

SUBMITTAL TO THE BOARD OF DIRECTORS RIVERSIDE COUNTY REGIONAL PARK AND OPEN-SPACE DISTRICT COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



13.1 (ID # 5884)

MEETING DATE:

Tuesday, December 5, 2017

FROM: REGIONAL PARK & OPEN SPACE DISTRICT:

SUBJECT: REGIONAL PARK AND OPEN-SPACE DISTRICT: Adoption of Resolution No. 2017-11, Acceptance of Grant of Trail Easement from Western Riverside County Regional Conservation Authority (RCA) related to the development of Tract Map 36643; CEQA EXEMPT; District 1; [\$0]

RECOMMENDED MOTION: That the Board of Directors:

- 1. Finds the proposed conveyance to be categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15325(f) and Section 15061(b)(3); and
- 2. Adopt Resolution No. 2017-11 authorizing the Riverside County Regional Park and Open-Space District to accept the Grant of Trail Easement from RCA; and
- 3. Authorize the Chairman of the Board of Directors to execute the Grant of Trail Easement Deed;

ACTION: Policy

MINUTES OF THE BOARD OF DIRECTORS

11/20/2017

On motion of Director Tavaglione, seconded by Director Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes:

Jeffries, Tavaglione, Washington, Perez and Ashley

Nays:

None

Absent:

None

Date:

December 5, 2017

eneral Manager / Park Director

XC:

Parks

13.1

Kecia Harper-Ihem

Clerk of the Boa

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FINANCIAL DATA	Current Fiscal Y	ear:	Next Flacal Year		Total Cost:			Ongoin	Cost	
COST	\$	0	\$	0		\$	0		\$	0
NET COUNTY COST	\$	0	\$	0		\$	0		\$	0
SOURCE OF FUNDS: Budget Adjustment:							No			
COUNCIDE OF TOND	.				For F	is	cal Y	'ear:	17/	/18

BACKGROUND:

SUMMARY:

The Riverside County Regional Park and Open-Space District ("District") holds for the benefit of the general public trail easements throughout the County of Riverside to help ensure the existence of a trail network. The District maintains a backbone network of trails which connects to a number of local and community trails.

Community trails are often constructed and maintained by the developer and homeowners association, as is the case in this situation. In June of 2016, the District accepted a trail easement from the developer of Tract Map 36643. This Grant of Trail Easement is a continuation of the same trail across RCA owned land.

IMPACT ON CITIZENS AND BUSINESSES

The easement will ensure the trail will remain in perpetuity and exist for future generations of Riverside County Residents.

ATTACHMENTS

Grant of Trail Easement Deed

Resolution No. 2017-11

pry . Priagros, Director County Counsel 11/20/

RESOLUTION NO. 2017-11 RESOLUTION OF THE BOARD OF DIRECTORS OF THE RIVERSIDE COUNTY REGIONAL PARK AND OPEN-SPACE DISTRICT TO

ACCEPT GRANT OF TRAIL EASEMENT FROM WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

WHEREAS, the approval of Tract Map 36643 requires the granting of trail easement to the Riverside County Regional Park and Open-Space District ("District"); and,

WHEREAS, Western Riverside County Regional Conservation Authority, a public agency and joint powers authority ("RCA"), is the owner of certain real property in the County of Riverside, State of California, as more particularly described in <a href="Exhibit "A-1" attached hereto and by this reference incorporated herein ("RCA Property"); and,

WHEREAS, RCA has agreed to convey a trail easement over RCA Property ("Trail Easement") to District as shown on Exhibit A-2, attached hereto and by this reference incorporated herein; and,

WHEREAS, the District desires to accept this Trail Easement interest but such trail easement will not become part of the District maintained trail network; now, therefore

BE IT RESOLVED, DETERMINED AND ORDERED that the Board of Directors for the Riverside County Regional Park and Open-Space District hereby:

1. Finds the proposed conveyance to be categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15325(f) and Section 15061(b)(3) as the proposed action is merely the conveyance of title to real property for trail purposes, does not involve construction or development; therefore, it can be seen with certainty that there is no possibility that the activity in

question will have a no significant impact on the environment because the use will be substantially the same as it is currently.

- 2. Accepts the Grant of Trail Easement from the Western Riverside County Regional Conservation Authority ("RCA").
- 3. Authorizes the Chairman of the Board of Directors to execute the Grant of Trail

 Easement Deed to complete the conveyance of this trail easement interest.

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.

KECTA HARPER-IHEM, Clerk of said Board

Deputy

Recorded at request of and return to:

Western Riverside County Regional Conservation Authority Attn: Executive Director 3403 10th Street, Suite 320 Riverside, CA 92501

FREE RECORDING

This instrument is for the benefit of the Western Riverside County Regional Conservation Authority and is entitled to be recorded without fee. (Gov. Code § 27383)

GRANT OF TRAIL EASEMENT

WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY, a public agency and joint powers authority (together with its successors and assigns, "Grantor"), is the owner of that certain real property in the County of Riverside, State of California, as more particularly described in <u>Exhibit "A-1"</u> attached hereto and made a part hereof ("Grantor Property").

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, by this Grant of Trail Easement (this "Easement Agreement"), Grantor does hereby GRANT to the RIVERSIDE COUNTY REGIONAL PARK & OPEN-SPACE DISTRICT, a special district created pursuant to the California Public Resources Code Division 5, Chapter 3, Article 3 ("Grantee") for the benefit of Grantee and the general public, a permanent, non-exclusive easement in, to, over and across that portion of the Grantor Property consisting of an area of approximately ten (10) feet on each side of the centerline particularly described on Exhibit "A-2" and made a part hereof (the "Easement Area"), for an aggregate of twenty (20) feet in width, for the purpose of entering upon the Easement Area for horse, bicycle and pedestrian trails (collectively, the "Trails") and the use thereof by the general public for recreational purposes (the "Trail Easement"), together with the right to grant all or a portion thereof to third parties subject to the requirements set forth below. Notwithstanding the attached description of the Easement Area, (a) Grantor and Grantee agree that in no event will the actual use of the Easement Area for recreational purposes affect more than an aggregate width of fourteen (14) feet at any given location within the Easement Area, and (b) both Grantor and Grantee acknowledge that the Easement Area consists of dirt trails and vegetation that are subject to movement, degradation, erosion and destruction from various influences including, without limitation, earthquakes, floods, wind, rain or other acts of God or events beyond the control of Grantor or Grantee (collectively, and as applicable, "Force Majeure Events"). Accordingly, Grantor and Grantee agree that the Easement Area described herein is subject to movement and relocation as a result of any such Force Majeure Events. Upon the occurrence of any Force Majeure Event that results in the movement of the Easement Area or otherwise results in the total or partial destruction of the Trail Easement granted hereby, Grantor and Grantee agree to reasonably cooperate with each other in good faith in relocating the Easement Area or otherwise establishing a new Easement Area for the Trail Easement. In furtherance of the foregoing, Grantor and Grantee agree to execute and record an amendment to this Easement Agreement identifying and establishing the revised Easement Area.

Grantor reserves the right to restrict access to portions of the Trails as reasonably necessary to protect adjacent habitat which is used for sensitive activities such as breeding or nesting, provided, however, that Grantor shall limit such restrictions to those specific areas where use of the Trails would adversely affect such activities and only during such time periods or seasons when such activities occur.

Trail Easement shall NOT become part of the Grantee's Maintained Trail System. Construction and maintenance obligations and rights for the trail shall be granted in separate agreements to Terramor Community Association.

The Trail Easement granted hereby shall run with the land and all of the rights and obligations of Grantor and Grantee under this Easement Agreement shall inure to the benefit of their respective successors, transferees and assigns.

END OF EASEMENT SIGNATURE PAGE TO FOLLOW IN WITNESS WHEREOF, Grantor and Grantee have executed this Grant of Trail Easement on November 16, 2017.

"GRANTOR"						
Western Riverside County Regional						
Conservation Authority,						
A public agency and a joint powers authority						
By:						
little: EXECUTIVE DIRECTOR						
Approved as to form.						
By: Kharing						
General Counse						
Best Best & Krieger LLP						
"GRANTEE"						
RIVERSIDE COUNTY REGIONAL PARK AND						
OPEN-SPACE DISTRICT, a special district created						
oren-orace District, a special district created						
pursuant to the California Public Resources Code						
Division 5, Chapter 3, Article 3						
By:						
Name: KEVIN JEFFRIES						
Title: Chaiman						
ATTEST:						
Kecia Harper-Ihem						
Clerk of the Board						
Clerk of the Board						
Clerk of the Board						
CRIR Of the Dould O						

APPROVED AS TO FORM:

Gregory Priamos
County Counsel

ATTACH NOTARY ACKNOWLEDGMENTS

§

COUNTY OF RIVERSIDE

On December 5, 2017, before me, Karen Barton, Board Assistant, personally appeared Kevin Jeffries, Chairman of the Board of Directors of the Regional Park and Open-Space District, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument; and that a copy of this paper, document or instrument has been delivered to the chairperson.

I certify under the penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Kecia Harper-Ihem Clerk of the Board of Supervisors

(SEAL)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate document to which this certificate is attached, and not the	ate verifies only the identity of the individual who signed the ne truthfulness, accuracy, or validity of that document.						
State of California County of RIVEYSIDE On November 16, 2017 before me, Date personally appeared Charles	Rosemarie S. Haro, Notany Public, Here Insert Name and Title of the Officer 1. Landry Name(e) of Signer(e)						
subscribed to the within instrument and acknow	evidence to be the person(s) whose name(s) is/are- ledged to me that he/she/they executed the same in is/her/their signature(s) on the instrument the person(s), cted, executed the instrument.						
ROSEMARIE S. HARO Notary Public - California Riverside County Commission # 2107460 My Comm. Expires May 15, 2019	I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal. Signature Signature of Notary Public						
Place Notary Seal Above							
Though this section is optional, completing this fraudulent reattachment of this	TIONAL ————————————————————————————————————						
Description of Attached Document Title or Type of Document:							
Document Date:	Number of Pages:						
Signer(s) Other Than Named Above:							
Capacity(ies) Claimed by Signer(s) Signer's Name: Corporate Officer — Title(s): Partner — Limited General Individual Attorney in Fact Trustee Guardian or Conservator Other: Signer Is Representing:	□ Corporate Officer — Title(s): □ Partner — □ Limited □ General □ Individual □ Attorney in Fact □ Trustee □ Guardian or Conservator □ Other: □ Signer Is Representing:						

EXHIBIT "A-1" GRANTOR PROPERTY

LEGAL DESCRIPTION OF THE LAND

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION I AND THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A"

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 1;

THENCE ALONG THE EASTERLY LINE OF SAID SECTION 1 NORTH 00°51'07" EAST, 2627.71 FEET TO THE EAST QUARTER CORNER THEREOF;

THENCE ALONG THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 1, NORTH 88°58'10" WEST, 300.00 FEET;

THENCE SOUTH 13°06'50" WEST, 3450.14 FEET TO A LINE PARALLEL WITH AND 200.00 FEET NORTHEASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF TEMESCAL CANYON ROAD (FORMERLY STATE HWY. 71) AS DESCRIBED IN DEED RECORDED SEPTEMBER 12, 1942 IN BOOK 555, PAGE 334, OFFICIAL RECORDS OF SAID COUNTY;

THENCE ALONG SAID PARALLEL LINE SOUTH 31°15'07" EAST, 1589.75 FEET;

THENCE SOUTH 88°55'12" EAST, 179.54 FEET TO THE EASTERLY LINE OF SAID SECTION 12;

THENCE ALONG SAID EASTERLY LINE NORTH 01°04'48" EAST, 2090.17 FEET TO THE POINT OF BEGINNING.

CONTAINING 70.24 ACRES, MORE OR LESS.

SEE EXHIBIT "A-2" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

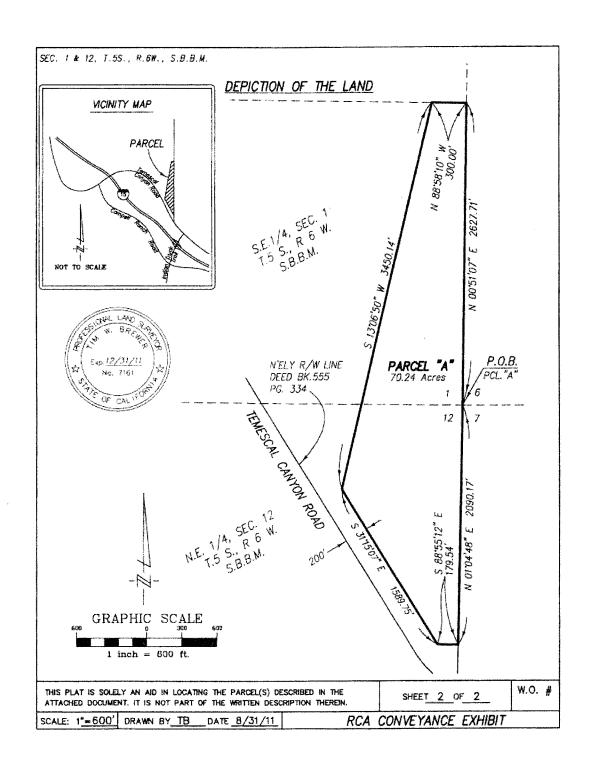


EXHIBIT "A-2" EASEMENT AREA

PARCEL 1

IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA:

BEING A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED TO WESTERN RIVERSIDE COUNTY CONSERVATION AUTHORITY PER DOCUMENT RECORDED SEPTEMBER 29, 2011 AS DOCUMENT NO. 2011-0432030, OFFICIAL RECORDS OF SAID RIVERSIDE COUNTY, IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 6, SAN BERNARDINO MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A 20.00 FOOT WIDE EASEMENT LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID PARCEL;

THENCE SOUTH 13°00'26" WEST ALONG THE WESTERLY LINE THEREOF, A DISTANCE OF 291.19 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 77°39'21" EAST, A DISTANCE OF 130.54 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 120.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 67°46'47", AN ARC LENGTH OF 141.96 FEET;

THENCE TANGENT TO LAST SAID CURVE, SOUTH 9°52′34″ EAST, A DISTANCE OF 58.30 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 200.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°22'55", AN ARC LENGTH OF 60.68 FEET;

THENCE TANGENT TO LAST SAID CURVE, SOUTH 27°15'29" EAST, A DISTANCE OF 95.08 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 67.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 87°20'39", AN ARC LENGTH OF 102.14 FEET;

THENCE TANGENT TO LAST SAID CURVE, SOUTH 60°05′10″ WEST, A DISTANCE OF 50.27 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 200.00 FEET;

THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°10'42", AN ARC LENGTH OF 59.96 FEET;

Page 1 of 4

THENCE TANGENT TO LAST SAID CURVE, SOUTH 77°15'52" WEST, A DISTANCE OF 125.02 FEET;

THENCE SOUTH 17°35'55" EAST, A DISTANCE OF 170.63 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 200.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 16°59'51", AN ARC LENGTH OF 59.33 FEET:

THENCE TANGENT TO LAST SAID CURVE, SOUTH 0°36'04" EAST, A DISTANCE OF 94.42 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 76.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 9°58'08", AN ARC LENGTH OF 13.22 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A";

THENCE, CONTINUING SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 66°32′15″, AN ARC LENGTH OF 88.26 FEET;

THENCE TANGENT TO LAST SAID CURVE, SOUTH 77°06'27" EAST, A DISTANCE OF 4.56 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 21.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 153°22'02", AN ARC LENGTH OF 56.21 FEET;

THENCE TANGENT TO LAST SAID CURVE, SOUTH 76°15'35" WEST, A DISTANCE OF 34.87 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 75.00 FEET;

THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 33°10'50", AN ARC LENGTH OF 43.43 FEET;

THENCE TANGENT TO LAST SAID CURVE, NORTH 70°33′35" WEST, A DISTANCE OF 47.53 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 105.00 FEET;

THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 28°10'37", AN ARC LENGTH OF 51.64 FEET;

THENCE TANGENT TO LAST SAID CURVE, SOUTH 81°15'48" WEST, A DISTANCE OF 113.52 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 50.00 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 46°59'27", AN ARC LENGTH OF 41.01 FEET:

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THENCE TANGENT TO LAST SAID CURVE, SOUTH 34°16'21" WEST, A DISTANCE OF 103.06 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 60.00 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 44°31′33″, AN ARC LENGTH OF 46.63 FEET TO THE AFOREMENTIONED WESTERLY LINE OF THE WESTERN RIVERSIDE COUNTY CONSERVATION AUTHORITY PARCEL. AND THE END OF SAID 20.00 FOOT STRIP.

THE SIDELINES OF SAID STRIP SHALL BE LENGTHENED OR SHORTENED SO AS TO ORIGINATE AND TERMINATE IN SAID WESTERLY LINE OF THE WESTERN RIVERSIDE COUNTY CONSERVATION AUTHORITY PARCEL.

CONTAINING 35,844 SQUARE FEET, MORE OR LESS.

PARCEL 2

BEING A 20.00 FOOT WIDE EASEMENT LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT SAID POINT "A" HEREINBEFORE DESCRIBED IN PARCEL 1 ABOVE, BEING A POINT IN A NON-TANGENT CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 70.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 17°27′16" EAST;

THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 67°30'25", AN ARC LENGTH OF 82.48 FEET:

THENCE TANGENT TO LAST SAID CURVE, NORTH 39°56′51″ WEST, A DISTANCE OF 51.06 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B", SAID POINT BEING THE END OF SAID 20.00 FOOT STRIP.

THE SIDELINES OF SAID SHALL BE SHORTENED SO AS TO ORIGINATE IN THE WESTERLY LINES OF PARCEL 1 HEREINBEFORE DESCRIBED ABOVE.

CONTAINING 2,474 SQUARE FEET, MORE OR LESS.

PARCEL 3

BEING A 56.00 FOOT WIDE EASEMENT LYING 28.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT SAID POINT "B" HEREINBEFORE DESCRIBED IN PARCEL 2 ABOVE;

THENCE NORTH $39^{\circ}56'51''$ WEST, A DISTANCE OF 32.00 FEET TO THE END OF SAID 56.00 FOOT WIDE STRIP.

Page 3 of 4

CONTAINING 1,792 SQUARE FEET, MORE OR LESS.

SEE EXHIBIT B ATTACHED HERETO AND BY THIS REFERENCE MADE A PART THEREOF.

PREPARED BY ME OR UNDER MY SUPERVISION:

1-6-2016

GORDON D. EDWARDS, PLS 6678

EXPIRATION 6-30-2016

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