

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



9.12

During the oral communication section of the agenda for Tuesday, March 27, 2012, Robert Mabee read his statement into the record.

**ATTACHMENTS FILED WITH
CLERK OF THE BOARD**

**AGENDA NO.
9.12**

COUNTY COUNSEL



Memorandum

DATE: August 13, 1996

TO: Kay Cenicerros, Chairman, Board of Supervisors
Robert Buster, Supervisor, District I
John Tavaglione, Supervisor, District II
Roy Wilson, Supervisor, District IV
Tom Mullen, Supervisor, District V
Dave Zappe, General Manager/Chief Engineer, RCFC&WCD

FROM: Jay G. Vickers, Deputy County Counsel *JGV*

RE: Robert Mabee
Summary Chronology of events with Mr. Mabee

March 20, 2011
Received by
Kevin Hen
Clark & the Board
to give to
Mr. Mabee
A copy also
given to
Clark & the
Board

The following is a chronological summary of events related to Mr. Mabee and/or the Bautista Creek access road. It is not exhaustive and reflects only documents in County Counsel files. There may be other departments that have items that we are not aware of.

1961 ✓

April District acquires some property from Mr. & Mrs. Raymond Deichsel. One of the terms of the agreement is that District grant Deichsel encroachment permit for ingress and egress to other Deichsel property. Deichsel property apparently lacks "legal" access even before [and without] District acquisition of a portion of the Deichsel holdings.. ✓

May Deichsel applies for and is granted an Encroachment Permit (access) over District access and maintenance road.

1964

October Grant Deed of property from Deichsel to Robert D. Mabee and Martha A. Mabee. (Instrument No. 121565 [Bk. 3820, pg. 467])

October Easement for "road purpose and for installation and maintenance of water pipelines and meter" from Deichsel to Mabee (Instrument No. 121564 [Bk. 3820, pg. 431])

For future reference we will call this Easement No. 1.

A copy of this easement is attached.

Robert Mabee

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

Project 4030
Bautista Crook Channel

RECEIVED FOR RECORD

AUG 9 1965

15
W. G. F. ...

Recorded in Office Records
of Riverside County, California

W. W. ...

RECORDED

FEE \$ *...*

9.1965

RECEIVED

JUL - 1 2010 ✓

COUNTY COUNSEL
TO *Byrd P. Walls*

E A S E M E N T D E E D

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION

DISTRICT hereby grants to RAYMOND DEICHEL, JR. and LOLA H. DEICHEL 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 Deichels this easement for ingress and egress to Deichels 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.

91932

MAR 11 1998
V. Chase

Yam



91932

This easement is subordinate to the rights of the District to construct, maintain and operate Bautista Creek Channel. If at any time a public highway or street shall be extended to the described lands in Section 22 lying easterly of Bautista Creek Channel, this easement shall cease and determine. If at any time this easement shall be intersected by a public highway or public street, the portion of this easement lying north and northwesterly of such intersection shall cease and determine.

Dated August 9, 1965


RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By 
Chairman

State of California)
 : ss.
County of Riverside)

On August 9, 1965, before me personally appeared William E. Jones known to me to be the Chairman of the Board of Supervisors of Riverside County Flood Control and Water Conservation District and the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that said District executed the same.

DONALD D. SULLIVAN, County Clerk

By 
Deputy

(SEAL)

FREE RECORDING
"This instrument is for the benefit of Riverside County Flood Control and Water Conservation District, and is entitled to be recorded without fee (Govt. Code 6101)"

Board of Supervisors
August 13, 1996
Page 5

April 5 Letter from Road and District to Board advising Board not to grant the requested easement to D&B Management.

April 9 Board denies the D&B Management request for an access easement along the Bautista Creek Flood Control Channel.

1981 ✓

September 17 BLM grants right of way to Mabee for "Operation and maintenance of an existing road, 60 feet wide, being 30 feet from center line." ✓

For future reference we will call this Easement No. 3.

This plus other recorded easements and maps appears to establish access from the Mabee property to the intersection of Chambers Street and Buena Vista in the City of Hemet. ✓

Between 1981 - 1985

Fatal accident (see attached)

1985

July District requests permission from Corps of Engineers new access road so we can fence and close old maintenance road to private access use. Corps approves of fencing.

1986

District attempts to resolve the matter with Mabee and others. Some of the terms to Mabee are:

- (1) Mabee to abandon any claim he may have in Deichsel easement.
- (2) District to construct an unpaved road for Mabee's use and District will grade and maintain.
- (3) District to convey separate access easement to Mabee.
- (4) District to pay Mabee \$1,000.00.

[Proposal not acceptable to Mabee]

Case File - 72



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Palm Springs — South Coast Resource Area
63-500 Garnet Avenue
Post Office Box 2000
North Palm Springs, CA 92258-2000



IN REPLY REFER TO:

2810

CACA 8278
(CA-066.60)

JUL 1 1993

Verla Harle
6/30/93
Mitchell Loveston
6/30/93

CERTIFIED MAIL NO. P106 430 552
RETURN RECEIPT REQUESTED

DECISION

Mr. Robert D. Mabee and
Mr. Robert A. Barnes
27750 Grant Ave.
Hemet, CA 92544

Right-of-Way CACA 8278

Rental Determined on Right-of-Way CACA 8278

As discussed by Robert Mabee and Verla Harle by telephone on Thursday, June 24, 1993, we were not successful in having Riverside County dedicate your road as a non-maintained easement. If the road had been dedicated by the County, we would have made this right-of-way (ROW) rental exempt because the road provides physical access to properties in the area and is critical for fire-fighting purposes, paramedics, and other important services. The County, as you are aware, advised that there was not sufficient interest to dedicate this road, which included the fact that this ROW expires in 30 years, and dedication cannot have a time limitation.

Since this road cannot be dedicated by the County, it will be necessary that rental be charged for ROW CACA 8278. Mr. Mabee asked that Ms. Harle determine the rental and bill him accordingly, based on the linear schedule effective since August of 1987. This schedule is based on a national index, updated each year and published in the Federal Register. The schedule provides a uniform method for rental determinations. All rental billing periods are adjusted to coincide with the calendar year. Rental is calculated by multiplying the acreage in the ROW by the applicable zone (county) rate. An advance payment for five years is requested when the annual rental is \$100.00 or less. The rental amount is adjusted slightly at the time of the next due date to comply with the current linear schedule.

The annual rental rate for ROW CACA 8278 is \$64.00 (rounded) for 5.82 acres of public land in Riverside County at \$11.00 per acre. The total rental due (within 60 days of receipt of this decision) is \$320.00 for five years and will pay the rental through December 31, 1997. Please make your check payable to the DEPARTMENT OF THE INTERIOR—BLM at the above address. You will receive a notice of payment due in advance of the next due date of January 1, 1998.

/s/ Marilyn Myers

Marilyn Myers
Acting Area Manager

**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 MADIEE

Address: 3086 Mibael ST
(only if follow-up mail response requested)

City: RIVERSIDE **Zip:** 92506

Phone #: 788-4858

Date: 3-27-12 **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: _____