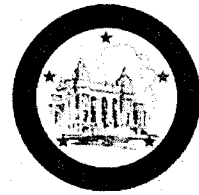


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM
3.35
(ID # 10492)

MEETING DATE:

Tuesday, August 27, 2019

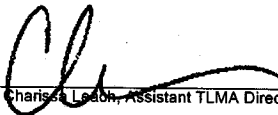
FROM: TLMA-PLANNING:

SUBJECT: TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Agricultural Preserve Case No. 180001 (APE18001) - Approval of a Williamson Act Land Conservation Contract - CEQA exempt pursuant to State CEQA Guidelines section 15317 - Applicant: Kathy Jones - Owners: Carl Sam Maggio, Trustee of the Carl Sam Maggio Trust - Fourth Supervisorial District - Eastern Coachella Valley District - Agriculture: Agriculture (10 Acre Minimum) - Location: North of 60th Avenue, west of Lincoln Street, south of 58th Avenue, and east of Buchanan Street - 157.69 acres - Zoning: Heavy Agriculture 20 Acre Minimum (A-2-20) and Light Agriculture 10 Acre Minimum (A-1-10) - REQUEST: Approval of Land Conservation Contract for the Coachella Valley Agricultural Preserve No. 1, Map No. 28 - APN: 717-240-016. District 4. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **FIND** the approval of the attached Land Conservation Contract exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15317;
2. **APPROVE** and **AUTHORIZE** the chairman of the Board of Supervisors to execute the attached Land Conservation Contract for real property located within the Coachella Valley Agricultural Preserve No. 1, Map No. 28, based upon the hereinafter listed findings and conclusions set forth herein; and

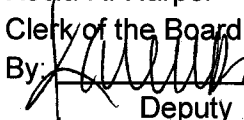
ACTION: Policy


Charissa Lebon, Assistant TLMA Director 8/19/2019

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Washington, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: August 27, 2019
xc: Planning, State, ACR

Kecia R. Harper
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

- DIRECT** the Clerk of the Board of Supervisors to record the contract with the Office of the County Recorder and transmit copies thereof to the Riverside County Planning Department, the State of California Director of Conservation, and the Office of the Assessor of Riverside County.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Fees (100%)			Budget Adjustment: No	
			For Fiscal Year: N/A	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Williamson Act, also known as the California Land Conservation Act of 1965, allows local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In exchange, these landowners are provided a reduction in property taxes based upon farming and open space uses rather than higher taxed non-agricultural uses.

FINDINGS:

- The subject property is located north of 60th Avenue, west of Lincoln Street, south of 58th Avenue, and east of Buchanan Street in Coachella Valley Agricultural Preserve No. 1.
- A previous owner of the subject property entered into a Land Conservation Contract with the County on January 1, 1970, which was recorded on April 9, 1970, as Instrument No. 33252.
- Subsequently, a notice of nonrenewal was filed on the subject property which was recorded on June 7, 2005, as Instrument No. 2005-0449612. This notice caused the previous contract, as it applies to the subject property, to expire on December 31, 2014.
- The current owners of the subject property, Carl Sam Maggio, Trustee of the Carl Sam Maggio Trust, have requested to enter into a new Land Conservation Contract as provided for in Resolution No. 84-526, Rules and Regulations Governing Agricultural Preserves in Riverside County.
- There are no cities within one mile of the subject property and it currently meets all size, zoning, and use requirements necessary to be placed under a new Land Conservation Contract.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

6. The land is eligible to be under contract because it is within the approved and existing Coachella Valley Agricultural Preserve No. 1, Map No. 28 and the land is devoted to row crop agricultural production, which is an eligible agricultural use to be the subject of a Land Conservation Contract between the County and the landowner.
7. The approval and execution of this Land Conservation Contract for the 157.69 acres does not authorize development on the property. It only places real property that was previously subject to a Williamson Act Land Conservation Contract back under the terms and obligations of the attached Land Conservation Contract. As a result, approval of this Land Conservation Contract is exempt from the State CEQA Guidelines section 15317 which provides the making and renewing of open space contracts under the Williamson Act are exempt from CEQA.

CONCLUSION:

1. The execution of this land contract is consistent with the provisions of the Land Conservation Act of 1965 and Resolution No. 84-526, Rules and Regulations Governing Agricultural Preserves in Riverside County as adopted by the Board of Supervisors.
2. The execution of this contract is consistent with the Riverside County General Plan.

Impact on Residents and Businesses

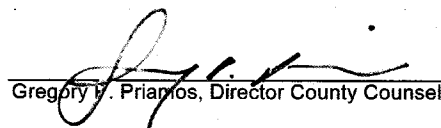
None. The proposed action is the re-instatement of a contract within an existing agricultural preserve to allow the property owner to benefit from reduced property taxes in exchange for keeping that property under agricultural use.

ATTACHMENTS.

- A. **LAND CONSERVATION CONTRACT**
- B. **NOTICE OF NON-RENEWAL**


Jason Farin, Senior Management Analyst

8/21/2019


Gregory P. Priamos, Director County Counsel

8/19/2019

RECORDING REQUESTED BY:

CLERK OF THE BOARD
DEPARTMENT
(CAC - 1ST FLOOR)

WHEN RECORDED MAIL TO:

STOP #1010
Clerk of the Board
(CAC Bldg. - 1ST Floor)

DOC # 2005-0449612
06/07/2005

Conformed Copy

Has not been compared with original

Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

AGN00095

NOTICE OF NONRENEWAL

NOTICE IS HEREBY GIVEN pursuant to Section 51245 of the California Government Code that the undersigned, being all of the owners of the affected real property, elect not to renew Land Conservation Contract or Agreement recorded on April 9, 1970 as Instrument No. 33251 in the Office of the Recorder of Riverside County, California. The real property affected by this notice is located in the Coachella Valley Agricultural Preserve No. 1, Map No. 28. Dated: ~~12-1-04~~ 2-9-70.

(See attached Legal)

Assessor's parcel Number(s) of land affected: 717-240-016-6

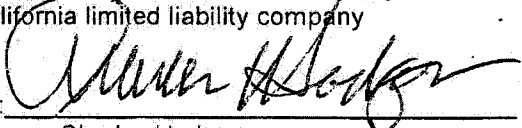
ORIGINAL OWNER(S)

Malikian Sons Ranch, a partnership

CURRENT OWNER(S)

Prime Time Real Estate Holdings, a California limited liability company

Prime Time Real Estate Holdings, LLC, a California limited liability company

By: 
Charles Hodges
Its: Managing Member

(All original and current owners must be listed)

Acknowledgement of Receipt
Nancy Romero, Clerk of the Board

By: 
Deputy

Date: JUN - 7 2005

Pineapple Hill

COPY

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On 11-22-2004, before me, Renee Katri Brooks, notary public, personally appeared Charles Hodges, personally known to me - OR - 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.

Witness my hand and official seal.

Renee Katri Brooks



EXHIBIT A
COACHELLA VALLEY AGRICULTURAL PRESERVE NO. 1
MAP NO. 28
(NOTICE OF NON-RENEWAL)

The southeast quarter of Section 30, Township 6 South, Range 9 East, San Bernardino Meridian, in the County of Riverside, State of California, according to the Official Plat thereof.

EXCEPT that portion described by deed to Ara Herbekian and Violet E. Herbekian recorded January 23, 1969, as Instrument No. 7267, described as follows:

That portion of the Northeast quarter of the Northeast quarter of the Southeast quarter of Section 30, Township 6 South, Range 9 East, San Bernardino Meridian, in the County of Riverside, State of California, according to the Official Plat thereof.

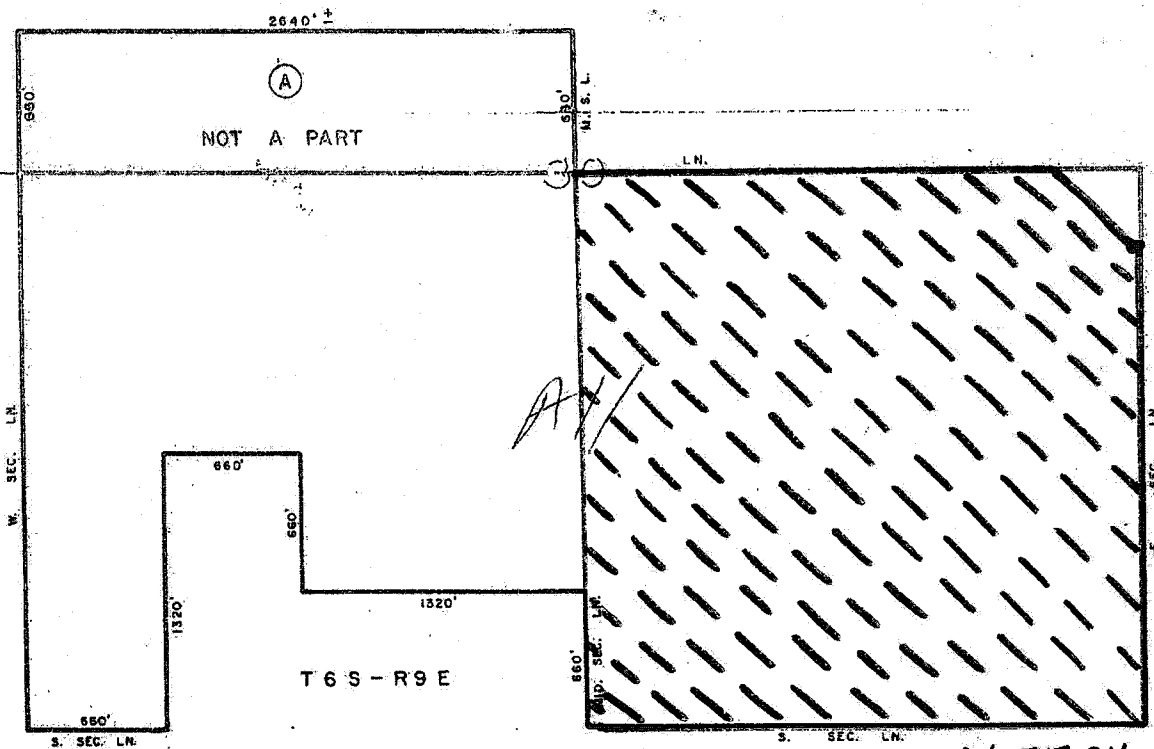
Beginning at the East quarter corner of said Section 30; thence South 89° 22' 10" West 430.57 feet on the North line of said Southeast quarter; thence South 45° 18' 31" East 457.03 feet; thence North 89° 22' 10" East 105.57 feet to the East line of said Section 30; thence North 00° 00' 45" East 325.00 feet on said East line to the point of beginning.

ALSO EXCEPT the Southerly rectangular 30 feet of said land, as described by Deed to the County of Riverside, recorded February 9, 1959, as Instrument No. 10986;

ALSO EXCEPT therefrom and retaining unto Grantor all oil, gas and other hydrocarbons, and all other minerals of whatever kind of character (all herein collectively called "minerals"), whether now known to exist or hereafter discovered (it being intended that the word "minerals" as used herein shall be defined in the broadest sense of the word and shall include, but not be limited to, oil, gas, other hydrocarbons, sand, gravel, stone, pumice, pumicite, cinders, clay, and all other common materials, and all other mineral substances and products, both metallic and nonmetallic, solid, liquid or gaseous), which are upon, in, under or may be produced from the Subject Property; all salt water, brines and geothermal resources, which are in, under or may be produced from the Subject Property; the exclusive right, by whatever methods now or hereafter known, as Grantor or its successors or assigns may deem advisable, to prospect for, investigate for, explore for, drill for, produce, mine, extract, remove and reduce to possession and ownership, all such minerals, salt water, brines and geothermal resources, which are upon, in, under or may be produced from the Subject Property; the nonexclusive right to drill into and through the Subject Property to explore for and thereafter produce and extract minerals, salt water, brines and geothermal resources which may be produced from adjacent property.

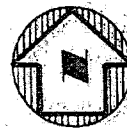
Assessor Parcel No.	Acres (net)	Owners
717-240-016-6	157.69	Prime Time Real Estate Holdings, LLC
Total	157.69	

COACHELLA VALLEY
 AGRICULTURAL
 PRESERVE
 NO. 1
 MAP NO. 28



APN 717-240-016-6

ADOPTED ON FEBRUARY 9, 1970
 BY THE BOARD OF SUPERVISORS
 OF THE COUNTY OF RIVERSIDE,
 STATE OF CALIFORNIA



SCALE: 1" = 400'

RECORDING REQUESTED BY
RIVERSIDE COUNTY

When recorded, return to:

Stop #1010
Clerk of the Board of Supervisors
Riverside CA, 1st Floor

No fee, 6103 Government Code

THIS AREA FOR RECORDER'S USE ONLY

2019-0340747

09/03/2019 11:34 AM Fee: \$ 0.00

Page 1 of 4

Recorded in Official Records
County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder



248

LAND CONSERVATION CONTRACT

COUNTY OF RIVERSIDE, herein called "County," and

Carl Sam Maggio, Trustee of The Carl Sam Maggio Trust dated March 5, 2002, as amended

herein called "Owner," mutually agree:

1. This contract is made pursuant to the California Land Conservation Act of 1965 (Government Code, Section 51200, et seq.) and affects the real property described in Exhibit "A" attached hereto and made a part of this contract, which lies within the Coachella Valley Agricultural Preserve No. 1, Map No. 28.
2. This contract shall take effect on January 1, 2019 and shall remain in effect for an initial term of 10 years.
3. On each anniversary date of this contract, one year shall be added to the initial term unless notice of non-renewal shall be given as provided in Section 51245 of the Government Code. Any notice of non-renewal referring to this contract shall be recorded by the County in the office of the County Recorder whenever the contract is not renewed.
4. This contract may be canceled only in accordance with Section 51280, et seq., of the Government Code relating to cancellation, as now written or hereafter amended.
5. When any portion of land subject to this contract is acquired by condemnation of the fee title, or by purchase in lieu thereof, for a public improvement, this contract shall become null and void thereafter as to such portion, and may be amended to correctly reflect the description of any portion not so acquired.
6. In consideration of the execution hereof by County, and the execution by County and other owners within the preserve of similar contracts, the Owner, during the term of this contract, including any renewal period, agrees to use the described land only for agricultural uses and such compatible uses as are permitted by or pursuant to the Uniform Rules established for the administration of agricultural preserves by Riverside County Ordinance Number No. 509. Said Uniform Rules are by this reference incorporated in and made a part of this contract.
7. In consideration of the execution hereof by the Owner and the execution of similar contracts by other property owners within the same agricultural preserve, County agrees not to authorize uses, other than uses permitted by or pursuant to said Uniform Rules, within said agricultural preserve, during the term of this contract or any renewal thereof. Nothing herein shall prohibit a change of boundaries of said agricultural preserve to omit lands not subject to such contract or to include additional lands.
8. Any notice to be given to the Owner pursuant to this contract or said Uniform Rules may be sent by U.S. Mail addressed to the Owner at the address shown below the signature of the Owner. Like notices to

County may be sent by U.S. Mail addressed to Clerk, Board of Supervisors, P.O. Box 1010, Riverside, CA 92502-1010. Either party may change such address by notice to the other.

9. This contract shall constitute a covenant running with the land herein described, and shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties hereto. This contract may be enforced by either party or by any owner of land within the same agricultural preserve which is subject to a similar contract.

Dated as of: January 1, 2019

STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

ATTEST:
Clerk of the Riverside County Board of Supervisors

BY [Signature]
Chairman, Board of Supervisors
KEVIN JEFFRIES

FORM APPROVED COUNTY COUNSEL
BY: [Signature] 8/14/2019
LYNETTE M. CLYDE DATE

By [Signature]
(Seal) Deputy

OWNER(S) SIGNATURE AND ADDRESS

Owner: Carl Sam Maggior trustee
Owner: _____
Owner: _____
Owner: _____

Mailing Address: 86-705 Avenue 54, Suite A, Coachella, CA 92236

NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
On 3/19/2018 before me, VICTOR HUGO AGUILAR,
(Date) (Name and Title of officer)
personally appeared CARL SAM MAGGIO,
(Name(s) of signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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]
Notary Public

{SEAL}

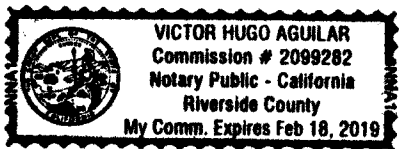


EXHIBIT A
COACHELLA VALLEY AGRICULTURAL PRESERVE NO. 1
MAP NO. 28

REAL PROPERTY IN THE UNINCORPORATED AREA OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 6 SOUTH, RANGE 9 EAST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT THAT PORTION DESCRIBED BY DEED TO ARA HERBEKIAN AND VIOLET E. HERBEKIAN, RECORDED JANUARY 23, 1969 AS INSTRUMENT NO. 7267 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 6 SOUTH, RANGE 9 EAST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 30; THENCE SOUTH 89°22'10" WEST 430.57 FEET ON THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 45°18'31" EAST 457.03 FEET; THENCE NORTH 89°22'10" EAST 105.57 FEET TO THE EAST LINE OF SAID SECTION 30; THENCE NORTH 00°00'4 5" EAST 325.00 FEET ON SAID EAST LINE TO THE POINT OF BEGINNING;

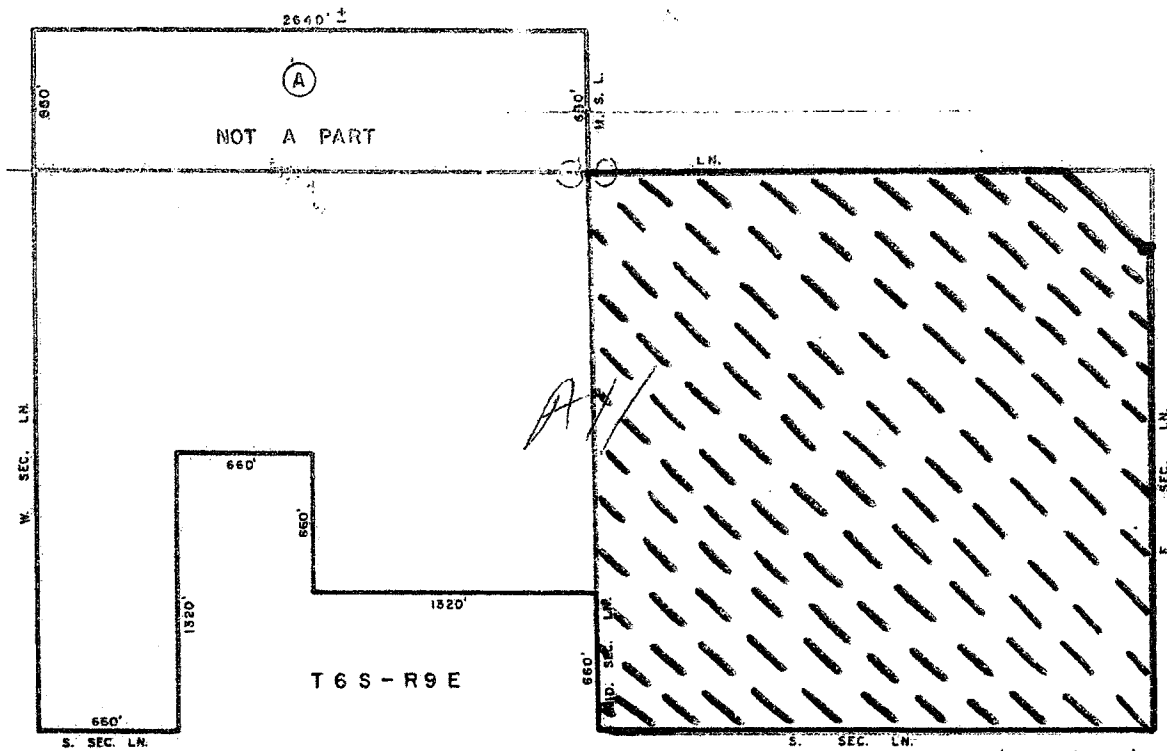
ALSO EXCEPT THE SOUTHERLY RECTANGULAR 30 FEET OF SAID LAND, AS DESCRIBED BY DEED TO THE COUNTY OF RIVERSIDE, RECORDED FEBRUARY 9, 1959 AS INSTRUMENT NO. 10986 OF OFFICIAL RECORDS;

ALSO EXCEPT THEREFROM ALL OIL, GAS AND OTHER HYDROCARBONS, AND ALL OTHER MINERALS OF WHATEVER KIND OR CHARACTER (ALL HEREIN COLLECTIVELY CALLED "MINERALS"), WHETHER NOW KNOWN TO EXIST OR HEREAFTER DISCOVERED (IT BEING INTENDED THAT THE WORD "MINERALS" AS USED HEREIN SHALL BE DEFINED IN THE BROADEST SENSE OF THE WORD AND SHALL INCLUDE, BUT NOT BE LIMITED TO, OIL, GAS, OTHER HYDROCARBONS, SAND, GRAVEL, STONE, PUMICE, PUMICITE, CINDERS, CLAY, AND ALL OTHER COMMON MATERIALS, AND ALL OTHER MINERAL SUBSTANCES AND PRODUCTS, BOTH METALLIC AND NONMETALLIC SOLID, LIQUID OR GASEOUS), WHICH ARE UPON, IN, UNDER OR MAY BE PRODUCED FROM THE SUBJECT PROPERTY, ALL SALT WATER, BRINES AND GEOTHERMAL RESOURCES, WHICH ARE IN, UNDER OR MAY BE PRODUCED FROM THE SUBJECT PROPERTY, THE EXCLUSIVE RIGHTS, BY WHATEVER METHODS NOW OR HEREAFTER KNOWN TO PROSPECT FOR, INVESTIGATE FOR, EXPLORE FOR, DRILL FOR, PRODUCE, MINE, EXTRACT, REMOVE AND REDUCE TO POSSESSION AND OWNERSHIP, ALL SUCH MINERALS, SALT WATER, BRINES AND GEOTHERMAL RESOURCES, WHICH ARE UPON, IN, UNDER OR MAY BE PRODUCED FROM THE SUBJECT PROPERTY, THE NONEXCLUSIVE RIGHT TO DRILL INTO AND THROUGH THE SUBJECT PROPERTY TO EXPLORE FOR AND THEREAFTER PRODUCE AND EXTRACT MINERALS, SALT WATER, BRINES AND GEOTHERMAL RESOURCES WHICH MAY BE PRODUCED FROM ADJACENT PROPERTY.

APN: 717-240-016-6

Assessor Parcel No.	Acres (net)	Owner
717-240-016-6	157.69	CARL SAM MAGGIO, TRUSTEE OF THE CARL SAM MAGGIO TRUST DATED MARCH 5, 2002

COACHELLA VALLEY AGRICULTURAL PRESERVE NO. 1 MAP NO. 28



APN 717-240-016-6

ADOPTED ON FEBRUARY 9, 1970
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA



SCALE: 1" = 400'