

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



9.9

During the oral communication section of the agenda for Tuesday, May 17, 2011,
Robert Mabee read his statement into the record.

**ATTACHMENTS FILED WITH
CLERK OF THE BOARD**

**AGENDA NO.
9.9**

**Riverside County Board of Supervisors
Request to Speak**



Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Robert MABEE

Address: 3086 Miguel St
(only if follow-up mail response requested)

City: Riverside **Zip:** 92506

Phone #: 785-4856

Date: 5-17-11 **Agenda #** _____

PLEASE STATE YOUR POSITION BELOW:

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

_____ **Support** _____ **Oppose** _____ **Neutral**

ORAL COMMUNICATIONS

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____



David Kay Canteros, at head of table, leads meeting with 27 residents and county officials during the use survey along Walden Canyon Road. From left to right are...

Submitted by: [Name]

Hemet residents air complaints over loss of road

By Bill O'Driscoll
The Press-Enterprise

HEMET — Armed with note cards, photographs and documents, residents from along the Walden Canyon Road control district met yesterday with county officials to complain about losing access to a paved road running between the district and their homes.

Travestie County Supervisor Kay Canteros, who attended the meeting, said she will present the homeowners' grievances and the district's reasons for the problem at the next meeting of the county Board of Supervisors July 28.

The board is scheduled to vote on whether to take away the residents' access to the road. A

clear the way for a court battle over the matter.

The county Board control district ordered the closing of a 1,000-foot stretch of its Walden Canyon Road from the main road through Hemet. It feared "toy riders" and other members of the district might get hurt there and sue the county.

"If these were the only people using this road, we wouldn't be here today," Ed Edwards, chief engineer for the county Board control district, said during the two-and-a-half-hour meeting. "The problem is the general public."

"It has never been our intention to shut you people out," Edwards told the six residents who

Submitted by Robert Mabee
6/17/2011 Item Oral
(date)

Property owner battles county for road access

By JACK ROBINSON
The Press-Enterprise

HEMET — A Hemet property owner is waging a legal battle with county officials he accuses of illegally blocking access to his property.

The lawsuit is part of a complex dispute between the Riverside County Flood Control District and several property owners along the Bautista Creek flood control channel access road.

The road, which allows residents and workers to reach homes and groves owned by 10 families along the Bautista Creek flood control channel south of Florida Avenue, lies within a county right-of-way. Property owners along the road have an easement — a legal right incorporated in land records — to use the road.

Last week, residents argued with county workers who arrived to explain a plan to lock a gate across the road to keep trespassers out of the channel. Although they would have keys to the gate, residents complained the gate would prevent sheriff's deputies, fire and ambulance crews from reaching them quickly in an emergency.

Residents also complain the district partially blocked the road earlier this year by building several drainage pipes that open onto the road. Property owner Robert Mabee, acting as his own attorney, sued the district in April in an effort to force removal of the obstructions.

A Superior Court judge recently dismissed the suit, ruling that Mabee must first file an administrative claim with the county. Mabee, who argues that state law allows citizens to sue immediately in matters of urgency, yesterday filed an appeal with the

4th District Court of Appeal in San Bernardino. No court date has been set.

Although the drainage pipes extend only about a foot into the narrow access road, Mabee said they constrict it enough to cause severe problems for cars and large citrus trucks that use it.

"It's very difficult," he said yesterday. "You have to realize how difficult it is to go down that road when there's a citrus truck and trailer coming up. I've backed up 300 or 400 feet to let them by."

Mabee said county officials have ignored his complaints.

"It's really shabby," he said. "They won't see me, they never answer letters . . . I would think it would be better to sit down and work it out."

Mabee said he would welcome condemnation proceedings, which would grant residents reimbursement for district encroachment on their easement. County officials say those proceedings, begun this summer, have been suspended while they search for an agreement with residents.

"If they want to take the road, they could condemn it," Mabee said. "I would have no argument with that. Then I would have my day in court and do it legal."

Kenneth Edwards, district chief engineer, said yesterday that the drainage pipes "don't impact the easement in any way, shape or form. It doesn't impact the traversability of the road."

Edwards said county officials have many times discussed both the gate and drainage-pipe controversies with residents. He said he will meet with them next week

(See ACCESS, Page B-5)

ACCESS . . .

(From Page B-1)

before setting a date to lock the gate.

Dale Brusewitz, captain of the California Department of Forestry fire station at Little Lake, yesterday offered some support to residents who say the gate and the drainage pipes will hamper emergency workers.

"It's going to be quite a bit slower (to respond), especially if

we have to unlock a gate," Brusewitz said. Because relying on keys that will open the gate is impractical, firefighters would use bolt cutters to respond to emergencies on the road, he said. Brusewitz said flood control officials should look for other solutions to the problem of keeping trespassers out of the channel. "I think somebody's going to admit they've made a gross error," he said. "I just hope it comes out to a nice easy solution that nobody gets hurt."

Dirt road parallel paved road next to Baulista Creek drainage.

Residents protest exclusion from road

By Dean Espinoza

The Press Enterprise

FRANKLIN, Calif. — Some 100 residents of the Baulista Canyon area have protested their exclusion from a dirt road that runs parallel to a paved road built by the state.

The protest of the county south of Fresno, a venue for its use by growers and others who must be able to reach the group, Supervisor Kelly Gentry said.

But other growers and some who have used the road for as long as 20 years claim they will be the ones hurt by the state's decision.

The county's decision to build a paved road through the canyon area, which is the site of a number of small farms, has caused a number of residents to protest.

On Tuesday, she and other residents asked their objections to be heard before the state's Board of Supervisors.

The county's decision to build a paved road through the canyon area, which is the site of a number of small farms, has caused a number of residents to protest.

But other growers and some who have used the road for as long as 20 years claim they will be the ones hurt by the state's decision.

The county's decision to build a paved road through the canyon area, which is the site of a number of small farms, has caused a number of residents to protest.

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For the past two months, protesters have been holding meetings to discuss their objections.

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But other growers and some who have used the road for as long as 20 years claim they will be the ones hurt by the state's decision.

The county's decision to build a paved road through the canyon area, which is the site of a number of small farms, has caused a number of residents to protest.

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Map of Baulista Canyon showing the location of the dirt road and paved road, with labels for Baulista Canyon, Baulista Creek, and Highway 99.

The county's decision to build a paved road through the canyon area, which is the site of a number of small farms, has caused a number of residents to protest.

LAW OFFICES OF
GOOD, WILDMAN, HEGNESS & WALLEY

RONALD K. BROWN, JR.*
GARY ALDO DAPELO*
JOSEPH E. DUBOIS
STEVEN H. GENTRY*
ROY M. GOOD
JOHN M. HARVEY*
PAUL C. HEGNESS
MICHAEL E. HENNESSY
GREGORY A. HILE*
ROGER LILJESTROM
JAMES M. PARKER
JOHN A. STILLMAN
KRIS A. THAGARD
DOUGLAS M. VICKERY
THOMAS E. WALLEY

5000 CAMPUS DRIVE
NEWPORT BEACH, CALIFORNIA 92660
(714) 955-1100

PAUL W. WILDMAN
(1924-1983)

OF COUNSEL
LOUIS A. CAPPADONA

*A PROFESSIONAL CORPORATION

RECEIVED
APR 29 1986

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

April 24, 1986

Mr. Tom W. Rodda
Chief of Flood
Control Operations
Riverside County Flood Control
and Water Conservation District
1995 Market Street
P. O. BOX 1033
Riverside, California 92502-1033

Re: Project Number 4030 - BAUTISTA CREEK CHANNEL

Dear Mr. Rodda:

Our office represents the interest of Michael and George O'Connell, successors-in-interest to Raymond and Lola Deichsel, parties to an access easement granted on April 6, 1981.

In our telephone conversation of March 22, you indicated that the existing easement does not contain any explicit language as to which party has the burden of maintenance. Assuming this to be the case, we believe that since the land is owned by the County there would be an implied covenant of maintenance of the easement by the County. Furthermore, the County has historically maintained the easement for at least 25 years. The conduct of the parties, as well as proscriptive rights militate in favor of our clients' position that maintaining the easement is the burden of the County.

As a practical matter we do not see why the County would expose itself to possible liability for improper or lack of maintenance of the new road easement (since it is their property) by trying to switch the burden of maintenance.

Tom W. Rodda

Mr. Tom W. Rodda
April 24, 1986
Page 2

The foregoing notwithstanding, our clients are willing to accept a change in the easement and even accept a different road surface but are unwilling to undertake the obligation to maintain the easement. If the County sees its way clear to modify the right of way agreement to contain provisions to the effect that the new easement will be maintained by the County, our clients will agree to the change.

Please advise us of the County's position.

Very truly yours,



John M. Harvey

dm

cc: Messrs. O'Connell

RECEIVED

JAN 16 1987

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

January 8, 1987

Mr. Donald F. Greywood
Riverside County Flood Control District
1995 Market Street
Riverside, CA 92502

RE: BAUTISTA CHANNEL ACCESS RIGHTS

Dear Mr. Greywood:


We are in receipt of your offer letter dated 12-22-86. There is concern on our part in regards to the mounded areas of the new unpaved access road. These mounded areas make access by a large truck such as the ones used by the fruit pickers very difficult and dangerous. For some reason the road was made too narrow in these areas making it impossible to clearly see oncoming traffic and thereby making the probability of a head on collision quite high.

We wish to propose that you go drive this road yourself and then get back to us on your recommendations for change.


In conclusion the way it stands now your offer cannot be accepted.

Waiting for your reply.

Sincerely,


George O'Connell


Michael O'Connell


Tom Barwell

GO/lt

CC Greywood

January 12, 1988

Mr. George O'Connell
1921 Yale Street
Santa Ana, CA 92704

Dear Mr. O'Connell:

Re: Bautista Creek Access
Rights

The District's last correspondence with you was our letter dated December 22, 1986, which included our offer for the exchange of easement rights. Since that time there was a meeting at the Board of Supervisors where testimony was taken concerning your attempt to condemn our existing easement rights. At that meeting and through subsequent meetings it was brought to the District's attention that the new easement and road constructed was not considered adequate for two reasons. Sight distance was not adequate and the road was narrow at the locations where it ramped up over side drainage pipes at three location.

The District has been working with the Army Corps of Engineers (the builders of the channel) to find a way to eliminate these concerns. We are now in a position to cut the side drainage dikes back thereby providing a level road for its entire length. In addition this will enable us to achieve a minimum of 18 feet of road width at these locations.

The District intends to sell its excess property along the channel (from Fairview Avenue upstream) to the adjoining property

owners. This excess property does include the new road and easement we wish you to use in exchange for your existing easement. Your new easement rights would allow you or future interest in your property access over this area.

Enclosed is a revised right of way agreement which is a statement of our offer for exchange of easement rights.

Very truly yours,

KENNETH L. EDWARDS
Chief Engineer

DONALD F. GREYWOOD
Chief of Operations

Enclosure

DFG:bab
dgl0112a

121583

RECEIVED FOR RECORD

OCT 7 1964
AT 100 O'CLOCK A.M.
SECURITY TITLE INSURANCE CO.

BOOK 3820 PAGE 467

Mr. and Mrs. Robert D. Mabey
33848 Anderson
Rancho, California

The Order No. 28841. Excess No. 2882-1.

ADDRESSES

Joint Tenancy Grant Deed

FORM FURNISHED BY SECURITY TITLE INSURANCE COMPANY

33848A

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

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

hereby GRANT(S) to

ROBERT D. MABEY and MARTHA A. MABEY, 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 3 South, Range 1 East,
San Bernardino Base and Meridian;

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

ALSO EXCEPTING therefrom the Westerly 1442 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 Deitchel, Jr. and Lola M. Deitchel, 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 Michael, Jr.
Raymond Michael, Jr.

Lola M. Michael
Lola M. Michael

STATE OF CALIFORNIA
COUNTY OF Riverside
On October 3, 1964
I, Notary Public in and for said County and State, personally
appeared Raymond Deitchel, Jr. and Lola M. Deitchel
M. Deitchel

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

FOR NOTARY SEAL OR STAMP
Wm. E. TOWERS
NOTARY PUBLIC
RIVERSIDE, CALIF.

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. MABEE and MARTHA A. MABEE, 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:

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,

said easement being 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, 1964.

Raymond Deichsel, Jr.
Raymond Deichsel, Jr.

Robert D. Mabee


Lola H. Deichsel
Lola H. Deichsel
Grantors

Martha A. Mabee
Grantee

330457-4

STATE OF CALIFORNIA)
) ss
COUNTY OF RIVERSIDE)

On, October 4, 1964, before me, a Notary Public in and for said County and State, personally appeared Raymond Deichsel, Jr. ^{and} Lola H. Deichsel, ~~Robert D. Mabec~~ and ~~Martha A. Mabec~~, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

 *Don R. Kellner*
Don R. Kellner
Notary Public in and for said
County and State.

121561

RECORDED
OCT 7 1964
AT THE COUNTY CLERK'S OFFICE
RIVERSIDE, CALIFORNIA
BOOK 3820 PAGE 232
280

280

119514

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME
ADDRESS
CITY &
STATE

Robert D. Mabee
25560 Anderson Dr.
Fremont, Calif

Title Order No. 330457 Escrow No.

RECEIVED FOR RECORD
OCT 19 1965

At Request of
Recorded in Official Records
of Riverside County, California
W.W. Dalrymple
Recorder

119514

360

FEES \$ 36.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

AFFIX I.R.S. \$.....IN THIS SPACE

Joint Tenancy Grant Deed

L-9 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

hereby GRANT(S) to

ROBERT D. MABEE and MARTHA A. MABEE, 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

119514

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 Northwestern line of said easement being described as follows:

Commencing at the intersection of the South line of said Section 22 with the Northeasterly 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 Northwesterly, along the Northeasterly line of said parcel 4030-22, 22.29 feet to an angle point in said Northeasterly 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 Southeasterly line of said Parcel 4030-22 and its Northeasterly prolongation 360 feet more or less to the Southerly line of that certain easement conveyed to Robert D. Mabee et ux by Deed recorded October 7, 1964 as Instrument No. 121564. The Southeasterly line of said easement shall be shortened or lengthened as to terminate within the Northeasterly line of parcel 4030-22 and the Southerly line of said easement conveyed to Robert D. Mabee et ux by deed recorded October 7, 1964 as Instrument No. 121564.

MAIL TAX STATEMENT TO:

Robert D. Mabee and Martha A. Mabee
25560 Anderson Drive
Hemet, California

Dated October 18, 1965

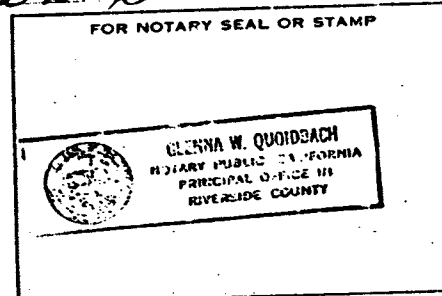
119514

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

STATE OF CALIFORNIA }
COUNTY OF Riverside } SS.
On October 18, 1965 before me, the under-
signed, a Notary Public in and for said County and State, personally
appeared Lola H. Deichsel

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

Glenna W. Quoidbach
GLENN A. W. QUOIDBACH
My Commission Expires April 27, 1968
Name (Typed or Printed)
Notary Public in and for said County and State

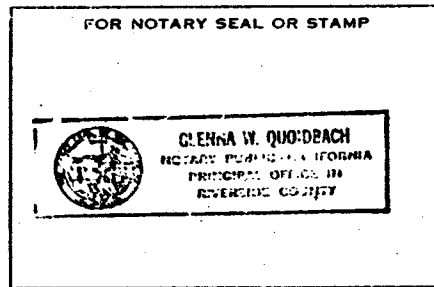


STATE OF CALIFORNIA }
COUNTY OF Riverside } SS.
On October 18, 1965 before me,
the undersigned, a Notary Public in and for said County and State,
personally appeared Lola H. Deichsel

known to me to be the person whose name is
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. thereto as
principal and her own name as Attorney in fact.

Signature *Glenna W. Quoidbach*
GLENN A. W. QUOIDBACH
My Commission Expires April 27, 1968
Name (Typed or Printed)
Notary Public in and for said County and State

119514



Misc. 154 (G.S.) Attorney-In-Fact (Rev. 12-63)
Steph
L. Steph

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

Riverside

and the Region

Weather **6**

Features **10**

Comics **11**

What price goodwill?

You have to give Bob Mabee credit for trying.

The embattled Riverside area resident has been tangling with Your board O' Supes for years over something the county flood control district did — or



DAN BERNSTEIN

didn't do — to a public road. Mabee has wheedled. He has cajoled. He has written. He has telephoned. He appears regularly before the supes. He has, in his own mind, been rebuffed at every turn. Last month, Bob Mabee got an idea. He would try to buy "goodwill." But Bob Mabee is not a rich man. He couldn't buy all five supervisors. He could only af-

ford one. Bob Mabee decided to buy **Bob Buster**. He had read that Buster received \$2,470 contribution from **Western Waste Industries**, which wanted to expand its camp near Corona. Much like Bob Mabee, Western Waste needed a supervisor's goodwill. Buster seemed to be the go-to guy. Especially since two other supervisors — **Tom Mullen** and **John Tavaglione** had refused to accept Western Waste money. Why bother with them?

So Bob Mabee wrote Bob Buster a check for \$10. The same day, the Deputy Clerk of the Board o' Supes wrote Bob Mabee: "I am returning your check No. 486 for \$10.00, payable to Bob Buster, Supervisor. After consulting with Mr. Buster and his staff, it was determined accepting your check would be inappropriate because Mr. Buster receives a salary."

Bob Mabee, mindful that Bob Buster wouldn't return Western Waste's \$2,470 contribution, sensed he had done something wrong. "In summary," he wrote, "don't try to buy a supervisor with \$10."

A lesson for all of us.



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
14th FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
(909) 275-1060
FAX: (909) 275-1071

GERALD A. MALONEY
CLERK OF THE BOARD

NANCY J. ROMERO
ASSISTANT CLERK OF THE BOARD

BRENDA L. HUTCHINSON
RECORDS MANAGER

GLORIA J. PERI-SMITH
DEPUTY CLERK OF THE BOARD

July 9, 1996

Mr. Robert D. Mabee
337 Leafwood Ct.
Riverside, Ca. 92506

Dear Mr. Mabee:

I am returning your check No. 486 for \$10.00, payable to Bob Buster, Supervisor.

After consulting with Mr. Buster and his staff, it was determined accepting your check would be inappropriate because Mr. Buster receives a salary.

Thank you.

Sincerely,

Gloria J. Peri-Smith

Gloria J. Peri-Smith
Deputy Clerk of the Board

GJPS:ca

cc: Supervisor Buster

ROBERT D. MABEE
MARTHA A. MABEE
337 LEAFWOOD CT.
RIVERSIDE, CA 92506

486
90-7109-97
3222
93073245

July 9 1996

PAY TO THE ORDER OF Bob Buster-Supervisor \$ 10.00
ten dollars DOLLARS

UNITED CALIFORNIA
SAVINGS BANK
A DIVISION OF CENFed BANK
1700 E. Florida Ave., Hemet, CA 92544

Robert D. Mabee

MEMO Services Rendered

⑆322271096⑆0486 ⑈ 93073245⑈

WARREN D. WILLIAMS
General Manager-Chief Engineer



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

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

May 4, 2011

Mr. Robert Mabee
3086 Miguel Street
Riverside, CA 92506

Dear Mr. Mabee:

Re: Bautista Creek Channel

In correspondence dated December 28, 2010 the District informed you that we could not confirm that a certain easement deed, adjacent to what once was your property, had ever been recorded. Recently you asked that we confirm in writing whether or not similar easement deeds had been conveyed to other property owners along Bautista Creek Channel.

Be advised that following a search of our files, staff could not confirm that easements have been extended to other property owners along Bautista Creek Channel.

Should you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in black ink that reads "Steve Thomas".

STEPHEN C. THOMAS
Assistant Chief Engineer

SCT:bjp
P8/137332