

THE CONSOLIDATED SUPERIOR AND MUNICIPAL COURTS
OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE, WESTERN BRANCH

ROBERT D. MABEE, MARTHA A. MABEE,)
)
 Plaintiffs,)
)
 vs.) Case No. 254996
)
 COUNTY OF RIVERSIDE FLOOD CONTROL,)
)
 Defendant.)

REPORTER'S PARTIAL TRANSCRIPT OF ORAL PROCEEDINGS

Proceedings held before the Honorable Barton C. Gaut,
Judge of the Riverside County Consolidated Courts
December 11, 1996, Department 5

APPEARANCES:

For the Plaintiff: Mr. Robert D. Mabee
In Propria Persona
337 Leafwood Court
Riverside, California 92506

For the Defendant: KINKLE, RODIGER & SPRIGGS
BY: Mr. Bruce Disenhouse, Esq.
3333 Fourteenth Street
Riverside, California 92501

Reported by: Danny O. Andrews, CSR No. -10278
Reporter Pro Tempore
Riverside, California

1 RIVERSIDE, CALIFORNIA, WEDNESDAY, DECEMBER 11, 1996

2 --oOo--

3 (The following portion of proceedings were requested to be
4 transcribed by Appellant, Mr. Robert Mabee:)

5 THE COURT: Do you have any other witnesses, Mr.
6 Disenhouse?

7 MR. DISENHOUSE: No, Your Honor, not on this issue.

8 THE COURT: Mr. Mabee, do you have some witnesses that
9 you want to put on regarding this matter?

10 MR. MABEE: Yes, I do, Your Honor, and I've served
11 defendant's attorney with them quite some time back.

12 THE COURT: Let's talk about who you need and what
13 they're going to testify to. Let's go through the list of who
14 it is that you have requested and you need Mr. Disenhouse to
15 produce. This is solely on the issue, Mr. Mabee, of the
16 statute of limitations.

17 MR. MABEE: Your Honor, at this time does that also come
18 into play on these court cases that's been cited, and also
19 court cases that go back quite some time that say the taking
20 isn't necessarily the day of the taking, but when a reasonable
21 person was aware of it?

22 THE COURT: You're going to have to show, yeah, when it
23 was. Tell me who the witnesses are.

24 MR. MABEE: Here is our witnesses.

25 THE COURT: Is this the witness list you have provided?

26 MR. DISENHOUSE: I've never seen a witness list from Mr.
27 Mabee, Your Honor.

28 THE COURT: I have a request for production of

1 witnesses, notice to appear.

2 MR. DISENHOUSE: I know there are notices to appear that
3 are directed to my client, yes. I'm aware of those.

4 THE COURT: I assume that's what you're talking about.

5 MR. MABEE: Your Honor, Mr. Disenhouse has my witness
6 list. In fact he's --

7 THE COURT: I don't want to hear about it. Tell me who
8 the witnesses are you need for this case and who Mr. Disenhouse
9 has to produce, if they are under his control.

10 MR. MABEE: Plaintiff's witness list.

11 THE COURT: Not the entire list, the people that you
12 need for this issue alone.

13 MR. MABEE: These are going to be the people.

14 THE COURT: Okay.

15 MR. MABEE: Kay Cenicerros is one.

16 THE COURT: What is she going to testify to on this
17 issue? What do you expect her to testify to?

18 MR. MABEE: I believe she's going to testify that in
19 November at the time of the Court's statement of decision, that
20 she, nor no one else, including myself, was aware that we had
21 been blocked off until the County later made us aware of it.

22 THE COURT: How would she know about that? I'm not
23 going to call somebody like Kay Cenicerros in here unless she's
24 got some direct testimony on this issue.

25 MR. MABEE: She is going to, Your Honor.

26 THE COURT: What testimony? Have you talked to Kay
27 Cenicerros?

28 MR. MABEE: Have I, Your Honor, no.

1 THE COURT: How do you know what she's going to testify
2 to?

3 MR. MABEE: Part of the exhibits is going to be board
4 meetings, agendas, and it's going to be her motion that this
5 became a public road to take the place of our nonexclusive
6 private easement. It's going to tell the time.

7 THE COURT: I am not going to bring her in to testify to
8 that.

9 MR. MABEE: Then we aren't going to have our witnesses,
10 are we?

11 THE COURT: Well, you're not going to have that
12 witness. That has no relevance at all to this issue.

13 MR. MABEE: Here is the question she will be asked --
14 you want me to read the whole thing?

15 THE COURT: I want you to tell me what it is you're
16 going to ask her in generalities, how you think she's going to
17 respond, and how you know that.

18 MR. MABEE: "What was the date of the filing of case
19 187104?"

20 THE COURT: Is that the prior case? I don't need her to
21 testify to that. I can tell that by looking at the file.

22 MR. MABEE: Part of these questions were when defendants
23 were claiming this was one in the same case, but we're over
24 that now. One of the questions -- this was in her district.
25 She inspected the road at nearly every stage of the
26 construction of it. One of the questions is going to be, "What
27 was the purpose of the 40-foot public road easement, and what
28 effect did it have on plaintiff's legal access?"

1 THE COURT: I'm not going to call her for that. Mr.
2 Mabee, I guess you don't understand. Right now there is no
3 dispute that your legal access was cut off.

4 MR. MABEE: This isn't the only questions.

5 THE COURT: What else is there? You don't need to bring
6 in somebody to prove something that's clear. It's admitted,
7 and it's been testified to.

8 MR. MABEE: Seems to me that I have to prove that no
9 one, including the supervisors, knew that we were blocked off;
10 not plaintiffs either.

11 THE COURT: Mr. Mabee, how can you contend that you were
12 unaware of being blocked off when all the testimony at this
13 moment is that there was a barbed-wire fence that basically
14 blocked you off in the area you contend is your easement, and
15 it went up the area in green? Now, if you have testimony to
16 contradict that, I want to hear it.

17 MR. MABEE: They never acknowledged that until 1991.

18 THE COURT: I don't care. Mr. Mabee, listen to me.
19 They have acknowledged it in this case now, and that's what you
20 wanted to show, and it's shown. Now, my question to you is, do
21 you have some testimony which will contradict those claims?

22 MR. MABEE: Kay Cenicerros, I believe, will testify that
23 as of November 1990 when the statement of decision was handed
24 down on the nonexclusive private easement, that no one was
25 aware of the blockage. We became aware of it because I was
26 complaining about the ramp and the road. I wanted them to take
27 it out. And then finally it came out with this report from
28 Norton Younglove that not only was the ramp in the road, but we

1 had a bigger problem than that; we're blocked. We're blocked
2 off from our access. The ramp is one thing. If you could
3 still go over the ramp and get down the other side and go into
4 our property, but you can't.

5 THE COURT: The testimony, Mr. Mabee, is that you can go
6 up the ramp and you can get to your easement and follow that
7 easement out. Is that inaccurate?

8 MR. MABEE: That is inaccurate.

9 THE COURT: You bring somebody in to testify to that, or
10 you testify to it yourself. I am not going to require them to
11 bring Kay Cenicerros in to testify to something you have no idea
12 about. You have never talked to that woman.

13 MR. MABEE: I was ordered by the defendant's counsel not
14 to talk to anybody in the County.

15 THE COURT: That's right, because they're his client,
16 and you don't have the right to talk to his client, sir, and
17 you didn't take her deposition. You didn't make any effort to
18 do anything on it.

19 MR. MABEE: I didn't do a lot of things, Your Honor.

20 THE COURT: No, you didn't, and that's what the problem
21 is, sir. Who else do you need?

22 MR. MABEE: Fran Victor, Permit Engineer, Riverside
23 County.

24 THE COURT: Now, why Fran Victor? What is the relevance
25 of that testimony as it pertains to this issue?

26 MR. MABEE: We're going to show that no matter what time
27 they put this in, that there was no permits issued to do it,
28 and that we're going to show that it was done after the road

1 came into being.

2 THE COURT: What was done after the road came into
3 being?

4 MR. MABEE: The obstruction.

5 THE COURT: You think Fran Victor is going to testify to
6 that?

7 MR. MABEE: I think so.

8 THE COURT: Have you talked to him.

9 MR. MABEE: At one time, yes. David Zappe, General
10 Manager of the Riverside --

11 THE COURT: Wait a minute. Don't go beyond that. We're
12 going to deal with this one at a time. Can you get Fran Victor
13 here, Mr. Disenhouse?

14 MR. DISENHOUSE: I can certainly try, Your Honor. Mr.
15 Victor wrote a letter indicating that he made a search of
16 records and found no evidence of a permit. But to the best of
17 my knowledge, that's his only involvement in this case.

18 THE COURT: I think that we have testimony that no
19 permit was obtained to work on that road. Is that what you
20 want out of him, or is there something more?

21 MR. MABEE: We have another witness --

22 THE COURT: No, Fran Victor.

23 MR. MABEE: Yes, I think we need him, Your Honor.

24 MR. DISENHOUSE: He's a permit engineer for the
25 Transportation Department, Your Honor. He would have no
26 knowledge of what's going on out there. All he did was
27 construct -- all he did was perform a search at Mr. Mabee's
28 request. Mr. Mabee contacted him directly and requested that

1 he perform a search to determine if a permit had ever been
2 issued for anything relative to this 40-foot roadway.

3 THE COURT: Is there anything more that you want out of
4 him besides the permit, Mr. Mabee?

5 MR. MABEE: You.

6 THE COURT: What is it?

7 MR. MABEE: One will be that we'll need him and also
8 need --

9 THE COURT: Stick with him.

10 MR. MABEE: He didn't do the search, Your Honor.

11 THE COURT: What is it you need besides the permit?

12 MR. MABEE: Let it go then. Let my witness go then.

13 Mr. Fran Victor.

14 THE COURT: All right. Don Greywood, we've already
15 had. Who else?

16 MR. MABEE: David Zappe.

17 MR. DISENHOUSE: He's had no involvement with this --

18 MR. MABEE: He's going to testify that no one can pick a
19 date.

20 MR. DISENHOUSE: Bring him in. All right. Who else?

21 MR. MABEE: Gerald Doyle, Surveying Supervisor.

22 THE COURT: I don't see his name on the request.

23 MR. MABEE: It's Number 10, I believe.

24 MR. DISENHOUSE: It's not on the notice for attendance
25 at trial.

26 THE COURT: It's not on the notice for appearance?

27 MR. DISENHOUSE: It's not, Your Honor.

28 THE COURT: I am not going to make anybody appear --

1 wait, he is on it, okay. There were two of them, Mr.
2 Disenhouse.

3 MR. DISENHOUSE: There were?

4 THE COURT: Yeah, one filed October 16th, and one filed
5 September 17th.

6 MR. DISENHOUSE: What's he going to testify to, Your
7 Honor, other than the survey showed that access was blocked?
8 We've already stipulated to it.

9 THE COURT: Is that what you want to prove?

10 MR. MABEE: He's going to testify that there wasn't any
11 way for anybody to know it was blocked until the survey was
12 done.

13 THE COURT: All right, bring him in. What else?

14 MR. MABEE: The other is Gerald Stayner, Riverside
15 County Surveyor.

16 THE COURT: What is he going to testify to?

17 MR. MABEE: He's going to testify, I believe, that no
18 one, even the county surveyor, based upon the documents that we
19 have, could tell that it was blocked, much less plaintiffs.

20 THE COURT: Now, Mr. Mabee, has Mr. Stayner done any
21 survey work there?

22 MR. MABEE: He's the county surveyor, Your Honor.

23 THE COURT: No, no.

24 MR. MABEE: He's reviewed all these documents.

25 THE COURT: Mr. Mabee, that isn't enough. I mean, he is
26 the surveyor. Do you think he knows every survey that's taken
27 place in this county?

28 MR. MABEE: He's probably more knowledgeable than

1 anybody that came before the Court today on survey --

2 THE COURT: If you're calling him as an expert, you
3 can't do it.

4 MR. MABEE: No, as a lay opinion witness.

5 THE COURT: On what issue?

6 MR. MABEE: On the issue that until the County -- the
7 first acknowledgment they made that wasn't in writing was 1991
8 that we not only had a problem of the ramp in the road, but we
9 had a bigger problem that we have no legal access to our
10 property. Our legal access is blocked.

11 THE COURT: Mr. Mabee, why is it you think Mr. Stayner
12 has any information on that issue?

13 MR. MABEE: He's the county surveyor. He's
14 knowledgeable. That's his job, to survey county roads.

15 THE COURT: Have you talked to him?

16 MR. MABEE: I talked to him one time, yes.

17 THE COURT: And did you ask him about this issue?

18 MR. MABEE: Yes, we discussed -- at one time the board
19 of supervisors --

20 THE COURT: Just tell me about Mr. Stayner.

21 MR. MABEE: Yes, we've discussed it.

22 THE COURT: Did you discuss this very issue, blockage of
23 your easement?

24 MR. MABEE: Yes, Your Honor.

25 THE COURT: All right. See if you can get him in.

26 MR. DISENHOUSE: I'll try, Your Honor.

27 MR. MABEE: The other is Victor DeCastro. Mr. DeCastro
28 will testify, I believe, concerning the lack of permits that

1 put this encroachment in, and will testify as to what would be
2 required to remove them.

3 THE COURT: No, I won't listen to that testimony.
4 Encroachments are not an issue. Removal is not an issue.

5 MR. MABEE: Your Honor, is there a statute of
6 limitations on a county agency blocking a public road?

7 THE COURT: Yes, there is a statute of limitations on
8 your ability to bring an action for the County for blockage of
9 your easement, and that's what we're dealing with.

10 MR. MABEE: Blockage of my easement, Your Honor,
11 consists of the whole thing as a whole.

12 THE COURT: Of what whole thing as a whole?

13 MR. MABEE: All the blockage, not just part of it.

14 THE COURT: I understand.

15 MR. MABEE: We've already established by testimony that
16 no one has the slightest idea when the last steel post was put
17 in. It isn't in one of their contracts. No one, not one
18 witness for the County, has been able to say that they put
19 those in. We maintain that that work never stopped.

20 THE COURT: Mr. Mabee, I'm not even going to comment on
21 that. That's a misstatement of the evidence completely. Let's
22 bring this gentleman in, DeCastro. Is that the end of your
23 testimony, sir?

24 MR. MABEE: I would like to have Jay Vickers, Deputy
25 County Counsel.

26 THE COURT: No. What would he testify to?

27 MR. MABEE: I believe he'll testify that according to
28 one of the depositions, which I'll have tomorrow on

1 Mr. Edwards, that he knew that the required permits -- he knew
2 that it wasn't done at that time, that it was a continuing
3 thing. John Towles --

4 THE COURT: One at a time. I will not bring in Mr.
5 Vickers. Who else do you need?

6 MR. MABEE: John Towles.

7 THE COURT: No, I will not bring in him. You've got
8 your choice. I've told you I would bring in this one fellow
9 from the permitting. You've got your choice. You can either
10 bring in -- we're not going to go into the permits. There has ✓
11 been testimony that there were no permits, and I don't ✓
12 understand how that could possibly have any relevance to this
13 issue, Mr. Mabee. So I'm not going to bring him in.

14 MR. MABEE: Your Honor, I believe there's a statute of
15 limitations as far as someone can be prosecuted for these
16 encroachments if they're blocking plaintiff in the public road,
17 but I don't believe there's a statute of limitations that the
18 County ordinance that governs that remove those encroachments,
19 which I went before the board for 40-some weeks and --

20 THE COURT: I'm not even going to comment on that,
21 because that's not our issue here. I don't know whether you
22 can have that removed or not. The question here is whether or
23 not the statute of limitations runs on your claim.

24 MR. MABEE: At what point then will we be able to bring
25 in before the Court -- there are, I believe, as the Court
26 knows, two defenses to the statute of limitations. One is
27 estoppel --

28 THE COURT: When you've presented your testimony and

1 you're done, and Mr. Disenhouse is done, I'll listen to your
2 argument, and I'll listen to his argument.

3 MR. MABEE: How about the part -- how about the cases
4 that cite that it's not at the time of the taking but then --

5 THE COURT: Mr. Mabee, the legal argument comes in after
6 you've put on your testimony.

7 MR. MABEE: That's what I wanted to know.

8 THE COURT: That's what I've told you now four times, so
9 please don't ask me again. When all of the testimony is done,
10 I'll let you argue your case.

11 MR. MABEE: Are you talking the testimony just on the
12 statute of limitations or the whole case?

13 THE COURT: No, I'm just letting you argue your legal
14 case when the questions of the statute of limitations have been
15 presented and your evidence on it.

16 MR. MABEE: Thank you, Your Honor.

17 THE COURT: Now, I've got one, two, three, four
18 witnesses. Are you going to testify for yourself?

19 MR. MABEE: Yes, Your Honor.

20 THE COURT: And is your wife going to testify?

21 MR. MABEE: No, Your Honor.

22 THE COURT: All right. Now, that's five witnesses. Is
23 there anybody else that you're going to have?

24 MR. MABEE: Up to this point on the statute of
25 limitations, I don't believe so, Your Honor.

26 THE COURT: Now, Mr. Mabee, I expect to have this done
27 no later than tomorrow afternoon. I expect you to argue on
28 your legal issues tomorrow afternoon. Please have everything

1 here that you need. Please have any exhibits here that you
2 need. Please have any depositions or any transcripts that you
3 need.

4 MR. MABEE: Will you rule also on this? I don't think
5 we've seen a ruling yet on this plaintiff's motion in limine on
6 estoppel --

7 THE COURT: Sir, I'll tell you, and I've told you, you
8 can argue that issue when the evidence is done.

9 MR. MABEE: All right.

10 THE COURT: Please don't ask again.

11 MR. MABEE: It will be done at one time and not a
12 separate thing?

13 THE COURT: We're going to argue the whole question.

14 MR. MABEE: Okay.

15 THE COURT: I'll see you tomorrow morning at 9:30, and
16 have everything ready because we're going to be done tomorrow
17 on this issue.

18 Neither one of you moved into evidence your
19 exhibits. You may want to talk about that tomorrow.

20 MR. DISENHOUSE: I will, Your Honor.

21 THE COURT: Okay.

22

23 (WHEREUPON A RECESS WAS TAKEN)

24

25

26

27

28

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



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 G

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

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

7595 COPY \$10.00

BCHECK \$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: Ruster, 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

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.

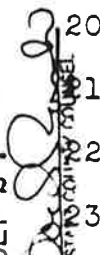
13 BE IT FURTHER RESOLVED AND DETERMINED that the
14 General Manager-Chief Engineer is authorized to execute all
15 documents associated with the conveyance.

16
17 Roll Call:

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

FORM APPROVED
COUNTY COUNSEL

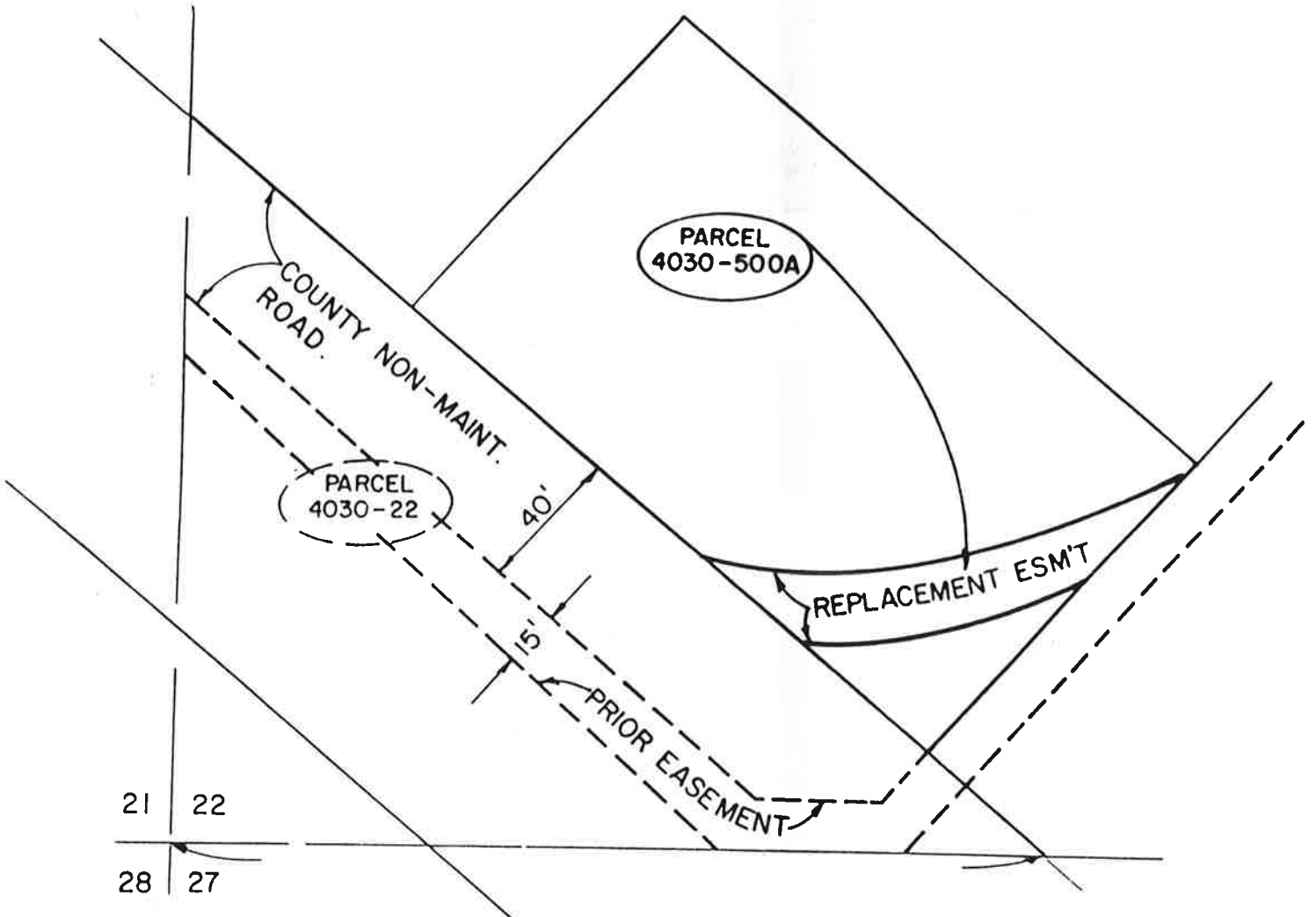
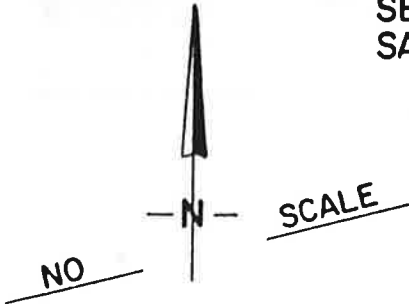
SEP 27 1995

BY 
COUNTY COUNSEL

21
22
23
24
25
26
27 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 27281)

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. 88-194 of the Board of Supervisors adopted May 13, 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.

Dated 5-11-88

County of Riverside

By Larry D. Smith
Larry D. Smith
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 5192)

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

William F. Brandy
Recorder

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

127298

DATED APR 12 1988

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

By *Melba Cunlap*
Chairman

State of California)
County of Riverside) ss.

On April 12, 1988 before me personally appeared
Melba Cunlap 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

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

01930

Project 4030
Bautista Creek Channel

RECEIVED FOR RECORD

AUG 9 1965

15 Min. Part B project
Rev. G. M. Bautista

Recorded in Office of Records
of Riverside County, California

W. H. DeLoach

RECORDS

Transfer records from A. J. S. Cook
P. O. Box 1033, Riverside, California
number and year in file

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.

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

EXHIBIT 'B'

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;

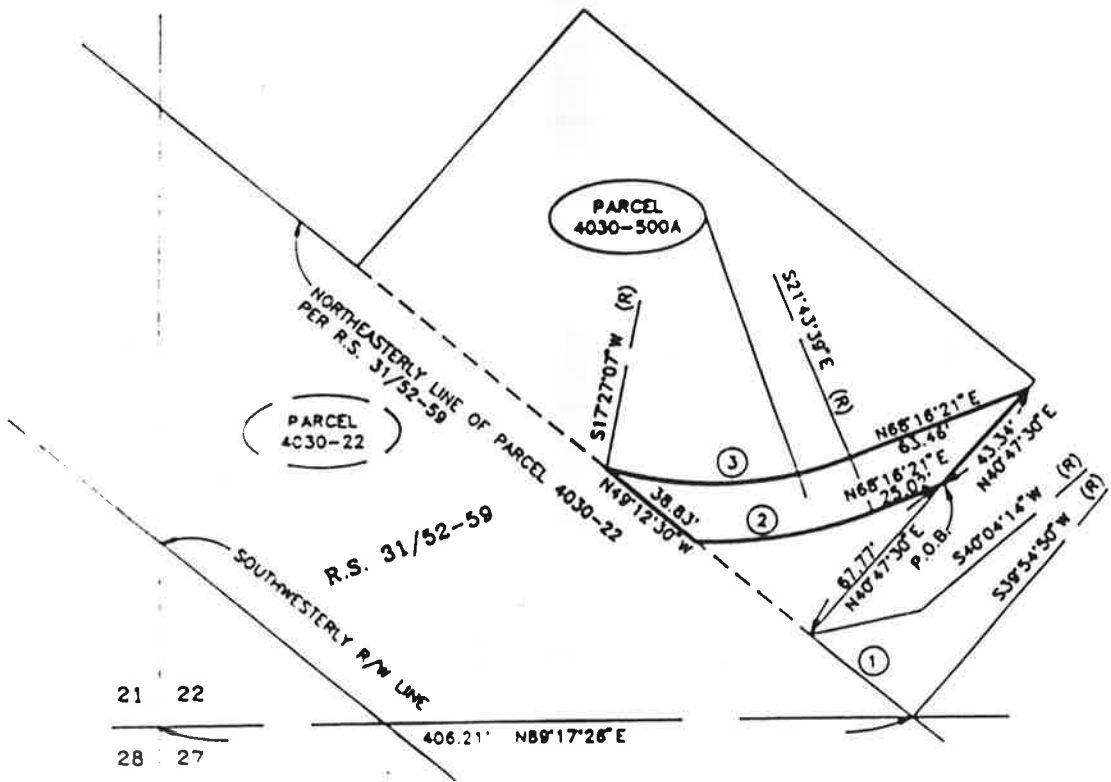
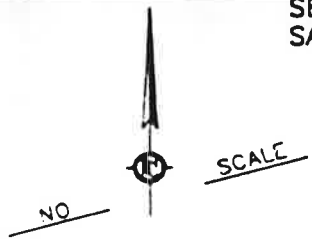
Thence South $40^{\circ} 47' 30''$ West, a distance of 43.34 feet to the Point of Beginning.


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.



21 22
28 27

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: *Wm. Young*

DATE: *April 13, 1993*

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

LARIETI 'B'

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;

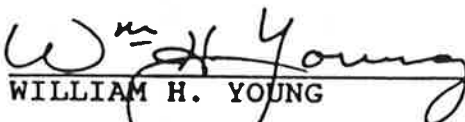
Thence Westerly along the arc of said curve through a central angle of $24^{\circ} 25' 22''$, an arc distance of 59.68 feet;

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;

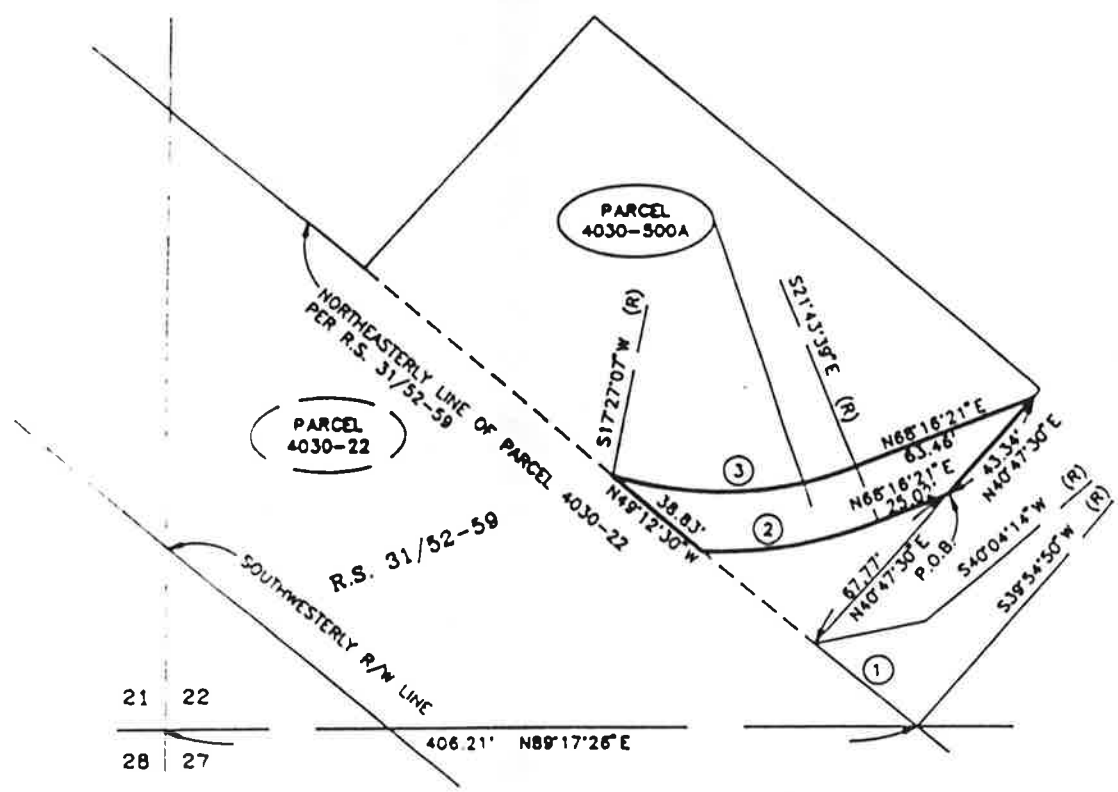
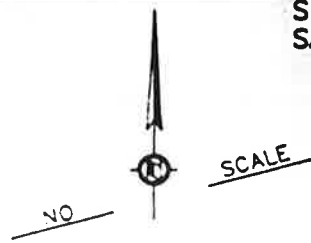
Thence South $40^{\circ} 47' 30''$ West, a distance of 43.34 feet to the Point of Beginning.


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.



21 22
28 27
406.21' N89°17'26"E

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
	DATE: APRIL 8, 1993
APPROVED BY: <i>W. L. Young</i>	SHEET 1 OF 1
DATE: <i>April 13, 1993</i>	

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

LAW 111 '6'

**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;

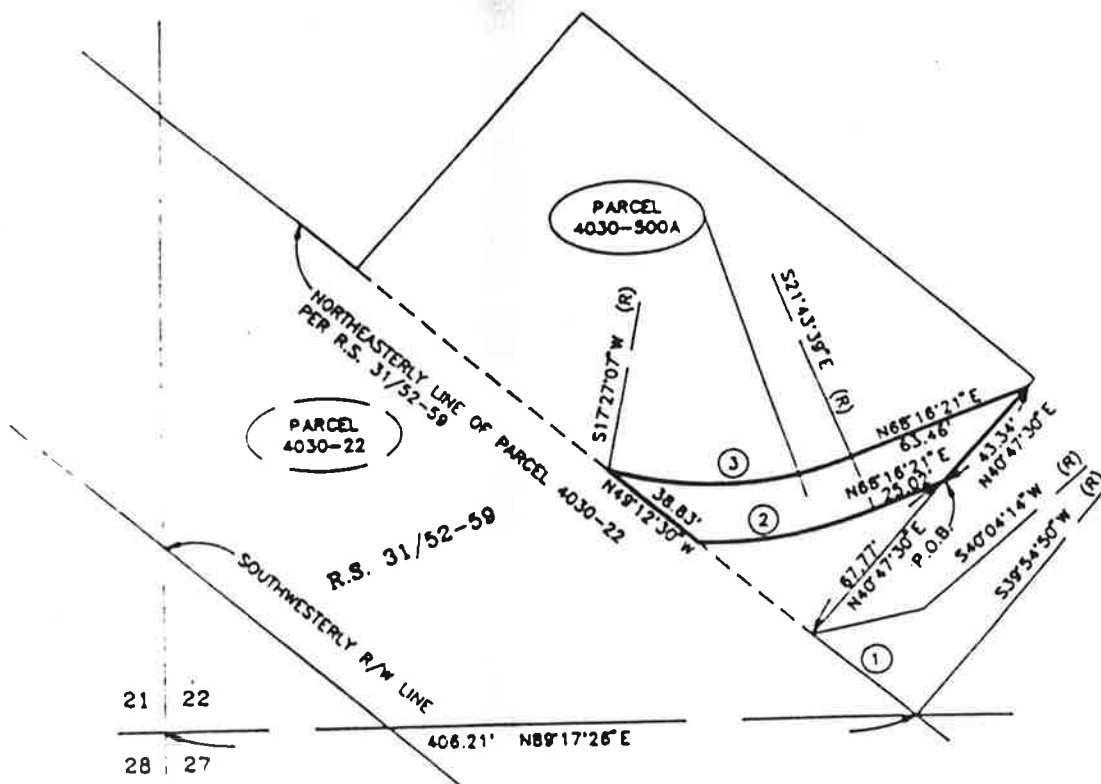
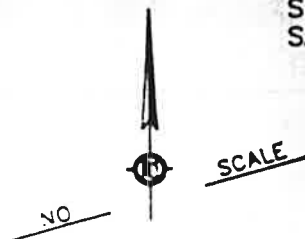
Thence South $40^{\circ} 47' 30''$ West, a distance of 43.34 feet to the Point of Beginning.


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

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.P. 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 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

EXHIBIT "B"

**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;

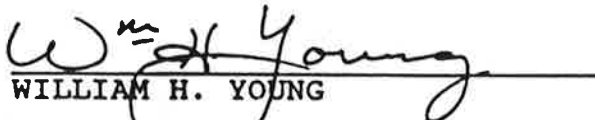
Thence Westerly along the arc of said curve through a central angle of $24^{\circ} 25' 22''$, an arc distance of 59.68 feet;

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

K. EDWARDS

SPECIFICATIONS and CONTRACT DOCUMENTS

for the CONSTRUCTION of

**BAUTISTA CREEK
CHANNEL**

MODIFICATION OF SIDE DRAINAGE

PROJECT NO. 4-0-030

in

RIVERSIDE COUNTY, CALIFORNIA

RECEIVED

MAY 0 2007

D.A.'S Office

Riverside

**Riverside County Flood Control
and Water Conservation District**

The above agencies shall also be advised of any major change in the construction schedule that could restrict pedestrian or vehicular traffic.

6.4 Public Convenience and Access - The Contractor shall provide continuous access to all private property. Additional provisions shall be made as necessary to protect the public and accommodate traffic with a minimum of inconvenience.

Several residents and grove operators currently use the project right of way as access to Fairview Avenue. The Contractor shall notify each resident in writing 3 days in advance of construction across affected private roadway entrances. Such notice shall contain the expected day and period of time (not to exceed 24 hours) that the roadway entrance is to be out of service. A copy of each letter shall be submitted to the Engineer.

A minimum 12-foot wide travel lane shall remain open to traffic at all times throughout the length of the project.

Partial closures of the traveled way implemented by the Contractor shall be related to actual work being performed at the time. Partial closures shall not be maintained if work is not being performed. If the existing partial closure is not essential to the type of work being performed at the time, the traveled way shall immediately be restored to a safe condition for public use.

6.5 Riverside County Road Department Encroachment Permit - The Contractor shall comply with all of the requirements of the encroachment permit issued to the District by the County Road Department. The permit is on file in the District office, 1995 Market Street, and is available for review upon request.

6.6 Optional Disposal Site - The Contractor shall note that an optional disposal site is available adjacent to the training levee at Station 208+00, as shown on the drawings. Rock, concrete and other inorganic material only may be disposed of at this location as directed by the Engineer. Organic materials, asphalt, and rubbish shall not be disposed of at this location. Materials in excess of 2 feet in any dimension shall not be disposed of at this optional site. All rock and concrete materials shall be buried a minimum 2 feet below finished grade. Compaction of material placed in the disposal site will not be required other than by wheel rolling with loaders or other heavy equipment. The finished area shall be left neatly graded, shall be free of sumps and shall have sufficient slope for proper drainage.

6.7 Construction of Oiled Roadway Surface - The Contractor's attention is directed to "Instructions to Bidders", Page IV of these Specifications and note that the District expressly reserves the right to eliminate certain items from the work.

RECEIVED

PERFORMANCE BOND

Executed in Quadruplicate
Premium: \$2,269.00
Bond No. B1448348

Recitals:

1. McLaughlin Construction, Inc.
(Contractor) has entered into an Agreement dated 9-20-88 with the Riverside County Flood Control and Water Conservation District (District) for construction of public work known as Project No. 4-0-030, Bautista Creek Channel Modification of Side Drainage.
2. Reliance Insurance Company, a Pennsylvania corporation (Surety), is the surety under this Bond.

Agreement: We, Contractor as principal, and Surety as surety, jointly and severally agree, state, and are bound unto District, as obligee, as follows:

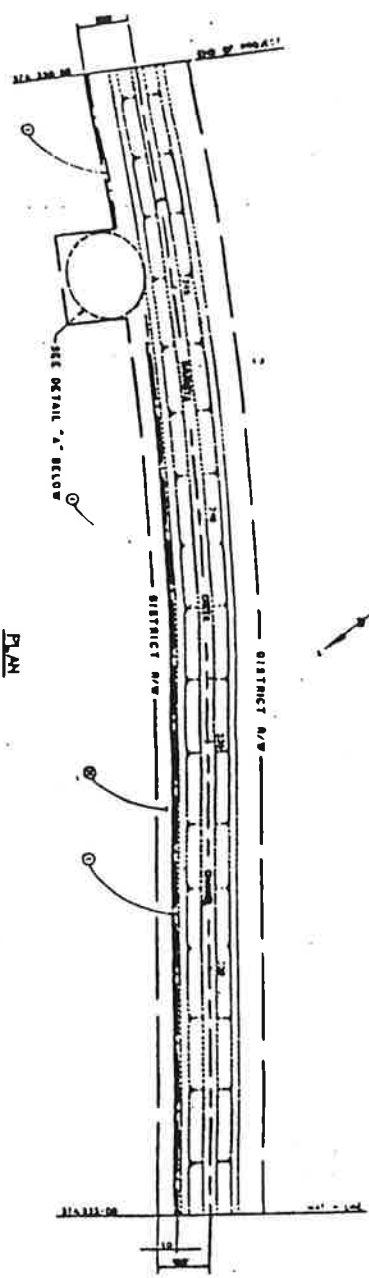
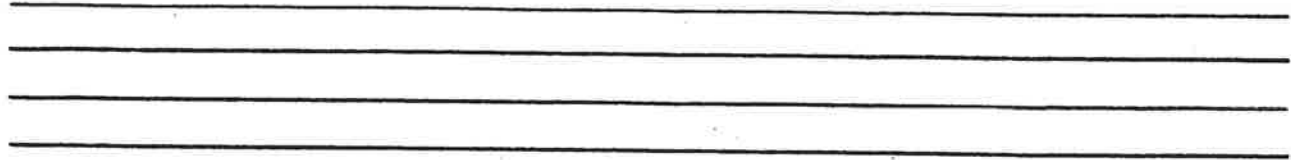
1. The amount of the obligation of this Bond is 100% of the estimated contract price for the Project of \$ 157,548.38 and inures to the benefit of District.
(One hundred fifty seven thousand five hundred forty eight and 38/100's)
2. This Bond is exonerated by Contractor doing all things to be kept and performed by it in strict conformance with the Contract Documents for the Project, otherwise it remains in full force and effect for the recovery of loss, damage and expense of District resulting from failure of Contractor to so act. All of said Contract Documents are incorporated herein.
3. This obligation is binding on our successors and assigns.
4. For value received, Surety stipulates and agrees that no change, time extension, prepayment to Contractor, alteration or addition to the terms and requirements of the Contract Documents or the work to be performed thereunder shall affect its obligations hereunder and waives notice as to such matters, except the total contract price cannot be increased by more than 25% without approval of Surety.

THIS BOND is executed as of October 7, 1988
McLaughlin Construction, Inc. Reliance Insurance Company
 By Jerry McLaughlin By Martha J. Chase
 By Jerry McLaughlin Type name Martha J. Chase
 Title President Its Attorney in Fact
(Contractor) (Surety)

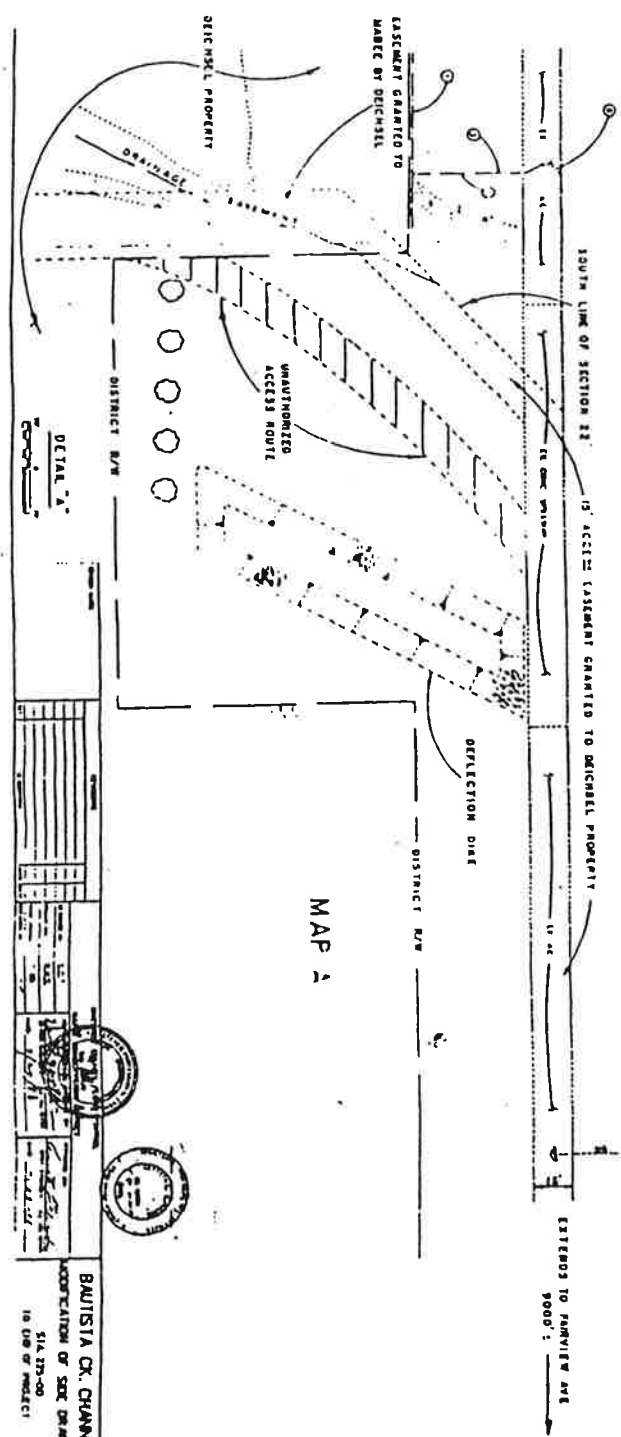
NOTE: This Bond must be executed by both parties with corporate seal affixed. All signatures must be acknowledged (attach acknowledgments).

- XVII RECEIVED

MAY 0 2007
D.A.'S Office
Riverside



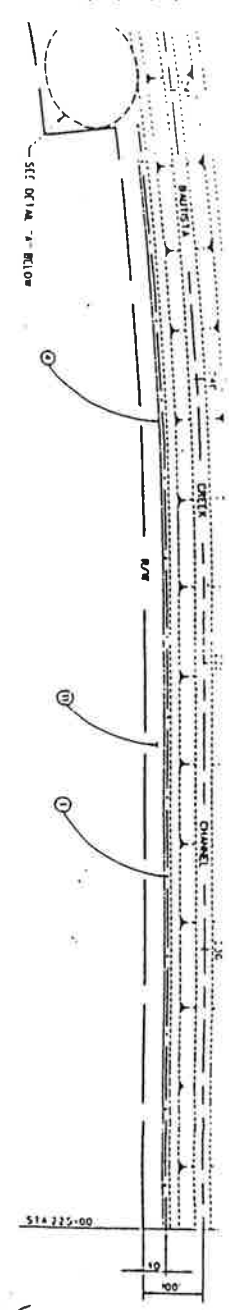
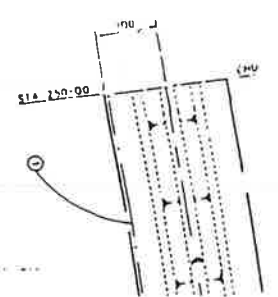
PLAN



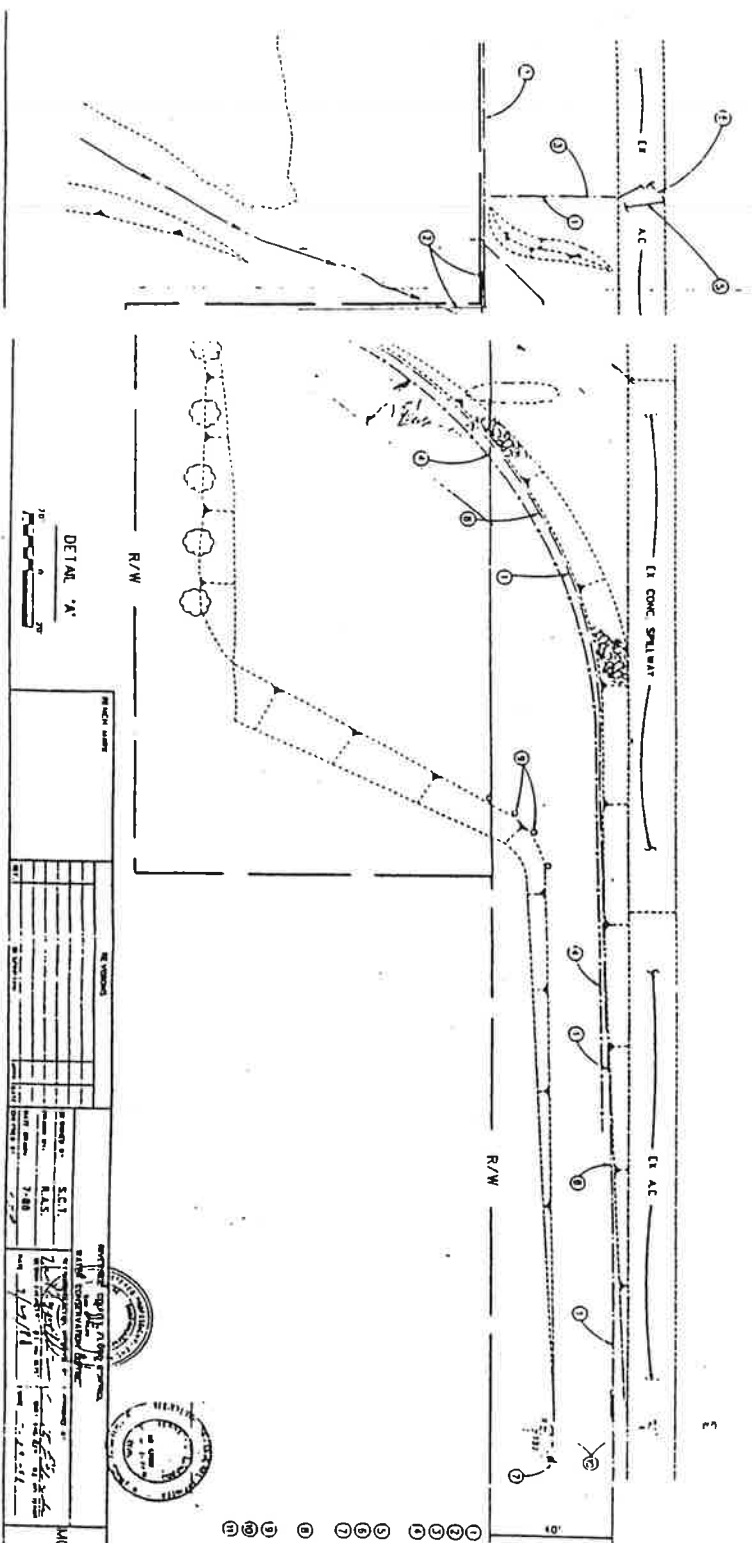
MAP 2

DATE	1/15/50
BY	[Signature]
CHECKED BY	[Signature]
APPROVED BY	[Signature]
TITLE	BAUJISIA CR. CHANNEL
DESCRIPTION OF WORK	MODIFICATION OF SOE DRAINAGE
SCALE	1/4" = 10'
PROJECT NO.	10 010 01

2.1.1. 09 1950



PLAN
1" = 50'



NOTES

- 1) INSTALL & CHAIN LINE FENCE PER STD. DWG. U801
- 2) INSTALL CABLE BARRIER PER DETAIL ON SH1, 7.
- 3) REMOVE EX. CABLE BARRIER.
- 4) REMOVE & SALVAGE EX. BARBED WIRE FENCE & ALL POSTS.
- 5) REMOVE & SALVAGE EX. PER. SIGN. GATE.
- 6) INSTALL W/ DOOR & CONC. GATE PER STD. U801.
- 7) INSTALL TYPE 'T' OBJECT MARKER PER CALTRANS STD. A74-A.
- 8) SET FENCE POSTS AT 7' OFFSET FROM TOP OF SLOPE.
- 9) PROTECT EX. GATE NUMBER IN PLACE.
- 10) PROTECT EX. W/ 1' APPROXIMATIONS IN PLACE.
- 11) CONCRETE DRIED ROUGHWAY 24" ACI FROM STA. 153+40 TO STA. 243+50 PER DETAIL ON SH1, 6.

PROJECT NO.	4-0-030
PROJECT NAME	BAUTISTA CK. CHANNEL
DATE	4-507
SCALE	1" = 50'
STATIONING	STA 225+00 TO STA 230+00
PROJECT TO END OF PROJECT	5 OF 15

WORK IN PUBLIC ROAD BY FLOOD CONTROL AND CONTRACTOR AFTER JULY-29-1988-ROAD RECORDED-MAY-12-1988 PERMITS REQUIRED

JULY 29-1988

To be recorded with County Recorder within 10 days after completion. No recording fee.

15987

When recorded, return to:

Notice of Completion

Civil Code § 3093 - Public Works

RECEIVED FOR RECORD
Min. Post. 10 clock P.M.

JAN 18 1989
Recorded in Official Records
of Riverside County, California
William E. Stoney
RECORDER
Fee \$

(For Recorder's use)

Notice is hereby given by the undersigned owner, a public entity of the State of California, that a public work of improvement has been completed, as follows:

Project title or description of work: Bautista Creek Channel, Modification of Side Drainage, #4-0-030

Date of completion: Date as set forth below

Nature of owner: District, Public

Interest or estate of owner: Fee Title

Address of owner: County Administrative Center, Riverside, California

Name of contractor: McLaughlin, Construction, Inc.

Street address or legal description of site: Parcels 4030-16, -17, -17B, -19A, -20 and -22 of R/S 31/52-59 recorded April 1960.

Dated: January 17, 1989

Owner: Riverside County Flood Control and Water Conservation District
(Name of public entity)

By: [Signature]
Title Chairman, Board of Supervisors

STATE OF CALIFORNIA) ss
COUNTY OF RIVERSIDE)

I am the Chairman of the governing board of the Riverside County Flood Control and Water Conservation District the public entity which executed the foregoing notice and on whose behalf I make this verification; I have read said notice, know its contents, and the same is true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Riverside, California on January 17, 1989 (Date)

[Signature]

EACH DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED IS CERTIFIED TO BE A FULL TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE AND OF RECORD IN MY OFFICE.

County Counsel Form 1 (Rev. 5-71)

1/30/97
GERALD A. MALONEY
Clerk of the Board of Supervisors
County of Riverside, California

Xc: Flood & Aud.

By: [Signature], Deputy

7-21-77-89



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
911 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90017-3401

REPLY TO
ATTENTION OF:

July 1, 1996

Office of the Chief
Regulatory Branch

Mr. Robert Mabee
337 Leafwood Ct.
Riverside, California 92506



Dear Mr. Mabee:

Reference is made to your letters, dated June 7, 1996 and May 22, 1996, and letter dated June 10, 1996 received from Congressman Ken Calvert's office, and our previous letters sent to you dated June 6, 1996 and May 7, 1996 concerning the work done by Riverside County Flood Control and Water Conservation District (RCFCWCD) in the Bautista Creek Channel and an unnamed tributary, Riverside County, CA. In your latest letter, you ask three questions.

The first question is did the Corps at any time authorize or approve of the permanent fill in the public road, and by what authority? Our answer is no, we did not authorize or approve of the permanent fill in the public road as we had no authority over the permanent fill. The second question is did the Nationwide 26a permit authorize the permanent fill in the public road? The answer is no, the Nationwide 26a permit did not authorize permanent fill in the public road as the fill was outside Corps jurisdiction. The third question, is the Corps aware of any other permits that would authorize the permanent fill in the public road? The answer is no, the Corps is not aware of any other permits that would authorize the permanent fill in the public road.

We hope this letter further answers your questions and if you have any questions, please contact Robert R. Smith Jr. of my staff at (213) 452-3419. Please refer to this letter and 96-00213-RRS in your reply.

Sincerely,

Michal R. Robinson
Colonel, Corps of Engineers
District Engineer

Copies Furnished:
Congressmen Ken Calvert
Riverside County Flood Control and
Water Conservation District

RECEIVED

MAY 0 3 2007

D.A.'S Office
Riverside



DEPARTMENT OF THE ARMY

LOS ANGELES DISTRICT, CORPS OF ENGINEERS

P.O. BOX 2711

LOS ANGELES, CALIFORNIA 90053-2325



REPLY TO
ATTENTION OF

Office of the
District Counsel

EXHIBIT

C E R T I F I C A T E

I, ROMAN J. ZAWADZKI, Assistant District Counsel, Office of Counsel, U. S. Army Engineer District, Los Angeles, do hereby certify that the within and attached copy is a true and correct copy of a letter, dated July 1, 1996 to Mr. Robert Mabee from Colonel Michal R. Robinson regarding work by Riverside County Flood Control and Water Conservation District in Bautista Creek Channel.

A copy of the original document (letter) is on file at the offices of the Los Angeles District, U.S. Army Engineer District, at Los Angeles, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the original seal of the U. S. Army Engineer District, at Los Angeles, California, this 21st day of October 1996.

ROMAN J. ZAWADZKI
Assistant District Counsel



COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY



Transportation Department

David E. Barnhart
Director of Transportation

July 22, 1996

Mr. Mabee:
337 Leafwood Court
Riverside, California 92506

Dear Mr. Mabee:

I am in receipt of your letter dated July 16, 1996 requesting information under the Freedom of Information Act about the issuance of an encroachment permit to the Riverside County Flood Control District to do work within the dedicated road right of way along Bautista Creek, subsequent to May 12, 1988.

We have searched our records and have been unable to determine whether or not an encroachment permit was issued for the Flood Control District to work within the dedicated road right of way.

Very truly yours,

Fran Victor,
Permit Engineer

FV:py

cc: J. Vickers, Co. Counsel
D. Barnhart, Director of Transportation

96 SEP 10 AM 8:22

RECEIVED RIVERSIDE COUNTY
CLERK / BOARD OF SUPERVISORS



DEPARTMENT OF THE ARMY

LOS ANGELES DISTRICT CORPS OF ENGINEERS

P.O. BOX 532711

LOS ANGELES, CALIFORNIA 90053-2325

May 27, 2008

REPLY TO
ATTENTION OF

Mr. Steve Stump
Operations and Maintenance
Riverside County Flood Control and
Water Conservation District
1995 Market Street
Riverside, CA 92501

Dear Mr. Stump:

On May 13, 2008, in response to a citizen concern, two engineers from the U.S. Army Corps of Engineers, Los Angeles District, Hydrology and Hydraulics Branch, conducted a field investigation of Bautista Creek Channel in Hemet, Riverside County, California. The purpose for the field investigation was to evaluate whether "drainage levee" modifications within the Riverside County Flood Control and Water Conservation District (RCFCWCD) right-of-way in the Bautista Creek Channel have compromised the project's original design performance. The Field Investigation Report is enclosed.

Based on the field investigation, we concluded that one of the modifications within the RCFCWCD right-of-way may compromise the project's original design performance. In addition, two of the modified "drainage levees" need maintenance.

We therefore recommend: 1) For the "drainage levee" at channel station 244+25, either a) the excess fill be removed and the original "drainage levee" be exposed; or b) the existing concrete spillway be extended upstream 50 ft and the low spots in the fill be raised to prevent sheet flow from undermining the sideslope paving and cause channel failure and, 2) For the "drainage levees" at channel stations 196+50 and 208+00, the vegetation on the levees be removed and the stone revetment be inspected to ensure that the size and thickness match the as-built construction plans.

If you have any questions or concerns about this matter please contact either Mr. Van Crisostomo or Mr. Rick Andre of my staff at (213) 452-3558 or (213) 452-3564 respectively.

Sincerely,

Robert E. Koplin, PE

Chief, Engineering Division

Enclosure

MEMORANDUM FOR RECORD

SUBJECT: Field Investigation, Bautista Creek Channel, Right Bank, From the Fairview Avenue Bridge to Station 246+25, Hemet, California

1. References:

a. Email from LTC Anthony G. Reed, Subject: Mr. Mabee's Two Concerns, dated 19 April 2008.

b. *General Design for Bautista Creek Channel, Design Memorandum No. 2, San Jacinto River and Bautista Creek Improvements*, U.S. Army Corps of Engineers, Los Angeles District, dated September 1959

c. *Bautista Creek Channel, As-built Construction Plans*, File No. 172, U.S. Army Corps of Engineers, Los Angeles District, dated October 1961

d. Letter from the Corps to Riverside County Flood Control District, Subject: Approval of Bautista Creek Channel Levee Modification (EE88-23), dated 14 December 1987.

2. On 13 May 2008, Messrs. Van Crisostomo and Rick Andre of the Hydrology and Hydraulics Section inspected the subject site pursuant to a request by LTC Anthony G. Reed, Deputy District Commander, Los Angeles District, U.S. Army Corps of Engineers (Ref. 1a). The purpose for the field investigation was to evaluate whether "drainage levee" modifications within the Riverside County Flood Control and Water Conservation District (RCFCWCD) right-of-way in the Bautista Creek Channel have compromised the project's original design performance.

3. Mr. Crisostomo and Mr. Andre were met at the project site by Mr. Robert Mabee, a local resident, who acted as their escort for the site visit. The inspection focused on a 1.7 mile reach of the right bank of the channel from the Fairview Avenue Bridge to approximately station 244+25. Mr. Mabee claimed that RCFCWCD altered several "drainage levees" and changed the drainage pattern of the sheet flow entering the channel.

4. This reach of the Bautista Creek Channel is an incised, trapezoidal concrete-lined channel. The basewidth is 25 ft and the sideslopes are 2:25 to 1. The channel depth is between 11.5 to 12 ft. The design flow rate for this reach is 16,500 cfs. The flow is supercritical with a velocity of 45 ft/s. The concrete channel itself is well-maintained. Along the right bank (looking downstream) of the channel are three "drainage levees" that direct sheet flow towards the channel.

Enclosure

CE SPL-ED-HH

SUBJECT: Field Investigation, Bautista Creek Channel, Right Bank, From the Fairview Avenue Bridge to Station 246+25, Hemet, California

5. The Design Memorandum (Ref. 1b) and as-built construction plans (Ref. 1c) were checked to determine if the "drainage levees" are original project features and to confirm their intended function. According to the Design Memorandum, "Side-drainage investigations indicated that large side flows would reach the channel along the right (northeast) bank. Because the top of the channel would be at or near ground level, these flows would be discharged over the top of the channel banks for nearly the entire length of the channel. Therefore, the maintenance roadway along the right bank would be paved to prevent undermining of the side-slope paving. Low cross dikes may be required at intervals to divert the flow into the channel; the specific locations of these dikes would be determined before contract plans and specifications are complete." Furthermore, the as-built construction plans confirm that the "drainage levees" were constructed as part of the Bautista Creek Channel project. In addition, concrete spillways were constructed at the end of these "drainage levees" to prevent the undermining of the concrete sideslope when sheet flow from the surrounding drainage areas flows into the channel (Attachment 1).

6. Per Reference 1d, the Corps approved a permit for the RCFCWCD to modify these "drainage levees". Except for the "drainage levee" at station 244+25, the proposed modifications were followed, i.e. the "drainage levees" were truncated approximately 20 ft to widen the maintenance road and then the existing concrete spillway extended to the end of the truncated "drainage levee" (Attachment 2). At station 244+25 the "drainage levee" was not truncated as indicated in the approved permit plans. Instead, it was buried with miscellaneous fill (it is unknown who placed the fill). This fill alters the sheet flow drainage pattern and causes the flow to enter the channel over parts of the right bank not protected by a concrete spillway. This could potentially undermine the sideslope paving and cause channel failure. Originally, the side inflow from the surrounding drainage area was wide and shallow, confined at the downstream end by the "drainage levee" and the upstream end by high ground (Attachment 3). Now, because of the fill, the sheet flow is now concentrated, and the fill may not be high enough to direct all the sheet flow towards the channel. There are low spots along the fill that would likely be overtopped during high flow events and may cause sheet flow to go over parts of the right bank not protected by a concrete spillway

7. In addition to concerns about the construction of the "drainage levee" at station 244+25, Messrs. Andre and Crisostomo observed that the "drainage levees" at station 196+50 and 208+00 are overgrown with vegetation. Also, the stone revetment for these "drainage levees" is thin at some locations.

8. Based on the field investigations, we concluded that one of the modifications within the RCFCWCD right-of-way may compromise the project's original design performance. In addition, two of the modified "drainage levees" need maintenance.

WARREN D. WILLIAMS
General Manager-Chief Engineer



1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
FAX 951.788.9965
www.floodcontrol.co.riverside.ca.us

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

July 3, 2008

Mr. Robert Koplin, Chief
Engineering Division
U. S. Army Corps of Engineers
Post Office Box 532711
Los Angeles, CA 90053-2325

Dear Mr. Koplin:

Re: Bautista Creek Channel

We are in receipt of your letter dated May 27, 2008 (copy attached) regarding the District's Bautista Creek Channel. Upon receipt of your letter, Steve Stump (the District's Chief of Operations), our Maintenance Supervisor, Senior Maintenance staff and I personally inspected the project.

As you know, the Corps constructed the channel in 1961. The District has operated and maintained the facility for the past 47 years. Three diversion dikes were constructed by the Corps to collect and direct side drainage as part of the original Bautista Creek Channel project. All three structures have performed well. Never in the project's 47-year history have the structures been overtopped, nor have their structural integrity ever been compromised in any way. Moreover, never has any side drainage ever impacted the Bautista Creek Channel concrete lining. That being said, I wish to offer the following insight based upon the District's first-hand experience and long history with the project.

Upon close inspection we found the diversion dike at Station 208+00 to be in very good condition. The original rock-facing is clearly visible and undisturbed. Based on our experience with similar structures, we determined that this drainage facility is functioning as designed and is being adequately maintained. The clearing of the sparse amount of vegetation present would serve no purpose.

The diversion dike located at Station 196+50 although more vegetated, likewise is clearly performing up to design standards. As with the diversion dike at Station 208+00, upon close inspection the rock-facing is visible and undisturbed. The removal of the vegetation present on and in the vicinity of the structure would not greatly benefit inspection efforts, nor would it in anyway improve the efficiency of delivering side flows to the channel itself. On the downside, clearing may increase the potential for erosion, and in turn increase maintenance costs. Moreover, the District attempts to avoid the clearing of native vegetation wherever possible out of respect for the environment. In this case, periodic monitoring of the facility should suffice.

Mr. Robert Koplin
Re: Bautista Creek Channel

- 2 -

July 3, 2008

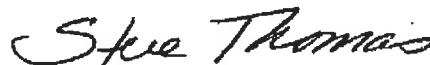
A small watershed is captured by the diversion dike at Station 244+25. Flows emanating from the small wash appear to be confined to the existing concrete spillway constructed by the Corps in 1961. Further, there is no evidence that flows have ever exceeded the capacity of the spillway and flowed across the asphalt roadway upstream of the spillway. If it had, one might expect to see erosion or abrasion damage from debris being carried across the asphalt surface. However, the condition of the asphalt pavement at this specific location shows no such signs of damage, and in fact is of similar character and integrity as the asphalt roadway found elsewhere along the entire length of the channel.

Please bear in mind that the Corps' Design memorandum for this project states that side flows would be "discharged over the channel banks for nearly the entire length of the channel. Therefore, the maintenance roadway along the right bank would be paved to prevent undermining of the sideslope paving". In the rare instance that flows would exceed the capacity of the existing concrete spillway, they would flow harmlessly across the paved asphalt surface and into the concrete lined channel. The replacement of a good portion of the asphalt roadway with a reinforced concrete surface as suggested by Corps staff is unwarranted at this time.

As with other Corps constructed/District maintained facilities, Bautista Creek Channel will be closely monitored, and problems identified through frequent inspections brought to the Corps' attention. Those problems will then be addressed immediately by District staff. Those inspections include but are not limited to the quarterly inspections done as part of our semi-annual reporting we provide the Corps Operations Branch.

We appreciate and respect the opinions and suggestions offered by your staff and understand the importance of maintenance to ensuring a properly functioning system. Further, we realize that the Corps is always appreciative of the Local Sponsor's perspective on issues. We are thankful for the terrific working relationship our agencies share. Please feel free to contact me at 951.955.1250 should you have any questions regarding this matter.

Very truly yours,



STEPHEN C. THOMAS
Assistant Chief Engineer

Attachment

c: Dusty Williams

SCT:bjp
P8\119895



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 222711
LOS ANGELES, CALIFORNIA 90022-2711

OCTOBER 14, 2008

RECEIVED

OCT 27 2008

RIVERSIDE COUNTY FLOOD CONTROL
1000 FARMERSBURGH AVENUE

Mr. Stephen C. Thomas
Assistant Chief Engineer
Riverside County Flood Control
and Water Conservation District
1995 Market Street
Riverside, California 92501

Dear Mr. Thomas,

This letter is a follow-up to your letter dated July 3, 2008, and reference to our letter to Mr. Steve Stump dated May 27, 2008, regarding the Bautista Creek Channel. In our May 27 letter, we noted an overland flow side drainage issue and vegetation clearing (operations and maintenance) concern to be addressed by your agency. Your response letter was very helpful to our better understanding the issues. We concur with your findings that modification of the maintenance road for side drainage and removal of sparse vegetation from the small diversion ditches are not necessary. These issues do not pose an additional increase in flood risk to the surrounding community.

We appreciate your input, especially since you have had responsibility for its operation for over 47 years, which brings a lot of credibility as to how the system has functioned without significant problems. It is rewarding to know that the system has performed flawlessly and provided flood control benefits to your community.

Your commitment to closely monitor Bautista Creek Channel by routine inspections satisfies the terms of the Operation & Maintenance manual. We are confident that your agency will quickly address problems related to the flood conveyance capacity of the system to ensure that the project will function as designed.

This letter will serve to close-out our concerns on these issues. I would also like to commend you in your timely attention to these matters and look forward to the continuing working relationship between our agencies.

If you have any questions or concerns about this matter, please contact Mr. Van Crisostomo or Mr. Rick Andre of my staff at (213) 452-3558 or (213) 452-3564, respectively.

Sincerely,

Robert B. Koplin, PE
Chief, Engineering Division

response to PE/119895

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 enclosed ___ under separate cover the following items:

Prints Plans Specifications Copy of Letter Other

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

These are transmitted as checked below:

<input type="checkbox"/> For approval	<input type="checkbox"/> Approved as submitted	<input type="checkbox"/> Resubmit ___ copies
<input type="checkbox"/> For your use	<input type="checkbox"/> Approved as noted	for approval
<input checked="" type="checkbox"/> As requested	<input type="checkbox"/> Returned for corrections	<input type="checkbox"/> Submit ___ copies for
<input type="checkbox"/> For review and comment	<input type="checkbox"/> Return ___ 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

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;

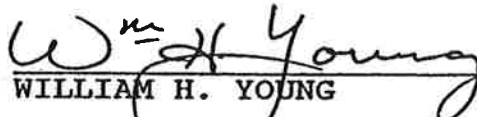
Thence Westerly along the arc of said curve through a central angle of 24° 25' 22", an arc distance of 59.68 feet;

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

Chapter 6

OBSTRUCTIONS AND INJURIES TO COUNTY HIGHWAYS

Section

- 1480. Definitions.
- 1480.5. Authority to remove encroachments.
- 1481. Notice to remove encroachment.
- 1482. Service of notice; contents.
- 1483. Penalty for noncompliance; summary removal.
- 1484. Action for abatement of encroachment; penalty.
- 1485. Removal of encroachment at owner's expense; penalty.
- 1486. Gates; approval by board of supervisors; liability for leaving gate open or riding over adjoining ground.
- 1487. Injury to highway by water; penalty; misdemeanor.
- 1488. Water seepage and overflow; repair of injury to highway.
- 1489. Construction of bridge over ditch crossing highway.
- 1490. County bridge over irrigation ditch.
- 1491. Wilful injury to county bridge; misdemeanor; liability for damage.
- 1492. Wilful removal or injury to guide-post; penalty; misdemeanor.
- 1493. Notice to remove obstruction falling on highway; liability for expense of removal; penalty.
- 1494. Cut down tree falling on highway; penalty for failure to remove.
- 1495. Malicious injury to highway trees; penalty.
- 1496. Action for recovery of penalties; disposition.

Cross References

Public nuisance, see Civil Code § 3490 et seq; Code of Civil Procedure § 731 et seq.

Library References

Highways §153 et seq.
WESTLAW Topic No. 200.
C.J.S. Highways § 217 et seq.

§ 1480. Definitions

As used in this chapter:

(a) The term "highway" includes all or any part of the entire width of right of way of a county highway, whether or not such entire area is actually used for highway purposes.

(b) The term "encroachment" includes any structure or object of any kind or character placed, without the authority of law, either in, under or over any county highway.

(Stats.1935, c. 29, p. 337, § 1480.)

Code Commission Notes

The provisions included in this chapter seem properly to relate to county highways because they were adopted before there was any State highway system and because their enforcement is placed with the county road commissioners. The last proviso of Pol.C. § 2737 is by its terms applicable to all highways and will be codified subsequently with other penal provisions relating to highways generally.

Cross References

County highway, defined, see § 25.

Library References

Word and Phrases (Perm.Ed.)

WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

Notes of Decisions

- In general 1
- Encroachment 2
- Obstruction of highway 3
- Rights of public 4

1. In general

Person doing road work under lawful permit has right to use road in performance of his contract, and is not trespasser. Jones v. Hedges (1932) 12 P.2d 111, 123 C.A. 742.

Authority to do road work relieves negligent contractor of imputation of trespassing, and makes him chargeable with negligence only. Id.

Use of public highway for storing merchandise is not use thereof as public easement, but trespass. Coburn v. Ames (1877) 52 C. 385, 1 San F.L.J. 99, 28 Am.R. 634.

2. Encroachment

Provision of Streets and Highways Code allowing removal of "encroachment" at owner's expense did not provide express statutory authorization for county to recover public expenditures for abatement of public nuisance resulting from civil disobedience in protest of proposed nuclear power plants which included blocking of access roads. San Luis Obispo County v. Abalone Alliance (App. 2 Dist.1986) 223 Cal.Rptr. 846, 178 C.A.3d 848.

3. Obstruction of highway

Since adjoining landowner admitted continuing legal existence of county road, there was no legal right to construct gates across it or in any other way impede public use and such obstruction constituted a public nuisance. Tucker v. Watkins (1967) 59 Cal.Rptr. 453, 251 C.A.2d 327.

In determining whether maintenance of structure or obstruction on public roadway is

inconsistent with public's full enjoyment of right of way, owner of fee is deemed to possess no greater rights than strangers to title. People v. Henderson (1948) 194 P.2d 91, 85 C.A.2d 653.

Eaves and rafters of garage, projecting into alley at height between five and six feet above ground, did constitute obstruction in nature of "public nuisance". Curtis v. Kastner (1934) 30 P.2d 26, 220 C. 185.

Person obstructing highway unlawfully is trespasser, and, where engaged in unlawful act, may be chargeable with creating nuisance. Jones v. Hedges (1932) 12 P.2d 111, 123 C.A. 742.

Temporary obstruction in course of authorized road work is not "nuisance," notwithstanding, through failure to provide protection for public, some one is injured. Id.

An obstruction of a public highway is a nuisance, even though it may also be declared a nuisance by a municipal ordinance. Western States Gas & Electric Co. v. Bayside Lumber Co. (1920) 187 P. 735, 182 C. 140.

No argument of convenience nor of necessity justifies an unauthorized obstruction with free use by the public of a highway, but such obstruction can be based only on legal right. City of Sacramento v. Pacific Gas & Electric Co. (1917) 161 P. 978, 173 C. 787.

An obstruction in a highway is a public nuisance. Lewiston Turnpike Co. v. Shasta & Weaverville Wagon Road Co. (1871) 41 C. 562.

4. Rights of public

The primary purpose of a highway is the passing and repassing of the public, which is entitled to the full unobstructed and uninterrupted enjoyment of entire width of layout for that purpose. Ex parte Bodkin (1948) 194 P.2d 588, 86 C.A.2d 208.

§ 1480.5. Authority to remove encroachments

The road commissioner may immediately remove, or by notice may require the removal of, any of the following encroachments:

- (a) An encroachment which obstructs or prevents the use of a county highway by the public.

Ch. 6

A private owner of land has no right to join the obstruction of a road unless he can show access thereto over some lawful way, and the federal government has no other or greater rights. *U.S. v. Rindge* (D.C.1913) 208 F. 611.

A private citizen may maintain injunction to prevent the obstruction of a public highway if by reason thereof he sustains a special injury not suffered by the public. *Sherwood v. Ahart* (1917) 169 P. 240, 35 C.A. 84.

An action to abate an obstruction in the public highway is properly brought in the name of the road commissioner. *Hall v. Kauffman* (1895) 39 P. 756, 106 C. 451.

The owner of land which extends only to the margin of a street cannot maintain an action for a nuisance caused by the obstruction of the street, without showing special damage. *Hogan v. Central Pac. R. Co.* (1886) 11 P. 876, 71 C. 83.

To entitle a party to damages for obstructing a highway, he must show that he has suffered special damage, different, not merely in degree, but in kind, from that suffered by the community at large. *Bigley v. Nunan* (1879) 53 C. 403, 3 P.C.L.J. 116.

The owner of the fee of the land over which a public road has been established may, if he suffers special damage from an obstruction of the same beyond that suffered by the public, maintain an action for damages and to abate the nuisance. *Coburn v. Ames* (1877) 52 C. 385, 1 San F.L.J. 99, 28 Am.R. 634.

The facts that parties who seek to restrain a contemplated nuisance caused by obstructing a public road own lands fronting on the road, and have no other means of access to their lands except over and along the road, do not show such special damages, in addition to that sustained by the public, as entitles them to the relief sought. *Aram v. Schallenberger* (1871) 41 C. 449.

4. Tolls

Toll gate erected on public highway may be abated as nuisance. *El Dorado County v. Davison* (1866) 30 C. 520, 1 P.L.M.Pt. 2, 31.

5. Ejectment

Where an electric lighting corporation unlawfully erects and maintains its poles and wires on a public highway in which the public has only an easement, ejectment is a proper remedy in an action by the owner of the adjoining land to prevent such unlawful use of the highway. *Gurnsey v. Northern California Power Co.* (1908) 94 P. 858, 7 C.A. 534.

Assuming it to be necessary where defendant relies on a franchise to justify possession, in an action of ejectment, to show that he is complying with the terms thereof, where defendant alleged that it was granted a franchise to erect poles and string electric wires thereon along the county highway, and erected its lines on the highway to furnish electricity to the towns along the highway, and is now, and has for a long time been, engaged in furnishing electric power and light to persons along such highway, it sufficiently avers a compliance with the franchise. *Id.*

6. Actions, in general

In action to abate structure on public roadway as nuisance, fact that structure is off traveled part of highway or that sufficient areas remain to allow public use of right of way in accustomed manner is no defense. *People v. Henderson* (1948) 194 P.2d 91, 85 C.A.2d 653.

The district attorney may prosecute an action to abate the construction and maintenance of an earth embankment on a public highway. *People v. Power* (1918) 175 P. 803, 38 C.A. 181.

No action lies under these sections for an alleged encroachment on land claimed as a highway, which was erected before the highway was laid out. *Smith v. Talbot* (1888) 18 P. 795, 77 C. 16.

7. Recovery

Under Pol.C. § 2734, as amended in 1883 (repealed. Now, this section), requiring a road overseer to commence action to abate, as a nuisance, a highway obstruction, and authorizing him to recover \$10 for each day the nuisance remains after notice, such penalty, when recovered, belongs to the road district, and not to the overseer personally. *Bailey v. Dale* (1886) 11 P. 804, 71 C. 34.

§ 1485. Removal of encroachment at owner's expense; penalty

If the encroachment is not denied, but is not removed within five days from and after service or posting of the notice, the road commissioner may remove the encroachment at the expense of the owner or occupant of the land, or the person causing, owning or controlling the encroachment. The commissioner may recover from such owner, occupant or person, in an action brought in the name of the county for that purpose, the commissioner's court costs and the expense of removal and also a penalty of ten dollars for each day the

§ 3490

NUISANCE

Forms:

- Am Jur Legal Forms 2d, Nuisances §§ 188:1 et seq.
- Am Jur Pl & Pr Forms (Rev ed) Highways, Streets, and Bridges Forms 1 et seq., 221 et seq., 481 et seq., Nuisances Forms 1 et seq.

Proof of Facts:

- Wrongful interference with right of way. 32 Am Jur Proof of Facts 2d 389.
- Machinery as attractive nuisance. 33 Am Jur Proof of Facts 2d 611.

Annotations:

- When statute of limitations begins to run as to cause of action for nuisance based on air pollution. 19 ALR4th 456.
- Liability for damage to land or its occupants from dust, gasses, odors, vibration, or the like, occasioned by defendant's continuous vehicular use of adjoining or nearby public highway. 25 ALR4th 1192.
- Seizure and forfeiture of firearms or ammunition under 18 USCS § 924(d). 57 ALR Fed 234.

§ 3490. [Effect of lapse of time]

No lapse of time can legalize a public nuisance, amounting to an actual obstruction of public right.

Enacted 1872.

Prior Law: Field's Draft NY CC § 1955.

Cross References:

- Nuisance defined: § 3479.
- Public nuisance defined: § 3480.
- Eggs and egg containers as public nuisance: Fd & Ag C § 26701.
- Abatement of noncomplying nursery stock as public nuisance: Fd & Ag C §§ 53561 et seq.
- District attorney may abate public nuisance: Gov C § 26528.

Collateral References:

- Witkin Procedure 2d p 1115.
- Witkin Summary (8th ed) p 5316.
- Cal Digest of Official Reports 3d Series, Nuisances §§ 7, 10, 14.
- 14 Cal Practice, Model Action To Abate Nuisance and For Damages; Proceeding Under Red Light Abatement Law § 240:35.
- 58 Am Jur 2d Nuisances § 106.
- Miller & Starr, Current Law of California Real Estate §§ 21:2, 21:24.

Proof of Facts:

- 1 Am Jur Proof of Facts, Advertisements, Proof No. 3 (proof of billboard as nuisance).
- 2 Am Jur Proof of Facts, Baseball, Proof No. 1 (proof of conduct of night baseball game as nuisance).

NOTES OF DECISIONS

- 1. In General
- 2. Statute of Limitations
- 3. Prescription
- 4. Laches

1. In General

The maintenance of a public nuisance cannot be

legalized by lapse of time. People v Gold Run Ditch & Min. Co. (1884) 66 C 138, 4 P 1152; Nerio v Maestretti (1908) 154 C 580, 98 P 860.

Neither prescriptive rights, laches, nor the statute of limitations is a defense against the maintenance of a public nuisance. Turlock v Bristow (1930) 103 CA 750, 284 P 962.

No lap
amoun
right,
abated
county
the loc
of cros
of any
dants
sance
of pro
v Wat

2. Stan
The o
liable
theref
(1907)

Wher
ments
of lin
interfe
(1914)

Wher
indefi
period
nisan
contir
cause
331,
(1945)

Wher
space
uance
which
limite
wher
time
191 C

The
conti
(N.)
Ever
wron
sive

§ 3
Th
1.
2.
3.
Ena
Pric
A

Calif Civil Code- streets and highways-Obstructions and injuries to county highways

Chapter 6

Section 1480- Definitions- Page 516

A- The term highway includes all or part of the entire width of right of way of a county highway, whether or not such entire area is actually used for highway purpose.

B- The term "encroachment" includes any structure or object of any kind or character placed, without the authority of law, either in, under or over any county highway.

Notes of Decision- Page 517

4- Rights of public- the primary purpose of a highway is the passing and repassing of the public, which is entitled to the full unobstructed and uninterrupted enjoyment of entire width of layout for that purpose. Ex Parte Bodkin (1948) 194 P.2d- 588, 86.C.A.2d-208

Section 1480.5- Authority to Remove encroachments- Page 517

The Road Commissioner may immediately remove, or by notice may require the removal of, any of the following encroachments.

A- an encroachment which obstructs or prevents the use of a county highway by the public.

Actions in General- Page 521

In action to abate structure on public roadway as nuisance, fact that structure is off traveled part of highway or that sufficient areas remain to allow public use of right of way in accustomed manner is no defense. People V. Henderson (1948) 194 P.2d 91, 85 C. A 2d 653

The District Attorney may prosecute an action to abate the construction and maintenance of an earth embankment on a public highway. People v. Power (1918) 175 P. 803, 38 C.A. 181

Section 3490- Effect of Lapse of Time- Page 622

No lapse of time can legalize a public nuisance, amounting to an actual obstruction of public right.



RIVERSIDE COUNTY COUNSEL

May 1, 2008

TO: Pamela J. Walls, Assistant County Counsel
FROM: Linda M. Hernandez, Paralegal II
RE: Statute of Limitations on Public Nuisance

Pursuant to your request, I have researched the statute of limitations on a public nuisance as it relates to both public entities and private individuals.

Pursuant to *Govt Code* §26528, the DA may bring a civil action in the name of the people of the State of California if he is directed to do so by the Board of Supervisors. *Govt Code* §26529 authorizes County Counsel to bring civil actions in counties where there is an appointed County Counsel. *Civil Code* §3490 provides that there is no statute of limitations on a public nuisance (i.e. there is no prescriptive right). It has been construed to mean that the statute of limitations is not a defense if the action is brought by a public agency (*Mangini v. Aerojet-General Corp.*, (1991) 230 Cal.App.3d 1125). However, if a private person wants to bring an action on a public nuisance, then the statute of limitations is be found in *CCP* §338(b).

Beck Development Co., Inc. vs. Southern Pacific Transportation Co., 44 Cal.App.4th 1160 (1996) clearly states:

“While there is no statute of limitations in an action brought by a public entity to abate a public nuisance, there is a three-year statute of limitations in a nuisance action brought by a private party.”

CA Civil Code §3479 indicates that “if a nuisance is of such a character (i.e. blocking a road) that it will presumably continue indefinitely, then it is considered permanent and the statute of limitations runs from the time the nuisance is created.”

Law Library Building

3535 Tenth Street • Suite 300 • Riverside CA • 92501 • (951)955-6300 • FAX (951)955-6322/955-6363

a class action or other representative litigation; it is fundamentally a law enforcement action and seeks primarily injunctive relief [*Payne v. National Collection Systems* (2001) 91 Cal. App. 4th 1037, 1045-1047, 111 Cal. Rptr. 2d 260]. Any request for restitution is ancillary. Moreover, in such an action brought by a prosecutor, there is no occasion to give notice to the persons directly affected by the action. Therefore, res judicata effect is not accorded to a judgment in an unlawful competition law lawsuit commenced by a prosecutor in a subsequent lawsuit by persons defrauded by a defendant [*Payne v. National Collection Systems* (2001) 91 Cal. App. 4th 1037, 1045-1047, 111 Cal. Rptr. 2d 260].

[6] Public Interest Exception to Res Judicata

When the issue is a question of law rather than of fact, the prior legal determination is not conclusive either if injustice would result or if the public interest requires that relitigation not be foreclosed [*Kopp v. Fair Pol. Practices Com.* (1995) 11 Cal. 4th 607, 622-623, 675, 685, 693, 47 Cal. Rptr. 2d 108, 905 P.2d 1248 (Lucus, C.J.; Werdegar, J., concurring; Baxter, J., joined by Arabian, J., and George, J., concurring and dissenting)]. Application of the public interest exception is not conditioned on a finding that the initial determination of an issue was erroneous [*Kopp v. Fair Pol. Practices Com.* (1995) 11 Cal. 4th 607, 622-623 n.16, 675, 685, 693, 47 Cal. Rptr. 2d 108, 905 P.2d 1248 (Lucus, C.J.; Werdegar, J., concurring; Baxter, J., joined by Arabian, J., and George, J., concurring and dissenting)].

In *Kopp*, several Government Code sections enacted by Proposition 73, which was designed to reform financing of statewide and local political campaigns, were declared unconstitutional by a federal district court, and their enforcement was enjoined. The Ninth Circuit Court of Appeals affirmed the judgment of the district court. Thereafter, an original mandate proceeding was brought in the California Supreme Court. The issue before the Court was one of state law, that is, assuming enforcement of the challenged sections as enacted would violate the federal constitution, may the statutes be judicially reformed in a manner that avoids its unconstitutionality, and if so, should they be reformed [*Kopp v. Fair Pol. Practices Com.* (1995) 11 Cal. 4th 607, 614, 47 Cal. Rptr. 2d 108, 905 P.2d 1248]. The Court assumed that the principles of res judicata or collateral estoppel applied, but held that they should entertain and resolve the litigation under the public interest exception to those doctrines [*Kopp v. Fair Pol. Practices Com.* (1995) 11 Cal. 4th 607, 621, 47 Cal. Rptr. 2d 108, 905 P.2d 1248 (Lucus, C.J.; Werdegar, J., concurring; Baxter, J., joined by Arabian, J., and George, J., concurring and dissenting)]. The Court noted that a state supreme court is not constrained by principles of res judicata, collateral estoppel, or comity, to keep silent on a state law statutory reformation issue, when the question is presented to it in litigation such as the one before the court. The court's sovereign duty as a state court of last resort,

(d) Effect of New Facts or Different Substantive Law

Collateral estoppel does not apply when there are changed conditions or new facts which did not exist at the time of the prior judgment, or where the previous decision was based on different substantive law [United States Golf Assn. v. Arroyo Software Corp (1999) 69 Cal. App. 4th 607, 616-619, 81 Cal Rptr. 2d 708].

(e) Determining What Issues Have Been Adjudicated

What has been adjudicated is to be determined not from the opinion rendered but from a consideration of the judgment actually entered in reference to the issues presented for decision [Ball v. Rodgers (1960) 187 Cal. App. 2d 442, 448, 9 Cal. Rptr. 666]. Whatever issue was actually and necessarily included in a former judgment will be deemed to have been adjudged thereby [Branson v. Sun-Diamond Growers (1994) 24 Cal. App. 4th 327, 348, 29 Cal. Rptr. 2d 314 (no collateral estoppel found); Strickland v. Calancorporation, Ltd. (1957) 156 Cal. App. 2d 488, 495, 319 P.2d 737; see Code Civ. Proc. § 1911].

To determine what issues were actually litigated in the underlying action the court in the subsequent action cannot rely exclusively on the findings in the underlying action, but must carefully scrutinize the pleadings and proof. This scrutiny includes looking behind the findings at the evidence presented to determine what was actually decided [Schaefer/Karpf Productions v. CNA Ins. Companies (1998) 64 Cal. App. 4th 1306, 1314, 76 Cal. Rptr. 2d 42; see also Dunkin v. Boskey (2000) 82 Cal. App. 4th 171, 182, 98 Cal. Rptr. 2d 44 (reference must be made to pleadings and proof in each case)].

Making the distinction between "issues" and "legal theories" is not always easy; reference must be made to the pleadings and proof in each case [see United States Golf Assn. v. Arroyo Software Corp. (1999) 69 Cal. App. 4th 607, 617, 81 Cal Rptr. 2d 708; Wimsatt v. Beverly Hills Weight Etc. Internat., Inc. (1995) 32 Cal. App. 4th 1511, 1517, 38 Cal. Rptr. 2d 612]. Evidence extrinsic to the judgment roll, such as a reporter's trial transcript, may be used to ascertain what issues were determined in the former action [Southwell v. Mallery, Stern & Warford (1987) 194 Cal. App. 3d 140, 144, 239 Cal. Rptr. 371].

ILLUSTRATION: Identifying Issue That Was Litigated. Residents of California sign franchise agreements under which they agree that any action against the franchisor will be brought in a Virginia court. They sue the franchisor on claims relating to the agreement in federal district court in California based on diversity jurisdiction. The judge, applying federal procedural law, grants the franchisor's motion to dismiss for lack of proper venue based on the forum selection clause. Plaintiffs bring suit in a California state court. Can the case

121585

RECEIVED FOR RECORD

REC-3820 REC 467

AND OTHER ADDRESSES MAIL TO
Mr. and Mrs. Robert D. Maboe
28840 Anderson
Riverside, California

OCT 7 1964
AT 9:00 O'CLOCK A.M.

SECURITY TITLE INSURANCE CO

REC-3820 REC 467

W.O. [unclear]

This Order No. 280412 Escrow No. 2289-1

APR 1964

Joint Tenancy Grant Deed

THIS FORM PUBLISHED BY CALIFORNIA TITLE INSURANCE COMPANY

3304574

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

RAYMOND DEICHEL, JR. and LOLA M. DEICHEL, husband and wife,

hereby GRANT(S) to

ROBERT D. MABOE and MARTHA A. MABOE, husband and wife,

AS JOINT TENANTS,

the real property in the County of Riverside

State of California, described as:

The South half of the South half of Section 22 Township 5 South, Range 1 East, San Bernardino Base and Meridian;

EXCEPTING therefrom the Southeast quarter of the Southeast quarter of the Southeast quarter of said Section 22;

ALSO EXCEPTING therefrom the Westerly 242 feet of said Section 22;

ALSO EXCEPTING therefrom one-half of all oil, gas, and mineral rights as reserved in Deed from William M. Taylor, Jr. and Beverly Ann Taylor, husband and wife, to Raymond Deichel, Jr. and Lola M. Deichel, husband and wife, dated January 2, 1957 and filed for record January 21, 1957;

RESERVING unto the Grantors herein one-fourth of all oil, gas, and mineral rights.

Dated September 22, 1964

Raymond Deichel, Jr.
Raymond Deichel, Jr.

Lola M. Deichel
Lola M. Deichel

STATE OF CALIFORNIA
COUNTY OF Riverside

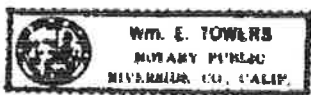
on October 3, 1964

Raymond Deichel, Jr. and Lola M. Deichel appeared before me, Notary Public in and for said County and State, personally and acknowledged to me that they executed the foregoing instrument as their free and voluntary act and deed.

Wm. E. Towers

Wm. E. Towers
Notary Public in and for said County and State

FOR NOTARY SEAL OR STAMP



GRANT OF EASEMENT.

RAYMOND DEICHSEL, Jr., and LOLA H. DEICHSEL, his wife, Grantors, for valuable consideration, receipt of which is hereby acknowledged, hereby grant to ROBERT D. MAHEE and MARTHA A. MAHEE, his wife, as joint tenants, Grantees, and to their heirs, successors, and assigns, an easement of right of way for road purposes and for installation and maintenance of water pipelines and water meter as necessary over, across and under that property of Grantors in the County of Riverside, State of California described as follows:

730467-14

The Northerly 20 feet of the Southerly 300 feet of the Westerly 2442 feet of Section 22, Township 5 South, Range 1 East, San Bernardino Base and Meridian.

and easement to the appurtenant to lands of Grantees in the County of Riverside, State of California described as follows:

The South half of the South half of Section 22, Township 5 South, Range 1 East, San Bernardino Base and Meridian.

EXCEPTING therefrom the Southeast quarter of the Southeast quarter of the Southeast quarter of said Section 22.

ALSO EXCEPTING therefrom the Westerly 2442 feet of said Section 22.

DATED October 4, 1961.

Raymond Deichsel, Jr.
Raymond Deichsel, Jr.

Robert D. Mahée
Robert D. Mahée

Lola H. Deichsel
Lola H. Deichsel
Grantors


Martha A. Mahée
Martha A. Mahée
Grantees

CERTIFIED

FORM 3820 PAGE 212

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss

On October 4, 1984, before me, a Notary Public in and for said County and State, personally appeared Raymond Deichsel, Jr., ^{and} Lola H. Deichsel, ~~Robert M. Mober~~ and ~~Marilyn M. Mober~~, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

 Don R. Zellner
Don R. Zellner
Notary Public in and for said
County and State.

121561

FORM 3820 PAGE 212

280

250

119544

RECORDING REQUESTED BY

AND WHEN REQUESTED MAIL TO

Robert D. Mabe
25560 Anderson Dr.
Stamatt, Calif

Order No. 330957. Return No.

RECEIVED FOR RECORD
OCT 19 1965

W. W. DeLoach
IN THE
OFFICE OF THE
CLERK OF THE SUPERIOR COURT
OF RIVERSIDE COUNTY, CALIFORNIA
119544

119544

350

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Attach I.H.S. 8. IN TWO SPACES

Joint Tenancy Grant Deed

THIS FORM FURNISHED BY SECURITY TITLE INSURANCE COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

RAYMOND DEICHSEL, JR., and IOLA H. DEICHSEL, his wife

herely GRANT(S) to

ROBERT D. MABE and MARTHA A. MABE, his wife
Grantees, and to their heirs, successors, and assigns . AS JOINT TENANTS.

the real property in the
County of

State of California, described as:

see attached

119544

An easement 20 feet in width for road purposes for installation, maintenance of water pipelines and water meter as necessary over, across and under that portion of the Southwest quarter of the Southwest quarter of Section 22 Township 5 South, Range 1 East, San Bernardino Base and Meridian, the Northwesternly line of said easement being described as follows:

Commencing at the intersection of the South line of said Section 22 with the Northeastly line of parcel 4030-22 as shown on Record of Survey on file in Book 31 pages 52 to 59 inclusive of Records of Survey, Riverside County Records; thence Northwestly, along the Northeastly line of said parcel 4030-22, 22.29 feet to an angle point in said Northeastly line, said angle point also being the true point of beginning of the Northerly line of said easement; thence North 40° 47' 30" East along the Southeastly line of said Parcel 4030-22 and it's Northeastly prolongation 360 feet more or less to the Southerly line of that certain easement conveyed to Robert D. Mabe et ux by Deed recorded October 7, 1964 as Instrument No. 121564. The Southeastly line of said easement shall be shortened or lengthened as to terminate within the Northeastly line of parcel 4030-22 and the Southerly line of said easement conveyed to Robert D. Mabe et ux by deed recorded October 7, 1964 as Instrument No. 121564.

CERTIFIED

MAIL TAX STATEMENT TO:

Robert D. Mabae and Martha A. Mabae
23560 Anderson Drive
Hemet, California

1195-14

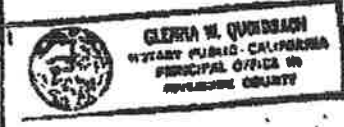
Dated October 18, 1963

Raymond Deichsel, Jr.
Lola H. Deichsel
Attorney-In-Fact for Robert
Deichsel

STATE OF CALIFORNIA
COUNTY OF Riverside
On October 18, 1963 before me, the under-
signed, a Notary Public in and for said County and State, personally
appeared Lola H. Deichsel

Lola H. Deichsel

FOR NOTARY SEAL OR STAMP



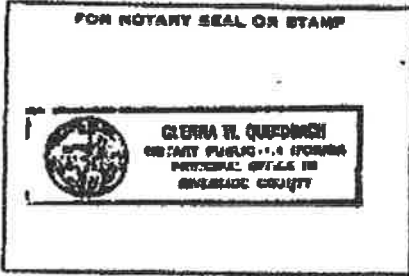
knows to me
to be the person whose name RD subscribed to the within
instrument and acknowledged that RD executed the same.

Glenna W. Quodbach
GLENNA W. QUODBACH
My Commission Expires April 27, 1968
Name (Typed or Printed)
Notary Public in and for said County and State

STATE OF CALIFORNIA
COUNTY OF Riverside
On October 18, 1963 before me,
the undersigned, a Notary Public in and for said County and State,
personally appeared Lola H. Deichsel

1195-14

FOR NOTARY SEAL OR STAMP



known as me to be the person whose name RD
subscribed to the within instrument, as the Attorney in fact of
Raymond Deichsel, Jr.
and acknowledged to me that she subscribed the name
of Raymond Deichsel, Jr.
principal and her own name as Attorney in fact.

Glenna W. Quodbach
GLENNA W. QUODBACH
My Commission Expires April 27, 1968
Name (Typed or Printed)
Notary Public in and for said County and State

End Recorded Document - W.D. Balogh, County Recorder

**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 Make

Address: 3086 Mibel st
(only if follow-up mail response requested)

City: Riverside **Zip:** 92506

Phone #: 788-4858

Date: 4-26-11 **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: _____