

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



ITEM: 11.1
(ID # 13382)

MEETING DATE:
Tuesday, September 15, 2020

FROM: FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Adopt Resolution No. F2020-17, Authorization to Convey Easement Interest in Real Property Over a Portion of RCFC Parcel 3175-5 Within Assessor's Parcel Number 377-081-013 to the City of Lake Elsinore by Easement Deed, Third Street Channel, Project No. 3-0-00175, CEQA Exempt, District 1. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), "Common Sense" exemption;
2. Adopt Resolution No. F2020-17, Authorization to Convey Easement Interest in Real Property Over a Portion of RCFC Parcel 3175-5 Within Assessor's Parcel Number 377-081-013 to the City of Lake Elsinore by Easement Deed, Third Street Channel, Project No. 3-0-00175; and
3. Authorize the Chairwoman of the District's Board of Supervisors to execute the Easement Deed in favor of the City of Lake Elsinore.

ACTION: Policy

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG 9/2/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, 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: September 15, 2020
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**

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: 20/21	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Riverside County Flood Control and Water Conservation District (District) owns RCFC Parcel 3175-5, within APN 377-081-013, in fee, which is associated with the Third Street Channel. This property is located on the northwest corner of Collier Avenue and Third Street in the city of Lake Elsinore. The District owned the fee title to the property as this was an open channel. In 2019, the District, in cooperation with the City of Lake Elsinore, constructed Third Street Channel, Stage 2, which reconstructed the open channel to an underground storm drain.

SRZ Yuma, LLC (SRZ), an Arizona limited liability company, is the owner of APNs 377-081-010, 377-081-011 and 377-081-012, which are located adjacent to RCFC Parcel 3175-5. SRZ is developing their site and have been conditioned by the City of Lake Elsinore to improve Collier Avenue to its ultimate width to the corner of Third Street. This will require a 26-foot easement from the District to the City of Lake Elsinore over a portion RCFC Parcel No. 3175-5, more particularly described in Exhibit "A" and shown in Exhibit "B" of the attached Resolution No. F2020-17, being approximately ±1,808 square feet.

Pursuant to the California Water Code Appendix, Chapter 48, Section 9, the Board of Supervisors for the District has the power to convey an interest in real property which it owns to other public agencies where such grant does not interfere with the use of the real property for the purposes of the District. As this will not adversely impact the District's operation and maintenance of its facility or interfere with the use of the property for the intended purposes of the District, and it was the intent with the improvements made with Third Street Channel, Stage 2 to allow the ultimate widening of Collier Avenue, staff is recommending the Board's approval to convey the easement to the City of Lake Elsinore for street and utility purposes.

Pursuant to CEQA, the conveyance of the easement interest ("Project") was reviewed and determined to be exempt from CEQA under State CEQA Guidelines Section 15061(b)(3), the "Common Sense" exemption, because it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment.

Resolution No. F2020-17 has been approved as to form by County Counsel.

Impact on Residents and Businesses

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

There is there is no impact to the residences or business.

Additional Fiscal Information

All costs shall be borne by SRZ Yuma, LLC.

ATTACHMENTS:

1. Resolution No. F2020-17
2. Regional Map of the Subject Area
3. Easement Deed to City of Lake Elsinore

P8/231094

AU:rlp



Jason Farin, Principal Management Analyst

9/9/2020



Gregory V. Priamos, Director County Counsel

9/4/2020

BOARD OF SUPERVISORS

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

RESOLUTION NO. F2020-17

AUTHORIZATION TO CONVEY EASEMENT INTEREST IN
REAL PROPERTY OVER A PORTION OF RCFC PARCEL 3175-5
WITHIN ASSESSOR'S PARCEL NUMBER 377-081-013
TO CITY OF LAKE ELSINORE BY EASEMENT DEED,
THIRD STREET CHANNEL, PROJECT NO. 3-0-00175

WHEREAS, the Riverside County Flood Control and Water Conservation District ("District") owns certain real property, granted in fee title to the District per Instrument No. 1994-034739, recorded on January 26, 1994, identified as Assessor's Parcel Number ("APN") 377-081-013 and as RCFC Parcel 3175-5 ("ROW"). ROW is located on/near the northwest corner of Collier Avenue and Third Street in the city of Lake Elsinore, County of Riverside, State of California; and


WHEREAS, the District and the City of Lake Elsinore have recently completed the construction of Third Street Channel, Stage 2, which extended the District's existing box culvert to the City's ultimate width of Collier Avenue; and

WHEREAS, SRZ Yuma, LLC ("SRZ"), an Arizona limited liability company, is the owner of APN's 377-081-010, 377-081-011 and 377-081-012, located to the north and adjacent to the ROW; and

WHEREAS, SRZ is developing their property and has been conditioned by the City of Lake Elsinore to improve Collier Avenue to its ultimate width, including street improvements, curb and sidewalk, to the corner of Third Street, which would require a 26-foot wide easement over a portion of the ROW to the city of Lake Elsinore for street and utility purposes; and

WHEREAS, pursuant to the California Water Code Appendix, Ch. 48, Section 9, the Board of Supervisors for the District has the power to grant any interest in real property it owns to other public agencies where such grant does not interfere with the use of the real property for the purposes of the District. The District has reviewed and approved the Collier Avenue Street Improvement Plans and finds that granting said easement will not interfere with the use of the ROW for the intended purposes of the District.

WHEREAS, the District has reviewed and determined that the conveyance of said

APPROVED AS TO FORM:
Gregory P. Priamos, County Counsel

Thomas Oh, Deputy County Counsel

1 easement for street and utility purposes is exempt from the California Environmental Quality Act
2 ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3), "Common Sense" exemption,
3 because it can be seen with certainty that there is no possibility that the proposed project may have
4 a significant effect on the environment.

5 **NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the
6 Board of Supervisors ("Board") of the District, in regular session assembled on or after September
7 15, 2020, at or after 9:30 a.m., in its meeting room located on the 1st Floor of the County
8 Administrative Center, 4080 Lemon Street, Riverside, California, with at least four-fifths of all
9 members concurring, finds that the environmental impacts of the project have been sufficiently
10 assessed and have determined that the proposed action qualifies for a CEQA exemption pursuant
11 to State CEQA Guidelines Section 15061(b)(3), "Common Sense" exemption because it can be
12 seen with certainty that there is no possibility that the activity in question will have a significant
13 effect on the environment.
14

15 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** by a vote of this
16 Board that this Board finds that the proposed easement conveyance would not interfere with the
17 use of the ROW for the District's intended purposes.

18 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the Board
19 authorizes the conveyance of the easement for street and public utility purposes to the City of Lake
20 Elsinore over a portion of real property identified with APN 377-081-013, also referenced as
21 RCFC Parcel No. 3175-5, more particularly described in Exhibit "A" and shown in Exhibit "B",
22 attached hereto and incorporated herein by reference, being approximately ±1808 square feet.
23

24 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the
25 Chairwoman of the Board of Supervisors of the District is authorized to execute the Easement
26 Deed on behalf of the District.
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BE IT FURTHER RESOLVED, DETERMINED AND ORDERED that the General Manager-Chief Engineer or his designee is authorized to execute any other documents and administer all actions necessary to complete this transaction.

ROLL CALL:

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

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

Kecia R. Harper, Clerk of said Board

By *Discula Rasst*
Deputy



Exhibit "A"
Legal Description

That portion of Lots 12 and 13 of Wall's First Addition to Elsinore, as shown by map on file in Book 13, Page 620 of Maps, San Diego County records, in the Office of the County Recorder of Riverside County, State of California, and described in deed to Riverside County Flood Control recorded January 26, 1994 as Instrument No. 034739, more particularly described as follows:

COMMENCING at the northwest corner of said deed;

Thence along the northwesterly boundary line of said deed South 43°43'20" West a distance of 70.33 feet to a line parallel with and 56.50 feet distance from the centerline of Collier Avenue and the **TRUE POINT OF BEGINNING**;

Thence along said parallel line South 46°17'02" East a distance of 68.19 feet to the northwesterly right of way line of Third Street (30.00 feet half-width);

Thence along said northwesterly right of way line South 43°43'33" West a distance of 26.50 feet to the northeasterly right of way line of Collier Avenue;


Thence along said northeasterly right of way line North 46°17'02" West a distance of 68.21 feet to said northwesterly boundary line of said deed;

Thence along said northwesterly boundary line North 43°43'20" East a distance of 26.50 feet to the **TRUE POINT OF BEGINNING**.

Containing: 1,808 square feet or 0.042 acres of land, more or less.

Exhibit "B" attached hereto and made a part hereof.

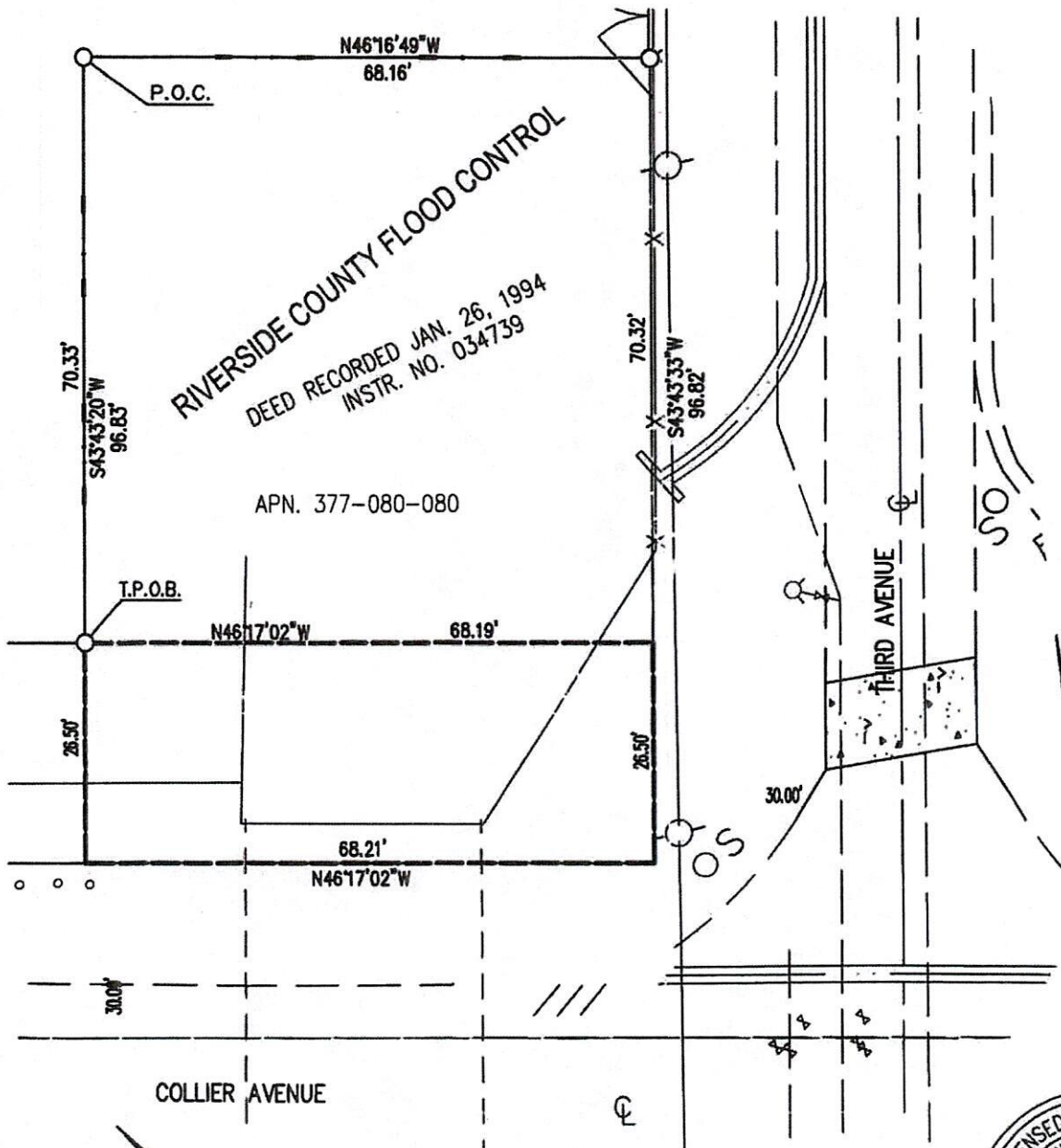
Prepared by me or under my supervision:



JOHN C. BENTLEY, P.L.S. 7223 02/26/20 DATE
LICENSE EXPIRES: 12/31/20



EXHIBIT B



RIVERSIDE COUNTY FLOOD CONTROL
 DEED RECORDED JAN. 26, 1994
 INSTR. NO. 034739

APN. 377-080-080

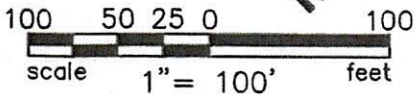
THIRD AVENUE

COLLIER AVENUE

LEGEND

- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- PARCEL CORNER
- RCFCD EASEMENT

EASEMENT AREA = 1,808 sq.ft +/-



John C. Bentley
 JOHN C BENTLEY, LS 7223
 2/26/2020

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DAVID EVANS AND ASSOCIATES INC.
 4141 Inland Empire Blvd., Suite 250
 Ontario California 91764
 Phone: 909.481.5750

EXHIBIT B

JOB NO: DLRCSRZY0002

SHEET: 1 TOTAL: 1

COUNTY: RIVERSIDE CITY: LAKE ELSINORE
RIVERSIDE COUNTY FLOOD CONTROL & WATER DIST.

APN: COLLIER AVENUE

CHECKED BY: SLCH
 DRAWN BY: JCBE
 DATE: 02/25/2020
 SCALE: 1"=100'

Exhibit "A"
Legal Description

That portion of Lots 12 and 13 of Wall's First Addition to Elsinore, as shown by map on file in Book 13, Page 620 of Maps, San Diego County records, in the Office of the County Recorder of Riverside County, State of California, and described in deed to Riverside County Flood Control recorded January 26, 1994 as Instrument No. 034739, more particularly described as follows:

COMMENCING at the northwest corner of said deed;

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Thence along said northwesterly right of way line South 43°43'33" West a distance of 26.50 feet to the northeasterly right of way line of Collier Avenue;


Thence along said northeasterly right of way line North 46°17'02" West a distance of 68.21 feet to said northwesterly boundary line of said deed;

Thence along said northwesterly boundary line North 43°43'20" East a distance of 26.50 feet to the **TRUE POINT OF BEGINNING**.

Containing: 1,808 square feet or 0.042 acres of land, more or less.

Exhibit "B" attached hereto and made a part hereof.

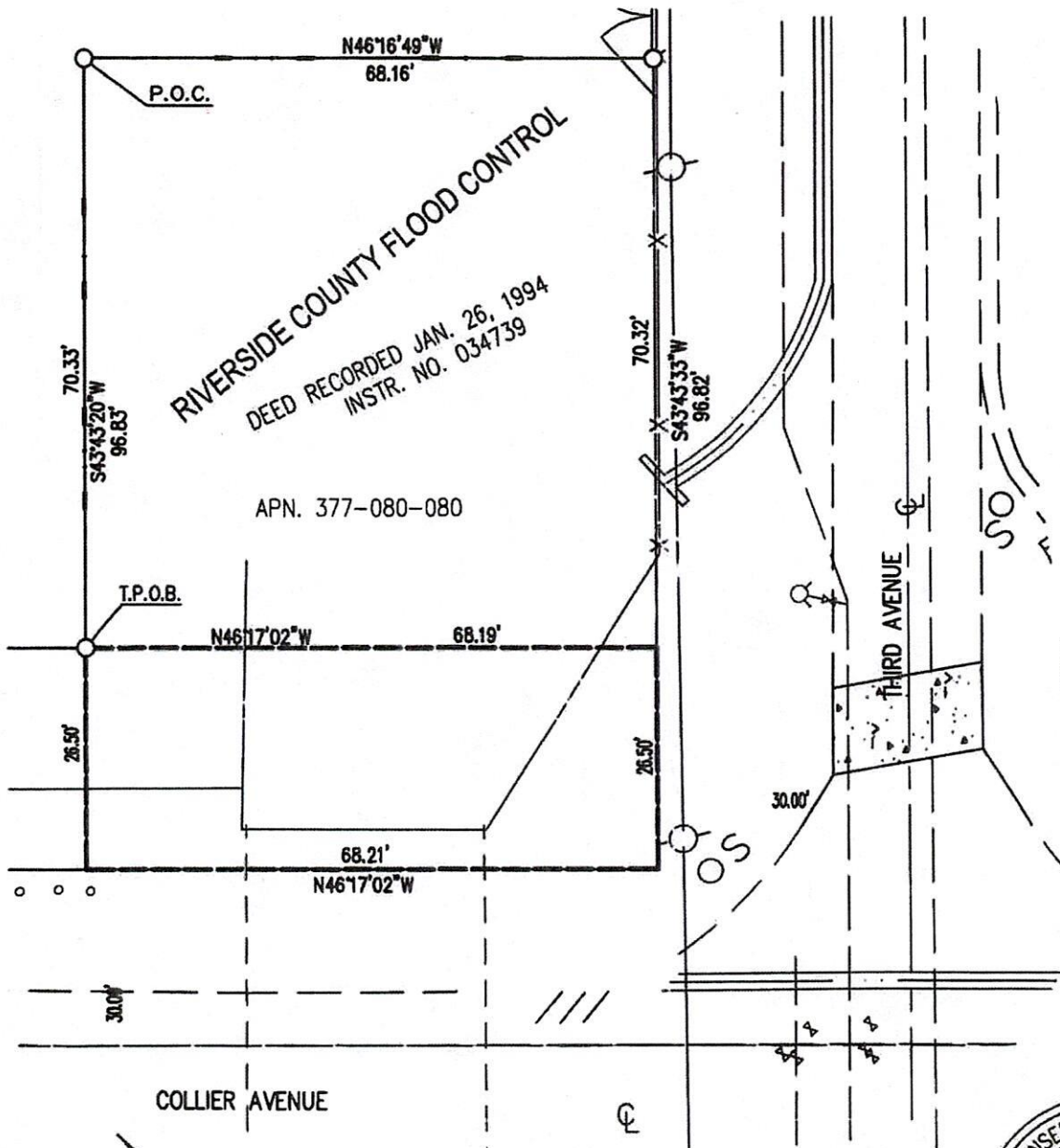
Prepared by me or under my supervision:



JOHN C. BENTLEY, P.L.S. 7223 02/26/20 DATE
LICENSE EXPIRES: 12/31/20



EXHIBIT B



RIVERSIDE COUNTY FLOOD CONTROL
 DEED RECORDED JAN. 26, 1994
 INSTR. NO. 034739

APN. 377-080-080

COLLIER AVENUE

THIRD AVENUE

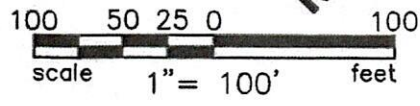


John C. Bentley
 JOHN C BENTLEY, LS 7223

LEGEND

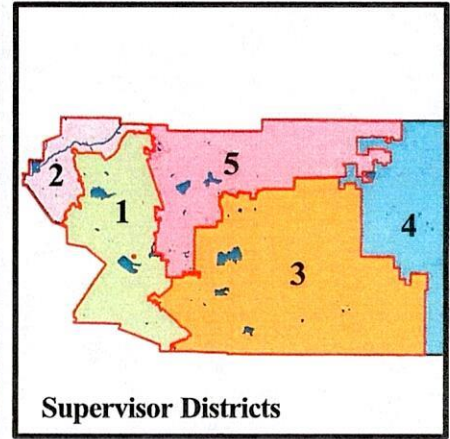
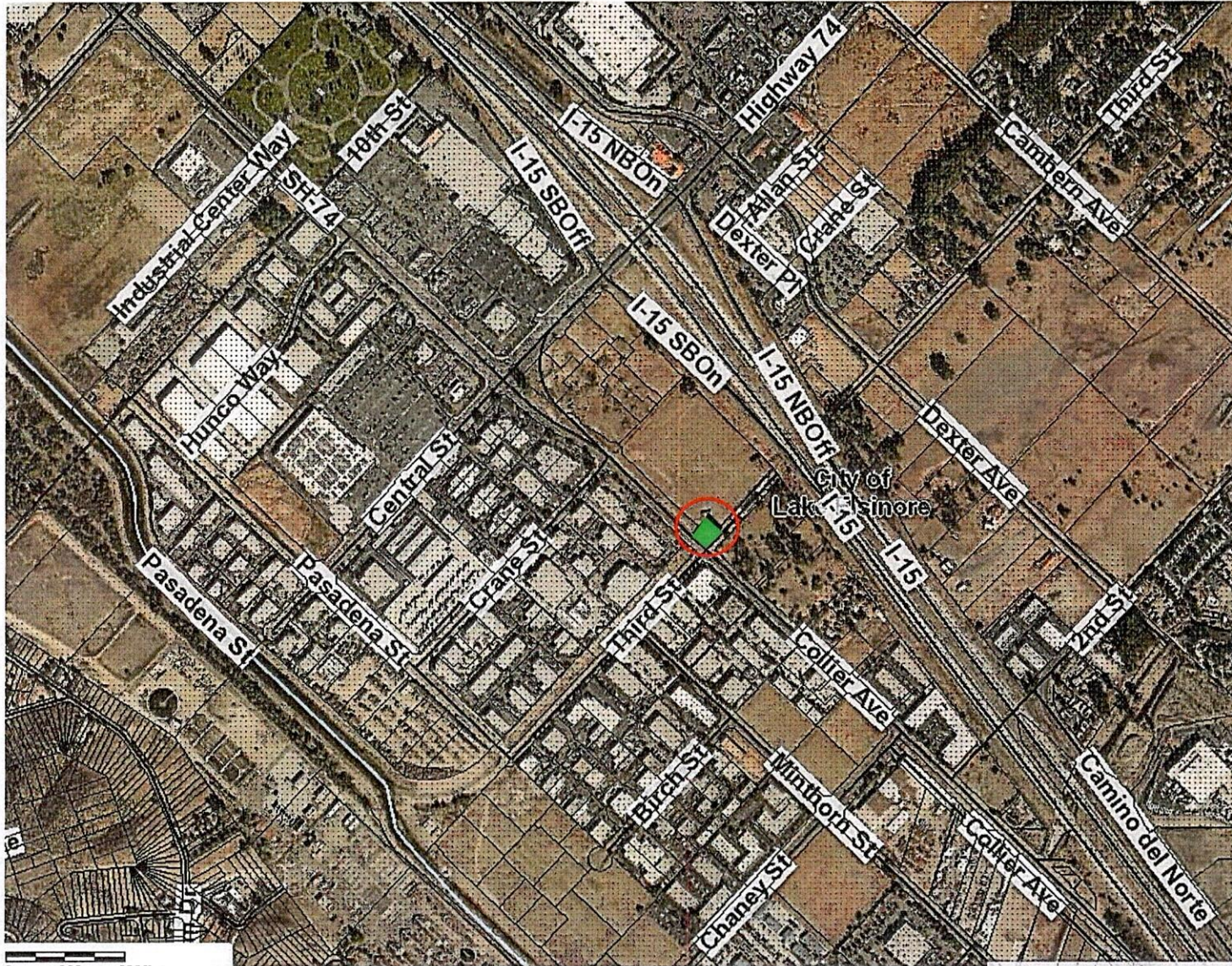
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- PARCEL CORNER
- RCFCD EASEMENT

EASEMENT AREA = 1,808 sq.ft +/-



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<p>DAVID EVANS AND ASSOCIATES INC. 4141 Inland Empire Blvd., Suite 250 Ontario California 91764 Phone: 909.481.5750</p>	<p>EXHIBIT B</p> <p>JOB NO: DLRCSRZY0002</p> <p>SHEET: 1 TOTAL: 1</p>		COUNTY: RIVERSIDE	CITY: LAKE ELSINORE	CHECKED BY: SLCH
			<p>RIVERSIDE COUNTY FLOOD CONTROL & WATER DIST.</p>		DATE: 02/25/2020
<p>APN: COLLIER AVENUE</p>			<p>SCALE: 1"=100'</p>		



LEGEND:



DESCRIPTION:

Easement to City of Lake Elsinore for street and public utility purposes



Adoption Resolution F2020-17, Authorization to Convey Easement Interest in Real Property Over Portion of RCFC Parcel 3175-5 within APN 377-081-013, to the City of Lake Elsinore, Third Street Channel, Project No. 3-0-00175



Regional Map

Recorded at request of, and return to:
Riverside County Flood Control and
Water Conservation District
1995 Market Street
Riverside, California 92501-1770

NO FEE (GOV. CODE 6103)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Third Street Channel
Project No. 3-0-00175
APN: 377-081-013

The undersigned grantor(s) declare(s)
DOCUMENTARY TRANSFER TAX \$ NONE
DDT: - 0 - THE CONVEYANCE IS TO A GOVERNMENTAL
ENTITY OR POLITICAL SUBDIVISION R&T 11922

Portion RCFC Parcel No. 3175-5

EASEMENT DEED

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body politic, grants to the **CITY OF LAKE ELSINORE**, a California municipal corporation, an easement for street and public utility purposes in, on, over and under that certain real property situated in the city of Lake Elsinore, County of Riverside, State of California described in the legal description attached hereto as Exhibit "A" and shown in Exhibit "B", both of which are made a part hereof.

RIVERSIDE COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT, a body politic

Date: SEP 15 2020

By: Karen S. Spiegel
KAREN SPIEGEL, Chairwoman, Riverside
County Flood Control and Water Conservation
District Board of Supervisors

ATTEST:

KECIA R. HARPER
Clerk of the Board of Supervisors

By: [Signature]
Deputy

STATE OF CALIFORNIA)
)ss
COUNTY OF RIVERSIDE)

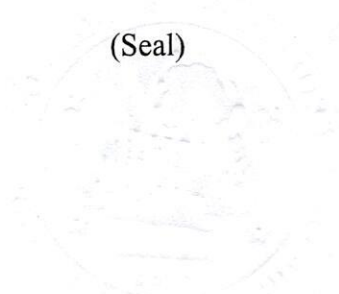
On SEP 15 2020, before me, Priscilla Rasco, Board Assistant, personally appeared Karen Spiegel, Chairman of the Board of Supervisors of the Riverside County Flood Control and Water Conservation District, State of California, who provided to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that 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 Rasco
Deputy



(Seal)