

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



ITEM
11.2
(ID # 10904)

MEETING DATE:

Tuesday, September 17, 2019

FROM : FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Adopt Resolution No. F2019-21, Notice of Intent to Summarily Vacate and Relinquish District Right of Way Within the Santa Ana River and Declare the Right of Way as Surplus, in the County of San Bernardino, RCFC Parcels 1010-5 and 1010-6, Santa Ana River, Project 1-0-00010, District 2. [\$0] (Clerk to Advertise)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. F2019-21, Notice of Intent to Summarily Vacate and Relinquish District Right of Way Within the Santa Ana River and Declare the Right of Way as Surplus, in the County of San Bernardino, RCFC Parcel 1010-5 and 1010-6, Santa Ana River, Project No. 1-0-00010; and
2. Direct the Clerk of the Board to give notice pursuant to Section 6061 of the Government Code.

ACTION: Policy, Clerk to Advertise

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG 9/10/2019

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Hewitt, seconded by Supervisor Perez 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 Tuesday, October 8, 2019 at 9:30 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: September 17, 2019
xc: Flood, COB

Kecia R. Harper
Clerk of the Board

By:
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment: No	
			For Fiscal Year: 19/20	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Riverside County Flood Control and Water Conservation District ("District") was granted appurtenant interests for the construction and maintenance of the Santa Ana River and levee located just beyond the county limits in San Bernardino County ("SBC") from William M. Kirkpatrick and Emma Mae Kirkpatrick per Grant Deed recorded in Book 3980, Pages 50-51 on July 6, 1956, records of San Bernardino County, California. The rights granted therein included the temporary right to construct and borrow material, and a permanent right to operate, maintain and flood said property. The property is located within that certain property identified as Assessor's Parcel Numbers 0260-131-14 and 0260-131-15 and referenced as RCFC Parcels 1010-5 and 1010-6 ("ROW").

The property owner ("Applicant") has requested that the District vacate its easement rights in the ROW. A floodplain study dated August 21, 2019 was prepared by JLC Engineering on behalf of the property owner. The report has been reviewed by the District and it has been determined that the proposed ROW relinquishment does not adversely impact the floodplain.

The District recommends that the right of way easements located within RCFC Parcels 1010-5 1010-6, as dedicated in Book 3980 Pages 50-51 on July 6, 1956, also shown on Record of Survey, Book 22, Pages 36 through 47, inclusive, records of San Bernardino County, State of California, be declared surplus to the District's needs pursuant to Water Code – Appendix, Chapter 48, Section 48-9, Paragraph 5, and Section 48-13, as the easement rights are no longer necessary for District's use and purpose. The adoption of Resolution No. F2019-21 will prompt the District's notice of intention to summarily vacate and relinquish the District Right of way along the Santa Ana River located within RCFC Parcels 1010-5 and 1010-6.

Resolution No. F2019-21 has been approved as to form by County Counsel.

All associated costs with this action shall be borne by the Applicant.

Impact on Residents and Businesses

No impact.

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

ATTACHMENTS:

1. Resolution No. F2019-21
2. Regional Map
3. Right of Way Map for RCFC Parcels 1010-5 and 1010-6
4. Grant Deed
5. Exhibit A Legal

P8\226613



Jason Farrin, Senior Management Analyst

9/11/2019



Gregory V. Priamos, Director County Counsel

9/11/2019

BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F2019-21

NOTICE OF INTENT TO SUMMARILY VACATE AND RELINQUISH
DISTRICT RIGHT OF WAY WITHIN THE SANTA ANA RIVER
AND DECLARE THE RIGHT OF WAY AS SURPLUS,
IN THE COUNTY OF SAN BERNARDINO,
RCFC PARCELS 1010-5 AND 1010-6,
SANTA ANA RIVER, PROJECT NO. 1-0-00010

WHEREAS, the Riverside County Flood Control and Water Conservation District ("District") is the owner of certain real property interests over land identified with Assessor's Parcel Numbers (APNs) 0260-131-14 and 0260-131-15, which was granted via Grant Deed recorded in Book 3980, Page 50, on July 6, 1956, records of San Bernardino County, by William M. Kirkpatrick and Emma Mae Kirkpatrick, known as RCFC Parcels 1010-5 and 1010-6 ("ROW"). The rights granted therein included the temporary right to construct and borrow material, and a permanent easement right to operate, maintain and flood said property for Santa Ana River and levees located in the County of San Bernardino ("SBC"); and

WHEREAS, no flood control improvements have been constructed within the ROW, and the underlying fee owner of APNs 0260-131-14 and 0260-131-15 (collectively, the "Property"), Howard Industrial Partners (the "Applicant"), has applied for and obtained a Conditional Use Permit ("CUP") from SBC to use the Property for a parking lot and to store trailers. The District reviewed the floodplain study prepared by the Applicant dated August 21, 2019, and it has been determined that the proposed ROW relinquishment does not adversely impact the floodplain; and

WHEREAS, the ROW shall no longer be necessary for the use and rights therein granted, and the Applicant has requested the District vacate RCFC Parcels 1010-5 and 1010-6 and its rights in the ROW; and

BY:  THOMAS OH
DATE 9/10/19

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 WHEREAS, pursuant to Water Code Appendix Chapter 48, Section 48-9, Paragraph 5, and Section 48-
2 13, the District may dispose of any interest in real property determined to be no longer necessary to be retained
3 for the use and purposes of the District.

4 NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by vote of the Board
5 of Supervisors of the District ("Board") in regular session assembled on September 17, 2019 at 9:~~30~~ a.m. or
6 soon thereafter in the meeting room of the Board, located on the 1st Floor of the County Administrative
7 Center, 4080 Lemon Street, Riverside, California, that the Board finds that certain right of way easement
8 interests in real property, referenced as ROW, located in the city of Colton, county of San Bernardino, State
9 of California, more particularly described in Exhibit "A" attached hereto and by this reference incorporated
10 herein, is no longer necessary to be retained by District for District's use and purposes and declared as
11 surplus pursuant to Water Code – Appendix, Chapter 48, Section 48-9, Paragraph 5, and Section 48-13.
12

13 NOTICE IS HEREBY GIVEN that this Board intends to summarily vacate and relinquish the ROW
14 when the Board meets to conclude the proposed transaction on or after October 8, 2019 at 9:~~30~~ a.m. or soon
15 thereafter in the meeting room of the Board of Supervisors.
16

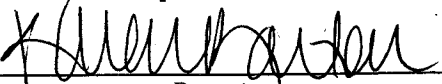
17 BE IT FURTHER RESOLVED that the Clerk of the Board is directed to give notice pursuant to
18 Section 6061 of the Government Code.
19

20 AU:rlp

21 ROLL CALL:

22 Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
23 Nays: None
24 Absent: None

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

27 Kecia R. Harper, Clerk of said Board
28 By  Deputy

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

EXHIBIT "A"

LEGAL DESCRIPTION

SANTA ANA RIVER

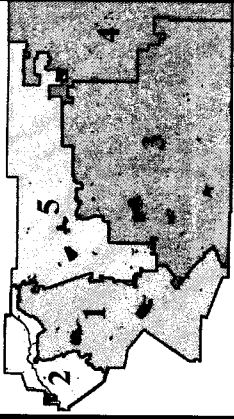
In the County of San Bernardino, State of California, being all of Parcels 5 and 6 described in the Grant Deed recorded July 6, 1956 in Book 3980, Pages 50 through 51 of Official Records of said county. Also shown as Parcels 1010-5 and 1010-6 on a Record of Survey filed in Book 22, Pages 36 through 47, inclusive, of Records of Survey, records of said county.




JAMES R. McNEILL

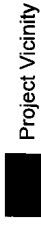
Land Surveyor No. 7752

Date: 8-27-19



Supervisor Districts

LEGEND:



DESCRIPTION:
APNs 0260-131-14
and 0260-131-15
Santa Ana River
Project No. 1-0-00010



Regional Map



Resolution No. F2019-021 Notice of Intent to Summarily Vacate and Relinquish RCFC&WCD
Right-of-Way and Declare as Surplus, Parcels 1010-5 & -6,
in the County of San Bernardino, Santa Ana River

RIGHT OF WAY MAP
FOR RCFC PARCELS
1010-5 AND 1010-6

RECORD OF SURVEY

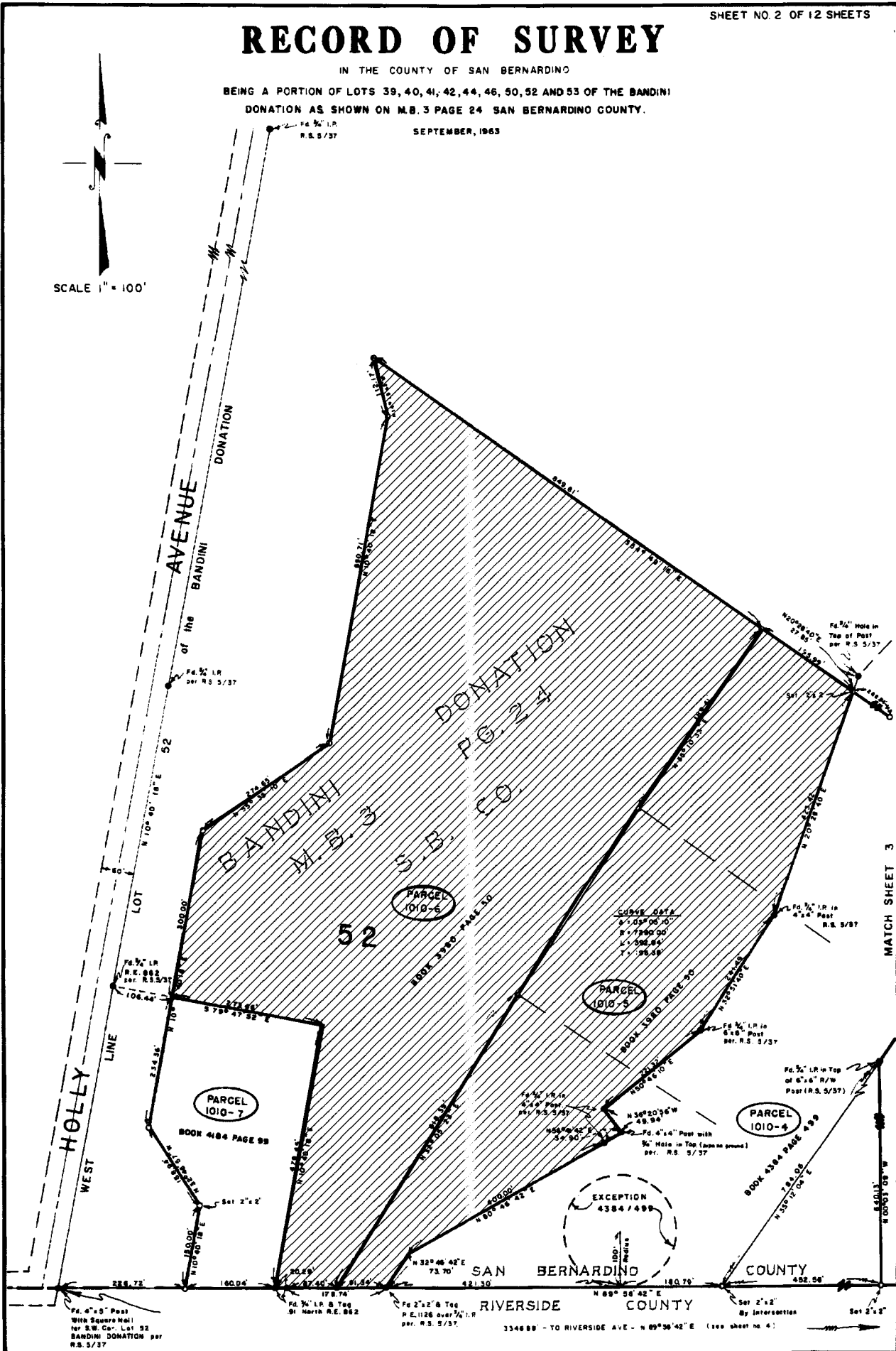
IN THE COUNTY OF SAN BERNARDINO

BEING A PORTION OF LOTS 39, 40, 41, 42, 44, 46, 50, 52 AND 53 OF THE BANDINI DONATION AS SHOWN ON M.B. 3 PAGE 24 SAN BERNARDINO COUNTY.

SEPTEMBER, 1963



DWG. NO. 1-191 SH. NO. 2



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

EXHIBIT "A"

LEGAL DESCRIPTION

SANTA ANA RIVER

In the County of San Bernardino, State of California, being all of Parcels 5 and 6 described in the Grant Deed recorded July 6, 1956 in Book 3980, Pages 50 through 51 of Official Records of said county. Also shown as Parcels 1010-5 and 1010-6 on a Record of Survey filed in Book 22, Pages 36 through 47, inclusive, of Records of Survey, records of said county.





JAMES R. McNEILL

Land Surveyor No. 7752

Date: 8-27-19

GRANT DEED

RECORDED IN
BOOK 3980
PAGE 50

ON JULY 6, 1956

BOOK 3980 PAGE 50

Riverside Levees, Stage 1
Parcels 5 and 6

Grant Deed

Ally I. R. S. \$.....

398 11-55

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, WILLIAM M. KIRKPATRICK and EMMA MAE KIRKPATRICK, husband and wife,

hereby GRANT(S) to RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT for flood control purposes, temporary and permanent easements as hereinafter described, in and upon

the following described real property in the state of California, county of San Bernardino (Descriptions of parcels 5 and 6 attached.)

PARCEL 5 - TEMPORARY EASEMENT FOR CONSTRUCTION AND BORROW, PERMANENT EASEMENT FOR OPERATION, MAINTENANCE, AND FLOODING:

In the County of San Bernardino, State of California, that portion of Lot 52 as shown on the Map of the Bandini Donation as per plat on file in Book 3 of Maps, Page 24, Records of San Bernardino County, California, and more particularly described as follows:

Beginning at a point on the Northerly line of that portion of the Jurupa Rancho, as confirmed to Louis Rubidoux, said point being the Southwest corner of Lot 52 of the Bandini Donation;

Thence along said Northerly line South 89° 56' East a distance of 496.41 feet to the true point of beginning;

Thence continuing along said Northerly line from said true point of beginning South 89° 56' East a distance of 92.59 feet to the Southwest corner of that certain parcel of land conveyed to the Riverside Water Company by Deed recorded in Book 100, Page 181, of Deeds, San Bernardino County, California;

Thence from said corner along the Westerly line of the parcel of land so conveyed to the Riverside Water Company, North 32° 54' East a distance of 73.70 feet;

Thence North 60° 49' East a distance of 400.00 feet;

Thence North 56° 44' East a distance of 35.00 feet;

Thence North 36° 06' West a distance of 50.06 feet;

Thence North 51° 04' East a distance of 221.11 feet;

Thence North 33° 04' East a distance of 241.63 feet;

Thence North 20° 37' East a distance of 423.42 feet;

Thence from said Westerly line of that parcel of land so conveyed to the Riverside Water Company, North 54° 42' 07" West a distance of 198.94 feet;

58

PARCEL 6 - PERMANENT FLOODING EASEMENT:

In the County of San Bernardino, State of California, that portion of Lot 52 as shown on the Map of the Bandini Donation as per plat on file in Book 3 of Maps, Page 24, Records of San Bernardino County, California, and more particularly described as follows:

Beginning at a point on the Northerly line of that portion of the Jurupa Rancho, as confirmed to Louis Rubidoux, said point being the Southwest corner of Lot 52 of the Bandini Donation;

Thence along said Northerly line South $89^{\circ} 56'$ East a distance of 386.72 feet to the true point of beginning;

Thence from said true point of beginning North $10^{\circ} 47' 30''$ East a distance of 479.62 feet;

Thence North $79^{\circ} 40' 40''$ West a distance of 273.92 feet;

Thence North $10^{\circ} 47' 30''$ East a distance of 300.00 feet;

Thence North $55^{\circ} 42' 22''$ East a distance of 274.65 feet;

Thence North $10^{\circ} 47' 30''$ East a distance of 590.00 feet;

Thence North $14^{\circ} 12' 33''$ West a distance of 112.17 feet;

Thence South $54^{\circ} 42' 07''$ East a distance of 850.00 feet;

Thence South $35^{\circ} 17' 53''$ West a distance of 388.26 feet to the beginning of a curve, concave to the Southeast having a radius of 7290 feet and a central angle of $3^{\circ} 05' 10''$ and being tangent to the last described course;

Thence along said curve a distance of 392.94 feet to the end of said curve;

Thence tangent to said curve South $32^{\circ} 12' 35''$ West a distance of 618.39 feet;

Thence North $89^{\circ} 56'$ West a distance of 107.69 feet to the true point of beginning. Containing 16.96 acres, more or less.

The basis of bearing of this description is as indicated on record of survey map as recorded in Book 5 of Maps, Page 37, Records of San Bernardino County, California.

Date: May 14, 1956

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.

On May 21, 1956, before me personally appeared
Elmo E. Barnes

known to me to be the person whose name is subscribed as a
witness to the foregoing deed, who, being by me duly sworn,
deposes and says: That he saw William M. Kirkpatrick
and Emma Mae Kirkpatrick

personally known to him to be the person S whose name S
are subscribed to said deed, execute the same, and that said
witness subscribed his name thereto as a witness.

G. A. PEQUEGNAT, County Clerk

(SEAL) By [Signature] Deputy

SEAL

.....
County Clerk
Court House
Riverside, California

Title Order No. Pioneer 323057

Escrow or Loan No.

William M. Kirkpatrick
William M. Kirkpatrick

Emma Mae Kirkpatrick
Emma Mae Kirkpatrick

Elmo E. Barnes
Elmo E. Barnes

Subscribing Witness

SPACE BELOW FOR RECORDER'S USE ONLY

RECORDED AT REQUEST OF
Pioneer Title Ins. and Trust Co.
JUL 6 1956 at 8 A.M.

55

BOOK 3980 PAGE 50
OFFICIAL RECORDS
San Bernardino County, Calif.
TED R. CARPENTER, Recorder

Chas Ferguson
DEPUTY

267a

62

RESOLUTION ACCEPTING DEED

BE IT RESOLVED by the Board of Supervisors of the Riverside
County Flood Control and Water Conservation District, in adjourned
regular session assembled on May 28, 1956, that the
grant deed, dated May 14, 1956,
from William M. Kirkpatrick and Emma Mae Kirkpatrick to
said District, is accepted and shall be recorded, attached to a
certified copy hereof.



OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA R. HARPER
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

September 18, 2019

THE PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

TEL: (951) 368-9229
EMAIL: legals@pe.com

RE: NOTICE OF PUBLIC MEETING: RESOLUTION F2019-21

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME: Friday, September 27, 2019.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Karen Barton

Deputy Clerk of the Board to:
KECIA R. HARPER, CLERK OF THE BOARD

RESOLUTION NO. F2019-21

NOTICE OF INTENT TO SUMMARILY VACATE AND RELINQUISH
DISTRICT RIGHT OF WAY WITHIN THE SANTA ANA RIVER
AND DECLARE THE RIGHT OF WAY AS SURPLUS,
IN THE COUNTY OF SAN BERNARDINO,
RCFC PARCELS 1010-5 AND 1010-6,
SANTA ANA RIVER, PROJECT NO. 1-0-00010

WHEREAS, the Riverside County Flood Control and Water Conservation District ("District") is the owner of certain real property interests over land identified with Assessor's Parcel Numbers (APNs) 0260-131-14 and 0260-131-15, which was granted via Grant Deed recorded in Book 3980, Page 50, on July 6, 1956, records of San Bernardino County, by William M. Kirkpatrick and Emma Mae Kirkpatrick, known as RCFC Parcels 1010-5 and 1010-6 ("ROW"). The rights granted therein included the temporary right to construct and borrow material, and a permanent easement right to operate, maintain and flood said property for Santa Ana River and levees located in the County of San Bernardino ("SBC"); and

WHEREAS, no flood control improvements have been constructed within the ROW, and the underlying fee owner of APNs 0260-131-14 and 0260-131-15 (collectively, the "Property"), Howard Industrial Partners (the "Applicant"), has applied for and obtained a Conditional Use Permit ("CUP") from SBC to use the Property for a parking lot and to store trailers. The District reviewed the floodplain study prepared by the Applicant dated August 21, 2019, and it has been determined that the proposed ROW relinquishment does not adversely impact the floodplain; and

WHEREAS, the ROW shall no longer be necessary for the use and rights therein granted, and the Applicant has requested the District vacate RCFC Parcels 1010-5 and 1010-6 and its rights in the ROW; and

WHEREAS, pursuant to Water Code Appendix Chapter 48, Sections 48-9, Paragraph 5, and Section 48-13, 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 September 17, 2019 at 9:30 a.m. or soon thereafter in the meeting room of the Board, located on the 1st 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 ROW, located in the county of San Bernardino, 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 District's use and purposes and declared as surplus pursuant to Water Code Appendix Chapter 48, Sections 48-9, Paragraph 5, and Section 48-13.

NOTICE IS HEREBY GIVEN that this Board intends to summarily vacate and relinquish the ROW when the Board meets to conclude the proposed transaction on or after **October 8, 2019 at 9:30 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.

INSERT EXHIBIT A

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to the hearing.

Dated: September 18, 2019

Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board



CALL (951) 368-9222
EMAIL legals@pe.com

THE PRESS-ENTERPRISE

DATE	ORDER NUMBER	PO Number	PRODUCT	SIZE	Amount
9/27/19	0011317383		PE Riverside	4 x 96 Li	499.20

Invoice text: Resolution F2019-21

Flood
9/17/19 11.2

Placed by: Karen Lynn Barton

Legal Advertising Memo Invoice

BALANCE DUE
499.20

SALES/CONTACT INFORMATION		ADVERTISER INFORMATION			
Nick Eller		BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER	ADVERTISER/CLIENT NAME
951-368-9229		09/27/2019	5209148	5209148	BOARD OF SUPERVISORS



THE PRESS-ENTERPRISE

Legal Advertising Memo Invoice

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

ADVERTISER/CLIENT NAME		
BOARD OF SUPERVISORS		
BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER
09/27/2019	5209148	5209148
BALANCE DUE	ORDER NUMBER	TERMS OF PAYMENT
499.20	0011317383	DUE UPON RECEIPT

BILLING ACCOUNT NAME AND ADDRESS

REMITTANCE ADDRESS

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

CALIFORNIA NEWSPAPER PARTNERSHIP
dba The Press-Enterprise
PO Box 65210
Colorado Springs, CO 80962-5210

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.: Resolution F2019-21 /

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:

09/27/2019

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

Date: September 27, 2019
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

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

Ad Number: 0011317383-01

P.O. Number:

Ad Copy:

RESOLUTION NO. F2019-21

**NOTICE OF INTENT TO SUMMARILY VACATE AND RELINQUISH
DISTRICT RIGHT OF WAY WITHIN THE SANTA ANA RIVER
AND DECLARE THE RIGHT OF WAY AS SURPLUS,
IN THE COUNTY OF SAN BERNARDINO,
RCFC PARCELS 1010-5 AND 1010-6,
SANTA ANA RIVER, PROJECT NO. 1-0-00010**

WHEREAS, the Riverside County Flood Control and Water Conservation District ("District") is the owner of certain real property interests over land identified with Assessor's Parcel Numbers (APNs) 0260-131-14 and 0260-131-15, which was granted via Grant Deed recorded in Book 3980, Page 50, on July 6, 1956, records of San Bernardino County, by William M. Kirkpatrick and Emma Mae Kirkpatrick, known as RCFC Parcels 1010-5 and 1010-6 ("ROW"). The rights granted herein included the temporary right to construct and borrow material, and a permanent easement right to operate, maintain and flood said property for Santa Ana River and levees located in the County of San Bernardino ("SBC"); and

WHEREAS, no flood control improvements have been constructed within the ROW, and the underlying fee owner of APNs 0260-131-14 and 0260-131-15 (collectively, the "Property"), Howard Industrial Partners (the "Applicant"), has applied for and obtained a Conditional Use Permit ("CUP") from SBC to use the Property for a parking lot and to store trailers. The District reviewed the floodplain study prepared by the Applicant dated August 21, 2019, and it has been determined that the proposed ROW relinquishment does not adversely impact the floodplain; and

WHEREAS, the ROW shall no longer be necessary for the use and rights therein granted, and the Applicant has requested the District vacate RCFC Parcels 1010-5 and 1010-6 and its rights in the ROW; and

WHEREAS, pursuant to Water Code Appendix Chapter 48, Sections 48-9, Paragraph 5, and Section 48-13, 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 September 17, 2019 at 9:30 a.m. or soon thereafter in the meeting room of the Board, located on the 1st 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 ROW, located in the county of San Bernardino, 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 District's use and purposes and declared as surplus pursuant to Water Code Appendix Chapter 48, Sections 48-9, Paragraph 5, and Section 48-13.

NOTICE IS HEREBY GIVEN that this Board intends to summarily vacate and relinquish the ROW when the Board meets to conclude the proposed transaction on or after October 8, 2019 at 9:30 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.

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

EXHIBIT "A"

LEGAL DESCRIPTION

SANTA ANA RIVER

In the County of San Bernardino, State of California, being all of Parcels 5 and 6 described in the Grant Deed recorded July 7, 1956 in Book 3980, Pages 50 through 51 of Official Records of said county. Also shown as Parcels 1010-5 and 1010-6 on a Record of Survey filed in Book 22, Pages 36 through 47, inclusive, of Records of Survey, records of said county.



JAMES R. McNEILL

Land Surveyor No. 7752

Date: 8-27-19

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to the hearing.

Dated: September 18, 2019

Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board

9/27