

FORM APPROVED COUNTY COUNSEL  
BY: Gregory P. Priamos DATE: 9/23/14

**SUBMITTAL TO THE FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

107B



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
October 7, 2014

**SUBJECT:** Adopt Resolution No. F2014-33 Declaration of Surplus Real Property and Notice of Intent to Exchange Fee and Easement Interests in Real Property, portions of APNs 283-060-028 and 283-060-029, RCFC Parcel Nos. 2493-2B and 2493-2D to Lee Lake Water District (LLWD), for Acquisition of Easement Interests in Real Property with APN 283-060-013, RCFC Parcel Nos. 2493-1 and 2493-1T from LLWD, all said properties located in the unincorporated area of the County of Riverside, State of California; Temescal Creek - Foster Road Storm Drain, Stage 1, Project No. 2-0-00493; District 1/ District 1 [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Adopt Resolution No. F2014-33 Declaration of Surplus Real Property and Notice of Intent to Exchange Fee and Easement Interests in Real Property, portions of APNs 283-060-028 and 283-060-029, RCFC Parcel No. 2493-2B by Grant Deed and RCFC Parcel No. 2493-2D by Easement Deed to LLWD, for Easement Interests in Real Property with APN 283-060-013, RCFC Parcel Nos. 2493-1 and 2493-1T, by Easement Deed and Right of Entry and Temporary Construction Easement Agreement from LLWD, all said properties located in the unincorporated area of the County of Riverside, State of California; and

(continue on Page 2)

BAF:rlp  
P8/162636

**WARREN D. WILLIAMS**  
General Manager-Chief Engineer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ 0	\$ 0	\$ 0	\$	

**SOURCE OF FUNDS:** N/A

Budget Adjustment: No

For Fiscal Year:

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Steven C. Horn

County Executive Office Signature

**MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

On motion of Supervisor Tavaglione, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and is set for public hearing on Tuesday, October 21, 2014, at 10:30 a.m.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley

Nays: None

Absent: None

Date: October 7, 2014

xc: Flood, COB

Kecia Harper-Ihem  
Clerk of the Board

By:   
Deputy

Prev. Agn. Ref.:

District: 1<sup>st</sup>/1<sup>st</sup>

Agenda Number:

11-1

☐ A-30  
☒ 4/5 Vote  
☐ Positions Added  
☐ Change Order

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT  
BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**FORM 11:** Adopt Resolution No. F2014-33 Declaration of Surplus Real Property and Notice of Intent to Exchange Fee and Easement Interests in Real Property, portions of APNs 283-060-028 and 283-060-029, RCFC Parcel Nos. 2493-2B and 2493-2D to Lee Lake Water District (LLWD), for Acquisition of Easement Interests in Real Property with APN 283-060-013, RCFC Parcel Nos. 2493-1 and 2493-1T from the LLWD, all said properties located in the unincorporated area of the County of Riverside, State of California; Temescal Creek – Foster Road Storm Drain, Stage 1, Project No. 2-0-00493; Districts 1/ District 1 [\$0]

**DATE:** October 7, 2014

**PAGE:** Page 2 of 3

**RECOMMENDED MOTION:** (continued from page 1)

2. Authorize the Clerk of the Board to advertise pursuant to Section 6061 of the Government Code.

**BACKGROUND:**

**Summary (continued)**

On July 11, 2014, the Riverside County Flood Control and Water Conservation District ("District") acquired certain real property with APNs 263-060-028 and 263-060-029, RCFC Parcel No. 2493-2, consisting of approximately 142,761 square feet combined for a proposed outlet site to further implement the District's Temescal Creek – Foster Road Storm Drain, Stage 1 Project ("Project"). The District has determined 98,580 square feet of land will be required to construct the flood control facility, thereby leaving an uneconomic remnant, consisting of approximately 44,091 square feet that is landlocked and not necessary for the Project.

This remnant portion of Interests in Real Property, portions of APNs 283-060-028 and 283-060-029, also referenced as RCFC Parcel Nos. 2493-2B and 2493-2D as described in Exhibit "A" and shown in Exhibit "B" is hereinafter referred to as "Consideration Property", is no longer necessary to be retained for the uses and purposes of the District. The District desires to convey this Consideration Property to LLWD in exchange for and as the consideration for the acquisition of real property interests from LLWD. LLWD can use the Consideration Property due to its close proximity to other property owned by LLWD; therefore, LLWD has agreed to accept the Consideration Property in exchange for the real property interests that the District desires to acquire from LLWD rather than accepting legal tender as consideration.

Therefore, the District recommends adoption of Resolution F2014-33 to declare the Consideration Property as surplus property and provide notice of the District's Intention to Exchange said property of RCFC Parcel No. 2493-2B by Grant Deed and RCFC Parcel No. 2493-2D by Easement Deed to LLWD. This exchange of property with similar values will remove both maintenance and potential liability issues for the District for the Consideration Property.

Pursuant to the California Water Code Appendix §48-9 and §48-13, the Board of Supervisors for the District has the power to hold, use, acquire any real property interest and may determine by resolution duly entered in its minutes that any real property held by the District is no longer necessary to be retained for the uses and purposes thereof and may thereafter dispose of said property, including the power to grant any interest in real property it owns to public agencies where such grant does not interfere with the use of the real property for the purposes of the District. Staff has evaluated and determined that the conveyance of the fee and easement interests to LLWD will not interfere with the use of the property for the purposes of the District.

Resolution No. F2014-33 has been approved as to form by County Counsel.

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT  
BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**FORM 11:** Adopt Resolution No. F2014-33 Declaration of Surplus Real Property and Notice of Intent to Exchange Fee and Easement Interests in Real Property, portions of APNs 283-060-028 and 283-060-029, RCFC Parcel Nos. 2493-2B and 2493-2D to Lee Lake Water District (LLWD), for Acquisition of Easement Interests in Real Property with APN 283-060-013, RCFC Parcel Nos. 2493-1 and 2493-1T from the LLWD, all said properties located in the unincorporated area of the County of Riverside, State of California; Temescal Creek – Foster Road Storm Drain, Stage 1, Project No. 2-0-00493; Districts 1/ District 1 [\$0]

**DATE:** October 7, 2014

**PAGE:** Page 3 of 3

**Impact on Residents and Businesses**

The proposed project will protect people, property, and the watershed from damage and/or destruction from flood and stormwater impacts. The health and safety concerns prompted the District to construct the proposed project.

**ATTACHMENTS (if needed, in this order):**

1. Resolution No. F2014-33
2. Exhibit "A" and Exhibit "B"
3. Exhibit "C" and Exhibit "D"
4. Exhibit "E" and Exhibit "F"

**BOARD OF SUPERVISORS****RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT****RESOLUTION NO. F2014-33**

DECLARATION OF SURPLUS REAL PROPERTY AND NOTICE OF INTENT TO EXCHANGE FEE AND EASEMENT INTERESTS IN REAL PROPERTY PORTIONS WITH ASSESSOR'S PARCEL NUMBERS 283-060-028 AND 283-060-029, RCFC PARCEL NOS. 2493-2B BY GRANT DEED AND 2493-2D BY EASEMENT DEED TO LEE LAKE WATER DISTRICT FOR ACQUISITION OF EASEMENT INTERESTS IN REAL PROPERTY WITH ASSESSOR'S PARCEL NUMBER 283-060-013, RCFC PARCEL NOS. 2493-1 BY EASEMENT DEED AND 2493-1T RIGHT OF ENTRY AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT FROM THE LEE LAKE WATER DISTRICT, ALL SAID PROPERTIES LOCATED IN THE UNINCORPORATED AREA OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
TEMESCAL CREEK – FOSTER ROAD STORM DRAIN, STAGE 1  
PROJECT NO. 2-0-00493

WHEREAS, on July 11, 2014, the Riverside County Flood Control and Water Conservation District ("District") acquired certain real property with APNs 263-060-028 and 263-060-029, RCFC Parcel No. 2493-2, consisting of approximately 142,761 square feet combined for a proposed outlet site to further implement the District's Temescal Creek – Foster Road Storm Drain, Stage 1 Project ("Project"); and

WHEREAS, the District has determined that 98,580 square feet of land will be required to construct the flood control facility, thereby leaving an uneconomic remnant, consisting of approximately 44,091 square feet of land, portions of APNs 283-060-028 and 283-060-029, also referenced as RCFC Parcel Nos. 2493-2B and 2493-2D that is landlocked and not necessary for the Project, hereinafter referred to as the "Consideration Property"; and

WHEREAS, pursuant to the California Water Code Appendix §48-9 and §48-13, the Board of Supervisors for the District has the power to hold, use, acquire any real property interest and may determine by resolution duly entered in its minutes that any real property held by the District is no longer necessary to be retained for the uses and purposes thereof and may thereafter dispose of said property, including the power to grant any interest in real property it owns to public agencies where such grant does not interfere with the use of the real property for the purposes of the District; and

FORM APPROVED COUNTY COUNSEL  
BY: *Synthia M. Gunzel* 9-18-14  
DATE  
SYNTHIA M. GUNZEL

1 WHEREAS, the District has determined that the conveyance of the Consideration  
2 Property to the Lee Lake Water District will not interfere with the use of the property for the  
3 purposes of the District and desires to declare said property as surplus and provide notice of the  
4 District's intention to exchange said property with the Lee Lake Water District.

5 NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED AND  
6 NOTICE IS HEREBY GIVEN by the Board of Supervisors of the Riverside County Flood  
7 Control and Water Conservation District (District) in regular session assembled on October 7,  
8 2014, pursuant to California Water Code – Appendix, Chapter 48, Sections 48-9 and 48-13, that  
9 the Board of Supervisors declares the Consideration Property as surplus and intends to convey, at  
10 or after 10:30 a.m. on October 21, 2014 to Lee Lake Water District, certain real property located  
11 in the unincorporated area of the County of Riverside, State of California, consisting of  
12 approximately 44,091 square feet of land, also referenced as RCFC Parcel Nos. 2493-2B and  
13 2493-2D, portions of land with Assessor's Parcel Numbers 283-060-028 and 283-060-029, as  
14 described in Exhibit "A" and shown on Exhibit "B", attached hereto and made a part hereof in  
15 exchange for and as consideration to acquire certain interests in real property with Assessor's  
16 Parcel Number 283-060-013, RCFC Parcel Nos. 2493-1 and 2493-1T, as described in Exhibit  
17 "C" and shown on Exhibit "D", attached hereto and made a part hereof by Easement Deed and  
18 Right of Entry and Temporary Construction Easement Agreement from the Lee Lake Water  
19 District.

20 BE IT FURTHER RESOLVED AND DETERMINED that the fee and easement  
21 interests in real property to be conveyed to Lee Lake Water District are not required for the  
22 District's operation and maintenance of Temescal Creek – Foster Road Storm Drain, Stage 1 and the  
23 District shall retain fee rights in Parcel 2493-2A, as described in Exhibit "E" and shown on Exhibit  
24 "F", attached hereto and made a part hereof.

25 BE IT FURTHER RESOLVED AND DETERMINED that the Clerk of the Board  
26 of Supervisors is directed to give notice hereof as provided in Section 6061 of the Government  
27 Code.  
28

2  
3 **RESOLUTION NO. F2014-33**

4 **DECLARATION OF SURPLUS REAL PROPERTY AND NOTICE OF INTENT TO**  
5 **EXCHANGE FEE AND EASEMENT INTERESTS IN REAL PROPERTY PORTIONS**  
6 **WITH ASSESSOR'S PARCEL NUMBERS 283-060-028 AND 283-060-029, RCFC PARCEL**  
7 **NOS. 2493-2B BY GRANT DEED AND 2493-2D BY EASEMENT DEED**  
8 **TO LEE LAKE WATER DISTRICT FOR ACQUISITION OF EASEMENT INTERESTS IN**  
9 **REAL PROPERTY WITH ASSESSOR'S PARCEL NUMBER 283-060-013, RCFC PARCEL**  
10 **NOS. 2493-1 BY EASEMENT DEED AND 2493-1T RIGHT OF ENTRY AND TEMPORARY**  
11 **CONSTRUCTION EASEMENT AGREEMENT FROM THE LEE LAKE WATER DISTRICT,**  
12 **ALL SAID PROPERTIES LOCATED IN THE UNINCORPORATED AREA OF THE**  
13 **TEMESCAL CREEK – FOSTER ROAD STORM DRAIN, STAGE 1**  
14 **PROJECT NO. 2-0-00493**

15  
16  
17 ADOPTED by Riverside County Board of Supervisors on October 7, 2014

18 **ROLL CALL:**

19  
20 Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley  
21 Nays: None  
22 Absent: None  
23  
24  
25

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

KECIA HARPER-IHEM, Clerk of said Board

By: 

Deputy

EXHIBITS

“A” & “B”

Exhibit "A"

**Temescal Creek – Foster Road Storm Drain  
Parcel 2493-2D**

Being a portion of Parcel 2493-2 of Record of Survey as shown in Book 140, Pages 92 through 94, records of Riverside County, State of California, within the unincorporated territory of said County described as follows:

The westerly 15.00 feet, together with the northerly 15.00 feet of said Parcel.



  
WILLIAM R. HOFFERBER JR.

Land Surveyor No. 7360

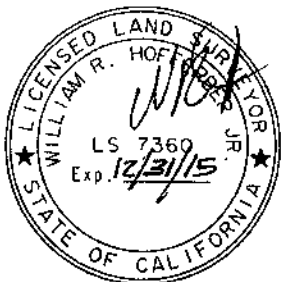
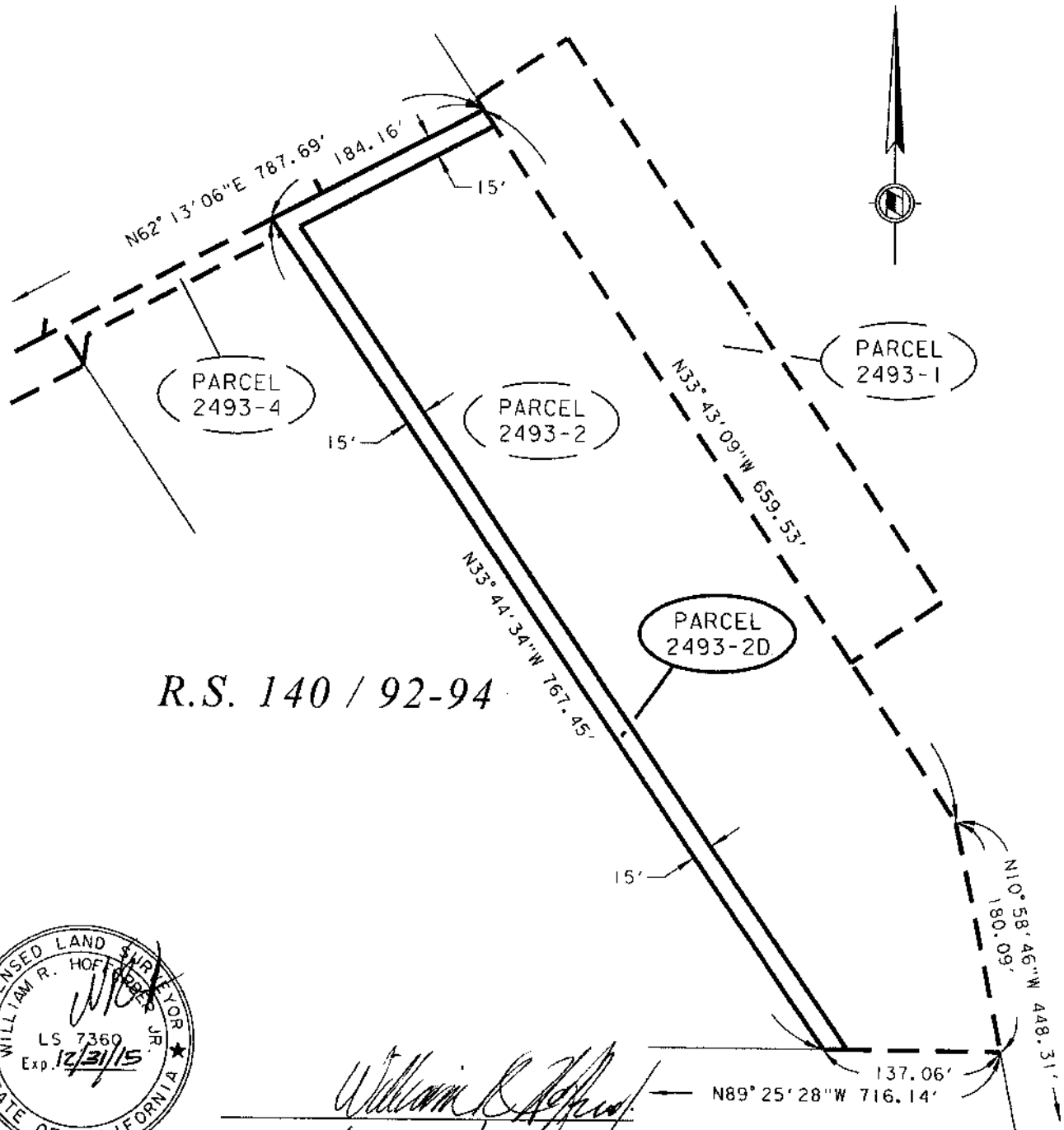
Signed For: Riverside County Flood Control  
and Water Conservation District

Date: 01 JULY, 2014



# Exhibit "B"

BEING A PORTION OF PARCEL 2493-2 OF RECORD OF SURVEY AS SHOWN IN BOOK 140,  
PAGES 92 THROUGH 94, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WITHIN  
THE UNINCORPORATED TERRITORY OF RIVERSIDE COUNTY.



DATE: 01 JULY, 2014

## RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT NAME:

TEMESCAL CREEK - FOSTER ROAD STORM DRAIN

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.

RCFC PARCEL NUMBER(S):

PARCEL 2493-2D

SCALE:

NO SCALE

JUN-30-2014

PREPARED BY:

DAB

SHEET NO.

1 OF 1

## Exhibit "A"

### Temescal Creek – Foster Road Storm Drain Parcel 2493-2B

Being a portion of Parcel 2493-2 of Record of Survey as shown in Book 140, Pages 92 through 94, records of Riverside County, State of California, within the unincorporated territory of said County described as follows:

A portion of said Parcel lying easterly and southerly of the following described line:

Commencing at the southwesterly corner of said Parcel;

Thence South  $89^{\circ} 25' 28''$  East 12.11 feet along the southerly line of said Parcel to a point on line parallel with and distant easterly 10.00 feet, measured at right angles, from the westerly line of said Parcel and the Point of Beginning;

Thence North  $33^{\circ} 44' 34''$  West 239.06 feet along said parallel line;

Thence North  $56^{\circ} 15' 37''$  East 172.95 feet to the easterly line of said parcel being North  $33^{\circ} 43' 09''$  West 143.43 feet from the easterly corner of said Parcel and the Point of Termination.



  
WILLIAM R. HOFFERBER JR.

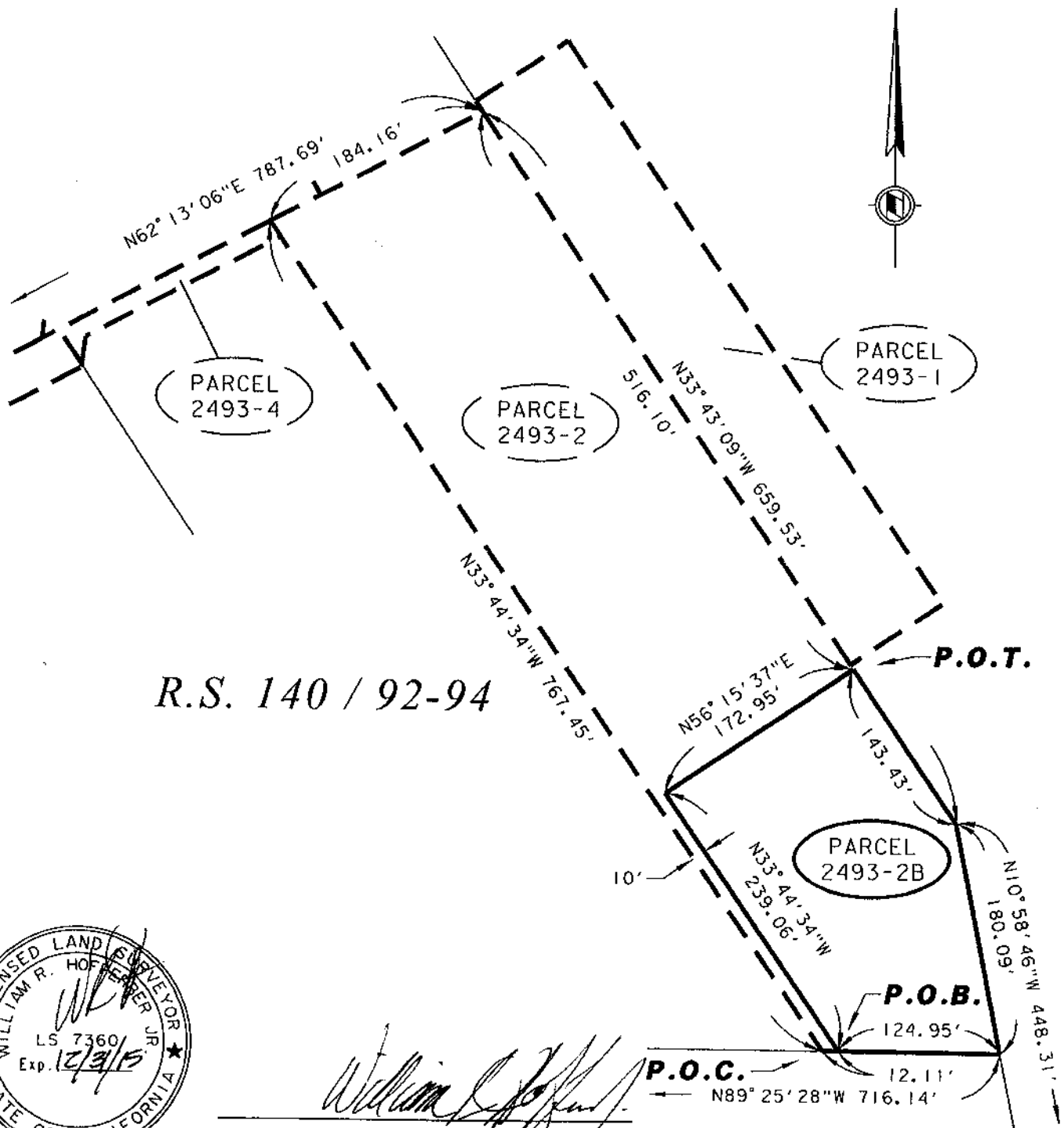
Land Surveyor No. 7360

Signed For: Riverside County Flood Control  
and Water Conservation District

Date: 18 FEB. 2014

# Exhibit "B"

BEING A PORTION OF PARCEL 2493-2 OF RECORD OF SURVEY AS SHOWN IN BOOK 140,  
PAGES 92 THROUGH 94, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WITHIN  
THE UNINCORPORATED TERRITORY OF RIVERSIDE COUNTY.



R.S. 140 / 92-94



DATE: 18 FEB. 2014

## RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT NAME:

TEMESCAL CREEK - FOSTER ROAD STORM DRAIN

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.

RCFC PARCEL NUMBER(S):

PARCEL 2493-2B

SCALE:

NO SCALE

FEB-11-2014

PREPARED BY:

DAB

SHEET NO.

1 OF 1

EXHIBITS

“C” & “D”

Exhibit "C"

Temescal Creek - Foster Road Storm Drain  
Parcel 2493-1

All of Parcel 2493-1 of Record of Survey as shown in Book 140, Pages 92 through 94, records of Riverside County, State of California, within the unincorporated territory of Riverside County.



  
WILLIAM R. HOFFERBER JR.

Land Surveyor No. 7360

Signed For: Riverside County Flood Control  
and Water Conservation District

Date: 22 AUG., 2013

ALL OF PARCEL 2493-1 OF RECORD OF SURVEY AS SHOWN IN BOOK 140, PAGES 92  
THROUGH 94, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WITHIN  
THE UNINCORPORATED TERRITORY OF RIVERSIDE COUNTY.



William R. Kemp  
AUG. 2013

LINE DATA		
	BEARING	DISTANCE
1	N56° 16' 51"E	85.00'
2	N56° 16' 51"E	85.00'

1995 MARKET ST. RIVERSIDE, CA. 92501

TEMESCAL CREEK - FOSTER ROAD STORM DRAIN

2493-1

NO SCALE

DAB

SHEET NO.

Exhibit "C"

**Temescal Creek – Foster Road Storm Drain  
Parcel 2493-1T**

Being a portion of Division I as described in Instrument No. 465250, recorded December 10, 1996, records of Riverside County, State of California, within the unincorporated territory of Riverside County described as follows:

A strip of land 90 feet wide, lying northeasterly of and perpendicular to the following described line:

Beginning at a point on the westerly line of said Division I being North 33° 43' 09" West 48.00 feet from the most northerly corner of Parcel 1 as described in Instrument No. 95537, recorded July 19, 1972, records of said County;

Thence South 33° 43' 09" East 38.00 feet along the westerly line of said Division I;

Thence continuing South 33° 43' 09" East 536.00 feet along the westerly line of said Division I to the Point of Termination;

Excepting therefrom Parcel 2493-1 of Record of Survey as shown in Book 140, Pages 92 through 94, records of said county.



  
WILLIAM R. HOFFERBER JR.

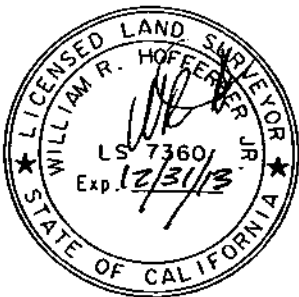
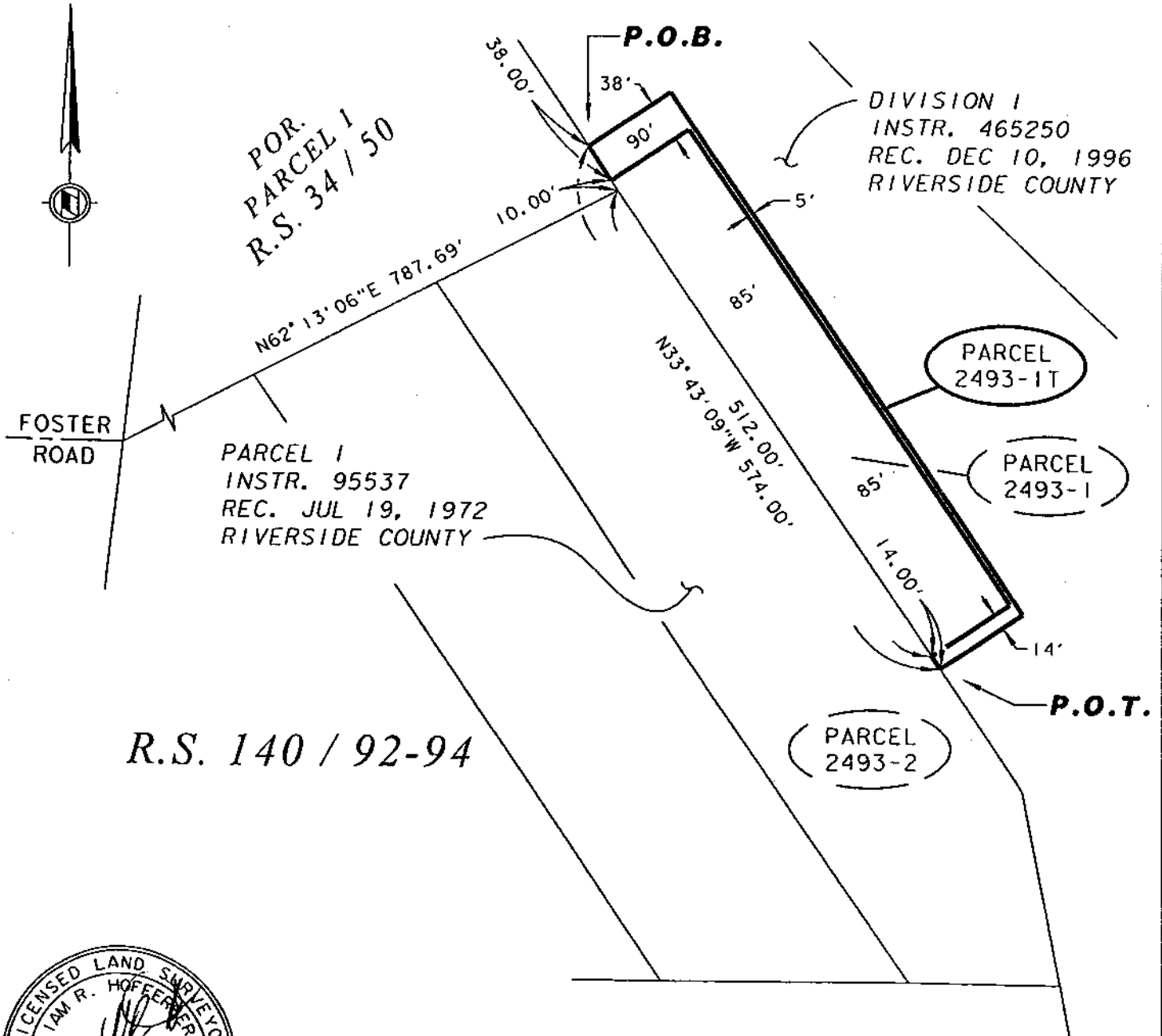
Land Surveyor No. 7360

Signed For: Riverside County Flood Control  
and Water Conservation District

Date: 22 AUG. 2013

# Exhibit "D"

BEING A PORTION OF DIVISION I AS DESCRIBED IN INSTRUMENT NO. 465250, RECORDED  
DECEMBER 10, 1996, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WITHIN  
THE UNINCORPORATED TERRITORY OF RIVERSIDE COUNTY.



*William R. Hoffer, Jr.*  
DATE: 22 AUG. 2013

**RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT**  
1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT NAME: TEMESCAL CREEK - FOSTER ROAD STORM DRAIN			
THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT A PART	RCFC PARCEL NUMBER(S):	SCALE:	PREPARED BY:
	2493-1T	NO SCALE	DAB
SHEET NO.			



# EXHIBITS

“E” & “F”

Exhibit "E"

Temescal Creek – Foster Road Storm Drain  
Parcel 2493-2A

Being a portion of Parcel 2493-2 of Record of Survey as shown in Book 140, Pages 92 through 94, records of Riverside County, State of California, within the unincorporated territory of said County described as follows:

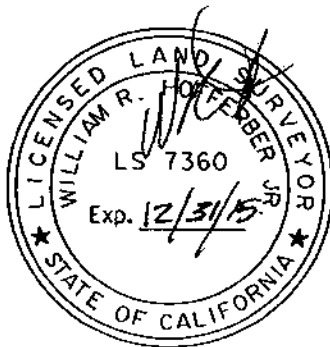
A portion of said Parcel lying westerly and northerly of the following described line:

Commencing at the southwesterly corner of said Parcel;

Thence South  $89^{\circ} 25' 28''$  East 12.11 feet along the southerly line of said Parcel to a point on line parallel with and distant easterly 10.00 feet, measured at right angles, from the westerly line of said Parcel and the Point of Beginning;

Thence North  $33^{\circ} 44' 34''$  West 239.06 feet along said parallel line;

Thence North  $56^{\circ} 15' 37''$  East 172.95 feet to the easterly line of said parcel being North  $33^{\circ} 43' 09''$  West 143.43 feet from the easterly corner of said Parcel and the Point of Termination.



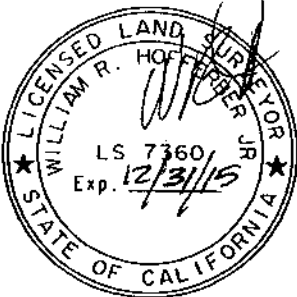
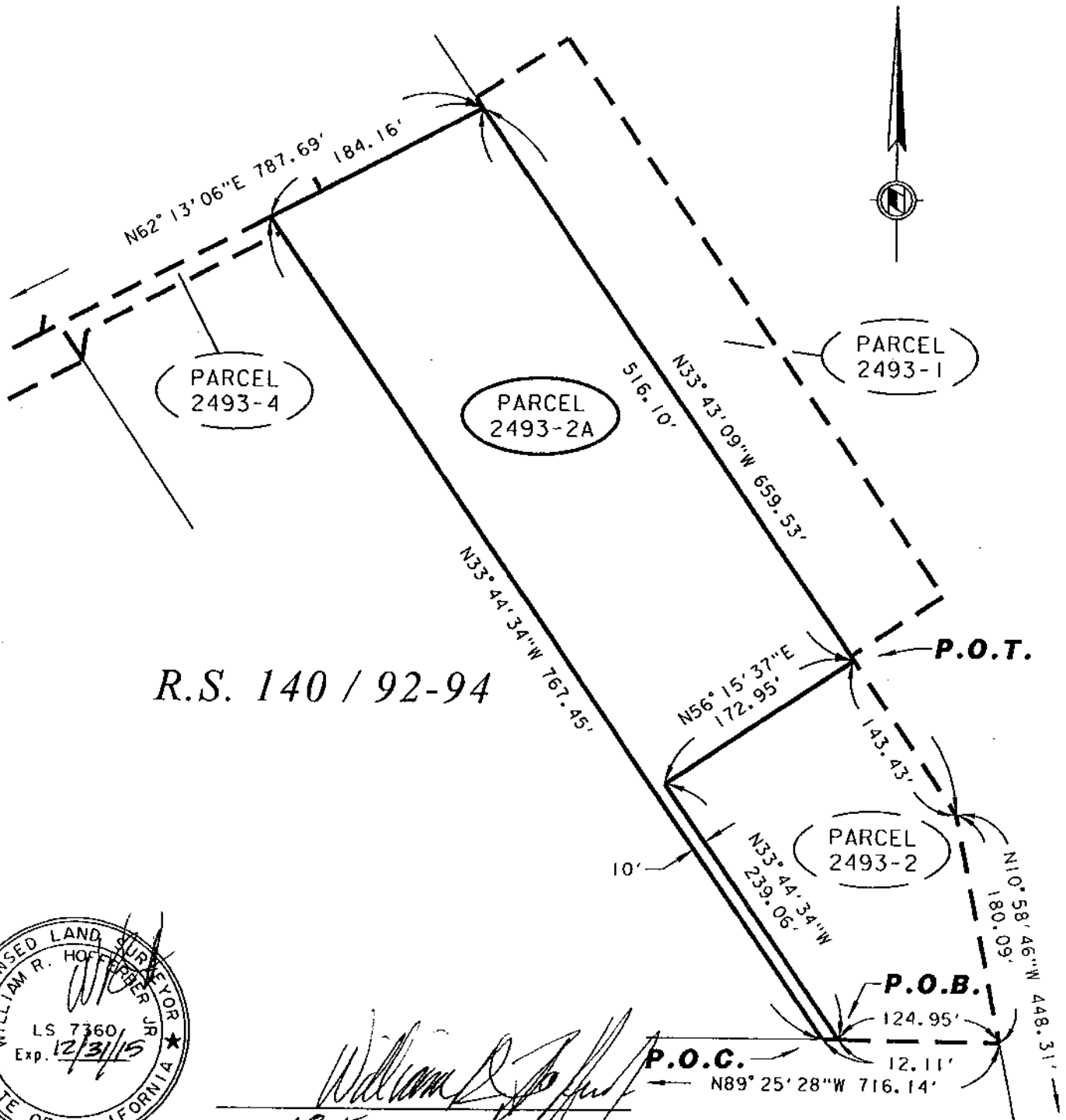
  
WILLIAM R. HOFFERBER JR.

Land Surveyor No. 7360  
Signed For: Riverside County Flood Control  
and Water Conservation District

Date: 18 FEB. 2014

# Exhibit "F"

BEING A PORTION OF PARCEL 2493-2 OF RECORD OF SURVEY AS SHOWN IN BOOK 140,  
PAGES 92 THROUGH 94, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WITHIN  
THE UNINCORPORATED TERRITORY OF RIVERSIDE COUNTY.



DATE: 18 FEB. 2014

## RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

1995 MARKET ST. RIVERSIDE, CA. 92501

PROJECT NAME:

TEMESCAL CREEK - FOSTER ROAD STORM DRAIN

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.

RCFC PARCEL NUMBER(S):

PARCEL 2493-2A

SCALE:

NO SCALE

FEB-11-2014

PREPARED BY:

DAB

SHEET NO.

1 OF 1