

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

505B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
November 2, 2010

SUBJECT: Rice Canyon Levee, RCFC Parcel 3050-1
Project No. 3-0-00050
Resolution No. F2010-24

RECOMMENDED MOTION:

Adopt Resolution No. F2010-24, Notice of Intent to Declare Right of Way Surplus and Summarily Vacate a Portion of District Right of Way, being a portion of RCFC Parcel No. 3050-1, and authorize the Clerk of the Board to give notice pursuant to Section 6061 of the Government Code.

BACKGROUND:

See Page 2

FINANCIAL:
N/A

AU:rlp

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	\$	In Current Year Budget:
	Current F.Y. County Cost:	\$	Budget Adjustment:
	Annual Net District Cost:	\$	For Fiscal Year:

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

APPROVE

C.E.O. RECOMMENDATION:

BY:
Michael R. Shetler

County Executive Office Signature

MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT

On motion of Supervisor Ashley, seconded by Supervisor Buster and duly carried, IT WAS ORDERED that the above matter is approved as recommended and is set for December 7, 2010 at 1:30 p.m.

Ayes: Buster, Benoit and Ashley
Nays: None
Absent: Tavaglione and Stone
Date: November 2, 2010
xc: Flood

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.:

District: 1st

Agenda Number:

11.4

FORM APPROVED COUNTY COUNSEL
BY: *Synthia M. Gunzel* 10-14-10
DATE
SYNTHIA M. GUNZEL

Dept Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

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

SUBJECT: Resolution No. F2010-24
Rice Canyon Levee, RCFC Parcel 3050-1
Project No. 3-0-00050

SUBMITTAL DATE: November 2, 2010

Page 2

BACKGROUND:

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. This dedication was prior to any design or construction in the Rice Canyon Area. A few years later, the District designed and constructed an earthen berm to handle the runoff from the hills. In 1983 a study conducted on this area determined that a large portion of this easement was excess to the District's needs. No formal action was completed at that time.

K. Hovnanian Homes now owns a large portion of the property which the easement encompasses in addition to surrounding property. The City of Lake Elsinore has allowed development in a portion of the easement area pursuant to the 1983 study. In addition, a condition of development was placed on a portion of the developer's property which requires a conservation easement that will keep it in its natural state. In the interest of facilitating the establishment of a conservation easement and the determination that a portion of the District-owned easement interest is excess real property and not required for the District's needs, it is recommended that the easement referred to as RCFC Parcel No. 3050-1B, as shown on Exhibits "A" and "B", is declared surplus to the District's needs and be summarily vacated.

All costs shall be borne by K. Hovnanian Homes.

BOARD OF SUPERVISORS

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

RESOLUTION NO. F2010-24

**NOTICE OF INTENT DECLARE RIGHT OF WAY SURPLUS
AND SUMMARILY VACATE A PORTION OF DISTRICT RIGHT OF WAY
RICE CANYON LEVEE, RCFC PARCEL NO. 3050-1**

BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the Riverside County Flood Control and Water Conservation District (District) in regular session assembled on November 2, 2010, notice is hereby given, pursuant to California Water Code – Appendix, Chapter 48, Section 48-9, Paragraph 5, that it intends to declare surplus and summarily vacate a portion of District right of way known as RCFC Parcel No. 3050-1, recorded as Instrument No. 67251 on September 18, 1957, Official Records, Riverside County, California, at or after 1:30 p.m. on December 7, 2010. Said real property in the County of Riverside, State of California, consists of all or portions of Assessor's Parcel Numbers 389-642-010, 391-560-001 through -005, 391-560-008 through -013, 391-517-001 through -035, 391-820-001 through -005, 391-581-001 through -004 and 391-582-001 through 005, referenced as Parcel No. 3050-1B and described in Exhibit "A", attached hereto and made a part hereof, dedicated for the construction and maintenance of a channel, levees and appurtenant works for control and flow of flood, storm and other waters.

BE IT FURTHER RESOLVED AND DETERMINED that only a portion of RCFC Parcel 3050-1 is necessary for flood protection, pursuant to a 1983 study done by the District; the interest referred as RCFC Parcel 3050-1B has been determined unnecessary and is excess to the District's maintenance needs.

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors is directed to give notice pursuant to Section 6061 of the Government Code.

AU:rlp

ROLL CALL:

- Ayes: Buster, Benoit and Ashley
- Nays: None
- Absent: Tavaglione and Stone

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

KECIA HARPER-JHEM Clerk of said Board

By _____ Deputy

FORM APPROVED COUNTY COUNSEL
BY: *Synthia M. Gunzel* 10-14-10
SYNTHIA M. GUNZEL DATE

Exhibit "A"

**Rice Canyon Levee
Parcel 3050-1B**

Being a portion of Parcel 2 as shown on Parcel Map Book 162, Pages 76 through 78, Official Records of Riverside County, State of California, located in Section 33, Township 5 South, Range 5 West, San Bernardino Base and Meridian within the city of Lake Elsinore, more particularly described as follows:

Commencing at the Northeast corner of said Section 33:

Thence North $89^{\circ} 33' 39''$ West 1,345.49 feet along the Northerly line of said Section to the most Northwesterly corner of Lot "K" as shown on Tract Map 24624-7 Book 255, Pages 20 through 28, inclusive, said point being the Point of Beginning;

Thence continuing North $89^{\circ} 33' 39''$ West 1,284.95 feet along said Northerly line to the North quarter corner of said Section;

Thence South $00^{\circ} 11' 30''$ West 500.00 feet along the Westerly line of the Northeast quarter of said Section to a point on a line parallel with and distant Southerly 500.00 feet, measured at right angles, from the said Northerly line;

Thence South $89^{\circ} 33' 39''$ East 1,079.74 feet along said parallel line to a point on the Southerly prolongation of the Westerly line of Lot "J" and Lot 116 per said Tract Map;

Thence North $00^{\circ} 26' 21''$ East 154.99 feet along said prolongation to the Southwest corner of said Lot 116;

Thence continuing North $00^{\circ} 26' 21''$ East 160.00 feet along said Westerly line of Lot "J" and Lot 116 to an angle point in the boundary of said Tract;

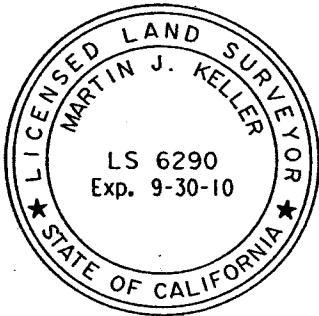
Thence continuing along the said Tract boundary North $39^{\circ} 48' 51''$ East 23.19 feet;

Thence continuing along the said Tract boundary North $10^{\circ} 48' 39''$ West 17.69 feet to the beginning of a non-tangent curve concave Northerly, having a radius of 876.50 feet, to which a radial line bears South $15^{\circ} 53' 44''$ East;

Thence Easterly along said curve, through a central angle of $03^{\circ} 57' 10''$, a distance of 60.47 feet to the Southwest corner of said Lot "K", a radial to said point bears South $19^{\circ} 50' 54''$ East;

Thence North 10° 48' 39" West 77.82 feet along the Westerly line of said Lot "K" to the most Westerly corner thereof;

Thence North 70° 27' 00" East 159.17 feet along said Northerly line of Lot "K" to the Point of Beginning.



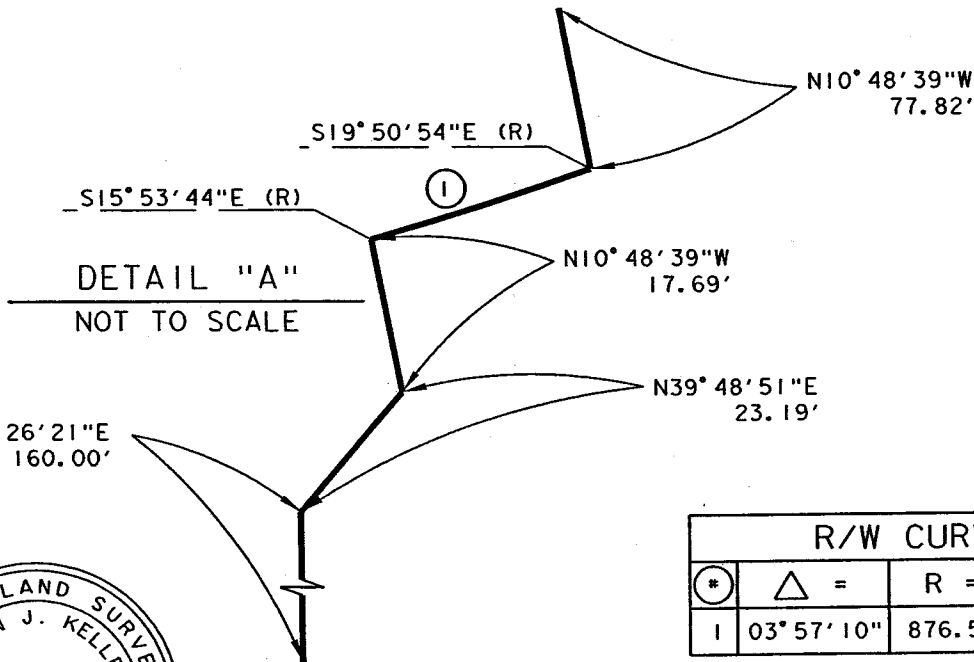
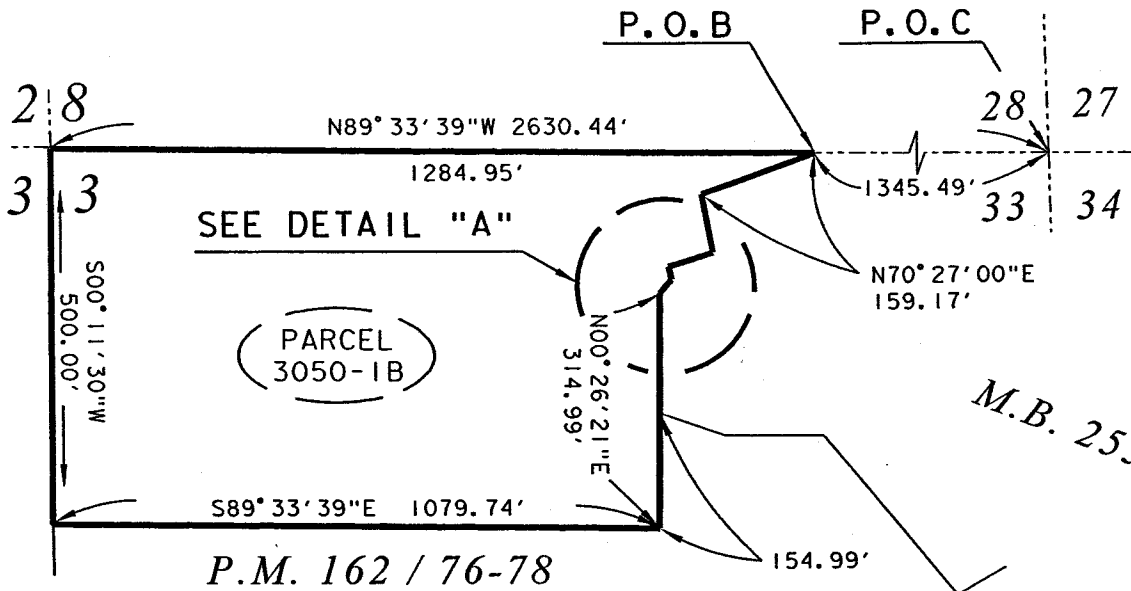

MARTIN J. KELLER

Land Surveyor No. 6290
Signed For: Riverside County Flood Control
and Water Conservation District

Date: 8-10-10

Exhibit "B"

BEING A PORTION OF PARCEL 2 AS SHOWN ON PARCEL MAP BOOK 162, PAGES 76 THROUGH 78,
OFFICIAL RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, LOCATED IN SECTION 33,
TOWNSHIP 5 SOUTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN WITHIN
THE CITY OF LAKE ELSINORE.



R/W CURVE DATA				
*	△ =	R =	T =	L =
1	03° 57' 10"	876.50'	30.25'	60.47'



M. J. Keller
DATE: 8-10-10

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT NAME: RICE CANYON LEVEE			
THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART OF THE WRITTEN DESCRIPTION THEREIN.	RCFC PARCEL NUMBER(S):	SCALE:	PREPARED BY:
	PARCEL 3050-1B	NO SCALE	PC
		JUL-20-2010	SHEET NO. 1 OF 1