

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 24, 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**

X

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

SPEAKER'S NAME: Robert MABEE

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

City: Riverside **Zip:** 92506

Phone #: 788-4858

Date: 5-24-11 **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: _____



At a meeting of the Hemet Board of Health, Robert Mabeel, clerk of the board, is seen at the table. Other members include...

Sunday, July 24, 1988

Hemet residents air complaints over closure of road

By [Name] The Press-Enterprise Staff
HEMET, Ariz. (AP) — Residents here are complaining that the closure of a road will cut off access to their homes.

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

ward said the six residents who

CLERK OF THE BOARD

Submitted by Robert Mabeel
1/24/2011 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 come out to a nice easy solution that nobody gets hurt."

Dirt road parallels paved road next to Bautista Creek channel.

Residents protest exclusion from road

By Leon Espinoza

The Press-Enterprise

HEMLOCK — Several families here are protesting a city council decision to close a dirt road that runs parallel to a paved road next to a creek channel. The residents say they have lived on the dirt road for 20 years and that they will be excluded by the city's new zoning ordinance.

The dirt road, which is a narrow, gravelly path, is used by the residents to access their homes. The residents say that the city's new zoning ordinance will require them to build a paved driveway, which they cannot afford to do. They also say that the city's new zoning ordinance will require them to build a fence around their property, which they also cannot afford to do.

The city's new zoning ordinance was adopted by the city council in a 4-2 vote. The residents say that they were not notified of the council's decision and that they have the right to be heard at a public hearing. They also say that they have the right to appeal the city's decision to the state court.

On Tuesday, six and other residents seized their opposition to a council board of supervisors meeting.

The city's new zoning ordinance will require that all new residential developments be built on paved roads. The residents say that they have lived on the dirt road for 20 years and that they have the right to be heard at a public hearing. They also say that they have the right to appeal the city's decision to the state court.

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LAW OFFICES OF
GOOD, WILDMAN, HEGNESS & WALLEY

RONALD K. BROWN, JR.*
GARY ALDO DAPELO*
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PAUL W. WILDMAN
(1924-1983)
OF COUNSEL
LOUIS A. CAPPADONA

*A PROFESSIONAL CORPORATION

RECEIVED
APR 29 1986

April 24, 1986

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

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.

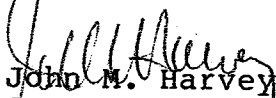
119.1 Rodda

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 Banwell

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

RECORDS MAINTAINED BY
121583
 AND WHEN APPLICABLE MAIL TO
 Mr. and Mrs. Robert S. Mabey
 33148 Anderson
 Hemet, California
 This Order No. **250282** Record No. **2282-1**

BOOK 3820 PAGE 467

RECEIVED FOR RECORD
OCT 7 1964
 AT 9:00 O'CLOCK A.M.
 BY DEPOSIT OF
 SECURITY TITLE INSURANCE CO
 Hemet, California

BOOK 3820 PAGE 467
W. E. Towers

ADDITIONS

Joint Tenancy Grant Deed

THIS FORM FURNISHED BY SECURITY TITLE INSURANCE COMPANY

33148274

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. MARLE and MARTHA A. MARLE, 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 3442 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** before me the undersigned,
 a Notary Public in and for said County and State, personally
 appeared **Raymond Deichel, Jr. and Lola
 M. Deichel**

FOR NOTARY SEAL OR STAMP

Wm. E. TOWERS
 NOTARY PUBLIC
 RIVERSIDE, CALIF.

Wm. E. Towers
 Wm. E. Towers
 Name (Typed or Printed)
 Notary Public in and for said County and State

GRANT OF EASEMENT.

RAYMOND DEICHEL, Jr., and LOLA H. DEICHEL, 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 Deichel, Jr.
Raymond Deichel, Jr.

Robert D. Mabee

Lola H. Deichel
Lola H. Deichel
Grantors

Martha A. Mabee
Grantees

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.

121564

RECORDED
OCT 7 1964
AUGUST 1964
BOOK 3820 PAGE 232
280

250

County of Riverside



SUPERVISOR JEFF STONE
THIRD DISTRICT

April 17, 2008

Robert Mabee
3086 Miguel Street
Riverside, CA. 92506

Dear Mr. Mabee:

This letter is to acknowledge that I had a delightful meeting with you and your lovely wife at my pharmacy in Murrieta prior to me taking the oath of Riverside County's Third District Supervisor. We discussed matters of your concern.

We look forward to our continued communication and wish you and your family well.

Sincerely,


JEFF STONE
Supervisor

JS:re

RIVERSIDE OFFICE
4080 LEMON STREET, 5TH FLOOR
RIVERSIDE, CA 92501
(951) 955-1030
FAX: (951) 955-2194

DISTRICT OFFICE: MENIFEE
29995 EVANS ROAD, SUITE 103
SUN CITY, CA 92586
TOLL FREE 1-866-383-2203
(951) 301-5414 • FAX: (951) 301-8571

VERNE LAURITZEN, CHIEF OF STAFF
E-MAIL: district3@rcbos.org

HEMET OFFICE
1025 N. STATE STREET
HEMET, CA 92343
(951) 791-3490
FAX: (951) 791-3465

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