

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

306



FROM: Economic Development Agency / Facilities Management

SUBMITTAL DATE:

June 28, 2011

SUBJECT: Resolution No. 2011-133 Authorization to Convey County Owned Real Property and Easement to the Temecula Band of Luiseno Mission Indians - District 3

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt County Resolution No. 2011-133, Authorization to Convey County Owned Real Property and an access Easement to the Temecula Band of Luiseno Mission Indians;
2. Approve and authorize the Chairman of the Board to execute the attached conveyance agreement;
3. Authorize the Chairman of the Board to execute the Grant Deed, the quitclaim deed, and any other documents pertaining to this transaction; and
4. Authorize the Assistant County Executive Officer/EDA or designee, to execute subsequent, necessary and related documents to complete this transaction.

BACKGROUND: (Commences on Page 2)

Robert Field

Robert Field
Assistant County Executive Officer/EDA

| | | | | |
|-----------------------|-------------------------------|------|-------------------------|---------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ 0 | In Current Year Budget: | Yes |
| | Current F.Y. Net County Cost: | \$ 0 | Budget Adjustment: | No |
| | Annual Net County Cost: | \$ 0 | For Fiscal Year: | 2011/12 |

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

SOURCE OF FUNDS: N/A

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

C.E.O. RECOMMENDATION:

APPROVE

BY: *Jennifer L. Sargent*
Jennifer L. Sargent

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
 Nays: None
 Absent: None
 Date: July 12, 2011
 xc: EDA

Kecia Harper-Ihem
 Clerk of the Board
 By: *Kecia Harper-Ihem*
 Deputy

Prev. Agn. Ref.: N/A

District: 3

Agenda Number:

3.26

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL
BY: ANITA C. WILLIS
DATE: 6/24/11
Departmental Concurrence

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

BACKGROUND:

On March 7, 2005 the County of Riverside acquired approximately a half-acre lot (the "Property") located in the then unincorporated area of the County. The Sellers, in the process of developing a retail shopping center, identified as APN 960-020-005, and discovered the site had significant cultural issues. Subsequently, the City of Temecula annexed this area including the approximate half-acre lot but was unable to maintain the Property and preserve the cultural resources. Subsequently, an access easement was obtained, which will provide access to the Property. As an interim custodian of the Property, the County acquired the Property and now wishes to convey it to an appropriate steward who will protect and preserve the Property in its vacant state.

Due to the nature of the cultural resources and location of the Property, the Pechanga Band of Luiseno Mission Indians was identified as the best candidate to take over this land. After extensive discussions, the Pechanga Band of Luiseno Mission Indians has agreed to accept the Property and continue its preservation. To ensure the Property is never improved, the County will convey Property with covenants restricting its future use to open-space.

2
3 COUNTY RESOLUTION NO. 2011-133
4 AUTHORIZATION TO CONVEY COUNTY OWNED REAL PROPERTY AND
5 EASEMENT TO THE TEMECULA BAND OF LUISENO MISSION INDIANS
6 ASSESSOR'S PARCEL NUMBER 960-020-005
7 (Third Supervisorial District)
8

9 WHEREAS, the County of Riverside, ("County,") is the owner of an approximate
10 half-acre vacant lot referred to as APN 960-020-005, ("Property"), located within the
11 City of Temecula, State of California, and more particularly described in Exhibit "A,"
12 attached hereto and incorporated herein by reference, and an access easement
13 acquired for ingress and egress on APN 960-020-060 described in Exhibit "B"
14 ("Easement") attached hereto and incorporated herein by reference ;

15 WHEREAS, the Property is not marketable or useable due to the cultural
16 resources associated with the Property and use restrictions;

17 WHEREAS, the County Board of Supervisors determines that the Property is no
18 longer necessary for County or other public purposes;

19 WHEREAS, the County agrees to convey the Property for a nominal value of
20 One Dollar (\$1.00) to a non-public entity who will continue the protection and
21 preservation of cultural resources contained on or associated with the Property;

22 WHEREAS, the County agrees to convey Property to the Temecula Band of
23 Luiseno Mission Indians, sometimes referred to as the Pechanga Band of Mission
24 Indians, ("Tribe"), who will continue the protection and preservation of the Property;

25 WHEREAS, in the conveyance deed to Tribe, County will covenant the Property
26 restricting the use to open-space ensuring that no improvements are placed on
27 Property which would jeopardize the cultural value;

28 ///

EXHIBIT "A"
LEGAL DESCRIPTION
APN: 960-020-005

LOT 18 OF TRACT NO. 23172, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA AS SHOWN BY MAP ON FILE IN BOOK 251 PAGE(S) 94 THROUGH 99 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PRACTICE MAY NOT CORRELATE WITH LOCAL GOV'T'S USE OF BUILDING SITE ORDINANCES.
 JUN 21 2005

SEC. 16 T. 8S. R. 2W
 CITY OF TEBECULA

I.R.A. 013-101
 013-121

960-02
 960-78

ASSESSOR'S MAP R1980 PG. 02
 Riverside County, Calif.
 0887

AB 251/81-89 TRACT MAP NO. 23172
 PM 198/85-98 PARCEL MAP NO. 301541
 PM 204/55-57 PARCEL MAP NO. 30177
 PM 209/20-21 PARCEL MAP NO. 30850

| APN | AREA | ACRES | USE | VAL |
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JUL 05 2005

**SUBJECT
 PROPERTY**

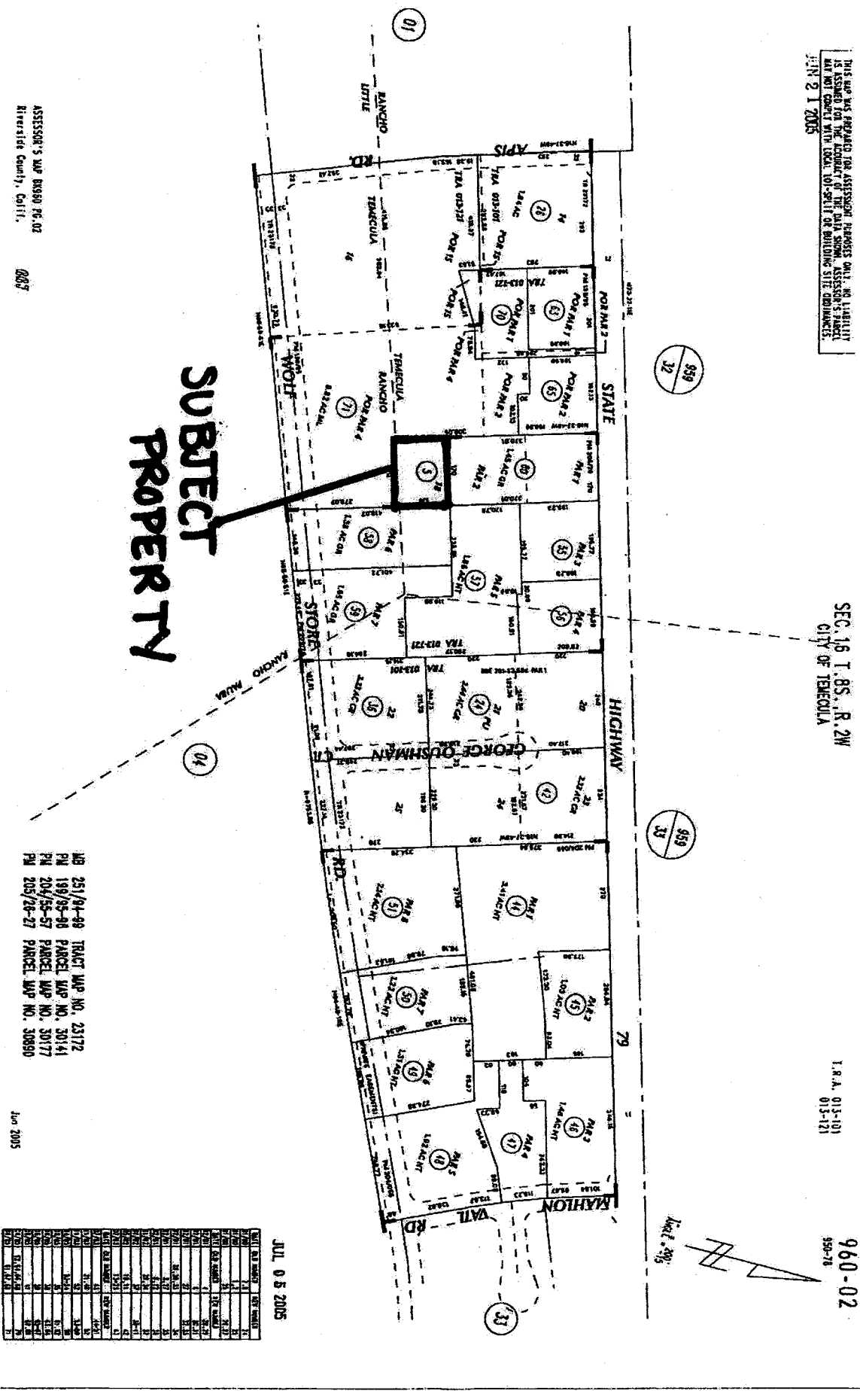
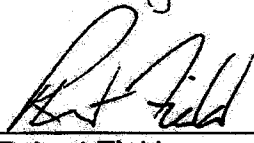


EXHIBIT "B"

CERTIFICATE of ACCEPTANCE of EASEMENT (GOVERNMENT CODE SECTION 27281)

This is to certify that the interest in real property conveyed by the within easement deed to the COUNTY OF RIVERSIDE, a political subdivision, the following property in the County of Riverside, State of California, is hereby accepted by order of the Board of Supervisors on the date below and the grantee consents to the recordation thereof by its duly authorized officer.

Dated: May 19, 2009

By: 

Robert Field
Assistant County Executive Officer-EDA/FM

DOC # 2009-0288733
06/08/2009

Customer Copy Label

The paper to which this label is
affixed has not been compared
with the recorded document

Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

WHEN RECORDED MAIL TO:
COUNTY OF RIVERSIDE EDA
ATTN: JANET PARKS
1325 SPRUCE STREET, STE 400
RIVERSIDE, CA 92507

FOR RECORDER'S USE

THIS INSTRUMENT IS FOR THE BENEFIT OF THE
COUNTY OF RIVERSIDE AND ENTITLED TO BE
RECORDED WITHOUT FEE. (GOV. CODE 6103)

APN: Portion of 960-020-060

EASEMENT DEED

NORTH ISLAND FINANCIAL CREDIT UNION

Grant(s) to the COUNTY OF RIVERSIDE, a political subdivision, an appurtenant easement for the benefit of Lot 18 as shown on Tract Map No. 23172, filed in Book 251, Pages 94 to 99 inclusive, of Maps, Records of Riverside County, California; for access 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:

SEE LEGAL DESCRIPTION AND PLAT ATTACHED HERETO AS
EXHIBITS "A" AND "B" AND MADE A PART HEREOF

NORTH ISLAND FINANCIAL CREDIT UNION

DATED: May 7, 2009

BY: [Signature]
President, Geri Dillingham

DATED: May 7, 2009

BY: [Signature]
Chief Financial Officer R. Kim Reedy

(State of California)
County of San Diego

On 5-8-09 before me, Amy L Adair Notary Public, personally appeared Geri Dillingham R. Kim Reedy, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)

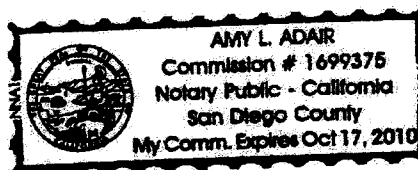


Exhibit "A"

Legal Description

ACCESS EASEMENT

All that portion of Rancho Temecula in the County of Riverside, State of California described as follows:

All that 10.00 foot wide access easement on Lot 17 as shown on Tract Map No. 23172, filed in Book 251, Pages 94 to 99 inclusive, of Maps, Records of Riverside County, California.

The above described easement contains 3700 square feet more or less.

See Exhibit "B" attached hereto and by this reference made a part hereof.

Prepared under my supervision.

Robert T. Robinson
Robert T. Robinson L.S. 7534

03/19/09
Date



APN: 960-020-005
Situs Address: Vacant Land

CONVEYANCE AGREEMENT

This Conveyance Agreement, the "Agreement," is made by and between THE COUNTY OF RIVERSIDE, herein called "County," and TEMECULA BAND OF LUISENO MISSION INDIANS, sometimes referred to as THE PECHANGA BAND OF MISSION INDIANS, herein called "Tribe."

County has executed and will deliver to Tribe; a Grant Deed identifying APN 960-020-005, more particularly described in Exhibit "A," attached hereto and made a part herein called "Property," and an easement for ingress and egress over APN 960-020-060 described in Exhibit "B," attached hereto and made a part hereof, in consideration of which it is mutually agreed as follows:

1. The Tribe shall:

A. Pay to the order of County the sum of one dollar (\$1.00) for APN 960-020-005 and easement within APN 960-020-060 or interest therein, conveyed by said Grant Deed and Easement Deed.

B. Pay for title and escrow charges should an escrow and title be opened.

C. Use the Property for open-space to maintain preserve the cultural resources located on the Property.

2. It is mutually understood and agreed by and between the parties hereto that the right to convey Property by County, including the preservation of the cultural site, shall commence upon the authorization by the County Board of Supervisors and execution of this Agreement by all parties.

3. The performance by the Tribe of its obligations under this Agreement shall relieve the County of any and all further obligations or claims on account of the conveyance of the Property referred to herein once title has fully passed to the Tribe.


4. This Agreement shall not be changed, modified, or amended except upon the written consent of the parties hereto.

JUL 12 2011 3.20

1 5. This Agreement is the result of negotiations between the parties and is
2 intended by the parties to be a final expression of their understanding with respect to the
3 matters herein contained. This Agreement supersedes any and all other prior agreements
4 and understandings, oral or written, in connection therewith. No provision contained herein
5 shall be construed against the County solely because it prepared this Agreement in its
6 executed form.

7 TEMECULA BAND OF LUISENO
8 MISSION INDIANS, sometimes referred to
9 as THE PECHANGA BAND OF MISSION
10 INDIANS

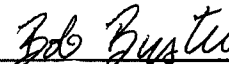
11 Dated: January 18, 2011

12 By: 
13 Mark Macarro
14 Tribal Chairman

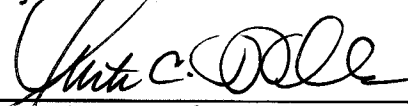
15 RECOMMENDED FOR APPROVAL

COUNTY OF RIVERSIDE

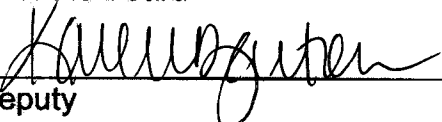
16 By: 
17 Hector Casillas
18 Development Specialist I

19 By: 
20 Bob Buster
21 Chairman

22 APPROVED AS TO FORM:
23 PAMELA J WALLS
24 County Counsel

25 By: 
26 ANITA C. WILLIS
27 Deputy

28 ATTEST:
29 KEISHA HARPER-IHEM
30 Clerk of the Board

31 By: 
32 Deputy

**THE
PRESS-
ENTERPRISE**

**CLASSIFIED
ADVERTISING**

PROOF

Printed by: Tinajero, Maria
at: 4:39 pm
on: Wednesday, Jun 15, 2011

Ad #: 10694975

3450 Fourteenth St.
Riverside, CA 92501-3878
1-800-880-0345
951-684-1200
951-368-9018 Fax

Account Information

Phone #: (951) 955-4820
Name: EDA / REAL PROPERTY
DIVISION
Address: 3403 TENTH ST., STE 500
RIVERSIDE CA 92501
Acct #: 322955
Client:
Placed by: Hector Casillas
Fax #: (951) 955-4837

Ad Copy:

**NOTICE OF INTENT TO CONVEY REAL
PROPERTY IN THE CITY OF TEMECULA
BY THE COUNTY OF RIVERSIDE**

Notice is hereby given pursuant to Section 25526.5 of the California Government Code that the Board of Supervisors for the County of Riverside intends to convey real property identified as Assessor Parcel Number 960-020-005 and it will consider a County Resolution 2011-133 on July 12, 2011 at 9:00 a.m., or as soon thereafter as the agenda of the Board permits, at the Riverside County Administrative Center, 4080 Lemon Street, 1st Floor, Riverside, California to consider the following:

PROJECT DESCRIPTIONS AND LOCATION

It is proposed that the Board approve Resolution 2011-133 by and between the County of Riverside and the Temecula Band of Luiseno Mission Indians to convey Assessor's Parcel Number 960-020-005 along with an access easement to allow ingress and egress within APN 960-020-060.

At anytime, not later than the hour set forth above, any person may submit written comments regarding this proposed action to the Clerk of the Board of Supervisors at the above address. At the hour set forth above, the Board of Supervisors shall proceed to hear and pass upon all written and oral testimony relating to the proposed action. Interested persons may obtain a copy of the proposed agreements at the Riverside County Economic Development Agency, 3403 10th Street, Suite 500, Riverside, CA 92501, or by calling Hector Casillas at (951) 955-8395. 6/17, 24, 7/1

Ad Information

Classification: Legals
Publications: Press-Enterprise

Start date: 06-17-11
Stop date: 07-01-11
Insertions: 3

Rate code: LE-County
Ad type: Ad Liner
Taken by: Tinajero, Maria

Size: 2x35.800
Bill size: 72.00x 5.14 agate lines

Amount due: **\$266.40**