

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



ITEM: 11.3  
MT: (ID # 11096)

**MEETING DATE:**

Tuesday, October 22, 2019

**FROM :** FLOOD CONTROL DISTRICT:

**SUBJECT:** FLOOD CONTROL DISTRICT: Adopt Resolution No. F2019-22, Authorization to Summarily Vacate and Relinquish District Right of Way Within the Santa Ana River, in the County of San Bernardino, RCFC Parcels 1010-5 and 1010-6, Santa Ana River, Project No. 1-0-00010, CEQA Exempt, District 2. [\$0] (4/5 Vote Required)

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

1. Finds that the vacation and relinquishment of right of way is categorically exempt from the California Environmental Quality Act (CEQA) as it has been determined that the project qualifies for a "Class 12 Categorical Exemption" pursuant to the State CEQA Guidelines, Section 15312, "Surplus Government Property Sales," and Section 15061(b)(3), "Common Sense" exemption; and
2. Adopt Resolution No. F2019-22, Authorization to Summarily Vacate and Relinquish District Right of Way Within the Santa Ana River, in the County of San Bernardino, RCFC Parcels 1010-5 and 1010-6, Santa Ana River, Project No. 1-0-00010.

**ACTION:** 4/5 Vote Required, Policy

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

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Perez, 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: October 22, 2019  
xc: Flood

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**

<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	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS: N/A</b>			<b>Budget Adjustment: No</b>	
			<b>For Fiscal Year: 19/20</b>	

**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 easement right to operate, maintain and flood said property. The property is located within that certain property identified as Assessor's Parcel Numbers (APN) 0260-131-14 and 0260-131-15 and referenced as RCFC Parcels 1010-5 and 1010-6 ("ROW").

The property owner of APNs 0260-131-14 and 0260-131-15 ("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 Applicant. 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 action is exempt from CEQA because it qualifies as a "Class 12 Categorical Exemption" pursuant the State CEQA Guidelines Section 15312, "Surplus Government Property Sales." The project is also consistent with Section 15061(b)(3), "Common Sense" exemption, because it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment, as it is merely vacating an unnecessary flood control easement for parcels that are no longer needed, nor will be needed in the future for the District's use and purposes.

District staff has determined that the easement rights granted within the ROW and APNs 0260-131-14 and 0260-131-15 are no longer necessary pursuant to site improvements. The rights herein described have been declared excess and are not required for the District's use and purposes pursuant to the adoption of Resolution No. F2019-21 on September 17, 2019.

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

Therefore, the District recommends that the ROW, being the right of way 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 summarily vacated and relinquished.

Resolution No. F2019-22 has been approved as to form by County Counsel.

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

**Prev. Agn. Ref.: 11.2 of 9/17/2019 MT10904**



**Impact on Residents and Businesses**

No impact.

**ATTACHMENTS (if any, in this order):**

1. Resolution No. F2019-22
2. Regional Map of the subject area
3. Right of Way Map
4. Grant Deed
5. Exhibit "A" Legal Description

P8\226611

	
Jason Farin, Senior Management Analyst	Gregory V. Priamos, Director County Counsel
10/15/2019	10/11/2019

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

KECIA R. HARPER, CLERK OF THE BOARD  
RIVERSIDE CO. CLERK OF THE BOARD  
4080 LEMON STREET, 1<sup>ST</sup> FLOOR CAC  
P O BOX 1147 – RIVERSIDE, CA 92502

MAIL STOP # 1010

AND WHEN RECORDED MAIL TO:

RETURN TO: STOP #1010  
RIVERSIDE COUNTY CLERK OF THE BOARD  
P. O. BOX 1147 – RIVERSIDE, CA 92502



Recorded in Official Records  
County of San Bernardino

Bob Dutton  
Assessor-Recorder-County Clerk

DOC # 2019-0391284

10/30/2019  
02:14 PM  
SAN

I3135

Titles: 1 Pages: 5

Fees: \$0.00  
Taxes: \$0.00  
CA SB2 Fee: \$0.00  
Total: \$0.00

THIS SPACE FOR RECORDERS USE ONLY

## RESOLUTION NO. F2019-22

Title of Document

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

(Flood Control and Water Conservation District ~ Item 11.3 of 10/22/19)

BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F2019-22

AUTHORIZATION TO SUMMARILY VACATE AND RELINQUISH  
DISTRICT RIGHT OF WAY WITHIN THE SANTA ANA RIVER,  
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 (APN) 0260-131-14 and 0260-131-15, which was granted via grant deed recorded in Book 3980, Pages 50-51 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 include 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 San Bernardino County 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**, on September 17, 2019, the District's Board of Supervisors ("Board") adopted Resolution No. F2019-21 declaring the ROW as surplus that is no longer needed for the District's use and purposes, and provided notice of its intention to summarily vacate and relinquish the ROW; and

FORM APPROVED BY COUNTY COUNSEL  
BY:  DATE: 10/19  
THOMAS OH

1           **WHEREAS**, pursuant to Water Code Appendix Chapter 48, Sections 48-9, Paragraph 5, and Section  
2 48-13, the District may dispose of real property after adoption of a resolution determining that said real property  
3 is no longer necessary to be retained for the District's use and purposes, as was previously adopted and  
4 determined in Resolution No. F2019-21; and

5           **WHEREAS**, the District has reviewed and determined the summary vacation and relinquishment of the  
6 ROW is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to State  
7 CEQA Guidelines Section 15312, "Surplus Government Property Sales," as the District is merely vacating an  
8 unnecessary flood control easement because the easement interest is no longer needed for the District's use and  
9 purposes. Furthermore, the action is also consistent with State CEQA Guidelines Section 15061(b)(3),  
10 "Common Sense" exemption, because it can be seen with certainty that there is no possibility that the vacation  
11 and relinquishment of the disturbed ROW may have a significant effect on the environment.

12           **NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by vote of the  
13 Board of Supervisors of the District, in regular session assembled on October 22, 2019, in the meeting  
14 room of the Board of Supervisors of the District located on the 1<sup>st</sup> Floor of the County Administrative  
15 Center, 4080 Lemon Street, Riverside, California, at 9:30a.m. or soon thereafter, based on the review of  
16 the proposed vacation and relinquishment, that the proposed action qualifies for a "Class 12 Categorical  
17 Exemption" pursuant to Article 19 of the CEQA, State CEQA Guidelines, Section 15312 and Section  
18 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question will have  
19 a significant effect on the environment because the District is merely vacating an unnecessary right of way  
20 on disturbed property.

21           **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** by vote of this Board, that  
22 this Board authorizes the summary vacation and relinquishment of the ROW, RCFC Parcels 1010-5 and  
23 1010-6, that certain real property located in the County of San Bernardino, State of California, more  
24 particularly described in Exhibit "A".

25           **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the Clerk of the Board  
26 is directed to cause a certified copy of this Resolution to be recorded in the office of the Recorder of the  
27 County of Riverside, California

28

1 BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

2  
3 RESOLUTION NO. F2019-22

4 AUTHORIZATION TO SUMMARILY VACATE AND RELINQUISH  
5 DISTRICT RIGHT OF WAY WITHIN THE SANTA ANA RIVER,  
6 IN THE COUNTY OF SAN BERNARDINO,  
7 RCFC PARCELS 1010-5 AND 1010-6,  
8 SANTAN ANA RIVER, PROJECT NO. 1-0-00010

9 ADOPTED by Riverside County Board of Supervisors on October 22, 2019

10 ROLL CALL:

11 Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
12 Nays: None  
13 Absent: None

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

16 KECIA R. HARPER, Clerk of said Board

17 By:   
18 Deputy



10.22.19 11.3

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



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



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

Affix 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 ETTA 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 Thomas J. ... 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

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.

58

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

Chas. Ferguson  
DEPUTY

2672

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.

52  
1

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

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**SANTA ANA RIVER**

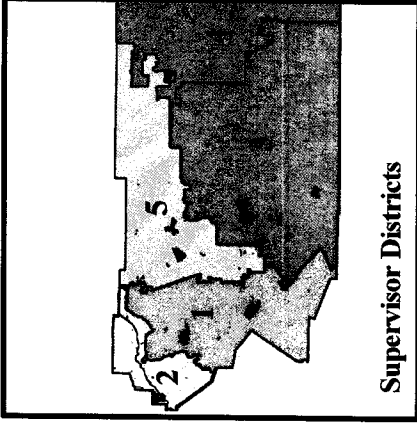
In the County of San Bernardino, State of California, being all of Parcels 5 and 6 described in the Grant Deed recorded July 6, 1956 in Book 3980, Pages 50 through 51 of Official Records of said county. Also shown as Parcels 1010-5 and 1010-6 on a Record of Survey filed in Book 22, Pages 36 through 47,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



  
\_\_\_\_\_  
JAMES R. McNEILL

Land Surveyor No. 7752

Date: 8-27-19



Supervisor Districts

**LEGEND:**

■ Project Vicinity

**DESCRIPTION:**

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



Regional Map

Resolution No. F2019-22 Authorization to Summarily Vacate and Relinquish RCFC&WCD  
Right-of-Way, Parcels 1010-5 & -6, in the County of San Bernardino, Santa Ana River



MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



11.1  
(MT 10749)

On motion of Supervisor Jeffries, seconded by Supervisor Hewitt and duly carried, IT WAS ORDERED that the recommendation from Flood Control District regarding Resolution F2019-22, Authorization to Summarily Vacate and Relinquish District Right of Way within the Santa Ana River, in the County of San Bernardino, RCFC Parcels 1010-5 and 1010-6, Santa Ana River, Project No. 1-0-00010, is continued to Tuesday, October 22, 2019 at 9:30 a.m. or as soon as possible thereafter.

Roll Call:

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

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on October 8, 2019 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors  
Dated: October 8, 2019  
Kecia R. Harper, Clerk of the Board of Supervisors, in  
and for the County of Riverside, State of California.

(seal)

By:  Deputy

AGENDA NO.  
11.1

xc: CØB

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



**ITEM**  
11.1  
(ID # 10749)

**MEETING DATE:**  
Tuesday, October 8, 2019

**FROM :** FLOOD CONTROL DISTRICT:

**SUBJECT:** FLOOD CONTROL DISTRICT: Adopt Resolution No. F2019-22, Authorization to Summarily Vacate and Relinquish District Right of Way Within the Santa Ana River, in the County of San Bernardino, RCFC Parcels 1010-5 and 1010-6, Santa Ana River, Project No. 1-0-00010, CEQA Exempt, District 2. [\$0] (4/5 Vote Required)

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

1. Finds that the vacation and relinquishment of right of way is categorically exempt from the California Environmental Quality Act (CEQA) as it has been determined that the project qualifies for a "Class 12 Categorical Exemption" pursuant to the State CEQA Guidelines, Section 15312, "Surplus Government Property Sales," and Section 15061(b)(3), "Common Sense" exemption; and
2. Adopt Resolution No. F2019-22, Authorization to Summarily Vacate and Relinquish District Right of Way Within the Santa Ana River, in the County of San Bernardino, RCFC Parcels 1010-5 and 1010-6, Santa Ana River, Project No. 1-0-00010.

**ACTION:** 4/5 Vote Required, Policy

A handwritten signature in black ink, appearing to read "J. Uhley".

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG 9/24/2019

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**MINUTES OF THE BOARD OF SUPERVISORS**

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

<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	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS: N/A</b>			<b>Budget Adjustment: No</b>	
			<b>For Fiscal Year: 19/20</b>	

**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 easement right to operate, maintain and flood said property. The property is located within that certain property identified as Assessor's Parcel Numbers (APN) 0260-131-14 and 0260-131-15 and referenced as RCFC Parcels 1010-5 and 1010-6 ("ROW").

The property owner of APNs 0260-131-14 and 0260-131-15 ("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 Applicant. 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 action is exempt from CEQA because it qualifies as a "Class 12 Categorical Exemption" pursuant the State CEQA Guidelines Section 15312, "Surplus Government Property Sales." The project is also consistent with Section 15061(b)(3), "Common Sense" exemption, because it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment, as it is merely vacating an unnecessary flood control easement for parcels that are no longer needed, nor will be needed in the future for the District's use and purposes.

District staff has determined that the easement rights granted within the ROW and APNs 0260-131-14 and 0260-131-15 are no longer necessary pursuant to site improvements. The rights herein described have been declared excess and are not required for the District's use and purposes pursuant to the adoption of Resolution No. F2019-21 on September 17, 2019.

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

Therefore, the District recommends that the ROW, being the right of way 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 summarily vacated and relinquished.

Resolution No. F2019-22 has been approved as to form by County Counsel.

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

**Prev. Agn. Ref.: 11.2 of 9/17/2019 MT10904**


**Impact on Residents and Businesses**

No impact.

**ATTACHMENTS (if any, in this order):**

1. Resolution No. F2019-22
2. Regional Map of the subject area
3. Right of Way Map
4. Grant Deed
5. Exhibit "A" Legal Description

P8\226611

  
Jason Farin, Senior Management Analyst

10/1/2019

  
Gregory V. Priamos, Director County Counsel

9/26/2019

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

Handwritten signature of Jason Uhley in black ink.

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

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**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**

<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	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> N/A			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Year:</b> 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

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Jason Farrin, Senior Management Analyst

9/11/2019



Gregory V. Priarios, Director County Counsel

9/11/2019

Per Government Code Section 1169 the resolution must be recorded in the County of San Bernardino where the property is located even though the resolution states the recordation should be in the County of Riverside. The County of Riverside Flood Control and Water Conservation District has facilitated the recording transaction with the County of San Bernardino.





## **CIVIL CODE - CIV**

**DIVISION 2. PROPERTY [654 - 1422]** (*Heading of Division 2 amended by Stats. 1988, Ch. 160, Sec. 13.*)

**PART 4. ACQUISITION OF PROPERTY [1000 - 1422]** (*Part 4 enacted 1872.*)

**TITLE 4. TRANSFER [1039 - 1231]** (*Title 4 enacted 1872.*)

**CHAPTER 4. Recording Transfers [1169 - 1220]** (*Chapter 4 enacted 1872.*)

**ARTICLE 2. Mode of Recording [1169 - 1173]** (*Article 2 enacted 1872.*)

Instruments entitled to be recorded must be recorded by the County Recorder of the county in which the real property affected thereby is situated.

**1169.**

*(Enacted 1872.)*