

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



ITEM  
11.5  
(ID # 5660)

**MEETING DATE:**

Tuesday, November 14, 2017

**FROM :** FLOOD CONTROL DISTRICT:

**SUBJECT:** FLOOD CONTROL DISTRICT: Adopt Resolution No. F2017-16, Notice of Intent to Summarily Vacate and Relinquish District Right of Way Within the San Jacinto Area in the County of Riverside and Declare the Right of Way as Surplus, RCFC Parcel 4020-25, San Jacinto River, Project 4-0-00020, District 5, [District Funds 0%] [Clerk to Advertise]

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

1. Adopt Resolution No. F2017-16, Notice of Intent to Summarily Vacate and Relinquish District Right of Way within the San Jacinto area in the County of Riverside and Declare the Right of Way as Surplus, RCFC Parcel No. 4020-25; and
2. Direct the Clerk of the Board to give notice pursuant to Section 6061 of the Government Code.

**ACTION:** Clerk to Advertise, Policy

Handwritten signature of Jason Uhley in black ink.

Jason Uhley

10/30/2017

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Tavaglione, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and is set for public meeting on or after December 12, 2017 at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley  
Nays: None  
Absent: None  
Date: November 14, 2017  
xc: Flood, COBcc

Kecia Harper-Ihem  
Clerk of the Board  
By: Deputy

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD  
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<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ N/A	\$ 0	\$ N/A
<b>NET COUNTY COST</b>	\$ 0	\$ N/A	\$ 0	\$ N/A
<b>SOURCE OF FUNDS:</b>			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	17/18

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

**BACKGROUND:**

**Summary**

In 1944, the County of Riverside was granted an easement by Frank Lauda, et al, now known as RCFC Parcel No. 4020-25, recorded in Book 653, Page 475, on December 27, 1944 in the Official Records of Riverside County, California, for river channel, drainage and bank protection works.

This dedication was made to be part of the Drainage District No. 2 established by Resolution of the Riverside County Board of Supervisors on June 7, 1916. Riverside County Flood Control and Water Conservation District was established in 1945 via Act 6642 of the State Legislature. Once the District was established, the County of Riverside disbanded Drainage District No. 2 and conveyed the easement rights to the District. This included the conveyance of the Lauda easement rights, which recorded in Book 826, Page 130, on March 18, 1947 ("Easement"). The Easement encompasses approximately 136± acres. The Easement area contains an un-engineered dirt channel and spoil berms created by farmers in the early 1900s to direct very low flows from the San Jacinto River away from farmland. The berms were not intended to handle moderate to high flows as even moderate storms can quickly overwhelm the small channel.

The Easement is located within an area that has been identified for inclusion in an extension of the Existing Core 4 of the Western Riverside Multiple Species Habitat Conservation Plan and within a reach of the River for which no flood control improvements are proposed and for which a FEMA floodplain and floodway have been established.

The District was contacted by Hillcrest Homes, Inc. ("Applicant") who holds options to purchase from the owner of Parcel 4020-25 ("Property"), in conjunction with the Applicant's submittal to the California Department of Fish and Wildlife, California State Water Resources Control Board and U. S. Army Corps of Engineers ("Regulatory Agencies"), of a proposal to convert 600± acres into a mitigation area that would be designated, one approved by the Regulatory Agencies, as a mitigation bank. The area in question is within the land identified as Assessor's Parcel Numbers 307-110-006, 307-120-004, 307-120-007, 307-120-008, 307-130-070, 307-210-018, 307-210-019, 307-220-005, 307-210-021, 307-220-

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010, 307-220-014, 307-220-015, 308-150-009 and 426-180-001. The Property is located just north of Nuevo Road and .04 miles south of Ramona Expressway. A grading permit has been approved over the Property by the Riverside County Planning Department and is referenced as BGR160110 - Riverpark Habitat Mitigation Bank grading permit. The Applicant is seeking approvals from the Regulatory Agencies via contract to establish a mitigation bank over the Property. The establishment of a mitigation bank will restrict all future development within these properties. The grading to be done on the Property will allow the low-flow channel and adjacent lands to revert to a more natural condition over time, consistent with the goals of the mitigation bank. It is the intention of the Applicant that once any or all of the mitigation bank is used, these properties will be restricted for conservation purposes and maintained by an appropriate conservation authority. These uses are consistent with the intent of the Western Riverside Multiple Species Habitat Conservation Plan and the San Jacinto River Advisory Committee's recommended floodplain management goals (approved on April 11, 2017 by the Board of Supervisors (Agenda 11-4)).

The Applicant has requested that the District vacate its easement rights in order to prepare the Property for approval of a mitigation bank. District staff has determined that the use of the Easement within the floodway in the manner proposed is acceptable to protect the watercourse and does not need the District's maintenance. Therefore, the rights herein described can be declared excess and not required for the District's purposes.

**Impact on Residents and Businesses**

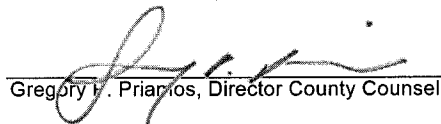
No Impact.

**ATTACHMENTS:**

1. Resolution No. F2017-16
2. Regional Map of the subject area
3. Right of Way Map for RCFC Parcel 4020-25

  
Melissa Noone, Associate Management Analyst

11/6/2017

  
Gregory H. Priamos, Director County Counsel

11/1/2017

**BOARD OF SUPERVISORS**

**RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT**

RESOLUTION NO. F2017-16

NOTICE OF INTENT TO SUMMARILY VACATE AND RELINQUISH DISTRICT RIGHT OF WAY WITHIN THE SAN JACINTO AREA IN THE COUNTY OF RIVERSIDE AND DECLARE THE RIGHT OF WAY AS SURPLUS, RCFC PARCEL 4020-25, SAN JACINTO RIVER, PROJECT NO. 4-0-00020

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 307-110-006, 307-120-004, 307-120-007, 307-120-008, 307-130-070, 307-210-018, 307-210-019, 307-220-005, 307-210-021, 307-220-010, 307-220-014, 307-220-015, 308-150-009, and 426-180-001, which was granted via deed by the County of Riverside, known as RCFC Parcel 4020-25 ("the Property"), recorded in Book 826, Pages 130 through 132 on March 18, 1947, which encompasses 136± acres of land located in the San Jacinto Area, County of Riverside; and

WHEREAS, Hillcrest Homes, Inc. ("the Applicant"), who holds options to purchase from the underlying fee owner, has obtained a grading permit from the County of Riverside for preparing the land for mitigation use if and when the Applicant receives approval from the California Department of Fish and Wildlife, California State Water Resources Control Board and U.S. Army Corps of Engineers ("Regulatory Agencies") to establish a mitigation bank, whereby the District Easement, referenced as RCFC Parcel 4020-25, is within the area sought to be part of a mitigation bank; and

WHEREAS, the Applicant is in the process of establishing a mitigation bank and intends to restrict the Property for conservation purposes which will assure no improvements be allowed and the underlying property will stay in its natural condition; and

FORM APPROVED COUNTY COUNSEL  
BY: *Synthia M. Gunzel* 10-31-17  
DATE  
SYNTHIA M. GUNZEL

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WHEREAS, pursuant to Water Code Appendix Chapter 48, Sections 9 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;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by vote of the Board of Supervisors of the District ("Board") in regular session assembled on November 14, 2017, at 9:00 a.m. or soon thereafter, in the meeting room of the Board located on the 1<sup>st</sup> Floor of the County Administrative Center, 4080 Lemon Street, Riverside, California, that the Board finds that certain right of way easement interests in real property, referenced as the Property, located in the San Jacinto Area, County of Riverside, State of California, more particularly described in Exhibit "A", attached hereto and by this reference incorporated herein, is no longer necessary to be retained by District for public purposes and declared as surplus, pursuant to California Code – Appendix, Chapter 48-9 , Subsection 5 and Chapter 48-13.

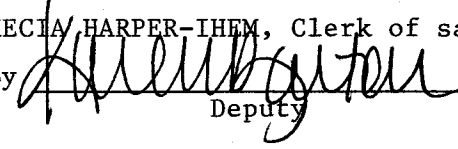
NOTICE IS HEREBY GIVEN that this Board intends to summarily vacate and relinquish the right of way when the Board meets to conclude the proposed transaction on or after December 12, 2017, at 9:00 a.m. or soon thereafter, in the meeting room of the Board of Supervisors.

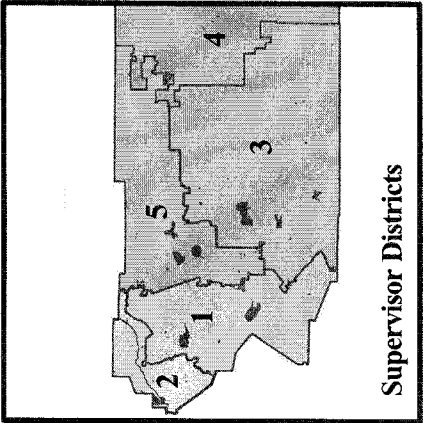
BE IT FURTHER RESOLVED that the Clerk of the Board is directed to give notice pursuant to Section 6061 of the Government Code.

ROLL CALL:

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley  
Nays: None  
Absent: None

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



Supervisor Districts

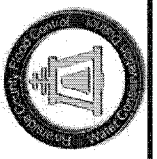
**LEGEND:**



Project Vicinity

**DESCRIPTION:**

Portion of RCFC Parcel 4020-25 within APN's 307-110-006, 307-120-004, 307-120-007, 307-120-008, 307-130-070, 307-210-018, 307-210-018, 307-210-018, 307-210-019, 307-220-005, 307-210-021, 307-220-010, 307-220-014, 307-220-015, 308-150-009, and 426-180-001



Attachment 1

Res. No. F2017-16 Notice of Intent to Summarily Vacate and Relinquish District Right of Way in the San Jacinto Area and Declare Right of Way Surplus, portion of RCFC Parcel 4020-25



CALL (951) 368-9222  
EMAIL: [legals@pe.com](mailto:legals@pe.com)

# THE PRESS-ENTERPRISE

DATE	ORDER NUMBER	PO Number	PRODUCT	SIZE	Amount
11/21/17	0011041723		PE Riverside	4 x 167 LI	868.40

Invoice text: Res. F2017-16 Intent to Vacate

RECEIVED BY SYSTEMS COMPANY  
 2017 NOV 27 AM 11:44

*Flood  
11.5 of 11/14/17*

Placed by: Cecilia Gil

## Legal Advertising Memo Invoice

**BALANCE DUE**

868.40

SALES CONTACT INFORMATION		ADVERTISER INFORMATION			
SALES CONTACT NAME	PHONE NUMBER	BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER	ADVERTISER/CLIENT NAME
Nick Eller	951-368-9229	11/21/2017	5209148	5209148	BOARD OF SUPERVISORS

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

ADVERTISER/CLIENT NAME		
BOARD OF SUPERVISORS		
BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER
11/21/2017	5209148	5209148
BALANCE DUE	ORDER NUMBER	TERMS OF PAYMENT
868.40	0011041723	DUE UPON RECEIPT



THE PRESS-ENTERPRISE

Legal Advertising Memo Invoice

BILLING ACCOUNT NAME AND ADDRESS

REMITTANCE ADDRESS

BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE  
'PO BOX 1147'  
RIVERSIDE, CA 92502

CALIFORNIA NEWSPAPERS PARTNERSHIP  
Riverside Press-Enterprise  
PO BOX 54880  
LOS ANGELES CA 90054-0880

# THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100  
Riverside, CA 92507  
951-684-1200  
951-368-9018 FAX

**PROOF OF PUBLICATION**  
(2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Res. F2017-16 Intent to Vacate /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

11/21/2017

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: November 21, 2017  
At: Riverside, California

Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE  
PO BOX 1147  
RIVERSIDE, CA 92502

Ad Number: 0011041723-01

P.O. Number:

Ad Copy:

NOTICE OF PUBLIC MEETING BEFORE THE BOARD OF SUPERVISORS OF THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F2017-16

NOTICE OF INTENT TO SUMMARILY VACATE AND RELINQUISH DISTRICT RIGHT OF WAY WITHIN THE SAN JACINTO AREA IN THE COUNTY OF RIVERSIDE AND DECLARE THE RIGHT OF WAY AS SURPLUS, RCFC PARCEL 4020-25, SAN JACINTO RIVER, PROJECT NO. 4-0-00020

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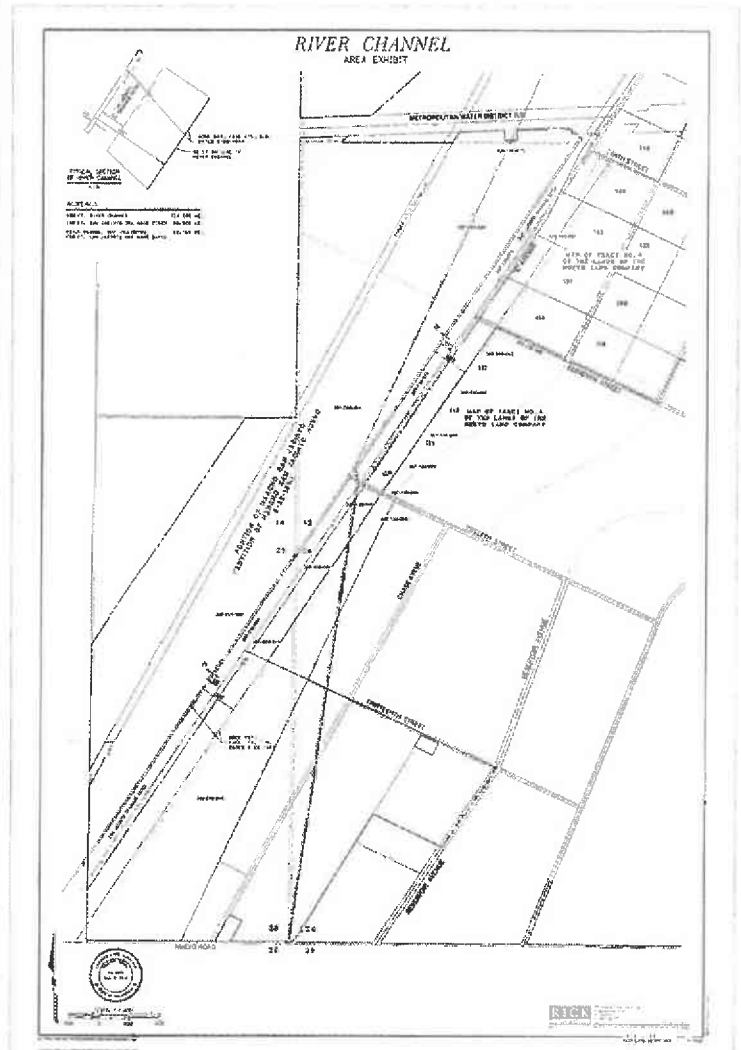
WHEREAS, the Applicant is in the process of establishing a mitigation bank and intends to restrict the Property for conservation purposes which will assure no improvements be allowed and the underlying property will stay in its natural condition; and

WHEREAS, pursuant to Water Code Appendix Chapter 48, Sections 9 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;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by vote of the Board of Supervisors of the District ("Board") in regular session assembled on November 14, 2017, at 9:00 a.m. or soon thereafter, in the meeting room of the Board located on the 1st Floor of the County Administrative Center, 4880 Lemon Street, Riverside, California, that the Board finds that certain right of way easement interests in real property, referenced as the Property, located in the San Jacinto Area, County of Riverside, State of California, more particularly described in Exhibit "A", attached hereto and by this reference incorporated herein, is no longer necessary to be retained by District for public purposes and declared as surplus, pursuant to California Code - Appendix, Chapter 48-9, Subsection 5 and Chapter 48-13.

NOTICE IS HEREBY GIVEN that this Board intends to summarily vacate and relinquish the right of way when the Board meets to conclude the proposed transaction on or after December 12, 2017, at 9:00 a.m. or soon thereafter, in the meeting room of the Board of Supervisors.

BE IT FURTHER RESOLVED that the Clerk of the Board is directed to give notice pursuant to Section 6661 of the Government Code.



ROLL CALL:

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley  
Nays: None  
Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on November 14, 2017.



KECIA HARPER-IHEM, Clerk of said Board  
By: Cecilia Gil, Board Assistant

Any person affected by the above matter(s) may submit written comments to the Clerk of the Board before the public meeting or may appear and be heard in support of or opposition to the project at the time of the meeting. If you challenge the above item(s) in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence, to the Board of Supervisors at, or prior to, the public meeting.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Lisa Wagner at (951) 955-1063, at least 72 hours prior to meeting.

Dated: November 16, 2017  
Kecia Harper-Ihem, Clerk of the Board  
By: Cecilia Gil, Board Assistant