

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



9.10

During the oral communication section of the agenda for Tuesday, November 30, 2010, Robert Mabee read his statement into the record.

**ATTACHMENTS FILED WITH
CLERK OF THE BOARD**

**AGENDA NO.
9.10**

Nov 30th, 2010

Good Morning,

I have 4 documents for the Board today. On Oct 5th, 2010 Supervisor Buster stated on agenda 11-13 that he had no knowledge of the Robert Mabee dispute with the County over Bautista access road, it was before his time.

Document one: Supervisor Younglove's report dated Dec 31st, 1992. Bob Buster's name is on the cover. The report by Supervisor Younglove states that after viewing the property and eight public documents Younglove concludes on page 3, paragraph 1, that Robert Mabee does not have adequate road access as defined by law and required by our Road Commissioner and the Board of Supervisors. This he has not had nor apparently has he ever had. Supervisor Ashley in his report on agenda 11-13 stated he drove the entire road at 60 miles per hour- no problema.

Document Two: A certified eng. drawing dated 7-29-1988 that shows in detail my legal access to my property was blocked by a fence and a 300 ft. dirt ramp. Multiple choice- liars, incompetent, or senile. Take your pick. County Counsel, Bob Buster, and Stone stated in agenda 11-13 that no one on this Board was involved in this dispute of the easements.

To put these statements to rest I have document No. 3: A easement deed dated Oct 3rd, 1995 to Robert Mabee over Flood Control property signed by John F. Tavaglione, Chairman of the Board. Now why would he give me a road easement over Flood Control property when the court ruled in 1990 in case 187104 that I had unobstructed access to my property over the new 40 ft. public road. At the next Board meeting I will have certified evidence of a bribe offered to me by COUNTY Counsel to give up my rights to the public road.

Document no. 4: Over a month ago I sent evidence of this fraud b y certified mail to our new District Attorney, Judge Zellerbach. No reply. Pamela Walls to ld me he would do nothing. I believe a deal has been cut with County Counsel and Judge Zellerbach. It was paid for by the fund raiser by Jeff Stone and Bob Buster for Judge Zellerbach.

Robert Mabee
3086 Miguel St.
Riverside, Ca 92506
(951) 788-4858

Submitted by _____
11/30/10 Item oral
(date)

BOARD OF SUPERVISORS

WALT P. ABRAHAM

275-4810

MELBA DUNLAP

275-1020

KAY CENICEROS

275-1030

PATRICIA (CORKY) LARSON

275-1040


NORTON YOUNGLOVE

275-1050



COUNTY OF RIVERSIDE

**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.**

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.

A 20' ROAD EASEMENT WAS RECORDED AFTER A SURVEY.
OCT-19-1965 - INSTRUMENT NO 119544 FROM THE DEICHSEL ^{R.M.}

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.

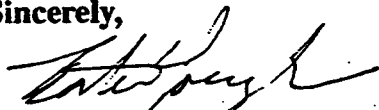
V. RECOMMENDATIONS

- 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.

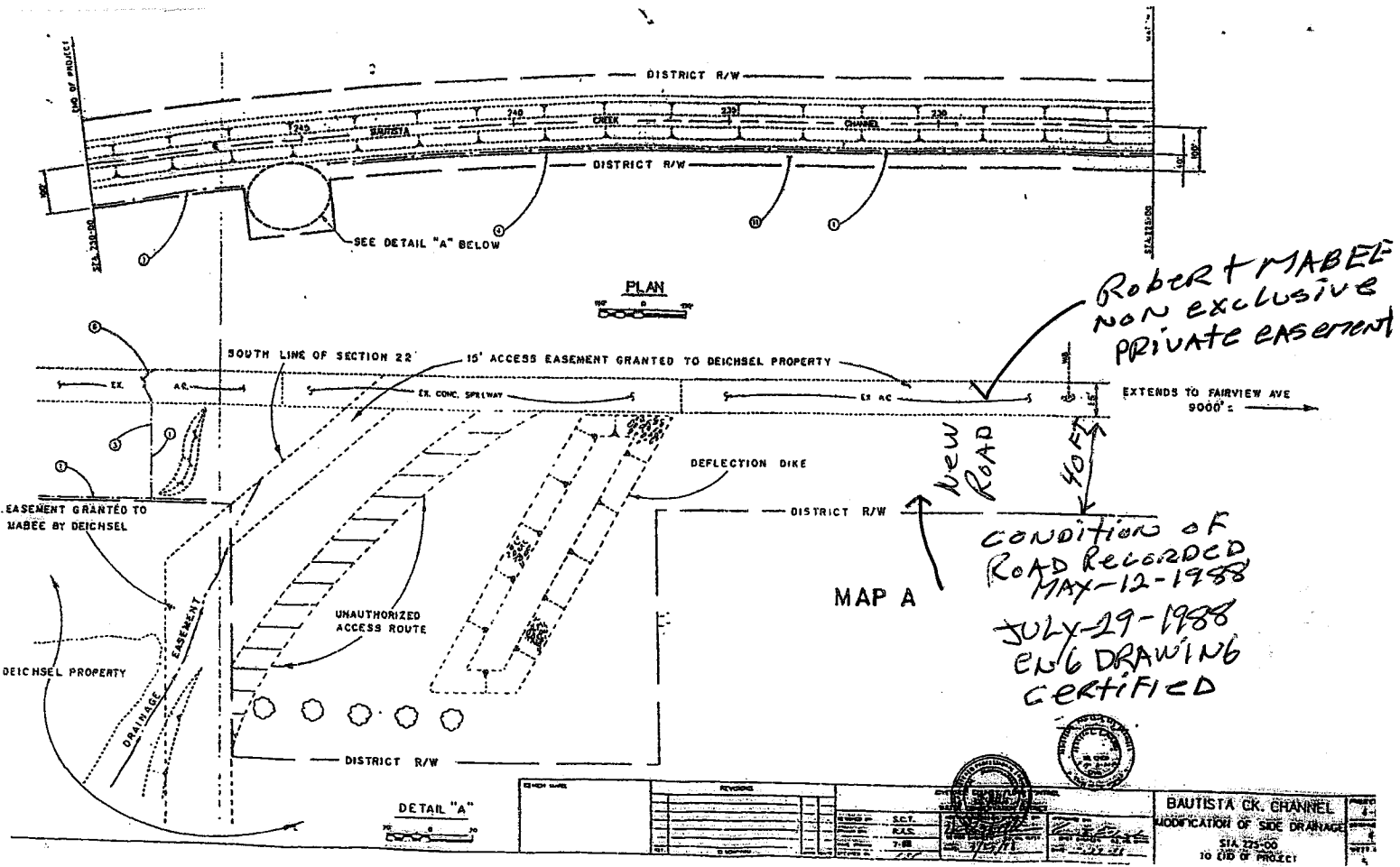
Sincerely,



Norton Younglove, Supervisor
Fifth District

Attachments: Documents listed chronologically

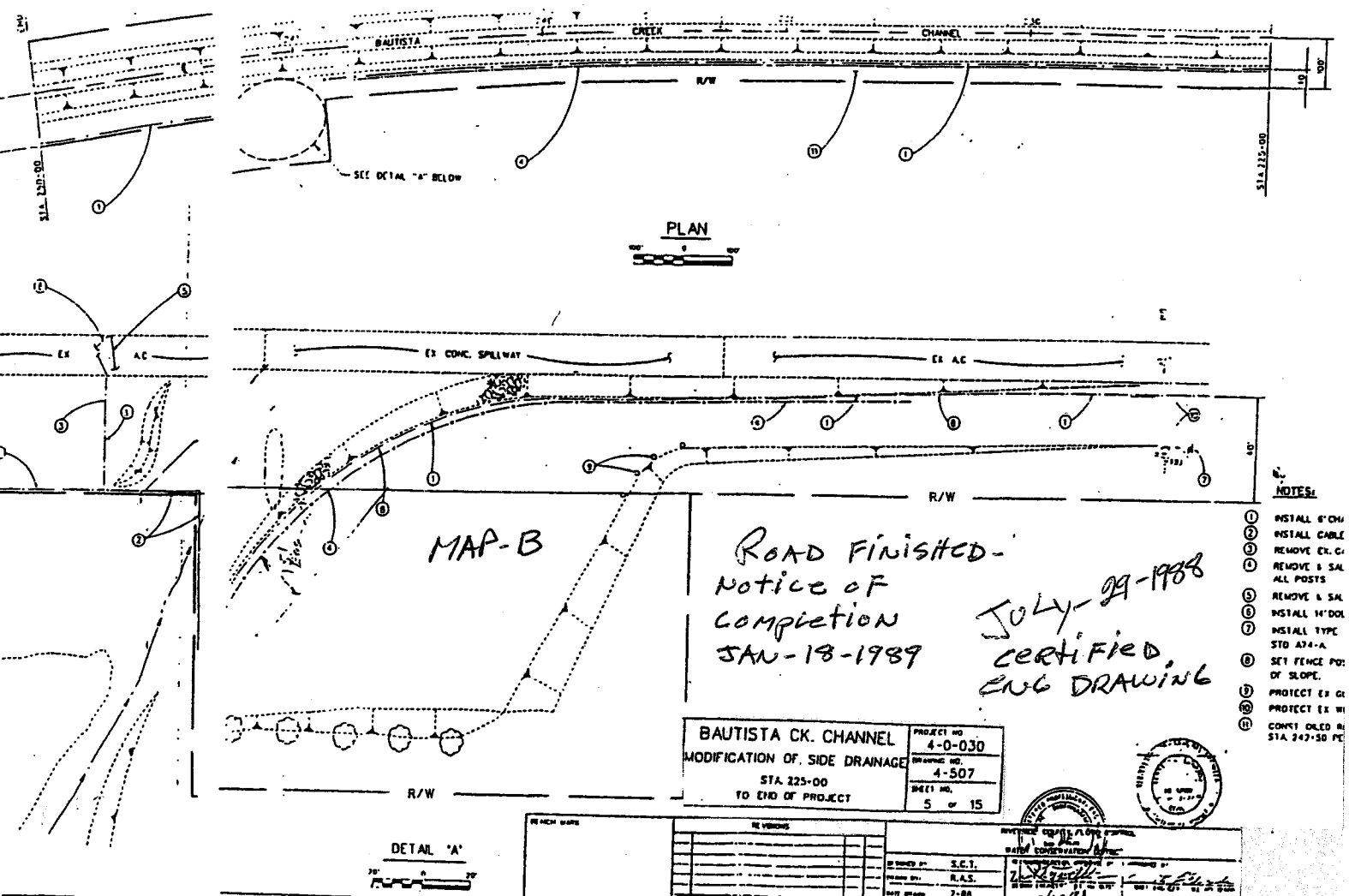
Photographs taken by Norton Younglove
on December 30, 1992.



REVISIONS	DATE	BY	CHKD

PROJECT NO.	4-0-030
DRAWING NO.	4-507
SHEET NO.	5 OF 15

PROJECT NO.	4-0-030
DRAWING NO.	4-507
SHEET NO.	5 OF 15



PROJECT NO.	4-0-030
DRAWING NO.	4-507
SHEET NO.	5 OF 15

- NOTES:**
- ① INSTALL 6" CH
 - ② INSTALL CABLE
 - ③ REMOVE EX. C
 - ④ REMOVE 1 SA
 - ⑤ ALL POSTS
 - ⑥ REMOVE 1 SA
 - ⑦ INSTALL 1" DOL
 - ⑧ INSTALL TYPE
 - ⑨ STD A74-A
 - ⑩ SET FENCE POST
 - ⑪ OF SLOPE.
 - ⑫ PROTECT EX GR
 - ⑬ PROTECT EX W
 - ⑭ CONCT OLED R
 - ⑮ STA 242-50 PE

REVISIONS	DATE	BY	CHKD

PROJECT NO.	4-0-030
DRAWING NO.	4-507
SHEET NO.	5 OF 15

PROJECT NO.	4-0-030
DRAWING NO.	4-507
SHEET NO.	5 OF 15

Recorded at request of and return to:
Riverside County Flood Control &
Water Conservation District
1995 Market Street
Riverside, California 92501

FREE RECODING

This instrument is for the benefit of
Riverside County Flood Control and
Water Conservation District, and is
entitled to be recorded without fee.
(Govt. Code 6103)

Parcel: 4030-500A
Project: Bautista Creek Channel

EASEMENT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the
RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
hereby GRANT(S) to

ROBERT D. MABEE AND MARTHA A. MABEE, husband and wife as joint
tenants a non-exclusive easement for ingress and egress over the real property in the County of
Riverside, State of California, described as:

PARCEL 4030-500A as shown on "Exhibit A" attached hereto and made apart hereof.

FLOOD.021

10/3/95 103

BAUTISTA CREEK CHANNEL
PARCEL 4030-500A

Being a portion of the Southwest quarter of Section 22, Township 5 South, Range 1 East, San Bernardino Base and Meridian, described as follows:

Commencing at the Southwest corner of Section 22 as shown on Record of Survey Book 31, Pages 52 through 59, inclusive, Records of Riverside County, California;

Thence North 89° 17' 26" East along the South line of said Section 22, a distance of 406.21 feet to the Southeast corner of Parcel 4030-22 as shown on said Record of Survey, said point being a point on a curve to which a radial bears North 39° 54' 50" East, said curve is concaved Northeast, having a radius of 7,900.00 feet;

Thence Northwesterly along the arc of said curve through a central angle of 00° 09' 42", an arc distance of 22.29 feet;

Thence North 40° 47' 30" East, a distance of 67.77 feet to the Point of Beginning;

Thence South 68° 16' 21" West, a distance of 25.02 feet to the beginning of a tangent curve concaved Northerly, having a radius of 140.00 feet;

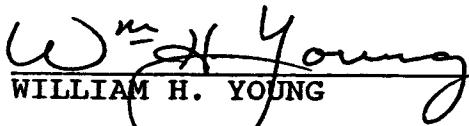
Thence Westerly along the arc of said curve through a central angle of 24° 25' 22", an arc distance of 59.68 feet;

Thence North 49° 12' 30" West, a distance of 38.83 feet to the beginning of a non-tangent curve concaved Northerly, having a radius of 120.00 feet to which a radial bears North 17° 27' 07" East;

Thence Easterly along the arc of said curve through a central angle of 39° 10' 36", an arc distance of 82.05 feet;

Thence North 68° 16' 21" East, a distance of 63.46 feet;

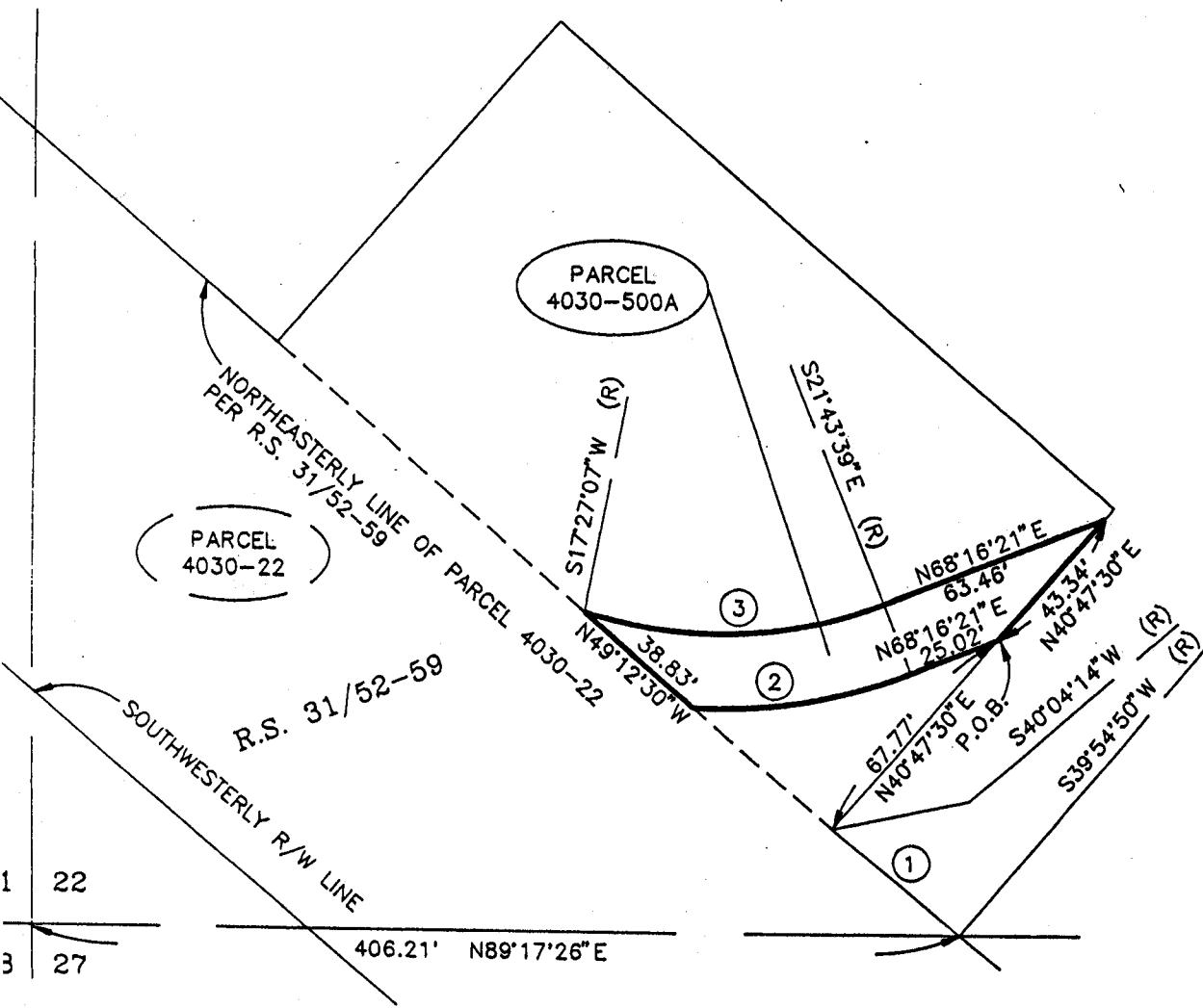
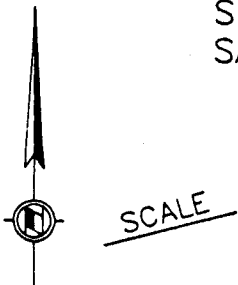
Thence South 40° 47' 30" West, a distance of 43.34 feet to the Point of Beginning.


WILLIAM H. YOUNG

Land Surveyor No. 3364
Signed For: Riverside County
Flood Control and Water
Conservation District
Date: April 12, 1993

BAUTISTA CREEK CHANNEL PARCEL 4030-500A

BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SAN BERNARDINO BASE AND MERIDIAN.



1 22
3 27

R/W CURVE DATA				
#	△ =	R =	T =	L =
1.	00°09'24"	7900.00'	10.80'	22.29'
2.	24°25'22"	140.00'	30.30'	59.68'
3.	39°10'36"	120.00'	42.70'	82.05'

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT 1995 MARKET ST. RIVERSIDE, CA. 92502		PROJECT: BAUTISTA CREEK CHANNEL PAR.: 4030-500A	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.
PREPARED BY: C.M.M.	SCALE: NO SCALE	APPROVED BY: <i>C. M. Young</i> DATE: <i>April 13, 1993</i>	DATE: <i>April 13, 1993</i>
SHEET 1 OF 1	DATE: APRIL 8, 1993	SHEET 1 OF 1	DATE: APRIL 8, 1993



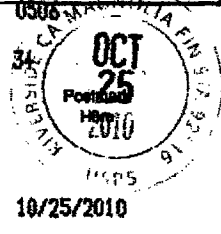
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 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

6986 RECEIPT 2000 0620 0102

Postage	\$	\$2.58
Certified Fee		\$2.80
Return Receipt Fee (Endorsement Required)		\$2.30
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$7.68



Sent to Judge Zellerbach
 Street, Apt. No.,
 or PO Box No. 4050 Main St
 City, State, ZIP+4 Riverside CA 92501

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>A. TORRES</u> C. Date of Delivery <u>10/25/10</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><u>JUDGE ZELLERBACH</u> <u>4050-MAIN ST</u> <u>RIVERSIDE CALIF-92501</u></p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <u>7010 0290 0002 1332 9889</u></p>	

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

City: Riverside **Zip:** 92506

Phone #: 788-4858

Date: 11-30-10 **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.