

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



ITEM: 11.4
(ID # 15046)

MEETING DATE:

Tuesday, June 08, 2021

FROM: FLOOD CONTROL DISTRICT:

SUBJECT: FLOOD CONTROL DISTRICT: Adoption of Resolution No. F2021-22, Authorization to Convey an Easement Interest Within a Portion of District-Owned Real Property (Portion of APN 367-110-008) Located in the City of Wildomar, County of Riverside, to the Elsinore Valley Municipal Water District by Grant of Easement Deed, Wildomar MDP Lateral C, Stage 3, Project No. 7-0-00075, CEQA Exempt, District 1. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the conveyance of an easement interest as described in Resolution No. F2021-22 is exempt from the California Environmental Quality Act ("CEQA") pursuant to the Section 15312 "Surplus Government Property Sales" exemption and Section 15061(b)(3) "Common Sense" exemption;
2. Adopt Resolution No. F2021-22, Authorization to Convey an Easement Interest Within a Portion of District-Owned Real Property (Portion of APN 367-110-008) Located in the City of Wildomar, County of Riverside, to the Elsinore Valley Municipal Water District (EVMWD) by Grant of Easement Deed;
3. Authorize the Chair of the District's Board of Supervisors to execute the Easement Deed in favor of EVMWD; and
4. Authorize the General Manager-Chief Engineer or his designee to execute any other related documents and administer all actions necessary to complete this transaction.

ACTION: Policy

Jason Uhley, GENERAL MGR-CHF FLD CNTRL ENG

5/26/2021

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez, and Hewitt
Nays: None
Absent: None
Date: June 8, 2021
xc: Flood

Kecia R. Harper
Clerk of the Board

By:
Deputy

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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

On March 23, 2021, the Board of Supervisors approved Minute Order 11.7 to Adopt Resolution No. F2021-12, Notice of Intent to Convey an Easement Interest Within a Portion of District-Owned Real Property (Portion of APN 367-110-008) Located in the City of Wildomar, County of Riverside, to the Elsinore Valley Municipal Water District ("EVMWD").

The Riverside County Flood Control and Water Conservation District ("District") has owned APN 367-110-008 ("Property") since December 10, 2015, at which time it was purchased per Instrument Number 2015-0537041 in order to construct a detention basin to attenuate 100-year storm flows. The District's facility and parcel is referenced as the Wildomar MDP Lateral C Project.

Prior to the District purchasing the Property, an 8-inch sewer line was constructed by a developer and accepted by EVMWD in 1991. The previous landowner conveyed a 20-foot wide easement along the centerline of the sewer line to EVMWD. The sewer line is presently underground but would be floating if the detention basin was hypothetically constructed without relocating the sewer main.

In order to construct the detention basin and not impede sewer flows, the sewer line needs to be relocated. The existing 20-foot wide easement needs to be quitclaimed and relocated with a new 20-foot wide sewer easement along the proposed sewer main.

The District has submitted a sewer easement application to EVMWD requesting the quitclaim of the existing sewer easement. Within the same application, the District has proposed to relocate the sewer line and to grant a new easement to EVMWD.

This sewer easement will be for operation and maintenance of the Project by the District.

Pursuant to the California Water Code Appendix Ch. 48, Section 9, the Board of Supervisors for the District (Board) has the power to take by grant, purchase, gift, devise, lease, or otherwise, to hold, use, enjoy, and to lease or dispose of real, personal, or mixed property of every kind within

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or without the District necessary or convenient to the full exercise of its powers, and to lease its property to public agencies, or to grant any interest therein to public agencies, which lease or grant does not interfere with the use of the property for the purposes of the District. District staff has evaluated and determined that the conveyance of the permanent easement interest to EVMWD will not interfere with the use of the property for the intended purposes of the District.

Pursuant to the California Water Code Appendix Ch. 48, Section 13 the Board may determine that any real property held by the District is no longer necessary to be retained for the uses and purposes thereof and may thereafter sell or otherwise dispose of said property, or lease the same. The Board has evaluated and determined that the real property which is intended to be conveyed in the permanent easement interest to EVMWD is no longer necessary to be retained for the uses and purposes of the District.

Prev Agn. Ref.: 11.7 of 03/23/21, MT 14665

Environmental Findings

The conveyance of an easement interest as described in Resolution No. F2021-22 is exempt from CEQA pursuant to State CEQA Guidelines Section 15312 (Surplus Government Property Sales exemption), which provides for the, "Sale of surplus government property except parcels of land located in an area of statewide, regional, or areawide concern identified in Section 15206(b)(4)." The subject property of this conveyance of easement interest is not considered an area of statewide, regional, or areawide concern and does not have significant values of wildlife habitat or other environmental purposes. Therefore, State CEQA Guidelines Section 15312 would apply to this action.

Additionally, the conveyance of an easement interest as described in Resolution No. F2021-22 is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), the "Common Sense" exemption, which provides, "The activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA". The District's conveyance of an easement interest as described in Resolution No. F2021-22 would not authorize any development, construction, maintenance, operation, or any other activity that would have the potential to result in any significant effect on the environment. Accordingly, because it can be seen with certainty that there is no possibility that the authorization to convey an easement interest to EVMWD by grant of easement deed may have a significant effect on the environment, Section 15061(b)(3) of the State CEQA Guidelines applies.

Resolution No. F2021-22 has been approved as to form by County Counsel.

Impact on Residents and Businesses:

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No fiscal impact on the residents and businesses in the immediate area; this is a conveyance of easement interest to adjacent property owners.

ATTACHMENTS:

1. Resolution No. F2021-22
2. Easement Deed
3. Vicinity Map

P81237633
MCR:rlp



Jason Farin, Principal Management Analyst

6/1/2021



Gregory J. Priamos, Director County Counsel

5/26/2021

BOARD OF SUPERVISORS**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT****RESOLUTION NO. F2021-22**

AUTHORIZATION TO CONVEY AN EASEMENT INTEREST WITHIN A PORTION OF
DISTRICT-OWNED REAL PROPERTY (PORTION OF APN 367-110-008)
LOCATED IN THE CITY OF WILDOMAR, COUNTY OF RIVERSIDE, TO THE
ELSINORE VALLEY MUNICIPAL WATER DISTRICT BY GRANT OF EASEMENT
DEED, WILDOMAR MDP LATERAL C, STAGE 3,
PROJECT NO. 7-0-00075

WHEREAS, the Riverside County Flood Control and Water Conservation District
("District") owns certain real property located in the city of Wildomar, County of Riverside, State
of California, identified with Assessor's Parcel No. ("APN") 367-110-008 ("Property"); and

WHEREAS, the District's facility and parcel is referenced as the Wildomar MDP Lateral
C Project; and

WHEREAS, the District purchased the Property on December 10, 2015, per Instrument
Number 2015-0537041, to construct a detention basin on said Property, the purpose of which is to
attenuate 100-year storm flows; and

WHEREAS, prior to the District purchasing the Property, an 8-inch sewer line was
constructed by a developer and accepted by Elsinore Valley Municipal Water District
("EVMWD") in 1991; and

WHEREAS, the previous landowner gave EVMWD a 20-foot wide easement on the
Property along the centerline of the sewer line, which is presently underground but would be
floating if the detention basin was hypothetically constructed without relocating the sewer line;
and

WHEREAS, in order to construct the detention basin and not impede sewer flows, the
sewer line needs to be relocated such that the existing 20-foot wide easement needs to be
quitclaimed and replaced by a new 20-foot wide sewer easement along the proposed sewer main;
and

WHEREAS, the District has submitted a sewer easement application to EVMWD
requesting the quitclaim of the existing sewer easement and, within the same application, the
District has proposed to relocate the sewer line and grant a new easement to EVMWD; and

FORM APPROVED COUNTY COUNSEL
BY RYAN D. YABKO DATE 5/26/21

1 **WHEREAS**, the District anticipates the application to EVMWD for the quitclaim to
2 existing easement and the proposed sewer line relocation easement to be accepted; and

3 **WHEREAS**, this sewer easement will solely concern the maintenance of the sewer line,
4 as the District is not proposing to dedicate land to EVMWD; and

5 **WHEREAS**, the conveyance of the easement to EVMWD will facilitate the City of
6 Wildomar in the construction and completion of the detention basin for the safety and benefit of
7 the community; and

8 **WHEREAS**, pursuant to the California Water Code Appendix Ch. 48, Section 9 the Board
9 of Supervisors for the District ("Board") has the power to take by grant, purchase, gift, devise, or
10 lease, or otherwise, to hold, use, enjoy, and to lease or dispose of real, personal, or mixed property
11 of every kind within or without the District necessary or convenient to the full exercise of its
12 powers, and to lease its property to public agencies, or to grant any interest therein to public
13 agencies, which lease or grant does not interfere with the use of the property for the purposes of
14 the District; and

15 **WHEREAS**, pursuant to the California Water Code Appendix Ch. 48, Section 13 the
16 Board may determine that any real property held by the District is no longer necessary to be
17 retained for the uses and purposes thereof, and may thereafter sell or otherwise dispose of said
18 property or lease the same; and

19 **WHEREAS**, the District has reviewed and determined the conveyance of easement
20 interest is categorically exempt from the California Environmental Quality Act (CEQA) pursuant
21 to State CEQA Guidelines Section 15312, Surplus Government Property Sales, as the Property is
22 not located in an area of statewide, regional, or areawide concern as defined in the CEQA
23 guidelines Section 15026(b)(4), does not have significant value for wildlife habitat or other
24 environmental resources, and is exempt under the "Common Sense" exemption pursuant to State
25 CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that the conveyance of
26 easement interest will not have significant effect on the environment.

27 **NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the
28 Board of the District, in regular session assembled on or after June 8, 2021 at 9:30 a.m. or soon

1 thereafter, in the meeting room of the Board located on the 1st Floor of the County Administrative
 2 Center, 4080 Lemon Street, Riverside, California, that this Board's staff has evaluated and
 3 determined that the conveyance of the permanent easement interest to EVMWD will not interfere
 4 with the use of the property for the intended purposes of the District; and finds that the activity in
 5 question qualifies for the "Class 12" categorical exemption pursuant to Article 19 of the CEQA,
 6 State CEQA Guidelines: Section 15312; and is also consistent with the "Common Sense"
 7 exemption pursuant to State CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty
 8 that there is no possibility that the activity in question will have a significant effect on the
 9 environment because the District is merely granting an easement interest from one public agency
 10 to another for utility purposes.

11 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that this Board
 12 authorizes the conveyance of the easement interest in real property located in the city of Wildomar,
 13 County of Riverside, and identified as being Assessor's Parcel Number 367-110-008, by Grant
 14 Deed to EVMWD, as more particularly described in Exhibits "A" and "B", attached hereto and by
 15 this reference incorporated herein.

16 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that this Board
 17 authorizes the Chair of the Board of Supervisors of the District to execute the Easement Deed
 18 attached thereto on behalf of the District.

19 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the General
 20 Manager-Chief Engineer or his designee is authorized to execute any other documents and
 21 administer all actions necessary to complete this transaction.

22 **ROLL CALL:**

23 Ayes: Spiegel, Jeffries, Washington, Perez and Hewitt
 24 Nays: None
 25 Absent: None
 26 Abstained:

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

Kecia R. Harper, Clerk of said Board

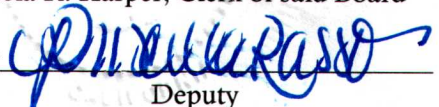
By  Deputy

EXHIBIT "A"

RIVERSIDE COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT

EXHIBIT "A"

LEGAL DESCRIPTION

WILDOMAR MDP – LATERAL "C" – STAGE 3 – SEWER EASEMENT

Sewer Easement

APN: 367-110-008

In the City of Wildomar, County of Riverside, State of California, being a strip of land, 20.00 feet wide, lying within Lot 2 of Sedco Tract No. 1, filed in Book 10, Pages 58 through 75, inclusive, of Maps, records of said County, said strip lying 10.00 feet on each side of the following described centerline:

Commencing at the southeasterly corner of said Lot 2;

Thence North 01°11'14" East 447.01 feet along the easterly line of said Lot 2 to the **Point of Beginning**;

Thence South 46°11'14" West 18.39 feet to a line parallel with and 13.00 feet westerly of said easterly line;

Thence South 01°11'14" West 133.47 feet along said parallel line;

Thence South 54°14'40" West 335.75 feet;

Thence South 43°34'08" West 96.36 feet;

Thence North 88°02'43" West 291.83 feet to a line parallel with and 32.00 feet easterly of the centerline of Monte Vista Drive as shown on Tract No. 32024, filed in Book 471, Pages 1 through 10, inclusive, of Maps, records of said county, said point being the **Point of Terminus**.

The sidelines of said strip shall be continued or shortened so as to terminate easterly in the easterly line of said Lot 2 and westerly in said parallel line of Monte Vista Drive.

Containing 17,516 square feet / 0.402 acre more or less

RIVERSIDE COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT

The distances shown herein are in grid. Ground distances may be obtained by dividing the grid distance by a combination factor of 0.99990355.

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




JAMES R. McNEILL

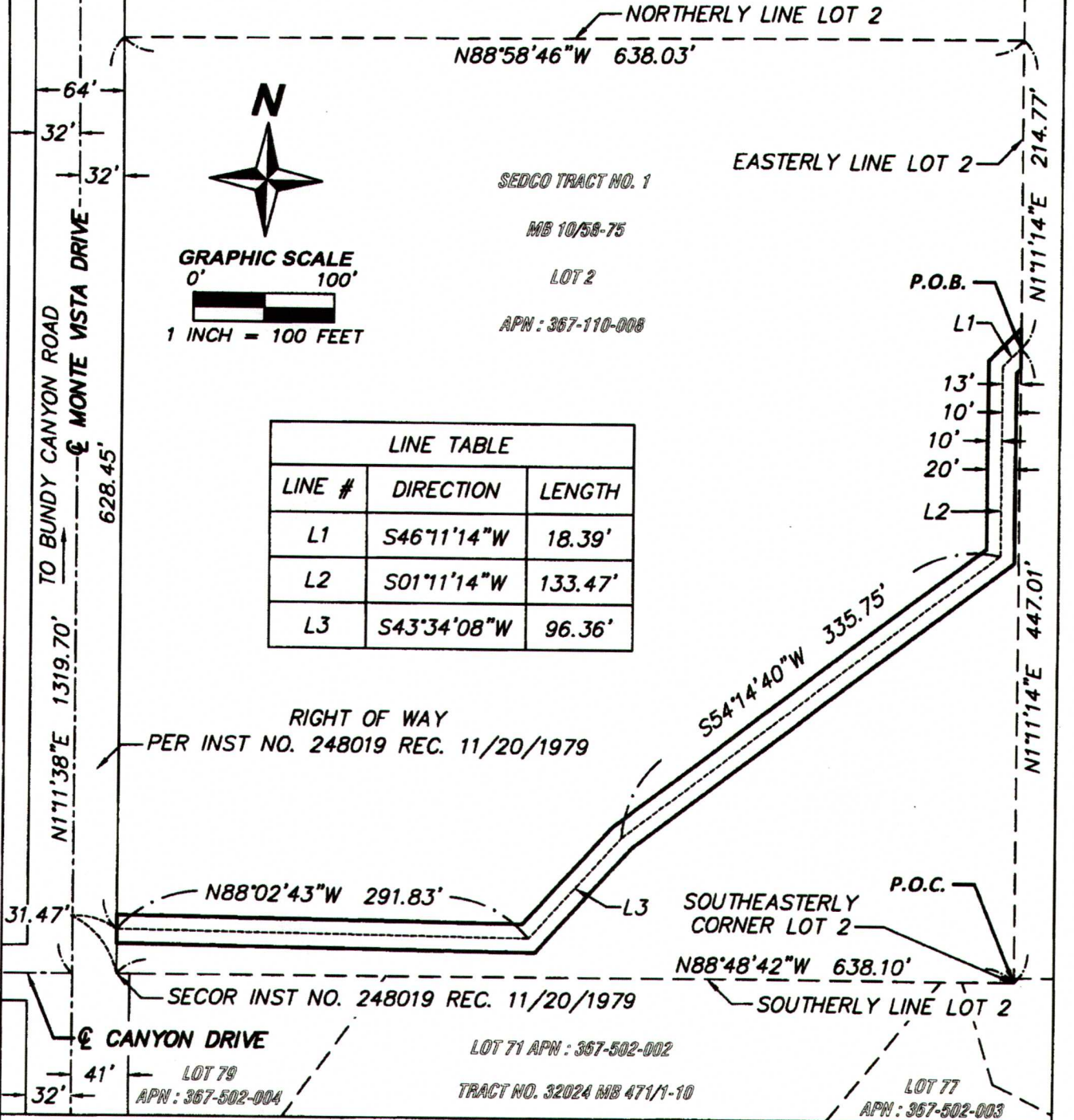
Land Surveyor No. 7752

Date: 12/03/2020

EXHIBIT "B"

EXHIBIT "B"

SEDCO TRACT NO. 1 MB 10/58-75 LOT 1 APN: 367-110-007



RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

1995 MARKET STREET, RIVERSIDE, CA. 92501

PROJECT NAME:	WILDOMAR MDP - LATERAL "C" - STAGE 3 - SEWER EASEMENT	SCALE	1"=100'	DRAWN BY	SB
RCFC-WCD PARCEL NUMBER(S):	NOT APPLICABLE	DATE	8/20/20	CHECK BY	DC
RCFC-WCD PROJECT NUMBER:	7-0-00075	SHEET NO.	1 OF 1		

No Recording Fees Required
Per Government Code
Section 27383

RECORDING REQUESTED BY AND WHEN
RECORDED MAIL TO:

ELSINORE VALLEY MUNICIPAL
WATER DISTRICT
P.O. Box 3000
31315 Chaney Street
Lake Elsinore, CA 92531

COPY

sent to department

APN: 367-110-008
TRA: 025-022

(Space above this line is for Recorders use)

FILE:

GRANT OF EASEMENT

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a body corporate and politic ("**Grantor**") does hereby grant to ELSINORE VALLEY MUNICIPAL WATER DISTRICT, a public agency of the State of California ("**Grantee**"), and its successors and assigns, a perpetual, exclusive easement and right of way ("**Easement**") to construct, reconstruct, install, enlarge, survey, replace, remove, relocate, repair, alter, improve, operate, maintain, inspect and use sewer facilities and other appurtenant appliances and fixtures ("**Facilities**"), which Facilities may be installed at different times and over a period of time, and necessary devices and appurtenances thereto in, on, over, under, along and across that certain real property ("**Easement Area**") in the city of Wildomar, County of Riverside, State of California, described in **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto and by reference made a part hereof.

The foregoing Easement includes the reasonable right of access to and from the Easement Area for the purpose of exercising the rights granted herein.

The Facilities and appurtenances may be constructed within the Easement Area any distance either below or above the ground surface. The Easement herein granted includes the right to enter the Easement Area, to survey, construct, reconstruct, lay, relay, maintain, operate, control, use and remove said Facilities, fixtures, appurtenances and to remove objects interfering with the construction, operation and maintenance thereof.

Grantor shall not have the right to cultivate, occupy or use the Easement Area for any purpose inconsistent with the rights and privileges granted herein or which would interfere with or endanger said Facilities, fixtures and appurtenances or the use thereof. Grantee shall use due care in the construction, operation and maintenance of said Facilities, fixtures and appurtenances.

Grantor and Grantor's successors and assigns, further agree that no building, fences, walls or other structures of any kind, or trees, shall be installed, constructed, erected, placed planted or maintained in any portion of the Easement Area, and no shrubs or other plants or vegetation shall be placed, planted or maintained in the portion of Easement Area, and no changes in the alignment of grading of the Easement Area will be made without prior written consent of the Grantee.

JUN 08 2021 11.4

The Easement shall include, without limitation, the right and privilege of Grantee and its employees, agents, representatives, contractors, subcontractors and workmen to: (i) perform all activities as may be necessary to facilitate the purposes of the Easement; (ii) use, control and occupy the Easement Area nonexclusively with Grantor; (iii) have access to, ingress to and egress from, the Easement Area; (iv) construct and relocate the sewer and related facilities within said Easement Area and to use gates in all fences which now cross said Easement Area; (v) use and temporarily place and operate tools, equipment, machinery, and materials on the Easement Area, and (vi) trim, cut, remove or clear away any trees, brush or other vegetation or flora, including the roots thereof, located within the Easement Area. No additional fences or gates shall be constructed across said Easement Area unless approved in writing by the Grantee. Grantee shall also have the right to mark the location of this Easement in a manner which will not interfere with Grantor's reasonable and lawful use of said Easement Area.

Grantee shall be responsible for any damage to Grantor's property or that of third parties under the control or under contract with Grantor resulting from any exercise of the rights herein granted, including but not limited to soil erosion, subsidence or damage resulting therefrom. Grantee shall promptly repair and restore to its original condition any of Grantor's property, including, but not limited to, roads, utilities, buildings and fences that may be altered, damaged or destroyed in connection with the exercise of this Grant of Easement or use of the Easement Area.

Grantee agrees to indemnify and defend Grantor, its directors, officers, Board of Supervisors, elected and appointed official, employees, contractors, representatives, heirs, successors and assigns (collectively, the "Indemnified Parties") against any and all claims, actions, or demands, costs or expense, including reasonable attorney's fees, arising out of or in any way connected to any activities of Grantee, its agents, representatives, heirs, successors, assigns, contractors or invitees arising out of its use of the Easement, excluding therefrom claims resulting from the negligence or willful misconduct of the Indemnified Parties.

Grantee shall also have the right to grant, transfer and/or assign from time to time all or a portion of the easement rights created herein to one or more parties, including, without limitation, to any other governmental district, entity or agency with jurisdiction over any portion of the Easement Area if necessary or appropriate to use or develop any portion of Grantee's other properties. The easements created herein may only be terminated or extinguished by a written and recorded document executed by Grantee, and not by any operation or theory of law.

The terms, covenants and conditions of this Grant of Easement shall bind and inure to the benefit of the successors and assigns of Grantee and the successors and assigns of Grantor.

IN WITNESS WHEREOF, GRANTOR has caused to be affixed hereto and this instrument to be executed by its duly authorized officer.

Date: June 8, 2021

GRANTOR

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

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

ATTEST:

KECIA R. HARPER
Clerk of the Board of Supervisors

By: Penelope Raso

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 8, 2021, before me, Priscilla Rasso, Board Assistant, personally appeared Karen Spiegel, Chairwoman of the Board of Supervisors of the Flood Control and Water Conservation District, 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 she executed the same in her authorized capacity, and that by her 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 Harper
Clerk of the Board of Directors

By:

Priscilla Rasso
Deputy Clerk

(SEAL)

ELSINORE VALLEY MUNICIPAL WATER DISTRICT
CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Grant of Easement to which this Certificate of Acceptance is attached,

from: **RIVERSIDE COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT, a body corporate and politic ("Grantor")**

to: **ELSINORE \ VALLEY MUNICIPAL WATER DISTRICT, a public agency
of the State of California ("Grantee")**

is hereby accepted by the undersigned officer on behalf of Grantee pursuant to authority granted by Grantee's governing board, and Grantee hereby consents to recordation of said Grant of Easement.

Dated: _____

ELSINORE VALLEY MUNICIPAL
WATER DISTRICT, a public agency of the
State of California

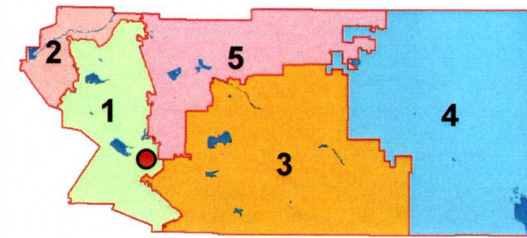
By: _____

Name: _____

Title: _____



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



Supervisor Districts

Legend

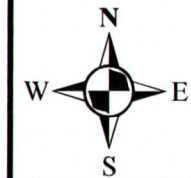
- Wildomar-Sewer Easement
- Assessor Parcels
- Existing Facility
- RCFC Parcel
- Supervisorial District

Description

Wildomar MDP Lateral C, Stage 3
Project No. 7-0-00075



RIVERSIDE COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT
Subject Property - APN 367-110-008



Attachment 1