

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



**9.21**

During the oral communication section of the agenda for Tuesday, January 25, 2011, Robert Mabee read his statement into the record.

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**ATTACHMENTS FILED WITH  
CLERK OF THE BOARD**

**AGENDA NO.  
9.21**

# BOARD OF SUPERVISORS

Jan 25, 2011

I have 4 documents today.

Document no. 1: Agenda 10-3, Oct 3<sup>rd</sup>, 1995 authorization to convey non exclusive easements project 4-0-0030. Page 2, Justification: side channel modification has obstructed Robert Mabee's access to his property. The granting of the easement will provide unobstructed access to his property. Two supervisors here today voted on this resolution no. F95-50. Supervisor Tavaglione as chairman of Riverside County Flood Control District signed the deeds. Supervisor Buster signed the authorization resolution no. F95-50 with complete knowledge that this was done to cover up misuse of County funds in the amount of aprox \$400,000.

On Oct 5<sup>th</sup>, 2010 Supervisor Buster in agenda 11-13 lied to this board and the public stating that he had no knowledge of these events saying he came into office in Jan 1993 and that no member of this board was involved in this issue.

Document no. 2: Supervisor Younglove's report dated Dec 31<sup>st</sup>, 1992. Page 3, Younglove states that Robert Mabee has never had 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. Bob Buster's name is on the cover of the report. County Counsel, Director Perez of transportation and Warren Williams Director of Flood Control also lied to this board and the public stating in agenda 11-13 Oct 5<sup>th</sup>, 2010 that unobstructed easements gave Robert Mabee access to his property. Supervisor Stone acknowledged on the video Oct 5<sup>th</sup>, agenda 11-13 that I provided him with documentation of this fraud and misuse of county funds at the time of his election, but he chose to ignore the issue

Blockbuster document no. 3: A letter dated Dec 28<sup>th</sup>, 2010 to Robert Mabee from Steve Thomas of Riverside County Flood Control stating he advised that following a thorough search of our records the attached deed had never been recoded. This was the deeds signed by chairman of the flood control board John Tavaglione and Supervisor Buster in document 1, agenda 10-3 Oct 3<sup>rd</sup>, 1995. These documents brand County Counsel, Bob Buster, Juan Perez, Warren Williams and Jeff Stone as liars and thieves of County funds.

Document no. 4: On Oct 25<sup>th</sup>, 2010. I gave to our new District Attorney evidence of this fraud by registered mail. No response. County Counsel told me that Judge Zellerback would do nothing. She was right. Did it have anything to do with Supervisor Buster and Supervisor Stone's fundraiser for the judge? It appears that we now have the finest District attorney that money can buy.

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

*Public Comment  
Robert Mabee  
1-25-11*

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

308



FROM: Chief Engineer SUBMITTAL DATE: October 3, 1995

SUBJECT: Authorization to Convey Non-Exclusive Easements  
Bautista Creek Channel Project # 4-0-0030  
Resolution No. F95-50

RECOMMENDED MOTION:

The Board approve Resolution No. F95-50, Authorization to Convey four (4) non-exclusive easements for ingress and egress purposes over District owned land.

JUSTIFICATION:

See Page 2

FINANCIAL:

This action grants access easements over existing District right of way. No cost to District.

*for* *J. H. Edwards*  
KENNETH L. EDWARDS  
General Manager-Chief Engineer

REVIEWED BY ADMINISTRATIVE OFFICE

DATE 9/26/95

RIVERSIDE COUNTY  
CLERK OF THE BOARD  
4080 LEON ST 1ST FLOOR  
RIVERSIDE CALIF 92501  
909-955-1060

12/13/10 1:54PM 03  
000000 #9610 Tiosha

7595 COPY \$10.00

ECHECK \$10.00

MINUTES OF THE FLOOD CONTROL & WATER CONSERVATION DISTRICT BOARD

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

Ayes: Buster, Tavaglione and Wilson  
Noes: None  
Absent: Ceniceros and Mullen  
Date: October 3, 1995  
xc: Flood

Gerald A. Maloney  
Clerk of the Board  
By: *Gerald A. Maloney*  
Deputy

JMP: seb  
rcfc\5274

FLOOD RESOLUTION BOOK  
ATTACHMENTS FILED Depts, Comments  
WITH THE CLERK OF THE BOARD

3rd Dist. 10 AGEND NO. 3

FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
SUBMITTAL DATE: October 3, 1995  
SUBJECT: Authorization to Convey Non-Exclusive Easements  
Bautista Creek Channel Project # 4-0-0030  
Resolution No. F95-50

JUSTIFICATION:

The District's Bautista Creek Channel from Fairview Avenue upstream has experienced vandalism and trespassing. To prevent this and limit potential liabilities, the District fenced the 15-foot wide maintenance road and modified several side channel conveyances. Certain individuals by virtue of being successors in interest to an access easement (Instrument No. 91932) enjoyed the use of the 15-foot wide strip of land adjacent to said channel. Said access easement provided that if at any time a public highway or street was extended to the described lands in Section 22 lying easterly of Bautista Creek Channel said easement shall cease and determine. To this end, the District granted to the County a 40-foot wide strip of land adjacent to the 15-foot wide easement for acceptance in the County's non-maintained road system (Instrument No. 127298).

A portion of the 15-foot wide access easement is located within a drainage wash, making it dangerous and unusable during times of storm flow. In addition, the side channel modification has obstructed physical access to a portion of the 15-foot side easement. The granting of these easements will provide new unobstructed access to the property owners (see attached Exhibit A).

1  
2 Board of Supervisors

Riverside County Flood Control  
and Water Conservation District

3 RESOLUTION NO. F95-50  
4 AUTHORIZATION TO CONVEY NON-EXCLUSIVE EASEMENTS  
(THIRD SUPERVISORIAL DISTRICT)

5 BE IT RESOLVED, DETERMINED AND ORDERED by the Board  
6 of Supervisors of the Riverside County Flood Control and Water  
7 Conservation District in regular session assembled on October 3,  
8 1995, that authorization is hereby approved to convey non-  
9 exclusive easements on Parcel 4030-500A for ingress and egress  
10 purposes to Robert D. & Martha A. Mabee, Robert A. & Leslie  
11 Barnes, the Michael H. O'Connell Family Trust and George D.  
12 O'Connell Family Trust, and DGM Hemet Partners.

13 BE IT FURTHER RESOLVED AND DETERMINED that the  
14 General Manager-Chief Engineer is authorized to execute all  
15 documents associated with the conveyance.

16  
17 Roll Call:

18 Ayes: Buster, Tavaglione and Wilson  
19 Noes: None  
20 Absent: Cenicerros and Mullen

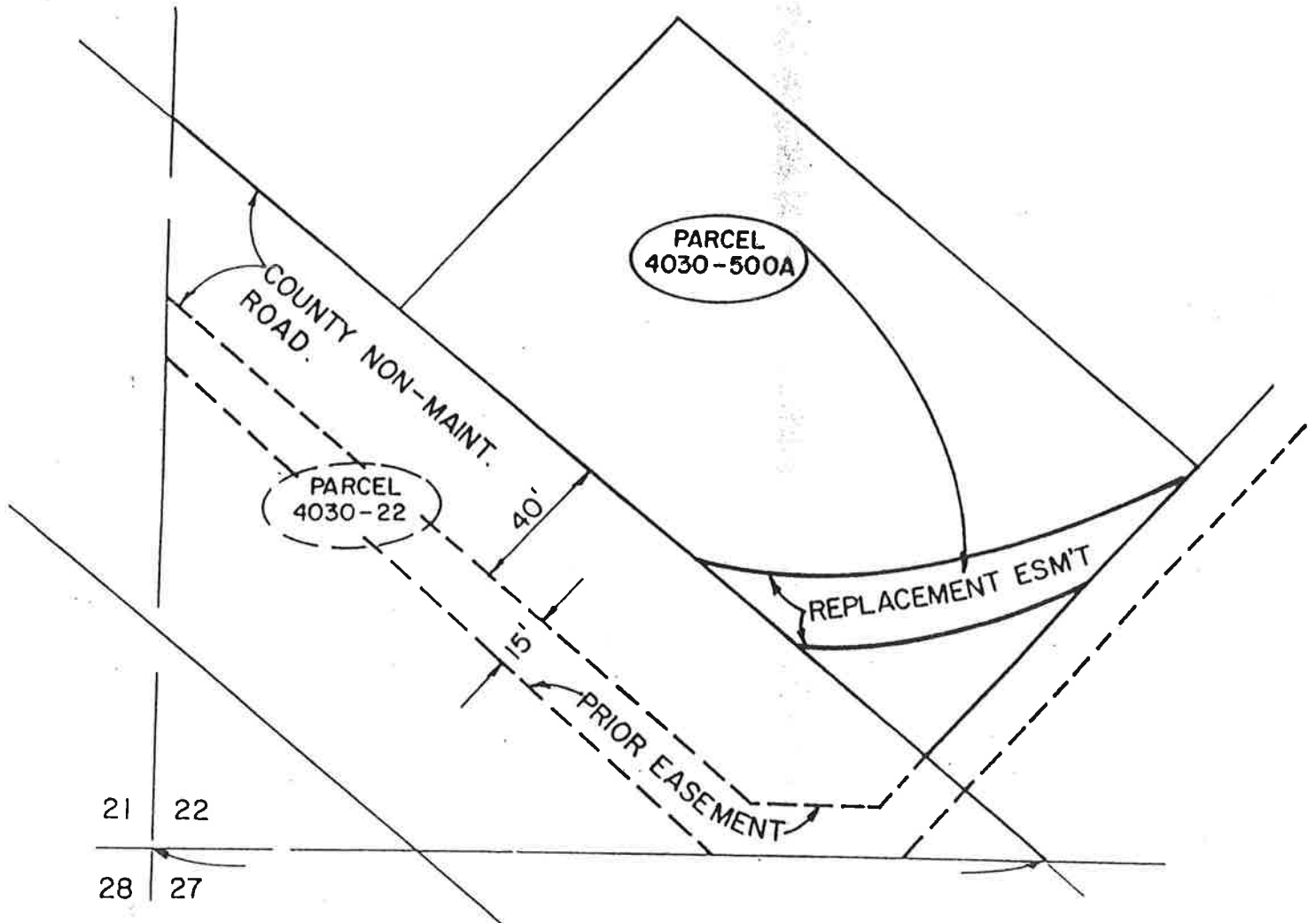
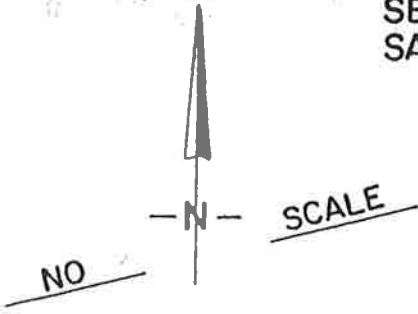
21  
22  
23  
24  
25  
26  
27  
28  
SEP 27 1995

BY: [Signature]  
RIVERSIDE COUNTY CLERK

JMP:seb  
rcfc\5280

# 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.



OCT 3 1995

10.3

**CERTIFICATE OF ACCEPTANCE**  
(Government Code Section 87281)

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. 88-184 of the Board of Supervisors adopted May 12, 1988 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.

Date: 5-11-88

County of Riverside  
By: Leroy D. Smoot  
Leroy D. Smoot  
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 6163)

FOR RECORDER'S USE

RETURN TO RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

127298

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

MAY 12 1988  
Recorder  
William J. Blaney

**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

X

127296

DATED APR 12 1948

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

By *Melba Dunlap*  
Chairman

State of California )  
County of Riverside ) ss.

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)

END RECORDED DOCUMENT



01932

AFTER RECORDING RETURN TO:  
RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT  
P. O. BOX 1033, RIVERSIDE, CALIFORNIA

Project 4030  
Bautista Creek Channel

RECEIVED FOR RECORD

AUG 9 1965

15 Min. Post-Record  
Request on  
Rev. A. J. Deichsel

Recorded in Official Records  
of Riverside County, California

W. H. Deichsel

RECORDS  
7115 8

Substantive records from 4-1-65. Book 31  
Page 52-59. Inclusive. Identify by  
number and year of EASEMENT DEED

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.B. & 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.B. & M; Excepting therefrom the Southeast quarter of  
the Southeast quarter of the Southeast quarter of said Section  
22.

This easement is subordinate to the rights of the District to construct, maintain and operate Bautista Creek Channel. 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.

Dated August 9, 1965

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By [Signature]  
Chairman

State of California )  
                                  : ss.  
County of Riverside )

On August 9, 1965, before me personally appeared William E. Jones 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.

DONALD D. SULLIVAN, County Clerk

By [Signature]  
Deputy

(SEAL)



FREE RECORDING  
"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)"

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 GRANTS to DGM HEMET PARTNERS, A GENERAL PARTNERSHIP 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.

10/25/95

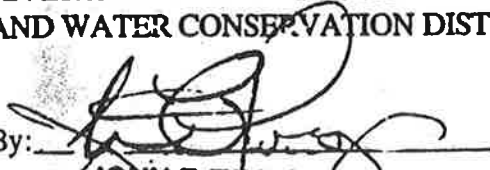
4 original Easements  
(1 of each) were  
picked up by Flood  
Control. (Janet Pubs)  
me

10/3/95 10.3

Project: Bautista Creek Channel  
Parcel: 4030-500A

Dated: October 3, 1995

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

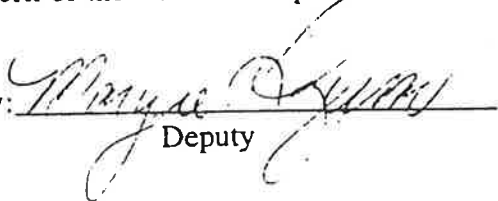
By:   
JOHN F. TAVAGLIONE  
Chairman, Flood Control and  
Water Conservation District

STATE OF CALIFORNIA            )  
  )ss  
COUNTY OF RIVERSIDE        )

On October 3, 1995 before me, the undersigned, as Clerk of  
the Board of Supervisors of the Riverside County Flood Control and  
Water Conservation District, State of California, personally appeared  
John F. Tavaglione

\_\_\_\_\_ personally known to me to be the  
person who executed this instrument as the Chairman of the Board of  
Supervisors of said District, and acknowledged to me that the  
Riverside County Flood Control and Water Conservation District  
executed it.

GERALD A. MALONEY  
Clerk of the Board of Supervisors

By:   
Deputy

10/3/95 10.3

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  $89^{\circ} 17' 26''$  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  $39^{\circ} 54' 50''$  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  $00^{\circ} 09' 42''$ , an arc distance of 22.29 feet;

Thence North  $40^{\circ} 47' 30''$  East, a distance of 67.77 feet to the Point of Beginning;

Thence South  $68^{\circ} 16' 21''$  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  $24^{\circ} 25' 22''$ , an arc distance of 59.68 feet;

Thence North  $49^{\circ} 12' 30''$  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  $17^{\circ} 27' 07''$  East;

Thence Easterly along the arc of said curve through a central angle of  $39^{\circ} 10' 36''$ , an arc distance of 82.05 feet;

Thence North  $68^{\circ} 16' 21''$  East, a distance of 63.46 feet;

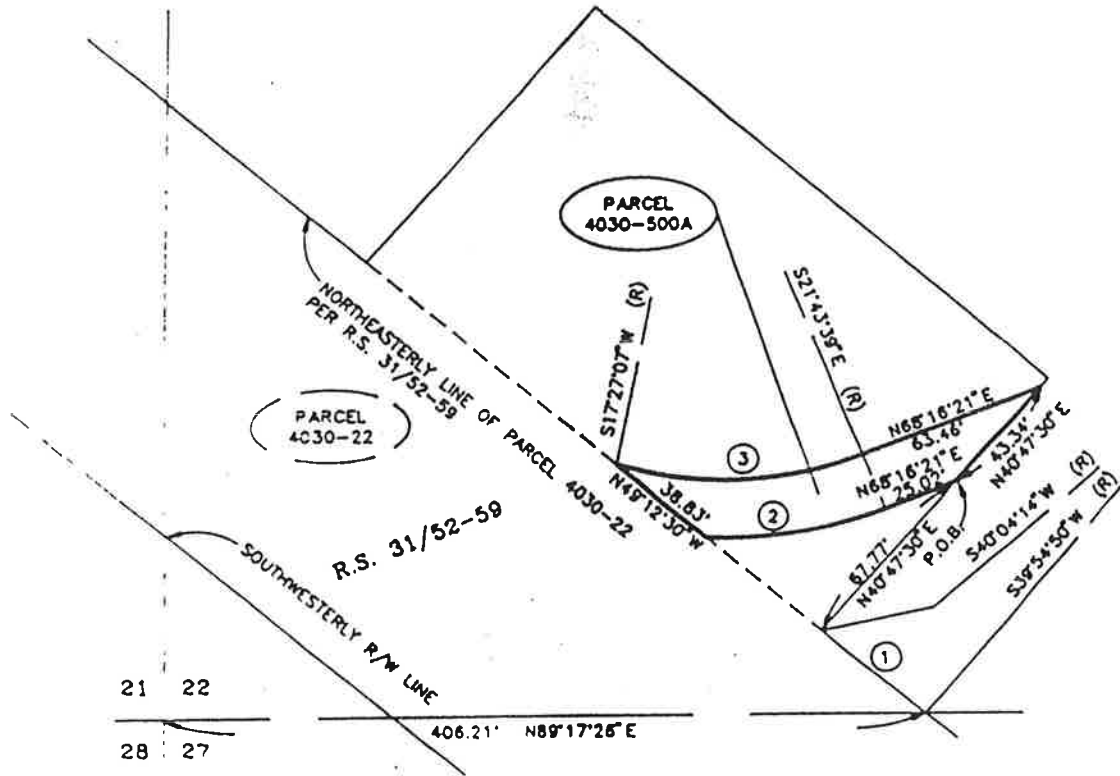
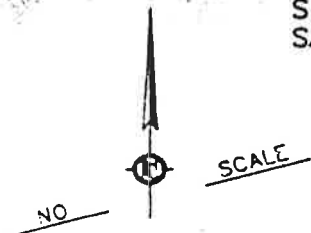
Thence South  $40^{\circ} 47' 30''$  West, a distance of 43.34 feet to the Point of Beginning.

  
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.



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.	PREPARED BY: C.M.M.
APPROVED BY: <i>W. Young</i>	SCALE: NO SCALE
DATE: <i>April 13, 1993</i>	DATE: APRIL 8, 1993
	SHEET 1 OF 1

Recorded at request of and return to:  
Riverside 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

MICHAEL H. O'CONNELL AND MARGARET D. O'CONNELL, TRUSTEES OF THE MICHAEL H. O'CONNELL FAMILY TRUST established November 29, 1989 and GEORGE D. O'CONNELL AND DEBORAH J. O'CONNELL TRUSTEES OF THE GEORGE D. O'CONNELL FAMILY TRUST established November 28, 1989, 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.

the real property in the  
State of California, described as:

County of Riverside,

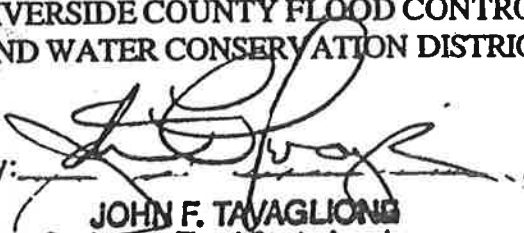
10/3/95 10.3

Project: Bautista Creek Channel  
Parcel: 4030-500A

Dated: October 3, 1995

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

By:



**JOHN F. TAVAGLIONE**  
Chairman, Flood Control and  
Water Conservation District

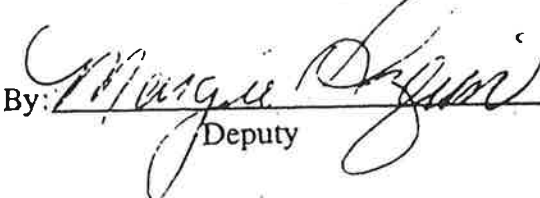
STATE OF CALIFORNIA           )  
  )ss  
COUNTY OF RIVERSIDE        )

On October 3, 1995 before me, the undersigned, as Clerk of the Board of Supervisors of the Riverside County Flood Control and Water Conservation District, State of California, personally appeared John F. Tavaglione

\_\_\_\_\_ personally known to me to be the person who executed this instrument as the Chairman of the Board of Supervisors of said District, and acknowledged to me that the Riverside County Flood Control and Water Conservation District executed it.

GERALD A. MALONEY  
Clerk of the Board of Supervisors

By:



Deputy

10/3/95 10.3



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  $89^{\circ} 17' 26''$  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  $39^{\circ} 54' 50''$  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  $00^{\circ} 09' 42''$ , an arc distance of 22.29 feet;

Thence North  $40^{\circ} 47' 30''$  East, a distance of 67.77 feet to the Point of Beginning;

Thence South  $68^{\circ} 16' 21''$  West, a distance of 25.02 feet to the beginning of a tangent curve concaved Northerly, having a radius of 140.00 feet;

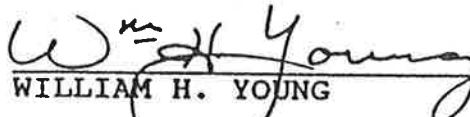
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Thence Easterly along the arc of said curve through a central angle of  $39^{\circ} 10' 36''$ , an arc distance of 82.05 feet;

Thence North  $68^{\circ} 16' 21''$  East, a distance of 63.46 feet;

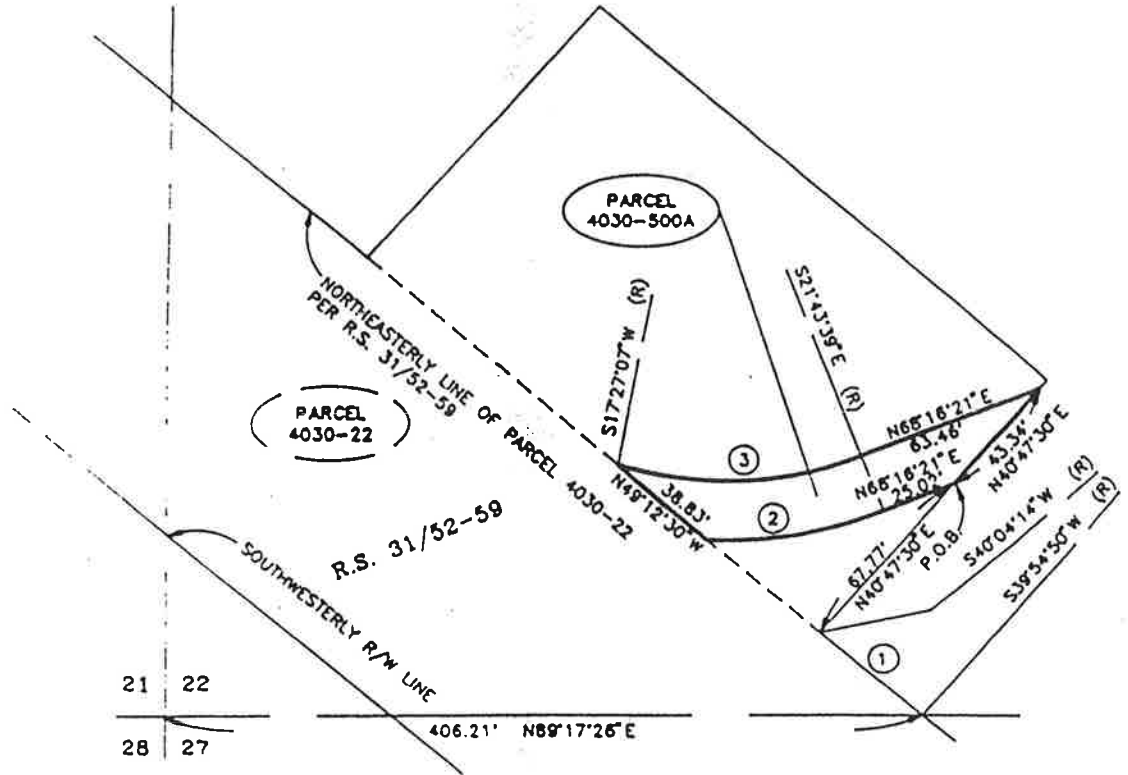
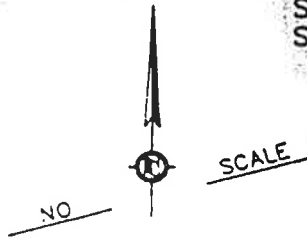
Thence South  $40^{\circ} 47' 30''$  West, a distance of 43.34 feet to the Point of Beginning.

  
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.



R/W CURVE DATA				
#	Δ =	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: *W.M. Young*  
DATE: *APRIL 13, 1993*

DATE: APRIL 8, 1993

SHEET 1 OF 1

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 GRANTS to ROBERT A. BARNES AND LESLIE BARNES, 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.

10/3/95 10.3

Project: Bautista Creek Channel  
Parcel: 4030-500A

Dated: Oct. 3, 1995

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

By: \_\_\_\_\_

*[Signature]*  
**JOHN F. TAVAGLIONE**

Chairman, Flood Control and  
Water Conservation District

STATE OF CALIFORNIA            )  
  )ss  
COUNTY OF RIVERSIDE         )

On October 3, 1995 before me, the undersigned, as Clerk of  
the Board of Supervisors of the Riverside County Flood Control and  
Water Conservation District, State of California, personally appeared  
John F. Tavaqlione

\_\_\_\_\_ personally known to me to be the  
person who executed this instrument as the Chairman of the Board of  
Supervisors of said District, and acknowledged to me that the  
Riverside County Flood Control and Water Conservation District  
executed it.

GERALD A. MALONEY  
Clerk of the Board of Supervisors

By: \_\_\_\_\_

*[Signature]*  
Deputy

10/3/95 10.3

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  $89^{\circ} 17' 26''$  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  $39^{\circ} 54' 50''$  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  $00^{\circ} 09' 42''$ , an arc distance of 22.29 feet;

Thence North  $40^{\circ} 47' 30''$  East, a distance of 67.77 feet to the Point of Beginning;

Thence South  $68^{\circ} 16' 21''$  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  $24^{\circ} 25' 22''$ , an arc distance of 59.68 feet;

Thence North  $49^{\circ} 12' 30''$  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  $17^{\circ} 27' 07''$  East;

Thence Easterly along the arc of said curve through a central angle of  $39^{\circ} 10' 36''$ , an arc distance of 82.05 feet;

Thence North  $68^{\circ} 16' 21''$  East, a distance of 63.46 feet;

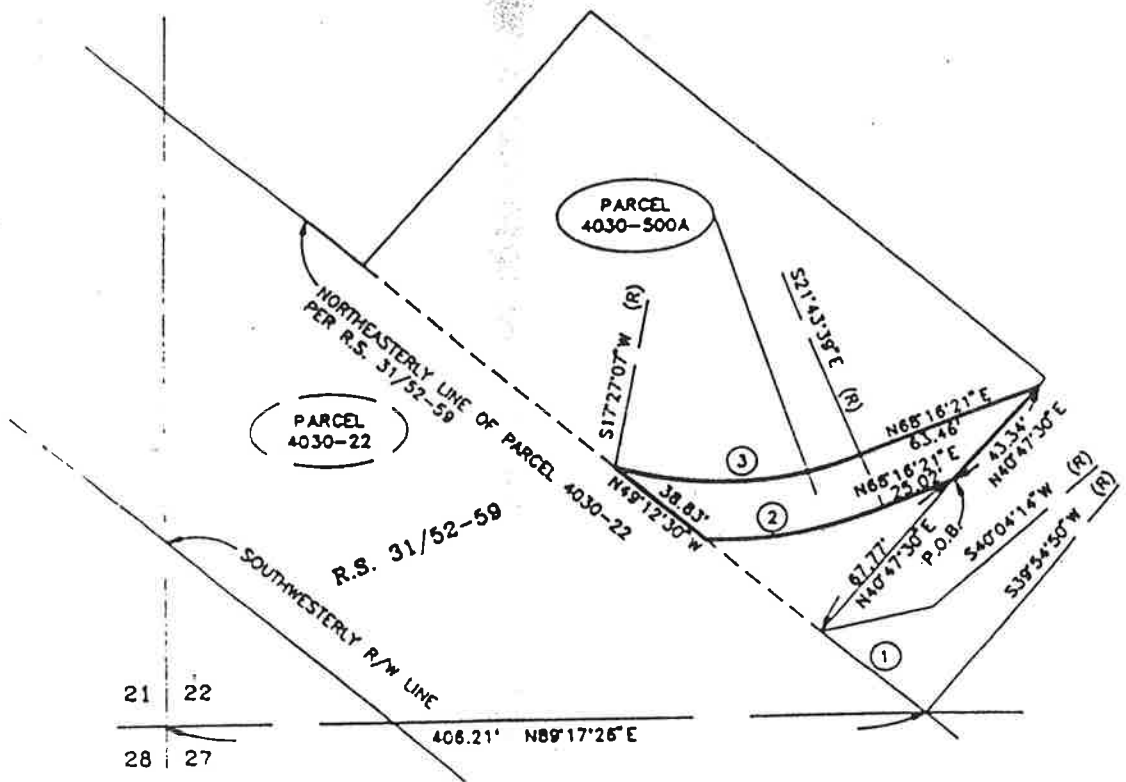
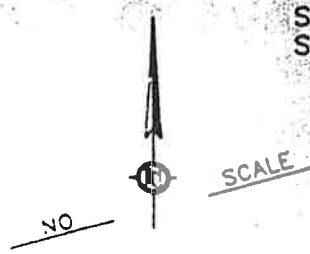
Thence South  $40^{\circ} 47' 30''$  West, a distance of 43.34 feet to the Point of Beginning.

  
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.



R/W CURVE DATA				
#	Δ =	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

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.

PAR.: 4030-500A

PREPARED BY: C.M.M.

SCALE: NO SCALE

DATE: APRIL 8, 1993

SHEET 1 OF 1

APPROVED BY: *William H. Young*  
DATE: APRIL 13, 1993

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

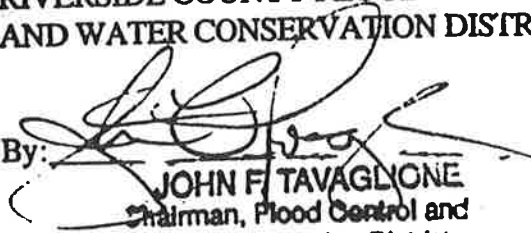
10/3/95 103

Project: Bautista Creek Channel  
Parcel: 4030-500A

Dated: October 3, 1995

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

By:

  
JOHN F. TAVAGLIONE  
Chairman, Flood Control and  
Water Conservation District

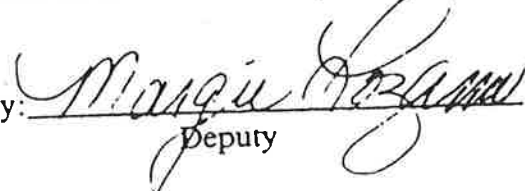
STATE OF CALIFORNIA            )  
  )ss  
COUNTY OF RIVERSIDE        )

On October 3, 1995 before me, the undersigned, as Clerk of the Board of Supervisors of the Riverside County Flood Control and Water Conservation District, State of California, personally appeared John F. Tavaglione

\_\_\_\_\_ personally known to me to be the person who executed this instrument as the Chairman of the Board of Supervisors of said District, and acknowledged to me that the Riverside County Flood Control and Water Conservation District executed it.

GERALD A. MALONEY  
Clerk of the Board of Supervisors

By:

  
Deputy

10/3/95 10.3



BAUTISTA CREEK CHANNEL  
PARCEL 4030-500A

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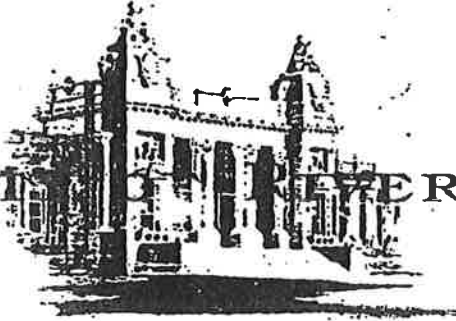
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WILLIAM H. YOUNG

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

# COUNTY 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

DATE: DECEMBER 31, 1992

RE: ROBERT MAYBEE DISPUTES

A handwritten signature in dark ink, appearing to read "Norton Younglove", written over the printed name in the "FROM:" field.

---

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 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" siphons 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.**

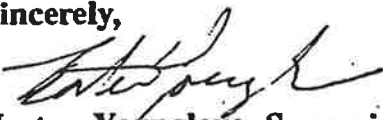
#### **V. RECOMMENDATIONS**

- 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.

WARREN D. WILLIAMS  
General Manager-Chief Engineer



1995 MARKET STREET  
RIVERSIDE, CA 92501  
951.955.1200  
951.788.9965 FAX  
www.rcflood.org

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

LETTER OF TRANSMITTAL

Mr. Robert Mabee  
3086 Miguel Street  
Riverside, CA 92506

Date: December 28, 2010

Dear Mr. Mabee:

Re: Bautista Creek Channel  
Easement Deed  
Parcel 4030-500A

We are forwarding X enclosed \_\_\_ under separate cover the following items:

   Prints         Plans         Specifications         Copy of Letter      X Other

- A copy of the referenced Easement Deed dated October 3, 1995.

These are transmitted as checked below:

<u>  </u> For approval	<u>  </u> Approved as submitted	<u>  </u> Resubmit <u>  </u> copies
<u>  </u> For your use	<u>  </u> Approved as noted	for approval
<u>X</u> As requested	<u>  </u> Returned for corrections	<u>  </u> Submit <u>  </u> copies for
<u>  </u> For review and comment	<u>  </u> Return <u>  </u> corrected prints	distribution

REMARKS: Be advised that following a thorough search of our records, staff could not confirm that the attached Easement Deed had ever been recorded. Should you have questions regarding this matter, please feel free to contact me.

By: Steve Thomas  
STEPHEN C. THOMAS  
Assistant Chief Engineer

Enclosure

SCT:bjp  
P8/134709

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

**FREE RECODING**

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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

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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 10.3





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PARCEL 4030-500A

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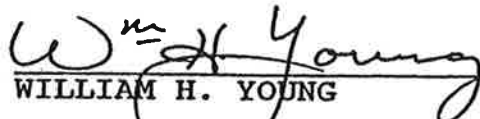
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WILLIAM H. YOUNG

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

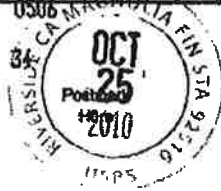
7010 0290 0002 1332 9889

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)

RIVERSIDE CA 92501  
**OFFICIAL USE**

Postage	\$	\$7.58
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>



10/25/2010

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 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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  X [Signature]  Agent  Addressee

B. Received by (Printed Name) A. TORRES 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

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

PS Form 3811, February 2004 **Domestic Return Receipt** 102505-02-M-1540

**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:** 1-25-11 **Agenda #** \_\_\_\_\_

**PLEASE STATE YOUR POSITION BELOW:**

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

\_\_\_\_\_ **Support**    \_\_\_\_\_ **Oppose**    \_\_\_\_\_ **Neutral**

*ORAL COMMUNICATION*

**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:** \_\_\_\_\_