

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



ITEM: 11.1
(ID # 13243)

MEETING DATE:
Tuesday, November 03, 2020

FROM : FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Adopt Resolution No. F2020-20, Notice of Intent to Summarily Vacate and Relinquish an Easement Within in the City of Lake Elsinore, County of Riverside, State of California, RCFC Parcel No. 3071-500A, Assessor's Parcel Numbers 381-320-020 and 381-320-023, Project No. 3-0-00070, District 1. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. F2020-20, Notice of Intent to Summarily Vacate and Relinquish an Easement, Located in the City of Lake Elsinore, County of Riverside, State of California, RCFC Parcel No. 3071-500A, Assessor's Parcel Numbers 381-320-020 and 381-320-023, Project No 3-0-00070; and
2. Direct the Clerk of the Board to give notice pursuant to Section 6061 of the Government Code.

ACTION:

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG 10/19/2020

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Spiegel, Washington, Perez and Hewitt
Nays: None
Abstained: Jeffries
Date: November 3, 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 City of Lake Elsinore conveyed a flood control and maintenance easement (Existing Easement) to the District by a Quitclaim Deed recorded July 2, 1992 as Instrument No. 1992-245480 and re-recorded due to the absence of the Certificate of Acceptance on August 13, 1992 as Instrument No. 1992-302015, both are Official Records of Riverside County. The Riverside County Flood Control and Water Conservation District (District) owns and maintains the existing flood control facility commonly known as Ortega Channel within the Existing Easement on RCFC Parcel No. 3071-500A, which is within Assessor's Parcel Numbers 381-320-020 and 381-320-023 (Property).

The District is currently planning to reconstruct the Ortega Channel within the southwest portion of the Property. The Project is known as Ortega Channel Retrofit, Stage 91 (Project). Environmental review for the reconstruction Project was already conducted and approved by this Board of Supervisors on February 25, 2020 (Item 11.1, MT ID 11847). Reconstruction of Ortega Channel requires an amended easement area legally described on Exhibit "A" and depicted on Exhibit "B" (Storm Drain Easement). The District determined the Existing Easement is no longer required for District purposes and should now be summarily vacated by adoption of the proposed Resolution pursuant to California Water Code Appendix, Chapter 48, Section 9 and Section 13.

The Owner has already granted the Storm Drain Easement to the District for construction, operation and maintenance of the Ortega Channel at no cost to the District. Therefore, the Existing Easement is no longer required for the District's purposes and can be summarily vacated by adoption of the proposed Resolution pursuant to the aforementioned Water Code.

Resolution No. F2020-20 (Resolution) has been approved as to form by County Counsel.

Impact on Residents and Businesses


This transaction involves the vacation of a District easement. There is no impact to residents or businesses.


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

ATTACHMENTS:

1. Resolution No. F2020-20
2. Vicinity Map

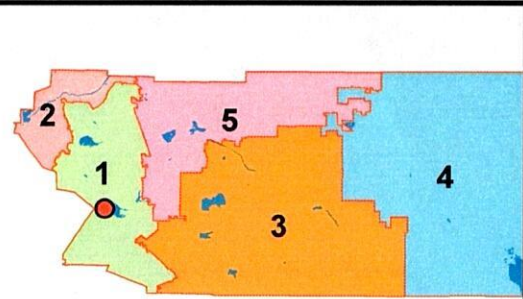
P8/231843
YK:rlp


Scott Bruckner 10/26/2020


Gregory V. Priamos, Director County Counsel 10/22/2020







Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Supervisor Districts

Legend

-  Existing Facility
-  Assessor Parcels
-  RCFC Parcel
-  Supervisorial District

Description

Ortega Channel Retrofit Project
Project No 3-0-00070



RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT
Subject Property - APNS 381-320-020 & 381-320-023
Vicinity Map



Attachment 1

BOARD OF SUPERVISORS

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

RESOLUTION NO. F2020-20

NOTICE OF INTENT TO SUMMARILY VACATE AND RELINQUISH AN EASEMENT
WITHIN THE CITY OF LAKE ELSINORE, COUNTY OF RIVERSIDE
STATE OF CALIFORNIA, RCFC PARCEL NO. 3071-500A,
ASSESSOR'S PARCEL NUMBERS 381-320-020 AND 381-320-023,
PROJECT NO. 3-0-00070

WHEREAS, Zairey, Inc. (Owner) is the fee owner of certain real property identified with Assessor's Parcel Numbers 381-320-020 and 381-320-023 (Property);

WHEREAS, the Riverside County Flood Control and Water Conservation District (District) has an existing easement on the Property for storm drainage facilities, recorded July 2, 1992 as Instrument No. 1992-245480 and re-recorded August 13, 1992 as Instrument No. 1992-302015, both in the Official Records of Riverside County (Existing Easement);

WHEREAS, the District owns and maintains the existing flood control facility commonly known as Ortega Channel, a portion of which is within the Existing Easement;

WHEREAS, the District plans to reconstruct that portion of Ortega Channel within the southwest portion of the Property known as the Ortega Channel Retrofit, Stage 91 (Project);

WHEREAS, construction of the Project requires a relocated easement area legally described on Exhibit "A" and depicted on Exhibit "B" (Storm Drain Easement), both of which are attached hereto and incorporated herein by reference;

WHEREAS, the Owner has already granted the Storm Drain Easement to the District for construction, operation and maintenance of Ortega Channel at no cost to the District;

WHEREAS, as a result of the District's acquisition of the Storm Drain Easement, the District has determined that the Existing Easement is no longer necessary for the uses and purposes of the District; and

WHEREAS, pursuant to the California Water Code Appendix, Chapter 48, Section 48-9, Subsection 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 uses and purposes of the District; and

FORM APPROVED COUNTY COUNSEL
BY: WESLEY W. STANFIELD DATE 10/22/2020

1 **NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the
 2 Board of Supervisors of the District (Board), in regular session assembled on November 3, 2020
 3 at 9:30 a.m. or soon thereafter, in the meeting room of the Board of Supervisors of the District
 4 located on the 1st Floor of the County Administrative Center, 4080 Lemon Street, Riverside,
 5 California, that the Board finds that the Existing Easement described as RCFC Parcel No. 3070-
 6 500A is no longer necessary to be retained for the uses and purposes of the District.

7 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED and NOTICE IS**
 8 **HEREBY GIVEN** that this Board intends to summarily vacate and relinquish the Existing
 9 Easement interest within the city of Lake Elsinore, County of Riverside, State of California, RCFC
 10 Parcel No. 3071-500A, as legally described in Exhibit "A" and depicted on Exhibit "B" both
 11 attached hereto and made a part hereof on or after December 1, 2020, at 9:30 a.m. or soon
 12 thereafter, in the meeting room of the Board of Supervisors.

13 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the Clerk of
 14 the Board is directed to give notice pursuant to Section 6061 of the California Government Code.

15
 16 ROLL CALL:

17 Ayes: Spiegel, Washington, Perez and Hewitt

18 Nays: None

19 Absent: None

20 Abstained: Jeffries

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

23 Kecia R. Harper, Clerk of said Board

24 BY 



25
 26
 27
 28

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)

Ad Copy:

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: NOH - Resolution No. F2020-20 Notice of Intent /

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:

11/24/2020

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

Date: November 24, 2020
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

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

Ad Number: 0011424359-01

P.O. Number:

Flood Control District
Item 11.1 of 11/03/20

**NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF
THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT OF THE
COUNTY OF RIVERSIDE**

**RESOLUTION NO. F2020-20
NOTICE OF INTENT TO SUMMARILY VACATE AND RELINQUISH AN
EASEMENT WITHIN THE CITY OF LAKE ELSINORE, COUNTY OF RIVERSIDE
STATE OF CALIFORNIA, RCFC PARCEL NO. 3071-500A,
ASSESSOR'S PARCEL NUMBERS 381-320-020 AND 381-320-023,
PROJECT NO. 3-0-00070**

WHEREAS, Zairey, Inc. (Owner) is the fee owner of certain real property identified with Assessor's Parcel Numbers 381-320-020 and 381-320-023 (Property);

WHEREAS, the Riverside County Flood Control and Water Conservation District (District) has an existing easement on the Property for storm drainage facilities, recorded July 2, 1992 as Instrument No. 1992-245480 and re-recorded August 13, 1992 as Instrument No. 1992-302015, both in the Official Records of Riverside County (Existing Easement);

WHEREAS, the District owns and maintains the existing flood control facility commonly known as Ortega Channel, a portion of which is within the Existing Easement;

WHEREAS, the District plans to reconstruct that portion of Ortega Channel within the southwest portion of the Property known as the Ortega Channel Retrofit, Stage 91 (Project);

WHEREAS, construction of the Project requires a relocated easement area legally described on Exhibit "A" and depicted on Exhibit "B" (Storm Drain Easement), both of which are attached hereto and incorporated herein by reference;

WHEREAS, the Owner has already granted the Storm Drain Easement to the District for construction, operation and maintenance of Ortega Channel at no cost to the District;

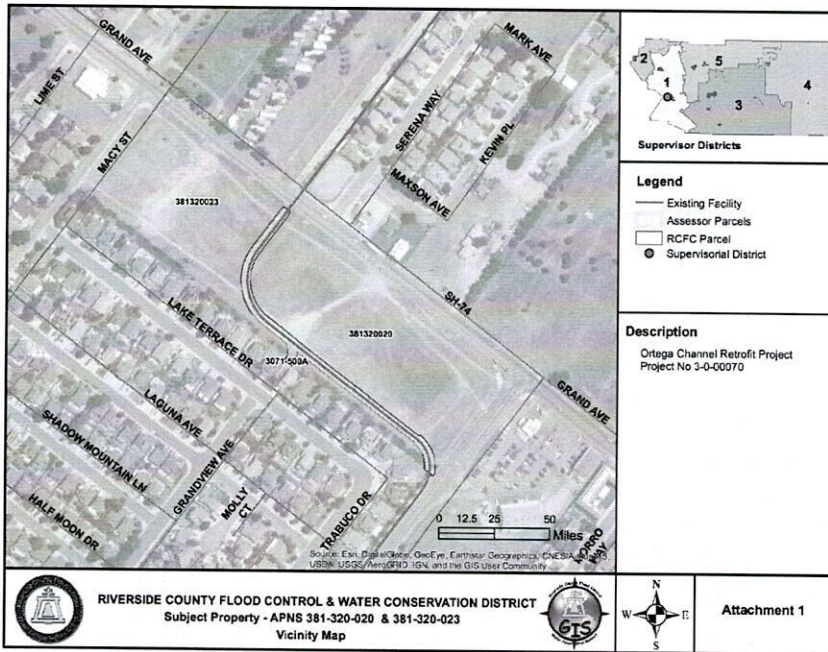
WHEREAS, as a result of the District's acquisition of the Storm Drain Easement, the District has determined that the Existing Easement is no longer necessary for the uses and purposes of the District; and

WHEREAS, pursuant to the California Water Code Appendix, Chapter 48, Section 48-9, Subsection 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 uses and purposes of the District; and

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the District (Board), in regular session assembled on November 3, 2020 at 9:30 a.m. or soon thereafter, in the meeting room of the Board of Supervisors of the District located on the 1st Floor of the County Administrative Center, 4080 Lemon Street, Riverside, California, that the Board finds that the Existing Easement described as RCFC Parcel No. 3070-500A is no longer necessary to be retained for the uses and purposes of the District.

BE IT FURTHER RESOLVED, DETERMINED AND ORDERED and NOTICE IS HEREBY GIVEN that this Board intends to summarily vacate and relinquish the Existing Easement interest within the city of Lake Elsinore, County of Riverside, State of California, RCFC Parcel No. 3071-500A, as legally described in Exhibit "A" and depicted on Exhibit "B" both attached hereto and made a part hereof on or after December 1, at 9:30 a.m. or soon thereafter, in the meeting room of the Board of Supervisors.

BE IT FURTHER RESOLVED, DETERMINED AND ORDERED that the Clerk of the Board is directed to give notice pursuant to Section 6061 of the California Government Code.



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 November 03, 2020.

KECIA R. HARPER, Clerk of said Board -
By: Hannah Lumanaw, Board Assistant

Any person affected by the above matter(s) may submit written comments to the Clerk of the Board before the public meeting or may appear and be heard in support of or opposition to the project at the time of the meeting. If you challenge the above item(s) in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence, to the Board of Supervisors at, or prior to, the public meeting.

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: November 10, 2020

Kecia R. Harper, Clerk of the Board
By: Hannah Lumanauw, Board Assistant

Press-Enterprise: 11/24



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

November 10, 2020

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

PH: (951) 368-9225
E-MAIL: legals@pe.com

**RE: NOTICE OF PUBLIC HEARING: RESOLUTION NO. F2020-20 INTENT TO
SUMMARILY VACATE AND RELINQUISH AN EASEMENT WITHIN THE CITY
OF LAKE ELSINORE, COUNTY OF RIVERSIDE**

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Tuesday, November 24, 2020**.

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**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Hannah Lumanauw

Board Assistant to:
KECIA R. HARPER, CLERK OF THE BOARD

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF THE FLOOD CONTROL AND
WATER CONSERVATION DISTRICT OF THE COUNTY OF RIVERSIDE

RESOLUTION NO. F2020-20
NOTICE OF INTENT TO SUMMARILY VACATE AND RELINQUISH AN EASEMENT
WITHIN THE CITY OF LAKE ELSINORE, COUNTY OF RIVERSIDE
STATE OF CALIFORNIA, RCFC PARCEL NO. 3071-500A,
ASSESSOR'S PARCEL NUMBERS 381-320-020 AND 381-320-023,
PROJECT NO. 3-0-00070

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WHEREAS, pursuant to the California Water Code Appendix, Chapter 48, Section 48-9, Subsection 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 uses and purposes of the District; and

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors of the District (Board), in regular session assembled on November 3, 2020 at 9:30 a.m. or soon thereafter, in the meeting room of the Board of Supervisors of the District located on the 1st Floor of the County Administrative Center, 4080 Lemon Street, Riverside, California, that the Board finds that the Existing Easement described as RCFC Parcel No. 3070-500A is no longer necessary to be retained for the uses and purposes of the District.

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BE IT FURTHER RESOLVED, DETERMINED AND ORDERED that the Clerk of the Board is directed to give notice pursuant to Section 6061 of the California Government Code.

(Insert Exhibits)

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 November 03, 2020.

KECIA R. HARPER, Clerk of said Board
By: Hannah Lumanauw, Board Assistant

Any person affected by the above matter(s) may submit written comments to the Clerk of the Board before the public meeting or may appear and be heard in support of or opposition to the project at the time of the meeting. If you challenge the above item(s) in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence, to the Board of Supervisors at, or prior to, the public meeting.

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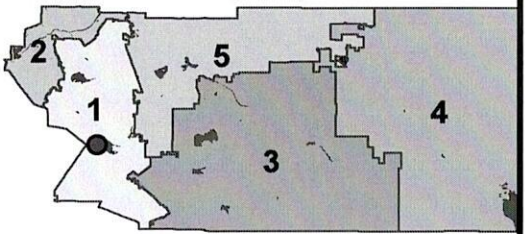
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Dated: November 10, 2020

Kecia R. Harper, Clerk of the Board
By: Hannah Lumanauw, Board Assistant



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Supervisor Districts

Legend

- Existing Facility
- Assessor Parcels
- RCFC Parcel
- Supervisorial District

Description

Ortega Channel Retrofit Project
Project No 3-0-00070



RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT
 Subject Property - APNS 381-320-020 & 381-320-023
 Vicinity Map



Attachment 1