

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



**ITEM: 3.7
(ID # 12483)**

MEETING DATE:

Tuesday, June 23, 2020

FROM: FACILITIES MANAGEMENT:

SUBJECT: FACILITIES MANAGEMENT-REAL ESTATE (FM-RE): Adopt Resolution No. 2020-114, Authorization to Convey Fee Simple Interest in Real Property located in the unincorporated area near the City of Blythe, County of Riverside, California, known as Peter McIntyre Park, identified by Assessor Parcel Number 875-202-003, to the Riverside County Regional Park & Open-Space District by Quitclaim Deed, CEQA Exempt, District 4 [\$0], 4/5 vote Companion Item to MT Item No. 12760 (Clerk to File CEQA Notice of Exemption)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the project is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA guidelines Section 15061 (b)(3) Common Sense Exemption;
2. Adopt Resolution No. 2020-114, Authorization to Convey Fee Simple Interest in Real Property located in the unincorporated area near the City of Blythe, County of Riverside, California, known as Peter McIntyre Park, identified by Assessor's Parcel Number 875-202-003, to the Riverside County Regional Park & Open-Space District by Quitclaim Deed;
3. Approve the attached Transfer Agreement between the County of Riverside and the Riverside County Regional Park & Open-Space District and authorize the Chairman of the Board to execute the same on behalf of the County;

ACTION: Policy, 4/5 Vote Required


Rose Salgado, Director of Facilities Management 6/2/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Washington, seconded by Supervisor Hewitt 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: June 23, 2020
xc: FM-RE, Park

Kecia R. Harper
Clerk of the Board

By: 
Deputy

(companion item 13.1)

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

4. Authorize the Chairman of the Board of Supervisors to execute the Quitclaim Deed on behalf of the County to complete the transfer of real property;
5. Authorize the Director of Facilities Management or designee to execute any other documents and administer all actions necessary to complete the transaction; and
6. Direct the Clerk of the Board to file the Notice of Exemption with the office of the County Clerk within five working days of approval by the Board.

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: 2019/20	

C.E.O. RECOMMENDATION: Approve.

BACKGROUND:

Summary

On December 30, 1974, Minute Order 1.3., the Board of Supervisors approved a concession contract with California East Coast, Inc. (CEC) for Peter McIntyre Park (McIntyre Park). On October 7, 1985, per Minute Order 4.3, the County of Riverside (County) and CEC entered into a fifteen-year lease agreement for the maintenance and operations of McIntyre Park (Lease). The Lease has been amended three times and is now assigned to Destiny McIntyre LLC (Destiny). Riverside County Regional Park & Open-Space District (RivCoParks) has been managing the property and concession contract since 1990.

Pursuant to Government Code Section 25365, the County may transfer interests in real property or interest therein, belonging to the County to another public agency, upon the terms and conditions as agreed upon and without complying with any other provisions of the government code, if the property or interest therein to be conveyed is not required for County use.

Finding that the land is no longer necessary for use by the County and instead will be more efficiently managed by RivCoParks, the County intends to transfer its fee simple interest in real property, located in the unincorporated area near the City of Blythe, consisting of 25.82 acres, identified by Assessor parcel number 875-202-003, as more particularly described in Exhibit "A" of Resolution No. 2020-114, by Quitclaim Deed to the RivCoParks.

On June 9, 2020, the Board of Supervisors adopted Resolution No. 2020-113, Notice of Intention to Convey Fee Simple interest in Real Property located in the unincorporated area

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STATE OF CALIFORNIA**

near the City of Blythe, County of Riverside, California, known as Peter McIntyre Park, identified by Assessor's parcel number 875-202-003.

Pursuant to the California Environmental Quality (CEQA), the action was reviewed and determined to be categorically exempt from CEQA. Pursuant to State CEQA Guidelines Section 15061 (b)(3) – "Common Sense" Exemption. The County's approval of this conveyance of real property does not create any reasonably foreseeable physical change in the environment; it is merely a transfer in title to real property.

Resolution No. 2020-114, Transfer Agreement, and Quitclaim Deed have been reviewed and approved by County Counsel as to legal form.

Impact on Citizens and Businesses

This transfer will enable the RivCoParks to have a direct involvement in the Lease and operations of McIntyre Park. This transfer will provide efficiency and savings in the managing of this public asset.

Supplemental:

Additional Fiscal Information

Attachments:

- Resolution No. 2020-114
- Transfer Agreement
- Quitclaim Deed
- Notice of Exemption
- Aerial Map

CAO:ar/060320


Steven Atkeson 6/8/2020


Gregory H. Priamos, Director County Counsel 6/4/2020

1 Board of Supervisors

County of Riverside

2 RESOLUTION NO. 2020-114

3 AUTHORIZATION TO CONVEY FEE SIMPLE INTEREST

4 IN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA NEAR THE CITY OF
5 BLYTHE, COUNTY OF RIVERSIDE, CALIFORNIA, KNOWN AS PETER MCINTYRE PARK,
6 IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 875-202-003 TO THE RIVERSIDE
7 COUNTY REGIONAL PARK & OPEN SPACE DISTRICT BY QUITCLAIM DEED

8
9 WHEREAS, the County of Riverside ("County") acquired fee simple interest for Peter
10 McIntyre Park, located in the unincorporated area near the City of Blythe, consisting of 25.82
11 acres, identified by Assessor's Parcel Number 875-202-003 ("Property");

12 WHEREAS, Riverside County Regional Park & Open-Space District ("RivCoParks"), as
13 successor-in-interest to County of Riverside, and California East Coast, Inc., Destiny McIntyre,
14 LLC's ("Destiny McIntyre") predecessor-in-interest, entered into that certain Lease and
15 Concession Agreement dated October 15, 1985, as amended by that certain First Amendment
16 to Lease dated September 21, 1993, Second Amendment to Lease dated July 21, 1998, and
17 Third Amendment to Lease dated July 28, 1998, (collectively "Original Agreement"), by which
18 Destiny McIntyre is leasing from RivCoParks the Property for the purpose of operating and
19 maintaining thereon a concession complex as set forth in the Original Agreement;


20 WHEREAS, RivCoParks and Destiny McIntyre desire to enter into an Amended and
21 Restated Lease and Concession Agreement for the Property;

22 WHEREAS, the Property has been determined as not required for County use or
23 purposes; and

24 WHEREAS, the County desires to convey the Property to the RivCoParks;

25 WHEREAS, the County of Riverside and RivCoParks concur that it would be in both
26 parties' best interest to transfer the Property to the District;

27 06.23.2020 3.7

FORM APPROVED COUNTY COUNSEL
BY:  WESLEY W. STANFIELD
DATE: 6/10/2020

1 **WHEREAS**, the County has reviewed and determined that the conveyance of the
2 Property as being categorically exempt from the California Environmental Quality Act ("CEQA")
3 pursuant to State CEQA Guidelines Section 15601(b)(3) as the proposed project is merely the
4 conveyance of title to real property and does not involve construction or development;
5 therefore, no significant impact on the environment will occur; and

6 **WHEREAS**, Pursuant to Government Code Section 25365, the County may transfer
7 interests in real property or interest therein, belonging to the County to another public agency,
8 upon the terms and conditions as agreed upon and without complying with any other provisions
9 of the government code, if the property or interest therein to be conveyed is not required for
10 County use; now, therefore,

11 **BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Supervisors of the
12 County of Riverside, in regular session assembled on June 23, 2020, in the meeting room of
13 the Board of Supervisors located on the 1st floor of the County Administrative Center, 4080
14 Lemon Street, Riverside, California, that this Board, based upon a review of the evidence and
15 information presented on the matter, as it relates to the conveyance has determined that the
16 proposed conveyance is categorically exempt from CEQA pursuant to State CEQA Guidelines
17 Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the
18 activity in question will have a significant effect on the environment because it merely involves
19 the conveyance of title to real property and no construction activities or development is to
20 occur.

21 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the Property is
22 declared exempt surplus land pursuant to California Government Code Section 54221 (f)(1)(D).

23 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that this Board
24 authorizes the conveyance of the property by Quitclaim Deed to the Riverside County Regional
25 Park & Open Space District the following described real property: Certain fee interest in real
26 property located in the unincorporated area near the City of Blythe, County of Riverside, State
27 of California, identified with Assessor's Parcel Number 875-202-003, more particularly
28 described in Exhibit "A", Legal Description, attached hereto and made a part hereof.

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CAO:ar/04282020/070PD/30.157

EXHIBIT "A"

All that certain real property situated in the County of Riverside, State of California, described as follows:

That portion of Parcel 1, Section 34, Township 7 South, Range 23 East, in the County of Riverside, State of California, s shown by Record of Survey, on file in Book 17, Page 92 of Records of Surveys, Riverside, County Recorders, described as follows:

Commencing at the Southwest corner of Section 34, as shown on said Record of Survey, said point being on the Easterly extension of the Southerly boundary of Section 32, Township 7 South, Range 23 East, San Bernardino Base and Meridian;

Thence East on the Southerly boundary of said Section 34.83 feet, to a point thereon, said point being the true point of beginning; said point, also being the Southeast corner of that certain 60 feet wide Parcel of land known as Intake Boulevard conveyed to the County of Riverside by deed recorded May 8, 1951 in Book 1269, Page 202 of Official Records, Riverside County Records;

Thence North $1^{\circ}07'00''$ West, on the East line of said Intake Boulevard, parallel with the West line of said Section 34, 730 feet;

Thence East, parallel with the South line of said Section 34, 1595 feet, more or less, to a point on the West bank of the Colorado River, as shown on said Record of Survey;

Thence South $1^{\circ}28'40''$ West, on said West bank, 730 feet, more or less, to a point on said Southerly boundary of Section 34;

Thence West on said Southerly boundary of Section 34, 1561 feet, more or less, to the point of beginning;

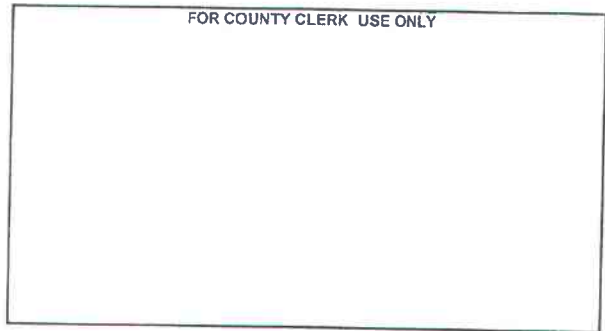
Also excepting from the above described property any portion thereof located in the drains, canals or levees of the Palo Verde Irrigation District.

Also excepting therefrom all riparian rights in and to the waters of the Colorado River pertaining or appurtenant to said real property.

Said property lies Easterly of the Easterly line of the United States Government Survey of 1874 and is commonly referred to as accretion lands.

Assessor's Parcel Number: 875-202-003

County of Riverside
Facilities Management
3133 Mission Inn Avenue, Riverside, CA



Original Negative Declaration/Notice of
Determination was routed to County
Clerks for posting on.

6/26/20
Date

PR
Initial

NOTICE OF EXEMPTION

May 7, 2020

Project Name: Conveyance of McIntyre Park, Blythe

Project Number: FM0419310070

Project Location: Northeast corner of McIntyre Avenue/Intake Boulevard intersection, west of Colorado River, Assessor's Parcel Number (APN): 875-202-003, Blythe, California

Description of Project: Pursuant to Government Code Section 25365, the County of Riverside (County) may transfer interests in real property or interest therein, belonging to the County to another public agency, upon the terms and conditions as agreed upon and without complying with any other provisions of the government code, if the property or interest therein to be conveyed is not required for County use.

On December 30, 1974, Minute Order 1.3., the County approved a concession contract with California East Coast, Inc. (CEC) for Peter McIntyre Park (McIntyre Park). On October 7, 1985, per Minute Order 4.3, the County and CEC entered into a fifteen-year lease agreement (Lease) for the maintenance and operations of McIntyre Park. The lease has been amended three times and is now assigned to Destiny McIntyre LLC (Destiny). Riverside County Regional Park & Open-Space District has been managing the property and concession contract since 1990.

Finding that the land is no longer necessary for use by the County, the County intends to transfer its fee simple interest in real property, located in the unincorporated area near the City of Blythe, consisting of 25.82 acres, identified by Assessor Parcel Number 875-202-003, as more particularly described in Exhibit "A" of Resolution 2020-114, by Quitclaim Deed to the Riverside County Regional Park & Open-Space District.

The Board of Supervisors adopted Resolution 2020-113, Notice of Intention to Convey Fee Simple interest in Real Property located in the City of Ripley. The transfer and conveyance of McIntyre Park is identified as the proposed project under the California Environmental Quality Act (CEQA). The operation of the facilities will continue to provide public services and will not result in an expansion of existing use. No additional direct or indirect physical environmental impacts are anticipated.

JUN 23 2020 3.7

Name of Public Agency Approving Project: Riverside County

Name of Person or Agency Carrying Out Project: Riverside County Facilities Management

Exempt Status: State CEQA Guidelines Section 15061(b) (3), General Rule or "Common Sense" Exemption. Codified under California Code of Regulations Title 14, Article 5, Section 15061.

Reasons Why Project is Exempt: The proposed project is categorically exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The project will not cause an impact to an environmental resource of hazardous or critical concern nor would the project involve unusual circumstances that could potentially have a significant effect on the environment. The project would not result in impacts to scenic highways, hazardous waste sites, historic resources, or other sensitive natural environments, or have a cumulative effect to the environment. No significant environmental impacts are anticipated to occur with the conveyance of property to the Riverside County Regional Park & Open-Space District.

- **Section 15061 (b) (3) – "Common Sense" Exemption:** In accordance with CEQA, the use of the Common Sense Exemption is based on the "general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment." State CEQA Guidelines, Section 15061(b) (3). The use of this exemption is appropriate if "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." *Ibid*. This determination is an issue of fact and if sufficient evidence exists in the record that the activity cannot have a significant effect on the environment, then the exemption applies and no further evaluation under CEQA is required. See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68. The ruling in this case stated that if a project falls within a category exempt by administrative regulation or 'it can be seen with certainty that the activity in question will not have a significant effect on the environment', no further agency evaluation is required. With certainty, there is no possibility that the project may have a significant effect on the environment. The transfer of property is an administrative function and would not result in any direct or indirect physical environmental impacts. Therefore, in no way, would the project as proposed have the potential to cause a significant environmental impact and the project is exempt from further CEQA analysis.

Therefore, the County of Riverside Facilities Management hereby concludes that no physical environmental impacts are anticipated to occur and the project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Signed: _____

Mike Sullivan, Senior Environmental Planner
County of Riverside, Facilities Management

Date: _____

5/7/20

RIVERSIDE COUNTY CLERK & RECORDER

AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER

Project Name: Conveyance of McIntyre Park

Accounting String: 528500-47220-7200400000 - FM0419310070

DATE: May 7, 2020

AGENCY: Riverside County Facilities Management

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO BILL FOR FILING AND HANDLING FEES FOR THE ACCOMPANYING DOCUMENT(S).

NUMBER OF DOCUMENTS INCLUDED: One (1)

AUTHORIZED BY: Mike Sullivan, Senior Environmental Planner, Facilities Management

Signature: 

PRESENTED BY: Craig Olsen, Supervising Real Property Agent, Facilities Management

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -

County of Riverside
Facilities Management
3133 Mission Inn Avenue, Riverside, CA 92507

Date: May 7, 2020
To: Kiyomi Moore/Josefina Castillo, Office of the County Clerk
From: Mike Sullivan, Senior Environmental Planner, Facilities Management
Subject: **County of Riverside Facilities Management Project # FM0419310070**
Conveyance of McIntyre Park

The Riverside County's Facilities Management's Project Management Office is requesting that you post the attached Notice of Exemption. Attached you will find an authorization to bill by journal voucher for your posting fee.

After posting, please return the document to:

Mail Stop #2600

**Attention: Mike Sullivan, Senior Environmental Planner,
Facilities Management,**

3133 Mission Inn Avenue, Riverside, CA 92507

**If you have any questions, please contact Mike Sullivan at 955-8009 or email
at msullivan@rivco.org.**

Attachment

cc: file

COPY

Recorded at request of and return to:
Riverside County Regional Parks
& Open Space District
4600 Crestmore Road
Jurupa Valley, CA 92509

FREE RECORDING
This instrument is for the benefit of the
County of Riverside, and is entitled to be
recorded without fee.
(Govt. Code 27383)

CC:dr/040120/070PD/30.122

space above this line for recorder's use

Project: Peter McIntyre Park
APNs: 875-202-003

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

COUNTY OF RIVERSIDE ("Grantor"), a political subdivision of the State of California


hereby remises, releases and forever quitclaims to the

RIVERSIDE COUNTY REGIONAL PARKS & OPEN-SPACE DISTRICT,
a park and open-space district created pursuant to the California Public Resources Code,
Division 5, Chapter 3, Article 3

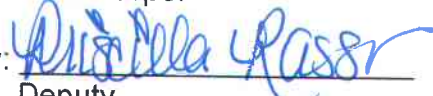
its successors and assigns, all Grantor's right, title and interest in and to that certain real
property situated in the County of Riverside, State of California, more fully described on
Exhibit A, attached hereto and made a part hereof.

JUN 23 2020

Date: _____

By: 
V. Manuel Perez, Chairman
Board of Supervisors

ATTEST:
CLERK OF THE BOARD
Kecia R. Harper

By: 
Deputy

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 June 23, 2020, before me, Priscilla Rasso, Board Assistant, personally appeared V. Manuel Perez, Chairman of the Board of Supervisors, 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 R. Harper
Clerk of the Board of Supervisors

By: Priscilla Rasso
Deputy Clerk

(SEAL)

EXHIBIT "A"

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Thence North $1^{\circ}07'00''$ West, on the East line of said Intake Boulevard, parallel with the West line of said Section 34, 730 feet;

Thence East, parallel with the South line of said Section 34, 1595 feet, more or less, to a point on the West bank of the Colorado River, as shown on said Record of Survey;

Thence South $1^{\circ}28'40''$ West, on said West bank, 730 feet, more or less, to a point on said Southerly boundary of Section 34;

Thence West on said Southerly boundary of Section 34, 1561 feet, more or less, to the point of beginning;

Also excepting from the above described property any portion thereof located in the drains, canals or levees of the Palo Verde Irrigation District.

Also excepting therefrom all riparian rights in and to the waters of the Colorado River pertaining or appurtenant to said real property.

Said property lies Easterly of the Easterly line of the United States Government Survey of 1874 and is commonly referred to as accretion lands.

Assessor's Parcel Number: 875-202-003

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

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss

On _____, before me, _____ a Notary Public, personally appeared _____ 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 _____

[SEAL]

RIVERSIDE COUNTY REGIONAL PARK & OPEN-SPACE DISTRICT
CERTIFICATE OF ACCEPTANCE OF QUITCLAIM DEED
APN: 875-202-003
Pursuant to Government Code Section 25521.5

This is to certify that the interest in real property conveyed by Quitclaim Deed dated JUN 23 2020 from the COUNTY OF RIVERSIDE, a political subdivision of the State of California, to the RIVERSIDE COUNTY REGIONAL PARK & OPEN-SPACE DISTRICT, a park and open-space district created pursuant to the California Public Resources Code, Division 5, Chapter 3, Article 3, is hereby accepted by order of the Board of Directors on JUN 23 2020, and the RIVERSIDE COUNTY REGIONAL PARK & OPEN-SPACE DISTRICT consents to recordation thereof.

Dated this 23rd day of June, 2020.

RIVERSIDE COUNTY REGIONAL PARK
& OPEN-SPACE DISTRICT

By 
Chairman, Board of Directors

TRANSFER AGREEMENT
BY AND BETWEEN
THE COUNTY OF RIVERSIDE
AND
RIVERSIDE COUNTY REGIONAL PARK & OPEN-SPACE DISTRICT

This TRANSFER AGREEMENT ("Agreement") is made and effective on JUN 23 2020 ("Effective Date") by and between The County of Riverside, a political subdivision of the State of California ("COUNTY"), and the Riverside County Regional Park & Open space District, a park and open-space district created pursuant to the California Public Resources Code, Division 5, Chapter 3, Article 3 ("RIVCOPARKS"). COUNTY and RIVCOPARKS may sometimes hereinafter collectively be referred to as the "Parties".

RECITALS

WHEREAS, the COUNTY is the owner of a park property consisting of 25.82 acres, identified with Assessor's Parcel Number 875-202-003, as more particularly described in Exhibit "A", attached hereto and made apart hereof, located near the City of Blythe in an unincorporated area of the County of Riverside, State of California ("Property");

WHEREAS, the COUNTY desires to convey the Property to RIVCOPARKS, and RIVCOPARKS desires to accept fee title to the Property so RIVCOPARKS may manage the Property more effectively;

WHEREAS, pursuant to Government Code Section 25521.5, the Board of Supervisors of the County of Riverside may transfer to the Riverside County Regional Park and Open-Space District, without a vote of the electors of the County first being taken, any real or personal property belonging to the County;

WHEREAS, pursuant to Government Code Section 25365, the COUNTY may transfer interests in real property or interest therein, belonging to the COUNTY to another public agency, upon the terms and conditions as agreed upon and without complying with any other provisions of the Government Code, if the property or interest therein to be conveyed is not required for COUNTY use;

WHEREAS, the transfer of Property is exempt from the California Surplus Land Act pursuant to California Government Code Section 54221(f)(1)(D) because the COUNTY is transferring surplus land to RIVCOPARKS for RIVCOPARK's use; and

WHEREAS, the COUNTY and RIVCOPARKS desire to enter into this Agreement to provide the terms and conditions for the conveyance of the Property.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties hereby agree as follows:

AGREEMENT

1. **Transfer of the Property.** Within sixty (60) days of full execution of this Agreement, COUNTY shall convey and transfer to RIVCOPARKS the fee title to the Property substantially in the form of Quitclaim Deed ("Deed"), attached hereto as Exhibit "B" and by this reference incorporated herein, for the consideration described herein. The transfer of Property shall be consummated pursuant to the terms and conditions of this Agreement.

2. **PROPERTY TRANSFERED IN "AS-IS" CONDITION.**

2.1 DISTRICT acknowledges that the Property is being transferred in "as-is" condition, as of the date of this Agreement, without warranty, and that COUNTY is not responsible for making corrections or repairs of any nature. RIVCOPARKS further acknowledges that COUNTY has made no representations or warranties regarding the Property, including, but not limited to:

- A. Property lines and boundaries;
- B. Square footage, and lot size;
- C. Type, size, adequacy, capacity, and condition of sewer systems and components;
- D. Possible absence of required governmental permits, inspections, certificates, or other determinations affecting the Property;
- E. Limitations, restrictions, and requirements affecting the use of the Property, future development, zoning, building, and size;
- F. Governmental restrictions which may limit the amount of rent that can lawfully be charged and/or the maximum number of persons who can lawfully occupy the Property;
- G. Water and utility availability and use restrictions;
- H. Potential environmental hazards, including asbestos, formaldehyde, radon, methane, other gases, lead-based paint, other lead contamination, fuel or chemical storage tanks, contaminated soil or water, hazardous waste, waste disposal sites, electromagnetic fields, nuclear sources, and other substances, materials, products, or conditions;
- I. Neighborhood or area conditions, including schools, proximity and adequacy of law enforcement, proximity to commercial, industrial, or agricultural activities, crime statistics, fire protection, other governmental services, existing and proposed transportation, construction, and development which may affect noise, view, or traffic, airport noise, noise or odor from any source, wild and domestic animals, or other nuisances, hazards, or circumstances;

- J. Geologic/seismic conditions, soil and terrain stability, suitability, and drainage; and
- K. Conditions and influences of significance to certain cultures and/or religions, and personal needs, requirements, and preferences of RIVCOPARKS.

2.2 RIVCOPARKS represents and warrants to COUNTY that RIVCOPARKS and/or RIVCOPARKS representatives and employees have made their own independent inspections, investigations, tests, surveys, and other studies of the Property and agrees to accept the Property in "as-is" condition.

3. **Closing Date.** This transaction shall close when the Parties have timely performed their respective obligations within sixty (60) days following the full approval and execution of this Agreement ("Closing Date").

4. **COUNTY's Obligations and Conditions Precedent to Close of this Transaction.** For the benefit of RIVCOPARKS, the close of this transaction shall be conditioned upon the timely performance by COUNTY of all obligations required of COUNTY by the terms of this Agreement.

5. **RIVCOPARKS' Obligations and Conditions Precedent to Close of this Transaction.** For the benefit of COUNTY, the close of this transaction shall be conditioned upon the timely performance by RIVCOPARKS of all obligations required of RIVCOPARKS by the terms of this Agreement.

6. **Mutual Obligations.** The following terms and conditions are part of the consideration and material to the transfer of this Property. The Parties shall be due the benefit of the consideration and rights created herein until such time full performance of the all the obligations is complete.

7. **Cooperation.** The Parties agree to cooperate with each other in the implementation of this Agreement and perform any and all acts necessary to carry out the intent of the transfer. Without limiting the foregoing, the Parties agree to provide necessary approvals, and execute, acknowledge, and deliver any and all additional papers, documents and other assurances as may be necessary to carry out the intent of the Agreement. The Parties intend that execution and delivery of the Deed by the COUNTY to RIVCOPARKS will occur within the times described in Section 3 and after the Parties have performed all the necessary activities to proceed with the conveyance and have obtained authorization from its respective governing bodies.

8. **Notice.** Any notice to be given or other document(s) to be delivered to either party by the other hereunder may be delivered in person or may be deposited in the United States Mail in the State of California, duly registered or certified, with postage prepaid, and addressed as follows:

If to the COUNTY:

If to RIVCOPARKS:

County of Riverside
Facilities Management
Deputy Director of Real Estate
3403 10th Street Suite 400
Riverside, CA 92501
951-955-4820

General Manager
Riverside County Regional Park and
Open-Space District
4600 Crestmore Road
Jurupa Valley, CA 92509

9. **Conflict of Interest.** No member, official or employee of the COUNTY or RIVCOPARKS shall have any personal interest, direct or indirect, in this Agreement nor shall any such member, official or employee participate in any decision relating to this Agreement which affects his or her personal interests or the interest of any corporation, partnership or association in which he or she is directly or indirectly interested.

10. **No Third Party Beneficiaries.** This Agreement is made and entered into for the sole interests and benefit of the Parties hereto. No other person or entity shall have any right of action based upon the provisions of this Agreement.

11. **Assignment.** This Agreement shall not be assigned by either Party, either in whole or in part, without the prior written consent of the non-assigning Party. Any assignment or purported assignment of this Agreement without the prior written consent of the non-assigning Party will be deemed void and of no force or effect.

12. **Governing Law and Jurisdiction.** The Parties agree that in the exercise of this Agreement, the Parties shall comply with all applicable federal, state, county and local laws, and regulations in connection with this transaction. The existence, validity, construction, operation and effect of this Agreement and all of its terms and provisions shall be determined in accordance with the laws of the State of California. Any action at law or in equity brought by either of the Parties hereto for the purpose of enforcing a right or rights provided for by this Agreement shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the Parties hereby waive all provisions of law providing for a change of venue in such proceedings to any other county.

13. **Paragraph Titles.** The paragraph titles of this Agreement are (i) inserted only for the convenience of the Parties, (ii) are not intended to describe, define, limit, or otherwise affect the provisions in the portions of the Agreement to which they pertain, and (iii) in no way describe, define, limit, or otherwise affect the scope or intent of this Agreement or in any way affect the agreement of the Parties set out in this Agreement.

14. **Ambiguities.** Each party and its counsel have participated fully in the review and revision of this Agreement. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be applied in interpreting this Agreement.

15. **Entire Agreement.** This Agreement embodies the entire agreement between

the Parties hereto in relation to the subject matter hereof, and no other agreement or understanding, verbal or otherwise, relative to this subject matter exists between the Parties at the time of execution of this Agreement. This Agreement may only be modified or amended by the mutual consent of the Parties in writing.

16. **Authority to Execute.** The individuals executing this Agreement and the instruments referenced herein each represent and warrant that they have the legal power, right and actual authority to bind their respective Parties to the terms and conditions hereof and thereof.

17. **Counterparts.** The Parties may execute duplicate originals (counterparts) of the Agreement or any other documents that they are required to sign or furnish pursuant to the Agreement.

18. **Survival.** The rights and obligations created in this Agreement shall survive the consummation of transfer of the Property until full performance of the respective obligations under this Agreement have been performed by the parties.


[Signature Provisions on Following Page]

19. This Agreement will be null and void if not duly approved and executed by both Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date and year first written above.

COUNTY OF RIVERSIDE, a
political subdivision of the State of
California

RIVERSIDE COUNTY REGIONAL
PARK & OPEN-SPACE DISTRICT,
a park and open-space district created
pursuant to the California Public
Resources Code, Division 5, Chapter 3,
Article 3

By: 
V. Manuel Perez, Chairman
Board of Supervisors

By: 
Chuck Washington
Board of Directors

ATTEST:
CLERK OF THE BOARD
Kecia R. Harper

ATTEST:
CLERK OF THE BOARD
Kecia R. Harper

By: 
Deputy

By: 
Deputy

APPROVED AS TO FORM:
Gregory P. Priamos
County Counsel

APPROVED AS TO FORM:
Gregory P. Priamos
County Counsel

By: 
Deputy County Counsel
Wesley W. Stanfield

By: _____
Thomas Oh
Deputy County Counsel

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT "A"

All that certain real property situated in the County of Riverside, State of California, described as follows:

That portion of Parcel 1, Section 34, Township 7 South, Range 23 East, in the County of Riverside, State of California, s shown by Record of Survey, on file in Book 17, Page 92 of Records of Surveys, Riverside, County Recorders, described as follows:

Commencing at the Southwest corner of Section 34, as shown on said Record of Survey, said point being on the Easterly extension of the Southerly boundary of Section 32, Township 7 South, Range 23 East, San Bernardino Base and Meridian;

Thence East on the Southerly boundary of said Section 34, 83 feet, to a point thereon, said point being the true point of beginning; said point, also being the Southeast corner of that certain 60 feet wide Parcel of land known as Intake Boulevard conveyed to the County of Riverside by deed recorded May 8, 1951 in Book 1269, Page 202 of Official Records, Riverside County Records;

Thence North $1^{\circ}07'00''$ West, on the East line of said Intake Boulevard, parallel with the West line of said Section 34, 730 feet;

Thence East, parallel with the South line of said Section 34, 1595 feet, more or less, to a point on the West bank of the Colorado River, as shown on said record of survey;

Thence South $1^{\circ}28'40''$ West, on said West bank, 730 feet, more or less, to a point on said Southerly boundary of Section 34;

Thence West on said Southerly boundary of Section 34, 1561 feet, more or less, to the point of beginning;

Also excepting from the above described property any portion thereof located in the drains, canals or levees of the Palo Verde Irrigation District,

Also excepting therefrom all riparian rights in and to the waters of the Colorado River pertaining or appurtenant to said real property.

Said property lies Easterly of the Easterly line of the United States Government Survey of 1874 and is commonly referred to as accretion lands.

Assessor's Parcel Number: 875-202-003

EXHIBIT "B"

QUITCLAIM DEED

[attached behind this page]

Recorded at request of and return to:
Riverside County Regional Parks
& Open Space District
4600 Crestmore Road
Jurupa Valley, CA 92509

FREE RECORDING
This instrument is for the benefit of the
County of Riverside, and is entitled to be
recorded without fee.
(Govt. Code 27383)

CC:dr/040120/070PD/30.122

space above this line for recorder's use

Project: Peter McIntyre Park
APNs: 875-202-003

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

COUNTY OF RIVERSIDE ("Grantor"), a political subdivision of the State of California

hereby remises, releases and forever quitclaims to the

RIVERSIDE COUNTY REGIONAL PARKS & OPEN-SPACE DISTRICT,
a park and open-space district created pursuant to the California Public Resources Code,
Division 5, Chapter 3, Article 3

its successors and assigns, all Grantor's right, title and interest in and to that certain real
property situated in the County of Riverside, State of California, more fully described on
Exhibit A, attached hereto and made a part hereof.

Date: _____

By: _____

V. Manuel Perez, Chairman
Board of Supervisors

ATTEST:
CLERK OF THE BOARD
Kecia R. Harper

By: _____
Deputy

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

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss

On _____, before me, _____ a Notary Public, personally appeared _____ 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 _____

[SEAL]

RIVERSIDE COUNTY REGIONAL PARK & OPEN-SPACE DISTRICT
CERTIFICATE OF ACCEPTANCE OF QUITCLAIM DEED
APN: 875-202-003
Pursuant to Government Code Section 25521.5

This is to certify that the interest in real property conveyed by Quitclaim Deed dated _____ from the COUNTY OF RIVERSIDE, a political subdivision of the State of California, to the RIVERSIDE COUNTY REGIONAL PARK & OPEN-SPACE DISTRICT, a park and open-space district created pursuant to the California Public Resources Code, Division 5, Chapter 3, Article 3, is hereby accepted by order of the Board of Directors on _____, and the RIVERSIDE COUNTY REGIONAL PARK & OPEN-SPACE DISTRICT consents to recordation thereof.

Dated this _____ day of _____, 20_____.

RIVERSIDE COUNTY REGIONAL PARK
& OPEN-SPACE DISTRICT

By _____
Chairman, Board of Directors

Aerial Image

McIntyre Park



Legend

- Parcel APNs
- Parcels
- Blue-line Streams
- City Areas



0 376 752 Feet



IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON... 4/29/2020 9:02:03 AM

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Notes

APN: 875-202-003