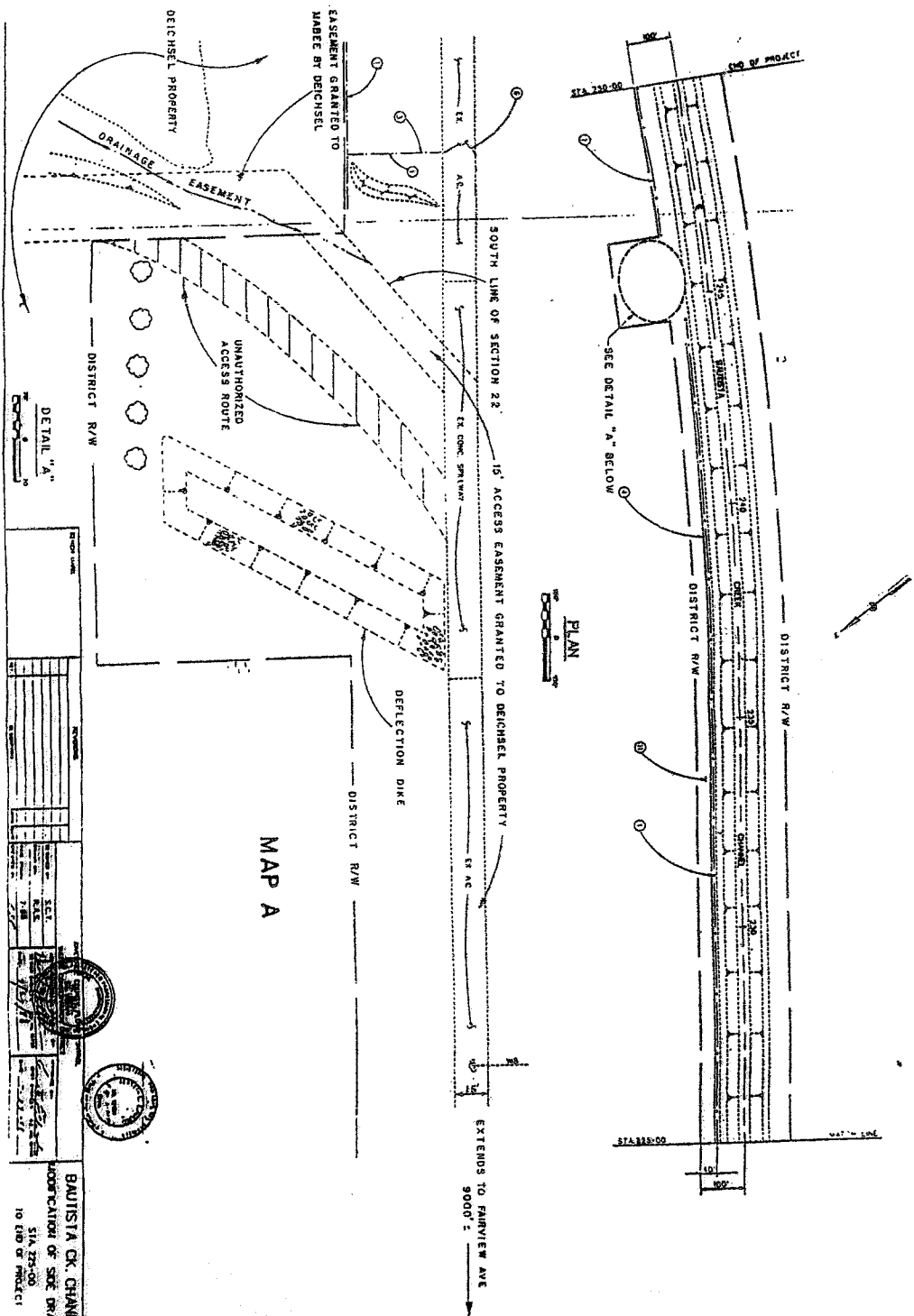


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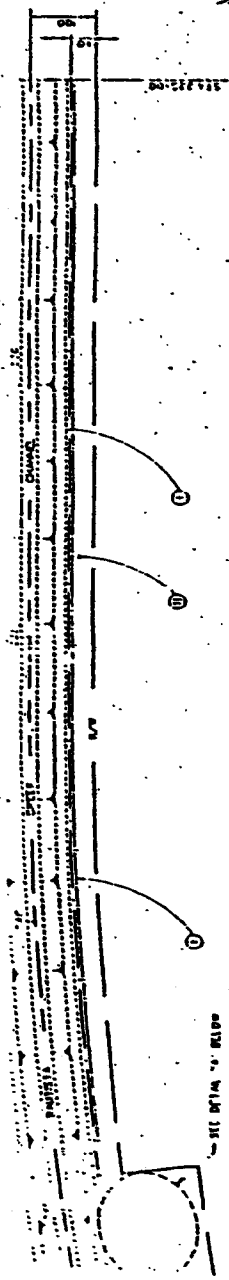
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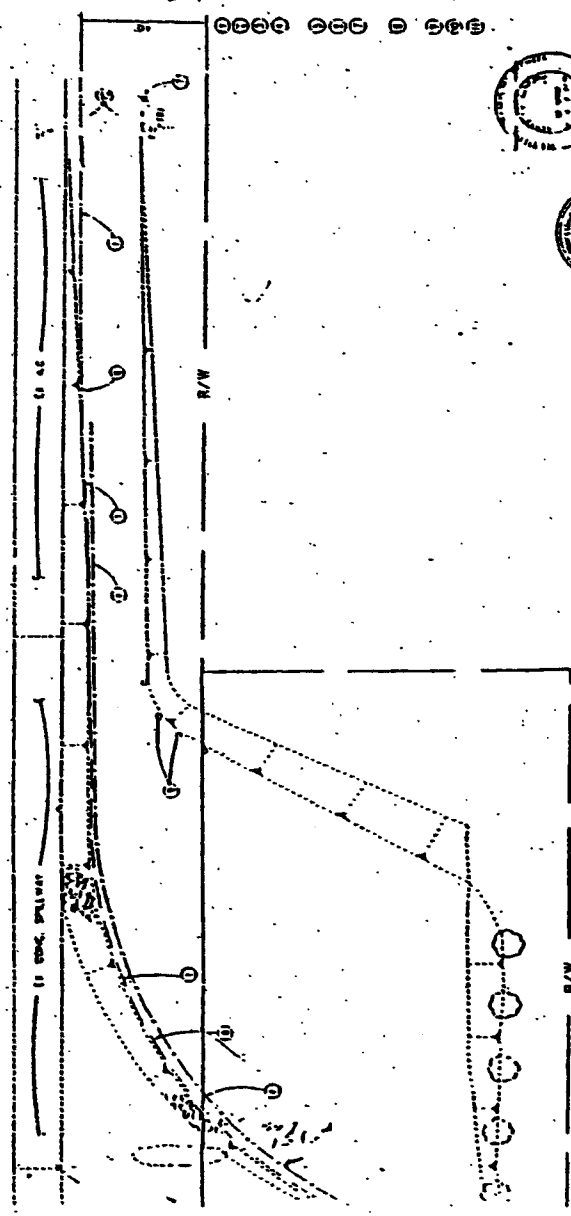


BAUTISTA CK. CHANNEL
 MODIFICATION OF SIDE DRAINAGE
 STA 220+00
 TO END OF PROJECT

70611-29-1983



WORK IN PUBLIC
ROAD BY FLOOD CONTROL
AND CONTRACTOR AFTER
JULY-17-1958-ROAD
REMOVED-MAY-12-19
PERMITS REQUIRED



NOTES

1. INSTALL 2" DRAIN LINE FENCE PER STD SPEC. WHEN
2. INSTALL CABLE BARRIERS PER DETAIL ON SHEET 2.
3. REMOVE EX. CABLE BARRIERS.
4. REMOVE 1' DRAINAGE IS BARRIED AND PLACE A
5. ALL PORTS
6. REMOVE 1' DRAINAGE IS NOT BARRIED DATE.
7. INSTALL 1" DOUBLE FENCE DATE PER STD. SPEC.
8. INSTALL TYPE "T" OBJECT MARKER PER SPECIFICATIONS
9. STD. SPEC.
10. SET FENCE POSTS AT 10' INTERVAL FROM TOP
11. OF SLOPE
12. PROTECT ALL CABLE MARKERS IN PLACE.
13. PROTECT ALL EX. CABLE MARKERS IN PLACE.
14. CORRECT EXIST. DRAINAGE FROM STA 13+00 TO
15. STA 14+00. PER DETAIL ON SHEET 2.

BAUTISTA CK. CHANNEL MODIFICATION OF SDC DRAINAGE		PROJECT NO. A-D-030 DRAWING NO. A-507 SHEET NO. 5 OF 15
STA 13+00 TO END OF PROJECT		DATE 10-10-58 BY J. L. B.
SCALE 1" = 40'		CHECKED J. L. B.
APPROVED J. L. B.		DATE 10-10-58

JULY 29-1958