

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



1073

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
March 29, 2016

SUBJECT: Adopt Resolution No. F2016-05, Notice of Intent to Summarily Vacate District Right of Way along Rice Canyon Levee, in the Lake Elsinore Area, and Declare the Right of Way as Surplus, RCFC Parcel No. 3050-1 Rice Canyon Levee Project No. 3-0-00050, District 1, District Funds 0%

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. F2016-05, Notice of Intent to Summarily Vacate District Right of Way along Rice Canyon Levee, in the Lake Elsinore Area, and Declare the Right of Way as Surplus, RCFC Parcel No. 3050-1; and,
2. Direct the Clerk of the Board to give notice pursuant to Section 6061 of the Government Code.

WARREN D. WILLIAMS
General Manager-Chief Engineer

AU:rlp
P8\202666

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

SOURCE OF FUNDS:	Budget Adjustment: No
	For Fiscal Year: 15/16

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 Jeffries, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended and is set for public meeting on April 12, 2016 at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Tavaglione, Benoit and Ashley
Nays: None
Absent: Washington
Date: March 29, 2016
xc: Flood, COB

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.: 11.2 of 12/7/2010 | District: 1st | Agenda Number:

11-1

FORM APPROVED COUNTY COUNSEL 3/10/16
BY: GREGORY P. PRIAMOS DATE
Departmental Conference

- 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. F2016-05, Notice of Intent to Summarily Vacate District Right of Way along Rice Canyon Levee, in the Lake Elsinore Area, and Declare the Right of Way as Surplus, RCFC Parcel No. 3050-1 Rice Canyon Levee Project No. 3-0-00050, District 1, District Funds 0%

DATE: March 29, 2016

PAGE: Page 2 of 2

BACKGROUND:

Summary

In 1957 the District was granted an easement by Mr. and Mrs. Shupp, now known as RCFC Parcel No. 3050-1, recorded as Instrument No. 67251 on September 18, 1957, in the Official Records of Riverside County, California, for the construction and maintenance of a channel, levees and appurtenant works for control and flow of flood, storm and other waters, which encompasses over 80 acres in the unincorporated area of Lake Elsinore referred to as Rice Canyon. This dedication was prior to any design or construction in the Rice Canyon watershed.

In 1999 a portion of this easement was quitclaimed to the existing land owners, Lake Elsinore Unified School District, pursuant to Board Agenda Item 9.4 on November 2, 1999, after it was determined that flood protection was provided by the proposed development, and the easement was no longer necessary in this area. This action was recorded as Instrument No. 1999-521858 on November 30, 1999.

In 2010, an additional portion of this easement was vacated for the benefit of the existing land owners, K. Hovnanian Homes, pursuant to Board Agenda Item 11.2 on December 7, 2010, as necessary flood improvements were conditioned by the City of Lake Elsinore, constructed and the remaining property was to be converted into a conservation easement. The District reviewed the developer's improvements and determined that there would be no maintenance responsibilities for the District or additional impact on the natural conditions within this area in the present or future. The vacation was recorded as Instrument No. 2010-0602857 on December 15, 2010.

The District has now evaluated the remaining acreage and determined that there is no future need of the property rights as dedicated in the original 1957 Grant of Easement within the City of Lake Elsinore's general plan. The property shall stay in its natural condition with no additional improvements. The underlying land owner has requested that the District vacate its remaining easement rights of way as land owner to convey a conservation easement over land owner's property which preserves the natural conditions. The District staff has determined that the herein described rights of way are excess and not required for the District's purposes.

Therefore, the District recommends that the right of way easement, as shown in the attached maps, referred to as RCFC Parcel No. 3050-1, as dedicated in Instrument No. 67251 on September 18, 1957, be summarily vacated and declared surplus to the District's needs, pursuant to California Code – Appendix, Chapter 48, Section 48-9, Paragraph 5.

Impact on Residents and Businesses

No impact

ATTACHMENTS:

1. Resolution No. F2016-05
2. Regional Map of the subject area
3. Right of Way Map for RCFC Parcel 3050-1

BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F2016-05

NOTICE OF INTENT TO SUMMARILY VACATE DISTRICT RIGHT OF WAY
ALONG RICE CANYON LEVEE, IN THE LAKE ELSINORE AREA,
AND DECLARE THE RIGHT OF WAY AS SURPLUS, RCFC PARCEL 3050-1,
LOCATED IN THE CITY OF LAKE ELSINORE, COUNTY OF RIVERSIDE
RICE CANYON LEVEE, PROJECT 3-0-00050

WHEREAS, the Riverside County Flood Control and Water Conservation District
(District) is the owner of certain real property right of way easement interests, over land
identified with Assessor's Parcel Numbers as listed on Attachment "1", attached hereto and made
a part hereof, which was granted via an easement deed by Mr. and Mrs. Shupp, known as RCFC
Parcel 3050-1, recorded as Instrument No. 67251 on September 18, 1957, which encompasses 80
acres of land, located in the city of Lake Elsinore, County of Riverside; and

WHEREAS, the District has vacated portions of this easement previously per Resolution
F2010-15 as Item 11.2 on December 7, 2010, the interest referred to as RFCF Parcel 3050-1B
and Resolution No. F99-33 as Item 9.4 on November 16, 1999, for the interest referred as RCFC
Parcel 3050-1A as it had been determined unnecessary and is excess to the District's maintenance
needs; and

WHEREAS, K. Hovnanian Homes now owns a large portion of the underlying fee title
which the RCFC Parcel 3050-1 easement encompasses and is in the process of establishing a
conservation easement over the property, which will assure no improvements with be allowed and
the underlying property will stay in its natural condition; and

WHEREAS, pursuant to Water Code Appendix Chapter 48, Sections 5 and 13, the District
may dispose of any interest in real property determined to be no longer necessary to be retained for
the use and purposes of the District.

FORM APPROVED COUNTY COUNSEL
BY: Synthia M. Gunzel 3-9-16
DATE
SYNTHIA M. GUNZEL

1 NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by vote of
 2 the Board of Supervisors of the Riverside County Flood Control and Water Conservation District
 3 ("Board") in regular session assembled on March 29, 2016, at 9:00 a.m. or soon thereafter, in the
 4 meeting room of the Board of Supervisors of the District located on the 1st Floor of the County
 5 Administrative Center, 4080 Lemon Street, Riverside, California, that the Board finds that
 6 certain right of way easement interests in real property ("Right of Way"), located in the city of
 7 Lake Elsinore, County of Riverside, State of California, more particularly described in Exhibit
 8 "A", attached hereto and by this reference incorporated herein, is no longer necessary to be
 9 retained by District for public purposes and declared as surplus, pursuant to California Code –
 10 Appendix, Chapter 48-9 , Subsection 5 and Chapter 48-13; and,

11 NOTICE IS HEREBY GIVEN that this Board intends to summarily vacate the Right of
 12 Way when the Board meets to conclude the proposed transaction on or after April 12, 2016, at
 13 9:00 a.m. or soon thereafter, at the meeting room of the Board of Supervisors.

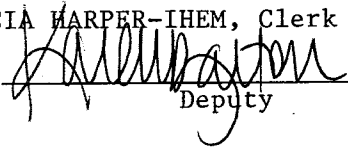
14 BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors is directed to
 15 give notice pursuant to Section 6061 of the Government Code.

16 AU:rlp

17 ROLL CALL:

18 Ayes: Jeffries, Tavaglione, Benoit and Ashley
 19 Nays: None
 20 Absent: Washington

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

23
 24
 25 KECIA HARPER-IHEM, Clerk of said Board
 26 By  Deputy
 27
 28

ATTACHMENT "1"

City of Lake Elsinore

APN's within RCFC Parcel 3050-1

389-642-010	391-571-005	391-571-021	391-581-002
391-560-001	391-571-006	391-571-022	391-581-003
391-560-002	391-571-007	391-571-023	391-581-004
391-560-003	391-571-008	391-571-024	391-582-001
391-560-004	391-571-009	391-571-025	391-582-002
391-560-005	391-571-010	391-571-026	391-582-003
391-560-008	391-571-011	391-571-027	391-582-004
391-560-009	391-571-012	391-571-028	391-582-005
391-560-010	391-571-013	391-571-029	391-820-001
391-560-011	391-571-014	391-571-030	391-820-003
391-560-012	391-571-015	391-571-031	391-820-007
391-560-013	391-571-016	391-571-032	391-960-016
391-571-001	391-571-017	391-571-033	391-960-017
391-571-002	391-571-018	391-571-034	391-960-018
391-571-003	391-571-019	391-571-035	391-960-019
391-571-004	391-571-020	391-581-001	

Exhibit "A"

RICE CANYON LEVEE (3050-1)

The North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 33, Township 5 South, Range 5 West, San Bernardino Base and Meridian, Riverside County, California.

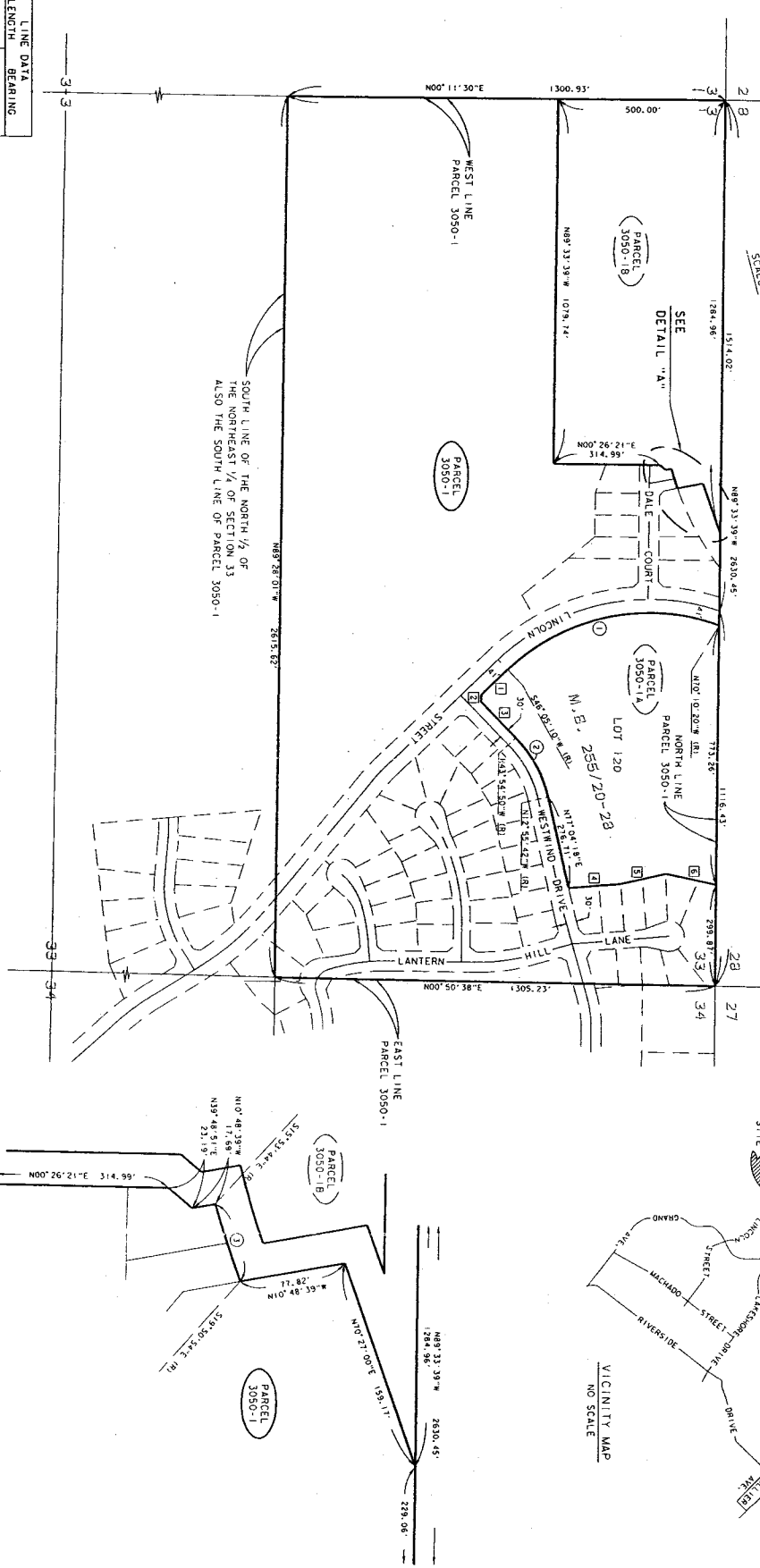
IN THE CITY OF LAKE ELSINORE, COUNTY OF RIVERSIDE, CALIFORNIA

RIGHT OF WAY

RICE CANYON LEVEE

LOT 120 AS SHOWN ON MAP BOOK 255, PAGES 20 THRU 28, INCLUSIVE,
 RECORDS OF RIVERSIDE COUNTY, CALIFORNIA,
 LOCATED IN SECTION 28, TOWNSHIP 5 SOUTH, RANGE 5 WEST S.B.B. & M.
 RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
 JANUARY 2001

DATE	REVISION DATA	INITIAL
1/20/00	THIS MAP WAS CREATED TO DEPICT	F. J. W.
1/7/16	UPDATE MAP WITH PARCEL 3050-1B	DMC



LINE DATA	BEARING	LENGTH
1	N41°54'50"W	107.17'
2	N87°14'18"E	21.93'
3	N62°52'10"E	146.70'
4	N64°37'00"W	154.78'
5	N12°55'48"W	137.13'
6	N11°35'04"E	135.08'

R / W CURVE DATA	R	T	L
1	637.44'±30"	609.00'	316.64'±272.51'
2	307.29'±08"	380.00'	103.12'±203.50'
3	03°51'10"	876.50'	30°25'±60.47'

PARCEL NO.	INSTRUMENT NO.	DATE RECORDED
3050-1	67251	9-18-1957
3050-1A	1989-321858	11-30-1998
3050-1B	2010-0602857	12-15-2010

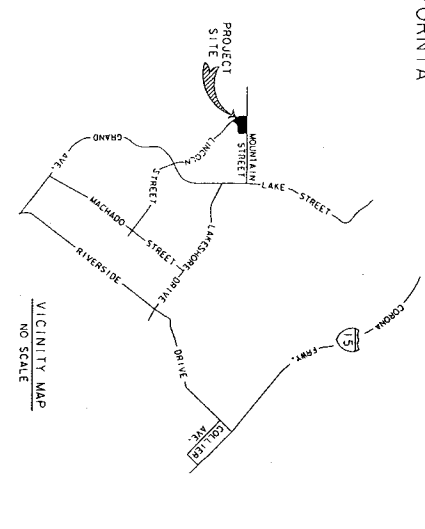
DETAIL "A"
 NOT TO SCALE

RICE CANYON LEVEE

PARCEL 3050-1B

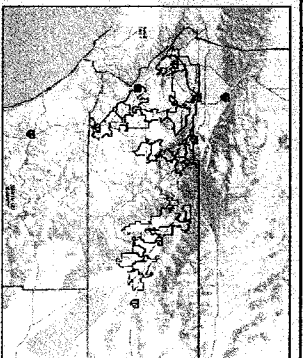
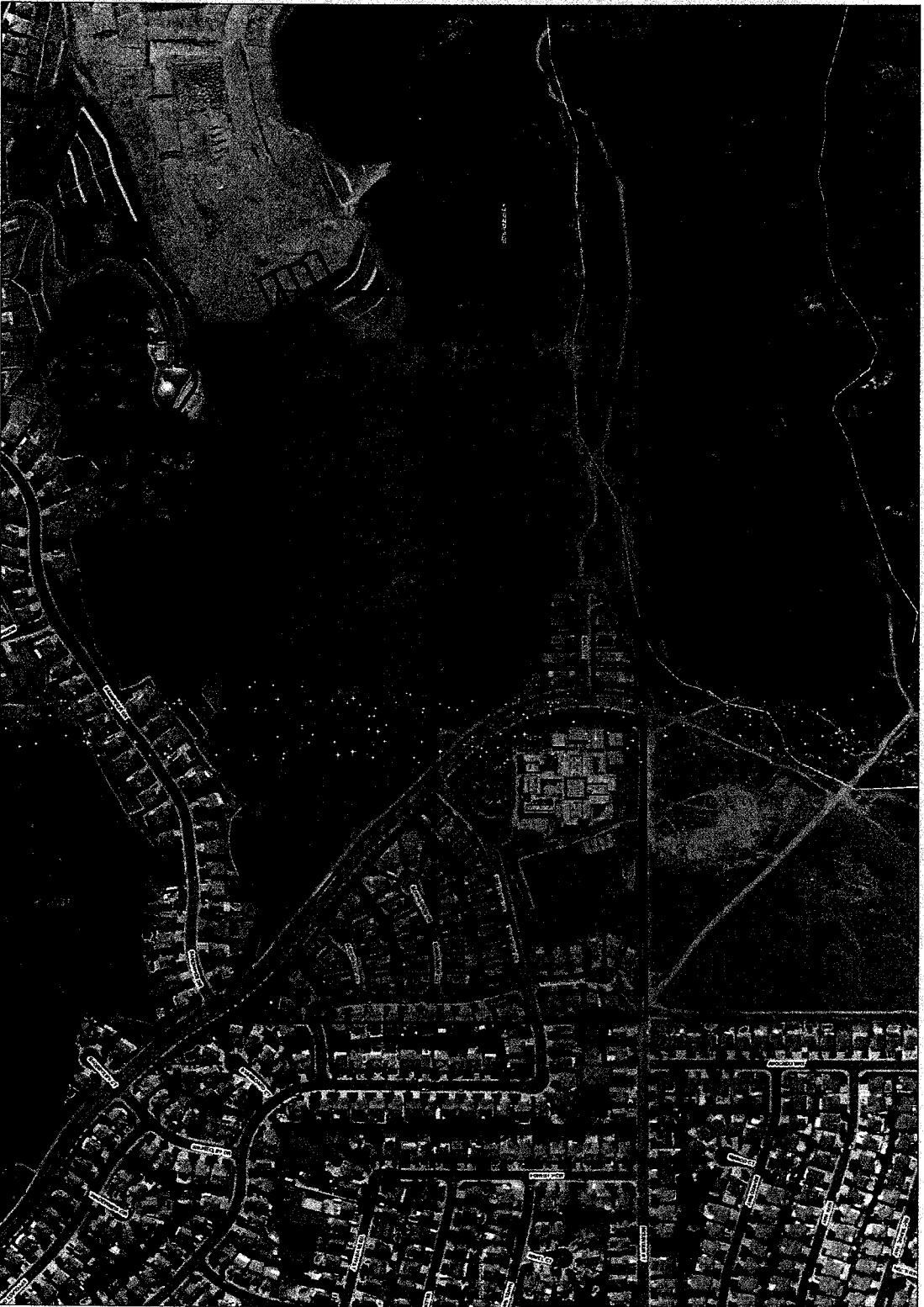
PARCEL 3050-1

PARCEL 3050-1A



Subject: Notice of Intent to Summarily Vacate and Declare District ROW Surplus

Location: Lake Elsinore, RCFC Parcel No. 3050-1



Legend

- roadsanno
 - highways
 - HWY
 - INTERCHANGE
 - INTERSTATE
 - OFFRAMP
 - ONRAMP
 - USHWY
 - counties
 - cities
 - hydrography/lines
 - waterbodies
 - Lakes
 - Rivers
- World Street Map

Notes

See Attachment "A" for APN's
District: 1



0

673

1,347 Feet



IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

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IN THE CITY OF LAKE ELSINORE, COUNTY OF RIVERSIDE, CALIFORNIA

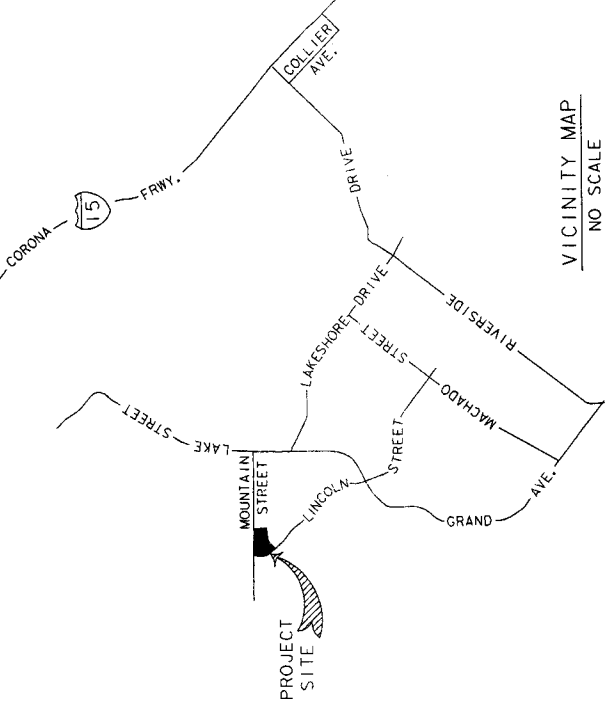
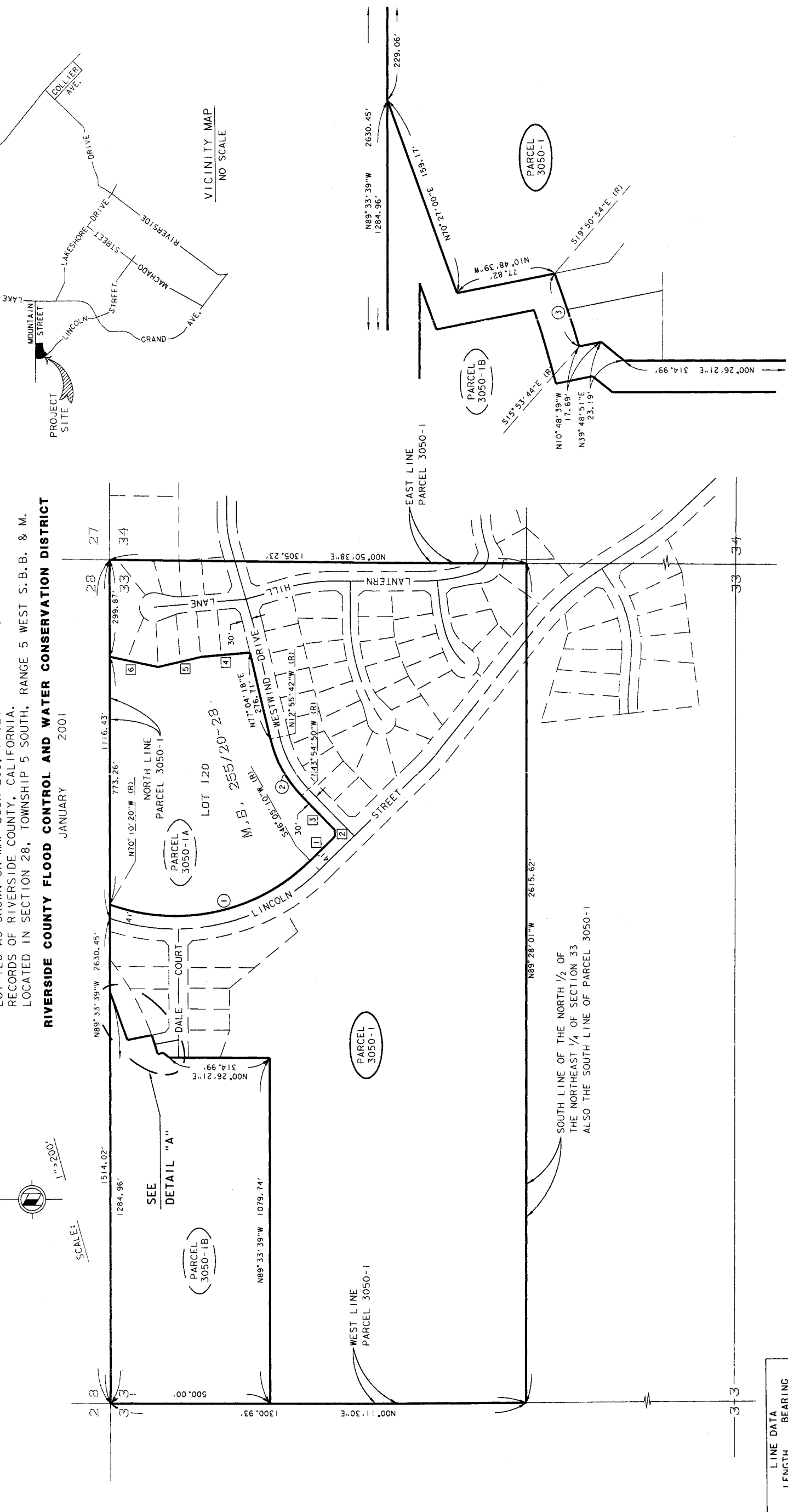
RIGHT OF WAY

RICE CANYON LEVEE

LOT 120 AS SHOWN ON MAP BOOK 255, PAGES 20 THRU 28, INCLUSIVE, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LOCATED IN SECTION 28, TOWNSHIP 5 SOUTH, RANGE 5 WEST S.B.B. & M.

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
 JANUARY 2001

REVISION DATA	
DATE	DESCRIPTION
1/23/00	THIS MAP WAS CREATED TO DEPICT PARCEL 3050-1A
3/7/16	UPDATE MAP WITH PARCEL 3150-1B DAC



SOUTH LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 33 ALSO THE SOUTH LINE OF PARCEL 3050-1

LINE DATA	
LENGTH	BEARING
107.17'	N43°54'50"W
21.93'	N89°14'19"E
146.70'	N46°05'10"E
154.78'	N04°37'00"W
137.13'	N12°55'46"W
155.08'	N11°55'04"E

R / W CURVE DATA			
#	Δ	R =	T = L =
1	63°44'30"	609.00'	378.64' 677.51'
2	30°59'08"	380.00'	105.33' 205.50'
3	03°57'10"	876.50'	30.25' 60.47'

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