

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



ITEM: 11.5
(ID # 13945)

MEETING DATE:

Tuesday, December 08, 2020

FROM: FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Adopt Resolution No. F2020-21, Authorization 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, CEQA Exempt, District 1. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that vacating the easement is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Sections 15312 and 15061(b)(3); and
2. Adopt Resolution No. F2020-21, Authorization 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.

ACTION:

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG 11/23/2020

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Spiegel, Washington, Perez and Hewitt
Nays: None
Abstain: Jeffries
Date: December 8, 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: N/A	
			For Fiscal Year: N/A	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The City of Lake Elsinore conveyed a flood control and maintenance easement (Existing Easement) to the Riverside County Flood Control and Water Conservation District (District) by a Quitclaim Deed recorded July 2, 1992 as Instrument No. 1992-245480 and rerecorded 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 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 Ortega Channel within the southwest portion of the Property. The Project is known as Ortega Channel Retrofit, Stage 91 (Project). Environmental review for the Project was already conducted and approved by this Board of Supervisors on February 25, 2020 (Item 11.1, MT 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 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. 2020-21 (Resolution) has been approved as to form by County Counsel.

CEQA Findings

Pursuant to the CEQA, the relinquishment of the easement interest was reviewed and determined to be exempt from CEQA because it is consistent with the criteria set forth in Section 15312 of the State CEQA Guidelines. Section 15312 exempts sales of surplus government property. Additionally, the Project is also consistent with Section 15061(b)(3), the

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"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. Vacating and relinquishing the easement will not have any environmental impacts as it does not involve and will not authorize physical development to any extent whatsoever. Any such development, if it occurs at all, will be subject to separate CEQA review. None of the exceptions set forth in Section 15300.2 of the State CEQA Guidelines apply. As such, nothing further is required in order to comply with CEQA for the easement vacation and relinquishment.

Impact on Residents and Businesses

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

ATTACHMENTS:

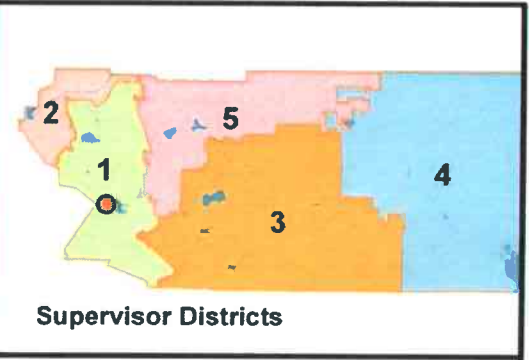
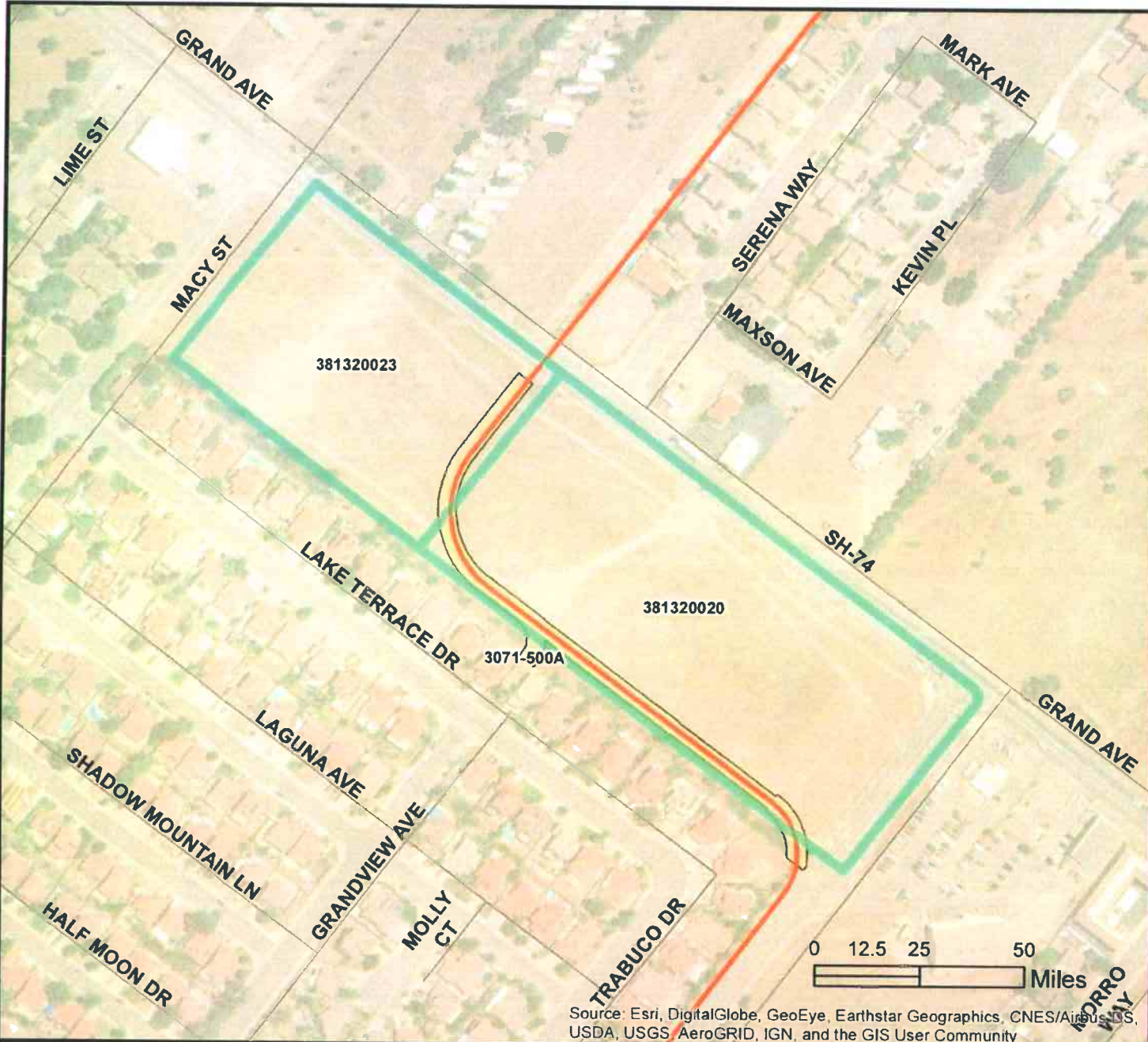
1. Resolution No. F2020-21
2. Vicinity Map



Scott Bruckner 11/30/2020



Gregory V. Priapos, Director County Counsel 11/24/2020



Legend

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

Description

Ortega Channel Retrofit Project
Project No 3-0-00070

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



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



Attachment 1

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

KECIA HARPER, CLERK OF THE BOARD
RIVERSIDE CO. CLERK OF THE BOARD
4080 LEMON STREET, 1ST 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

2020-0631225

12/11/2020 03:09 PM Fee: \$ 0.00

Page 1 of 9

Recorded in Official Records
County of Riverside
Peter Aidana
Assessor-County Clerk-Recorder



6080

THIS SPACE FOR RECORDERS USE ONLY

RESOLUTION NO. F2020-21

Title of Document

**AUTHORIZATION 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. 3-0300070**

(FLOOD CONTROL ~ Item 11.5 of 12/08/2020)

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE
FOR RECORDING INFORMATION

BOARD OF SUPERVISORS

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

RESOLUTION NO. F2020-21

AUTHORIZATION 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); and

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

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

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

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; and

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; and

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 11/24/2020

1 **WHEREAS**, the action of disposing interest in real property is exempt from the California
2 Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15312 Surplus
3 Government Property Sales and 15061(b)(3), the "Common Sense" exemption.

4 **NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the
5 Board of Supervisors of the District (Board), in regular session assembled on December 8, 2020,
6 at 9:30 a.m. or soon thereafter, in the meeting room of the Board of Supervisors of the District
7 located on the 1st Floor of the County Administrative Center, 4080 Lemon Street, Riverside,
8 California, that based on a review of the proposed vacation, the environmental impacts of the
9 Project have been sufficiently assessed, and the Project is categorically exempt from CEQA
10 pursuant to State CEQA Guidelines. The relinquishment of the easement interest was reviewed
11 and determined to be consistent with the criteria set forth in Section 15312 of the State CEQA
12 Guidelines. Section 15312 exempts sales of surplus government property. Additionally, the
13 project is also consistent with Section 15061(b)(3), the "Common Sense" exemption, as it can be
14 seen with certainty that the Project will not have a significant effect on the environment because
15 the District is merely vacating an unnecessary portion of District right of way.

16 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that this Board
17 authorizes the vacation of the Existing Easement as legally described in the attached Exhibit "A"
18 and depicted on the plat map attached as Exhibit "B" both made a part hereof.

19 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** by this Board that
20 the Clerk of the Board is directed to cause a certified copy of this Resolution attested by the Clerk,
21 under seal, to be recorded at the Office of the Recorder of the County of Riverside, California.
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2
3 RESOLUTION NO. F2020-21

4 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE RIVERSIDE COUNTY
5 FLOOD CONTROL AND WATER CONSERVATION DISTRICT
6 AUTHORIZATION TO SUMMARILY VACATE AND RELINQUISH AN EASEMENT WITHIN
7 THE CITY OF LAKE ELSINORE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RCFC
8 PARCEL NO. 3071-500A, ASSESSOR'S PARCEL NUMBERS 381-320-020 AND 381-320-023
9 PROJECT NO. 3-0300070

10 ADOPTED by Riverside County Board of Supervisors on December 8, 2020

11 ROLL CALL:

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

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

17 KECIA R. HARPER, Clerk of said Board

18 By: 
19 Deputy

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23 12.08.2020 11.5
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EXHIBIT "A"

EXHIBIT "A"

~~675250~~

An easement for the construction, operation and maintenance of an underground Storm Drain and its appurtenances, including ingress and egress thereto.

Those portions of Lots 4, 6 and 8 of Block C of the Elsinore Tract as shown by that map on file in Book 8, Page 377 of Maps, Records of San Diego County, California described as follows:

COMMENCING at the centerline intersection of Grand Avenue and Ortega Highway as shown by that map on file in Book 76, page 5, Record of Surveys, Records of Riverside County, California;

THENCE along the centerline of said Grand Avenue, North $53^{\circ}32'06''$ West, a distance of 922.55 feet;

THENCE South $36^{\circ}27'54''$ West, a distance of 40.00 feet to the Southwesterly line of said Grand Avenue;

THENCE along said Southwesterly line South $53^{\circ}32'06''$ East, a distance of 15.00 feet to the True Point of Beginning;

THENCE South $36^{\circ}27'54''$ West, a distance of 160.97 feet to the beginning of a 145.00 foot tangent curve, concave to the East;

THENCE Southerly along said curve through a central angle of $89^{\circ}59'59''$, an arc distance of 227.76 feet;

THENCE South $53^{\circ}32'05''$ East, a distance of 117.70 feet;

THENCE South $36^{\circ}27'55''$ West, a distance of 1.00 feet;

THENCE South $53^{\circ}32'05''$ East, a distance of 287.50 feet;

THENCE South $36^{\circ}27'55''$ West, a distance of 1.50 feet;

THENCE South $53^{\circ}32'05''$ East, a distance of 204.64 feet;

THENCE North $36^{\circ}27'55''$ East, a distance of 4.50 feet to the beginning of a 127.00 foot non-tangent curve, concave to the Southwest, a radial line to said beginning of curve bears North $36^{\circ}27'55''$ East;

THENCE Southeasterly along said curve through a central angle of $62^{\circ}48'30''$, an arc distance of 139.22 feet to the Northwesterly line of Ortega Highway (having a half-width of 40.00 feet);

THENCE along said Northwesterly line South $36^{\circ}25'48''$ West, a distance of 8.28 feet;

THENCE North $53^{\circ}34'12''$ West, a distance of 10.00 feet;

~~275250~~

THENCE North 53°32'05" West, a distance of 24.39 feet to the beginning of a 93.00 foot non-tangent curve, concave to the Southwest, a radial line to said beginning of curve bears South 85°52'14" East;

THENCE Northwesterly along said curve through a central angle of 57°39'51", an arc distance of 93.60 feet;

THENCE North 36°27'55" East, a distance of 4.50 feet;

THENCE North 53°32'05" West, a distance of 204.64 feet;

THENCE South 36°27'55" West, a distance of 1.50 feet;

THENCE North 53°32'05" West, a distance of 264.18 feet to the beginning of a 60.00 foot non-tangent curve, concave to the West, a radial line to said beginning of curve bears South 88°53'36" East;

THENCE Southerly along said curve through a central angle of 35°12'56", an arc distance of 36.88 feet;

THENCE South 36°19'20" West, a distance of 11.68 feet;

THENCE North 53°32'05" West, a distance of 30.00 feet;

THENCE North 36°19'20" East, a distance of 11.61 feet to the beginning of a 30.00 foot tangent curve, concave to the West;

THENCE Northerly along said curve through a central angle of 59°51'25", an arc distance of 31.34 feet;

THENCE North 23°32'05" West, a distance of 15.48 feet

THENCE North 53°32'05" West, a distance of 93.68 feet to the beginning of a 175.00 foot tangent curve, concave to the East;

THENCE Northerly along said curve through a central angle of 89°59'59", an arc distance of 274.89 feet;

THENCE North 36°27'54" East, a distance of 160.97 feet;

THENCE South 53°32'06" East, a distance of 15.00 feet to the POINT OF BEGINNING.

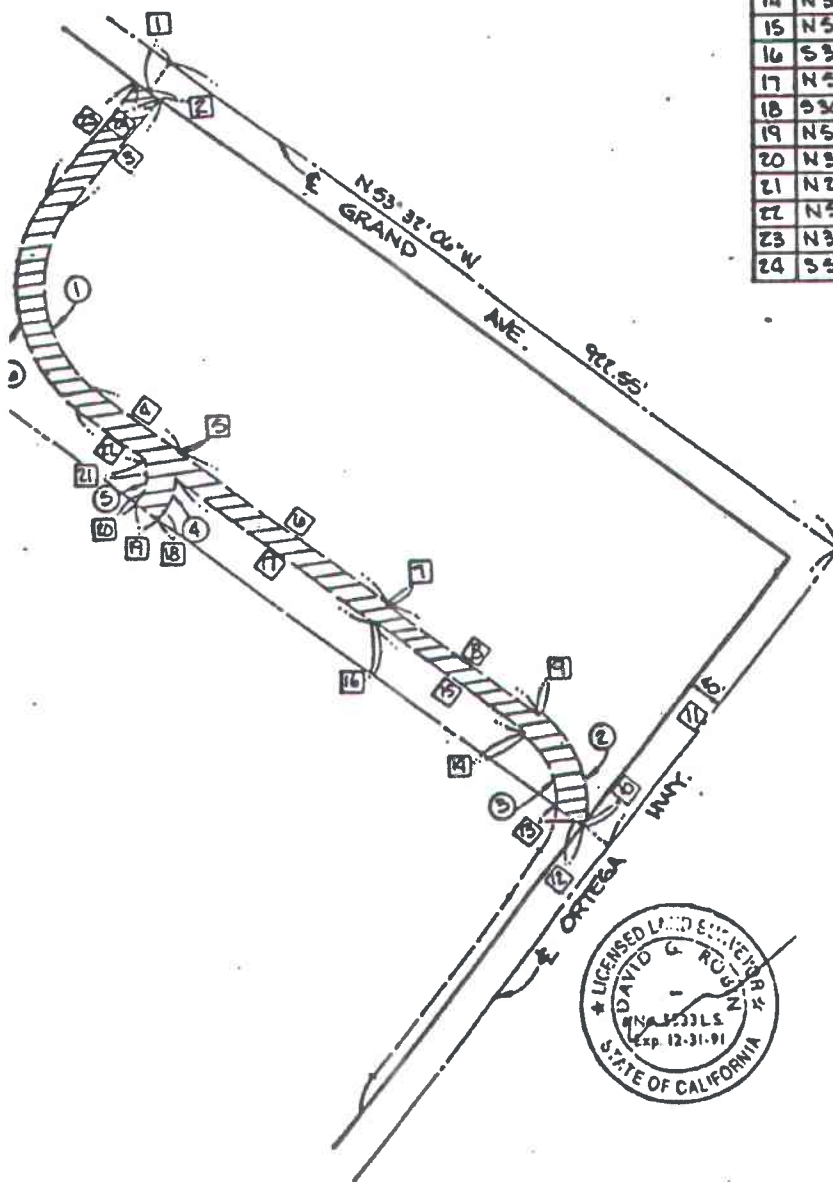
CONTAINS 0.7614 ACRES



EXHIBIT "B"

CURVE DATA			
DELTA	R	L	T
89° 59' 59"	145.00'	227.76'	145.00'
62° 48' 30"	127.00'	139.22'	71.53'
57° 39' 51"	93.00'	93.60'	51.20'
85° 12' 56"	60.00'	36.88'	19.04'
59° 51' 25"	30.00'	31.34'	17.27'
89° 59' 59"	175.00'	274.89'	175.00'

LINE DATA		
BEARING	DIST.	
1 S 36° 27' 54" W	40.00'	
2 S 53° 32' 06" E	15.00'	
3 S 36° 27' 54" W	160.97'	
4 S 53° 32' 06" E	117.70'	
5 S 36° 27' 55" W	1.00'	
6 S 53° 32' 06" E	287.50'	
7 S 36° 27' 55" W	1.50'	
8 S 53° 32' 06" E	204.64'	
9 N 36° 27' 55" E	4.50'	
10 S 36° 25' 48" W	8.28'	
11 S 36° 25' 48" W	421.20'	
12 N 53° 32' 06" W	10.00'	
13 N 53° 32' 06" W	24.39'	
14 N 36° 27' 55" E	4.50'	
15 N 53° 32' 06" W	204.64'	
16 S 36° 27' 55" W	1.50'	
17 N 53° 32' 06" W	264.18'	
18 S 36° 19' 20" W	11.68'	
19 N 53° 32' 06" W	30.00'	
20 N 36° 19' 20" E	11.61'	
21 N 23° 32' 05" W	15.48'	
22 N 53° 32' 06" W	93.68'	
23 N 36° 27' 54" E	160.97'	
24 S 53° 32' 06" E	30.00'	



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