

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



ITEM: 3.60
(ID # 20243)

MEETING DATE:

Tuesday, November 29, 2022

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Adoption of Resolution No. 2022-106, Summarily Vacating Drainage Easement No. 2 per Final Order of Condemnation Case No. 196063 in the French Valley Area. CEQA Exempt per State CEQA Guidelines sections 15061(b)(3) and 15060(c), District 3. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that Summarily Vacating Drainage Easement No. 2 is exempt from CEQA pursuant to 15061(b)(3), the Common Sense exemption, and Section 15060(c), not a project under CEQA, of the State CEQA Guidelines;
2. Adopt Resolution No. 2022-106, Summarily Vacating Drainage Easement No. 2 per Final Order of Condemnation Case No. 196063 in the French Valley Area;
3. Direct the Clerk of the Board to deliver the Notice of Exemption to the Office of the County Clerk for filing within five (5) working days of this Board hearing; and
4. Direct the Clerk of the Board to cause a certified copy of this resolution to be recorded in the office of the Recorder of the County of Riverside, California.

ACTION:Policy


Mark Lancaster, Director of Transportation 11/17/2022

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Hewitt, and Perez
Nays: None
Absent: None
Date: November 29, 2022
xc: Trans., Recorder

Kecia R. Harper
Clerk of the Board

By: 
Deputy

**SUBMITTAL TO THE 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: Applicant Fees 100% No General Fund will be used.			Budget Adjustment: N/A	
			For Fiscal Year: 2022/2023	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

The applicant for Plot Plan 180022 is requesting a vacation of Drainage Easement No. 2 per Final Order of Condemnation Case No. 196063 to facilitate site development. Said Drainage Easement No. 2 was established for drainage purposes via Final Order of Condemnation Case No. 196063, recorded December 20, 1993, as instrument No. 503849, and as shown on Parcel Map No. 37819 in file in Book 251, Pages 80 through 82, inclusive of Parcel Maps, both records of the Recorder of the County of Riverside, California.

Plot Plan 180022 is a proposal for the construction and operation of mixed-use development of commercial office, warehouse storage, and research & development (R&D), totaling approximately 152,000 square feet. Drainage Easement No. 2 was never constructed and implemented as originally proposed. Due to the proposed site improvements, said Drainage Easement No. 2 is not required for public drainage purposes. The vacation of the said Drainage Easement No. 2 will not eliminate access to any parcel.

Pursuant to California Streets and Highways Code Section 8333(a) et seq., the Board of Supervisors (Board) must determine whether the established said Drainage Easement No. 2 has not been utilized for the purpose for which it was dedicated, and is not required for public drainage purposes prior to vacation. If the Board finds, from all the evidence submitted, the Board may adopt the resolution to summarily vacating said Drainage Easement No. 2 per Final Order of Condemnation Case No. 196063, Recorded December 20, 1993, as Instrument No. 503849.

Riverside County Transportation Department and Riverside County Flood Control District have reviewed this vacation and have no objections.

As determined in the attached Notice of Exemption, the vacation is exempt from the provisions of CEQA pursuant Sections 15060(c) and 15061(b)(3) of the State CEQA Guidelines. The vacation will not result in any specific or general exceptions to the use of the categorical exemption and will not cause any direct or indirect physical environmental impacts.

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

County Counsel has approved resolution Number 2022-106 as to form.

Impact on Residents and Businesses

The vacation Drainage Easement No. 2 will not impact residents or businesses.

Additional Fiscal Information

All fees are paid by the applicant. There is no General Fund obligation.

ATTACHMENTS:

Resolution No. 2022-106

Resolution Exhibits "A" & "B" (Legal Description and Plat)

Attachment "A" (Vicinity Map)

Notice of Exemption

Authorization to Bill



Jason Farin, Principal Management Analyst 11/22/2022



Aaron Gettis, Deputy County Counsel 11/17/2022

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

KECIA R. 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

2022-0488478

12/01/2022 12:50 PM Fee: \$ 0.00

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



THIS SPACE FOR RECORDERS USE ONLY **3036**

RESOLUTION NO. 2022-106

SUMMARILY VACATING DRAINAGE EASEMENT NO. 2 PER FINAL ORDER OF
CONDEMNATION CASE NO. 196063 IN THE FRENCH VALLEY AREA
(ABS211113)

(THIRD SUPERVISORIAL DISTRICTS)

(TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION ~ Item 3.60 of
11/29/2022)

1 **BOARD OF SUPERVISORS**

COUNTY OF RIVERSIDE

2
3 **RESOLUTION NO. 2022-106**

4 SUMMARILY VACATING DRAINAGE EASEMENT NO. 2 PER FINAL ORDER OF
5 CONDEMNATION CASE NO. 196063 IN THE FRENCH VALLEY AREA
6 (ABS21113)
7 (Third Supervisorial District)

8 **WHEREAS**, the hereinafter-described Drainage Easement No. 2 was established for drainage
9 purposes via Final Order of Condemnation Case No. 196063, recorded December 20, 1993, as instrument
10 No. 503849, and as shown on Parcel Map No. 37819 in file in Book 251, Pages 80 through 82, inclusive of
11 Parcel Maps, both records of the Recorder of the County of Riverside, California, and;

12 **WHEREAS**, the hereinafter-described drainage easements are excess drainage easements and are
13 not required for public purposes, and;

14 **WHEREAS**, applicable procedures pertaining to summary vacations were followed pursuant to the
15 County’s adopted “Resolutions for Fixing Procedures to Vacate and Accept County Highways and Property
16 Offered for Dedication,” now, therefore;

17 **BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Supervisors of the
18 County of Riverside, State of California, in regular session assembled on November 29th,
19 2022, as follows:

20 **RESOLUTION NO. 2022-106**

- 21 1. The vacation of a portion of Drainage Easement No. 2 is categorically exempt from CEQA
22 pursuant to Section 15060(c) and Section 15061(b)(3) of the State CEQA Guidelines.
- 23 2. Pursuant to Division 9, Part 3, Chapter 4, Section 8333(a) of the Streets and Highways Code,
24 the hereinafter-described portion of Drainage Easement No. 2 has not been used for the
25 purpose for which it was dedicated and is not required for public drainage purposes and is
26 hereby summarily vacated.
- 27 3. That the hereinafter-described Drainage Easement No. 2 is unnecessary for present or
28 prospective use, including use as a non-motorized transportation facility.
- 4. From and after the date this resolution is recorded the hereinafter-described Drainage

FORM APPROVED COUNTY COUNSEL
BY: Stephanie K. Nelson 11/16/22
STEPHANIE K. NELSON DATE

1 Easement No. 2 is hereby vacated and no longer constitutes a public drainage easement.

2
3 SEE LEGAL DESCRIPTION AND PLAT ATTACHED HERETO
4 AS EXHIBITS "A" and "B" AND MADE A PART HEREOF.

5 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the Clerk of the Board
6 is directed to file with the Office of the County Clerk the Notice of Exemption within five (5) working days
7 of the Board hearing date.

8 **RESOLUTION NO. 2022-106**

9 **BE IT FURTHER RESOLVED, DETERMINED AND ORDERED** that the Clerk of the Board
10 is directed to cause a certified copy of this resolution to be recorded in the office of the Recorder of the
11 County of Riverside, California.

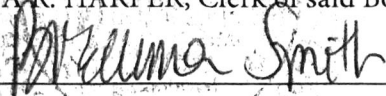
12
13 CT W.O. # ABS21113

14
15 ROLL CALL:

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

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

21 KECIA R. HARPER, Clerk of said Board

22 By: 
23 Deputy

24
25 11.29.2022 3.60

PETER ALDANA
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

Recorder
P.O. Box 751
Riverside, CA 92502-0751
(951) 486-7000

www.riversideacr.com

CERTIFICATION

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION FOR SEAL for the Riverside County Board of Supervisors
(EMBOSSSED ON DOCUMENT)



Date: 11/29/2022

Signature: *Breanna Smith*

Print Name: Breanna Smith, Board Assistant

EXHIBIT "A"
LEGAL DESCRIPTION
DRAINAGE EASEMENT VACATION

BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 7 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AND A PORTION OF PARCELS 1 AND 2 OF PARCEL MAPS 37819, FILED IN BOOK 251 OF PARCEL MAPS PAGES 80 THROUGH 82 INCLUSIVE IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

All OF DRAINAGE EASEMENT NO. 2 AS DESCRIBED IN FINAL ORDER OF CONDEMNATION RECORDED DECEMBER 20, 1993 AS DOCUMENT NO. 503849 OFFICIAL RECORDS OF SAID COUNTY RECORDER.

ALL AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.



4/27/2022

RICHARD S. FURLONG, P.L.S. 8422 DATE

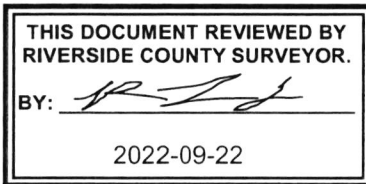


EXHIBIT "B"

LEGEND:

() RECORD DATA PER DRAINAGE EASEMENT NO. 2 AS DESCRIBED IN FINAL ORDER OF CONDEMNATION RECORDED 12/20/1993 AS DOCUMENT NO. 503849, OFFICIAL RECORDS OF RIVERSIDE COUNTY.

EASTERLY RIGHT OF WAY LINE OF WINCHESTER ROAD PER INSTRUMENT NO. 0714667 RECORDED 12/03/2021 O.R.



SCALE 1"=250'

TRUE POINT OF BEGINNING
(N89°53'15"W)
(50.32')

HUNTER ROAD
POINT OF COMMENCEMENT
SOUTHWEST
CORNER
SECTION 7

WINCHESTER ROAD (79)

BOREL ROAD

POINT OF TERMINUS

PARCEL 2

PARCEL MAP NO. 37819
P.M.B. 251/80-82

PARCEL 1

GRANT DEED RECORDED
MARCH 19, 2019 AS
DOC. NO. 2019-0090719 O.R.

SEC. 7, T7S., R2W.

THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.

BY: *[Signature]*

2022-09-22

EASEMENT NOTES:

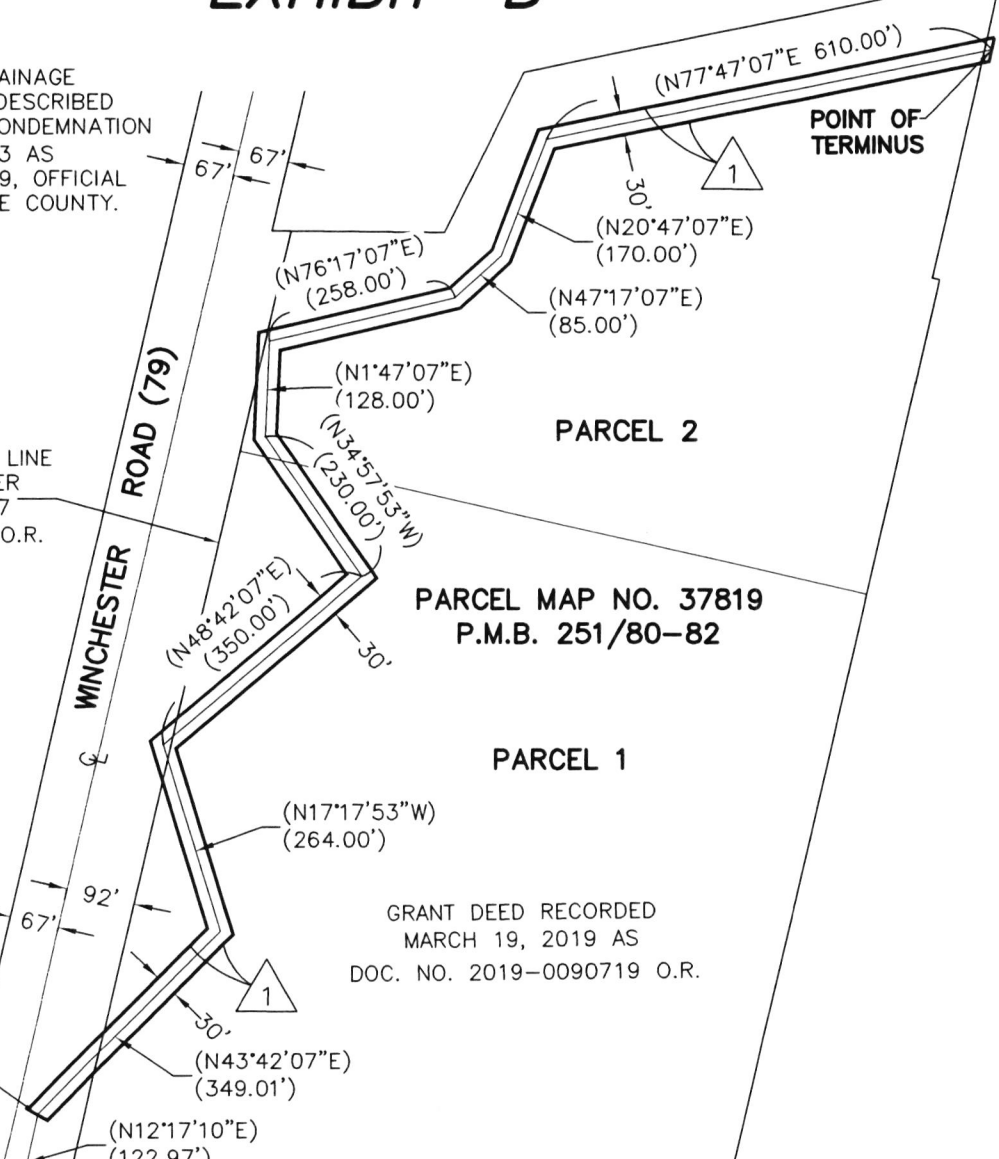
① DRAINAGE EASEMENT NO. 2 AS DESCRIBED IN FINAL ORDER OF CONDEMNATION RECORDED 12/20/1993 AS DOCUMENT NO. 503849, OFFICIAL RECORDS OF RIVERSIDE COUNTY.



[Signature]

RICHARD S. FURLONG, P.L.S. 8422

4/27/2022
DATE



FILING REQUESTED BY AND WHEN FILED
RETURN TO: STOP NO. 1080
RIVERSIDE COUNTY SURVEYOR'S OFFICE
4080 LEMON STREET, 8TH FLOOR
RIVERSIDE, CA 92501

F I L E D / P O S T E D

County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder

E-202201215
12/02/2022 05:00 PM Fee: \$ 50.00
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Removed: _____ By: _____ Deputy


NOTICE OF EXEMPTION

Project Name: Resolution No. 2022-106, Summarily Vacating Drainage Easement No. 2 per Final Order of Condemnation Case No. 196063 in the French Valley area.

Project Number: ABS21113, SU14

Project Location: See Exhibits "A" & "B"

Description of Project: Resolution No. 2022-106, Summarily Vacating Drainage Easement No. 2 per Final Order of Condemnation Case No. 196063 in the French Valley area.

Name of Public Agency Approving Project: Riverside County Transportation Department, Survey Division, County of Riverside.

Name of Person or Agency Carrying Out Project: David L. McMillan, Riverside County Transportation Department, Survey Division, County of Riverside.

Exempt Status: California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3), General Rule "Common Sense" Exemption. Not a "project" as defined under State CEQA Guidelines, Section 15060(c).


Reasons Why Project is Exempt: The vacation of a drainage easement has been determined to not be a "project" as defined under State CEQA Guidelines section 15060(c). However, even if it was determined to be a project under CEQA for analysis purposes, the project is exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The vacation of the drainage easement 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 any impacts to scenic resources, historic resources, or unique sensitive environments. Further, no unusual circumstances or potential cumulative impacts would occur that may reasonably create an environmental impact. The vacation of this drainage easement will not have an effect on the environment; thus, the County has deemed this does not meet the definition of a "project" under CEQA and no environmental impacts are anticipated to occur.

- Section 15061(b)(3) - General Rule "Common Sense" Exemption. With certainty, there is no possibility that the proposed project may have a significant effect on the environment. Vacating a drainage easement will not require any construction activities, change the use or intensity of the existing site to create a physical environmental impact, and would not lead to any direct or reasonably foreseeable indirect physical environmental impacts. Therefore, in no way would vacating a drainage easement have the potential to cause a significant environmental impact and the vacation is exempt from further CEQA analysis.

NOV 29 2022 3.60

- Section 15060(c) – for purposes of analysis under CEQA, Vacating a drainage easement is not a “project” under CEQA pursuant to Section 15060(c). An action by a public agency is only a “project” subject to CEQA if the action might result in a physical change in the environment. Based upon a review of the whole action undertaken, supported, or authorized by the County, in no way will Vacating a drainage easement increase the use of the site, result in increased development or construction impacts, or lead to any direct, indirect, or cumulative physical environmental impacts.

Based upon the identified exemptions above, the County of Riverside 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:  Date: 9/26/2022
David L. McMillan, Riverside County Surveyor

ATTACHMENT "A"

SUMMARILY VACATING DRAINAGE EASEMENT NO. 2 PER FINAL ORDER OF CONDEMNATION CASE NO. 196063



 INDICATES AREAS TO BE VACATED

NOTE: TO BE REMOVED PRIOR TO RECORDING