

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



**9.13**

During the oral communication section of the agenda for Tuesday, December 7, 2010, Robert Mabee read his statement into the record.

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**ATTACHMENTS FILED WITH  
CLERK OF THE BOARD**

**AGENDA NO.  
9.13**

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

**City:** RIVERSIDE **Zip:** 92506

**Phone #:** 788-4858

**Date:** 12-7-10 **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.

Dec 7<sup>th</sup>, 2010

I have 4 documents today.

No. 1: A court ruling dated 11/27/90 stating I had unobstructed access to my property over the new 40' public road that replaced my non exclusive private easement. County Counsel has stated on video that we have unobstructed, unhindered access to our property.

No. 2: After supervisor Younglove exposed this fraud in his report Dec 1, 1992 Riverside County sent me a letter dated 4/29/93 that reads in part,  
"Mr. Mabee,

As a successor to the Deischel property you may lack access to your property per a described easement that intersects a 40 foot road dedicated to and accepted by the Riverside County Transportation Department. The road is located adjacent to the Bautista Creek Channel and runs from Fairview Avenue to said easement. In order to secure the Bautista Creek Channel, the District installed chain link fence; and for your safety has modified drainage deflection dikes. Although practical and physical access was never impaired the construction may have impeded your "legal" access to the dedicated road."

No. 3: On 10/3/95, two and half years later, Supervisor John Tavaglione deeded to me a easement for ingress and egress to my property over Flood Control land. Mr. Tavaglione why would you deed me a easement that I did not ask for when the Court ruled earlier in case 187104 that I had unobstructed access over the new 40' public road, you were tricked by County counsel into signing this deed. I have a certified document dated 2 weeks before you signed this deed that implicates you in a scheme to deceive the court in another case and the offer of a bribe by County counsel. I will only turn this document over to the Grand Jury or the Attorney General.

No. 4: On Oct 25, 2010 I sent to our new District Attorney, Judge Zellerbach evidence of this fraud by certified mail. No response. County Counsel told me Judge Zellerbach would do nothing. She was right. Did it have anything to do with Supervisors Buster and Stone's fund raiser for the judge? It appears that we now have the finest District Attorney that money can buy. Supervisor Buster and Stone have unclean hands. Supervisors Ashley, Tavaglione, and Benoit I believe want to do the right thing. You have the vote.

Robert Mabee

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

12/07/10 oval  
comm

1000 1-185 90/90

FILED 107  
RIVERSIDE COUNTY

NOV 27 1990

AKIMUK A. SIMS, Clerk  
By *Y.A. Burns* Y.A. Burns  
Deputy

1 KINKLE, RODIGER AND SPRIGGS  
2 PROFESSIONAL CORPORATION  
3 3801 University Avenue, Suite 700  
4 Riverside, California 92501

5 (714) 683-2410

6 Attorneys for Defendants,  
7 COUNTY OF RIVERSIDE; RIVERSIDE COUNTY FLOOD CONTROL  
8 AND WATER CONSERVATION DISTRICT

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF RIVERSIDE

11 ROBERT D. MABEE, and )  
12 MARTHA A. MABEE )  
13 Plaintiffs, )  
14 v. )  
15 COUNTY OF RIVERSIDE; and )  
16 RIVERSIDE COUNTY FLOOD )  
17 CONTROL AND WATER )  
18 CONSERVATION DISTRICT )  
19 Defendants. )

CASE NO: 187 104  
~~PROPOSED~~ 1230  
STATEMENT OF DECISION  
(California Rules of Court,  
Rule 232 (c))

20 The above-entitled cause came on regularly for trial on  
21 October 11, 1990, in Department 12 of the above-entitled court,  
22 the Honorable Ronald T. Deissler, presiding without a jury (the  
23 liability phase of the case having been bifurcated from damages)  
24 and was tried on that date and on October 12, and October 15,  
25 1990. Mark E. Roseman appeared as counsel for plaintiffs, ROBERT  
26 D. MABEE and MARTHA A. MABEE, and Paul B. Reynolds appeared as  
27 counsel for Defendant, COUNTY OF RIVERSIDE and RIVERSIDE COUNTY  
28 FLOOD CONTROL AND WATER CONSERVATION DISTRICT.

Oral and documentary evidence was introduced on behalf of

1 the respective parties and the cause was argued and submitted for  
2 decision. The court, having considered the evidence and having  
3 heard the arguments of counsel and being fully advised, issues the  
4 following statement of decision:

5 1. That plaintiffs, by virtue of being successors in  
6 interest to the Deischel property, had a non-exclusive  
7 private easement for ingress and egress as evidenced by  
8 the easement deed (Exhibit 1).

9 2. That plaintiff's easement was extinguished on May 11,  
10 1988 when the Riverside County Flood Control and Water  
11 Conservation District granted to the County of Riverside  
12 an easement for public road and drainage purposes which  
13 was accepted by the County of Riverside, as evidenced by  
14 Exhibit 10. The easement deed (Exhibit 1) by its terms,  
15 provided that the easement would cease and determine if a  
16 public highway or street was extended to Section 22.

17 3. That defendants did not take plaintiff's property  
18 rights without just compensation as the evidence does not  
19 support the finding that plaintiffs suffered substantial  
20 impairment to their access/easement prior to its  
21 extinguishment on May 11, 1988.

22 (a) The court further finds that Defendant's construction  
23 of the dirt roadway evidenced by Exhibit 10 was within  
24 their rights to construct, maintain and operate Bautista  
25 Creek Channel and plaintiffs rights of ingress and egress,  
26 by the express terms of the easement (Exhibit 1) were  
27 subordinate to the rights of the Flood Control District to  
28

1 construct, maintain and operate Bautista Creek Channel.

2 4. The court finds that since there was no taking of  
3 plaintiff's property/easement by the Defendants, there is  
4 no damage issue to be determined by a jury.

5 Judgment is hereby ordered to be entered for the  
6 Defendants. Further, defendants are to receive their statutory  
7 costs of suit.

8 Dated: 11/9/90 R. T. Deissler

9 JUDGE RONALD DEISSLER  
10 JUDGE OF THE SUPERIOR COURT

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14 Entered on date filed 371  
15 Judgment Book 538 Page  
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AFTER RECORDING RETURN TO:  
RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT  
P. O. BOX 1037, RIVERSIDE, CALIFORNIA

Project 4010  
Bautista Creek Channel

RECEIVED FOR RECORD

APR 9 1965

*5*  
*His Office*  
*of Riverside County, California*

*W. W. Rindorff*

RECORDS  
*[Signature]*

EASEMENT DEED

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT hereby grants to RAYMOND DEICHSEL, JR. and LOLA H. DEICHSEL a non-exclusive private easement for ingress and egress over the land in the County of Riverside, State of California, described as:

The northeasterly 15.00 feet of the southwesterly 155.00 feet of that certain 200-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, S.B.D. & M; together with an easement 15.00 feet in width northerly of, adjacent to, and parallel with the south line of said Section 22, extending from the easterly line of the above-described easement to the easterly line of Parcel 4030-22 as shown on Record of Survey filed April 14, 1960, in Record of Survey Book 31, pages 52-59, records of Riverside County, California.

This easement is granted pursuant to the contract between the parties, dated April 16, 1961, which provides that District shall grant to Deichsels this easement for ingress and egress to Deichsels landlocked remainder described as the South half of the South half of Section 22, Township 5 South, Range 1 East, S.B.D. & M; Excepting therefrom the Southeast quarter of the Southeast quarter of the Southeast quarter of said Section 22.





**CERTIFICATE of ACCEPTANCE**  
(Government Code Section 27201)

THIS IS TO CERTIFY that the interest in real property conveyed to the County of Riverside, State of California, by the within instrument, is hereby accepted for the purpose of vesting title in the County of Riverside by the undersigned on behalf of the Board of Supervisors pursuant to the authority conveyed by Resolution No. 86-194 of the Board of Supervisors adopted May 13, 1986 and the grantee consents to the recordation thereof by its duly authorized officer.

This certificate of acceptance does not constitute acceptance of any road into the county maintained system pursuant to Section 941 of the Streets & Highways Code.

Dated: 5-11-88

County of Riverside

By Leroy D. Simpson  
Leroy D. Simpson  
Road Commissioner and County Surveyor

THIS INSTRUMENT IS FOR THE BENEFIT OF THE COUNTY OF RIVERSIDE AND ENTITLED TO BE RECORDED WITHOUT FEE (GOV CODE 0103)

FOR RECORDER'S USE

RETURN TO RIVERSIDE FLOOD CONTROL AND WATER CONSERVATION DISTRICT

RECEIVED FOR RECORD AT 2:00 O'CLOCK P.M.

MAY 12 1988

Recorder in Official Capacity of Riverside County, California

William S. Smith  
Recorder

Fees \$

127298

**EASEMENT**

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

grant(s) to the County of Riverside an easement for public road and drainage purposes, including public utility and public services purposes, over, upon, across, and within the real property in the County of Riverside, State of California, described as follows:

Parcel 4030-500 -

Being a portion of Sections 16, 21 and 22, Township 5 South, Range 1 East, San Bernardino Base and 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 foot in width measured at right angles, lying Easterly of, parallel and concentric with a line which lies 60 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 foot wide strip of land shall be prolonged 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.

Grantor understands that the herein described road shall not become part of the county maintained road system until accepted by subsequent resolution of the Board of Supervisors pursuant to Section 941 of the Street and Highways Code.

EXHIBIT-10

127298

DATED APR 12 1948

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By *Melba Dunlap*  
Chairman

State of California )  
County of Riverside )

On April 12, 1948 before me personally appeared Melba Dunlap known to me to be the Chairman of the Board of Supervisors of Riverside County Flood Control and Water Conservation District and the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that said District executed the same.

GERALD A. MALONEY, County Clerk

By *Gerald A. Maloney* Deputy

(SEAL)

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

April 29, 1993

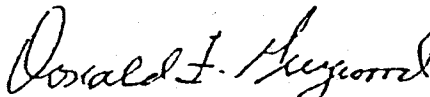
Mr. Robert Mabee  
27750 Grant Avenue  
Hemet, CA 92544-6730

Dear Mr. Mabee:

Re: Bautista Creek Channel/Access  
Project No. 4-0-0030

As a successor to the Deischel property you may lack access to your property per a described easement that intersects a 40-foot road dedicated to and accepted by the Riverside County Transportation Department. The road is located adjacent to the Bautista Creek Channel and runs from Fairview Avenue to said easement. In order to secure the Bautista Creek Channel, the District installed chain line fence; and for your safety has modified drainage deflection dikes. Although practical and physical access was never impaired the construction may have impeded your "legal" access to the dedicated road. To remedy this situation the District is issuing you an encroachment permit (attached) for access across District property that approximates the traveled way being used to reach the access easement on and across the Deischel property.

Very truly yours,



DONALD F. GREYWOOD  
Chief of Operations

Attachment

DFG:mcv  
dg10429d

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;

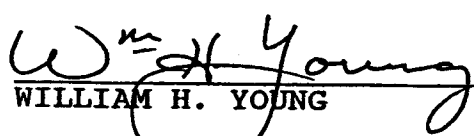
Thence Westerly along the arc of said curve through a central angle of 24° 25' 22", an arc distance of 59.68 feet;

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

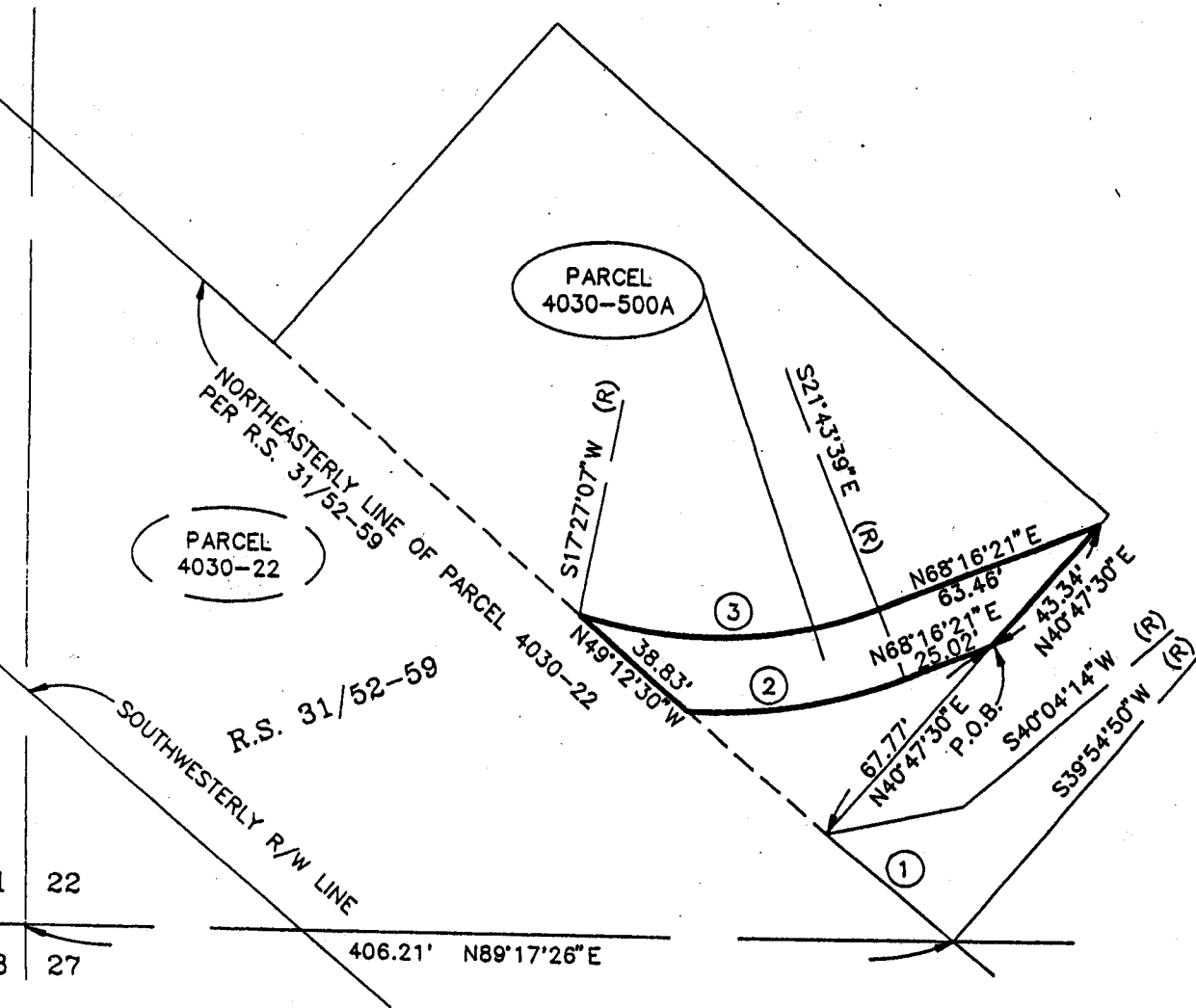
Land Surveyor No. 3364  
Signed For: Riverside County  
Flood Control and Water  
Conservation District  
Date: April 12, 1993

# 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.



SCALE



R/W CURVE DATA				
#	$\Delta =$	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.		APPROVED BY: <i>W. J. Young</i> DATE: <i>April 13, 1993</i>
PREPARED BY: C.M.M.	SCALE: NO SCALE	DATE: APRIL 8, 1993
SHEET 1 OF 1		



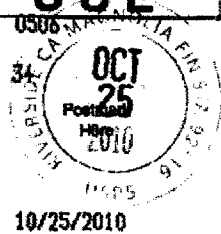
7010 0290 0002 1332 9889

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	\$2.58
Certified Fee		\$2.80
Return Receipt Fee (Endorsement Required)		\$2.30
Restricted Delivery Fee (Endorsement Required)		\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$7.68</b>



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

**SENDER: COMPLETE THIS SECTION**

- 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.

1. Article Addressed to:  
JUDGE ZELLERBACH  
4050-MAIN ST  
RIVERSIDE CALIF-92501

2. Article Number  
 (Transfer from service label) 7010 0290 0002 1332 9889

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: [Signature]  Agent  Addressee  
 B. Received by (Printed Name): A. Tolera  
 C. Date of Delivery: 10/25/10

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes