

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



**ITEM: 3.32
(ID # 21129)**

MEETING DATE:
Tuesday, January 31, 2023

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Adopt Resolution No. 2023-004 Summarily Vacating the right to accept an irrevocable offer of dedication for a non-exclusive drainage easement (10.00 foot strip), per Inst #117191, Recorded 12/06/1966 in the East Hemet area, CEQA Exempt per State CEQA Guidelines sections 15061(b)(3) and 15060(c)(2), District 3. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that Vacating the right to accept an irrevocable offer of dedication for a non-exclusive drainage easement (10.00 foot strip), per Inst #117191, Recorded 12/06/1966 in the East Hemet area is exempt from CEQA pursuant to Section 15060(c)(2) (not a project under CEQA), and Section 15061(b)(3) (the Common Sense Exemption) of the State CEQA Guidelines;
2. Adopt Resolution No. 2023-004 Summarily Vacating the County of Riverside's right to accept an irrevocable offer of dedication for a non-exclusive drainage easement (10.00 foot strip), per Inst #117191, Recorded 12/06/1966 in the East Hemet 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.

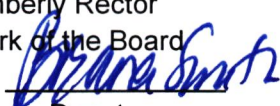
ACTION:Policy


Mark Lancaster, Director of Transportation 1/25/2023

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: January 31, 2023
xc: Transp., Recorders

Kimberly Rector
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: 2023/2024	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

The County of Riverside (“County”) desires to Vacate the County’s Right to Accept the Irrevocable Offer of Declaration of a non-exclusive drainage easement (10.00-foot strip), per Instrument Number 117191, Recorded December 6, 1966, lying outside of Parcel 0089-001B, which was never formally accepted by the County, and is no longer necessary and useful for County Drainage Purposes.

A Right-of-Way Agreement (executed 11/04/2022) was made between the County and the Trustees of Parcel 0089-001B to sell to the County a permanent drainage easement interest on a portion of the Property, for the purpose of constructing the Viejo Drive Drainage Project as follows: a Permanent Drainage Easement Deed, Parcel 0089-001B in favor of the County for drainage purposes.

The Transportation Department has reviewed this vacation and has no objections.

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

County Counsel has approved Resolution Number 2023-004 as to form.

Impact on Residents and Businesses

Vacating the County of Riverside’s right to accept drainage easements 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. 2023-004
- Resolution Exhibits “A” and “B” (Legal Descriptions and Plats)
- Notice of CEQA Exemption

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

Attachment "A" (Vicinity Map)
Authorization to Bill
Right-of-Way Agreement



Jason Farin, Principal Management Analyst 1/26/2023



Aaron Gettis, Deputy County Counsel 1/25/2023

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

KIMBERLY R. RECTOR, 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

2023-0030159

02/01/2023 10:17 AM Fee: \$ 0.00

Page 1 of 7

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



THIS SPACE FOR RECORDERS USE ONLY **3036**

RESOLUTION NO. 2023-004

SUMMARILY VACATING THE COUNTY OF RIVERSIDE'S RIGHT TO ACCEPT THE
IRREVOCABLE OFFER OF DEDICATION OF A NON-EXCLUSIVE DRAINAGE
EASEMENT (10.00 FOOT STRIP), PER INST #117191, RECORDED 12/06/1966 IN
THE EAST HEMET AREA

(D00089)

(THIRD SUPERVISORIAL DISTRICTS)

(TRANSPORTATION AND LAND MANAGEMENT AGENCY-TRANSPORTATION ~ Item 3.32 of
01/31/2023)

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE
FOR RECORDING INFORMATION

1 BOARD OF SUPERVISORS

COUNTY OF RIVERSIDE

2
3
4 **RESOLUTION NO. 2023-004**

5 SUMMARILY VACATING THE COUNTY OF RIVERSIDE'S RIGHT TO ACCEPT THE
6 IRREVOCABLE OFFER OF DEDICATION OF A NON-EXCLUSIVE DRAINAGE
7 EASEMENT (10.00 FOOT STRIP), PER INST #117191, RECORDED 12/06/1966 IN
8 THE EAST HEMET AREA
9 (D00089)
10 (Third Supervisorial District)

11
12 **WHEREAS** the hereinafter-described non-exclusive drainage easement (10.00 foot
13 strip) was irrevocably dedicated for drainage purposes, but not accepted for public use by
14 Instrument No. 117191, recorded December 6, 1966, records of the Recorder of Riverside
15 County, California, and;

16
17 **WHEREAS** the hereinafter-described drainage easements are excess drainage
18 easements and are not required for public purposes, and;

19
20 **WHEREAS** applicable procedures pertaining to summary vacations were followed
21 pursuant to the County's adopted "Resolutions for Fixing Procedures to Vacate and
22 Accept County Highways and Property Offered for Dedication," now, therefore;

23
24 **BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Supervisors of
25 the County of Riverside, State of California, in regular session assembled on
26 January 31st, 2023, as follows:

FORM APPROVED COUNTY COUNSEL
BY: Stephanie K. Nelson / 1/31/23
STEPHANIE K. NELSON DATE

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RESOLUTION NO. 2023-004

1. The vacation of the County of Riverside's right to accept the hereinafter-described irrevocable off of dedication of a non-exclusive drainage easement is categorically exempt from CEQA pursuant to Section 15060(c) and 15061(b)(3) of the State CEQA Guidelines.

2. Pursuant to Division 9, Part 3, Chapter 4, Section 8333(a) of the Streets and Highways Code, the hereinafter-described non-exclusive drainage easement is an excess drainage easement and is not required by the County of Riverside for public drainage purposes and the right to accept said drainage easement is hereby summarily vacated.

3. Pursuant to Division 9, Part 3, Chapter 4, Section 8335(a) of the Streets and Highways Code, upon the adoption of Resolution 2023-004, Summarily vacate the County of Riverside's right to accept the non-exclusive drainage (10.00 foot strip).

SEE LEGAL DESCRIPTION AND PLAT ATTACHED HERETO
AS EXHIBITS "A" and "B" AND MADE A PART HEREOF;

4. That the hereinafter-described drainage easements are unnecessary for the County of Riverside's present or prospective public use, including use as a non-motorized transportation facility.

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RESOLUTION NO. 2023-004

5. From and after the date this resolution is recorded the hereinafter-described drainage easement no longer constitutes an irrevocable offer of dedication of a public drainage easement in favor of the County of Riverside.

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


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

ROLL CALL:

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
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.

KIMBERLY A. RECTOR, Clerk of said Board

By: 
Deputy

01.31.2023 3.32

CT W.O. # D00089

**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: 1/31/2023

Signature: *Breanna Smith*

Print Name: Breanna Smith, Board Assistant

EXHIBIT "A"
LEGAL DESCRIPTION
0089-001-VACATION
VACATE RIGHT TO ACCEPT
DRAINAGE EASEMENT

THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: Timothy F. Rayl
DATE: 09/09/2022

ALL THAT CERTAIN EASEMENT FOR DRAINAGE PURPOSES AS DESCRIBED BY DECLARATION OF DEDICATION RECORDED DECEMBER 6, 1966 AS INSTRUMENT 117191, OFFICIAL RECORDS OF THE RECORDER OF RIVERSIDE COUNTY, CALIFORNIA LYING IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDAN, BEING A STRIP OF LAND 10.00 FEET IN WIDTH, LYING 5.00 FEET OF EACH SIDE, THE CENTERLINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT 17 AS SHOWN ON SPRAGUE HEIGHTS UNIT NO. 1, BOOK 43, PAGES 9 THROUGH 11, INCLUSIVE, OF MAPS, RECORDS OF SAID COUNTY;

THENCE NORTH 00°07'24" WEST ALONG THE EASTERLY LINE OF SAID LOT 17 AND ALONG THE EAST LINE OF LOT 16 OF SAID SPRAGUE HEIGHTS UNIT NO. 1 A DISTANCE OF 164.98 FEET;

THENCE NORTH 89°49'55" EAST 639.83 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 99.99 FEET, A RADIAL LINE TO SAID CURVE BEARS SOUTH 67°42'53" EAST, FOR THE **TRUE POINT OF BEGINNING**;

THENCE NORTHERLY ALONG SAID CURVE, TO THE LEFT THROUGH A CENTRAL ANGLE OF 49°25'20" A DISTANCE OF 86.25 FEET;

THENCE NORTH 27°08'13" WEST A DISTANCE OF 134.98 FEET TO THE **POINT OF TERMINUS**.

THE SIDELINES OF THE ABOVE STRIP SHALL BE PROLONGED OR SHORTENED AS TO TERMINATE SOUTHERLY IN A LINE PERPENDICULAR TO SAID TRUE POINT OF BEGINNING AND NORTHERLY IN A LINE PERPENDICULAR TO SAID POINT OF TERMINUS.

CONTAINING 2213 SQUARE FEET, MORE OR LESS.

ALL BEARINGS AND DISTANCES SHOWN HEREON ARE GRID UNLESS SPECIFIED OTHERWISE. GROUND DISTANCES MAY BE OBTAINED BY MULTIPLYING THE GRID DISTANCE BY A COMBINATION FACTOR OF 1.000115090.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION

Michael E. Johnson
Michael E. Johnson, L.S. 7673
Prepared By: CGS
Checked By: MJ

08/29/22
Date



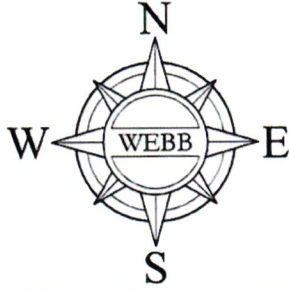


EXHIBIT "B"

**0089-001-VACATION
VACATE RIGHT TO ACCEPT
DRAINAGE EASEMENT**

THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.

BY: *Timothy J. Ray*
DATE: **09/09/2022**

FAIRVIEW TRACT
MB 6/307 SD CO.
POR. LOT 108

POR. LOT 108 LOT 109

SOUTH LINE OF RANCHO
SAN JACINTO VIEJO

16
E1/4 COR. SEC. 16

LEGEND

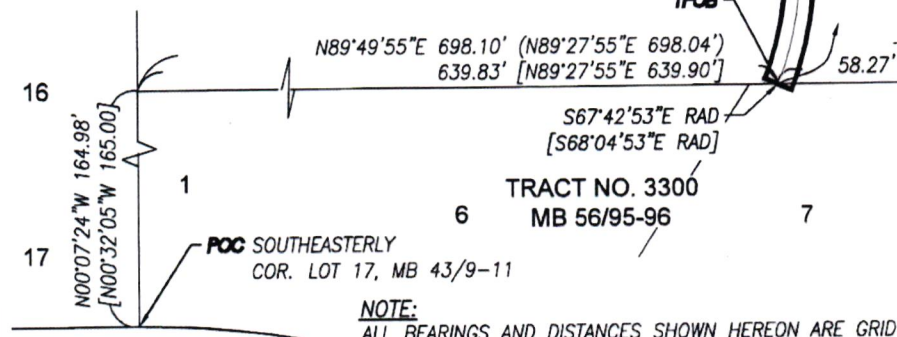
- (XX) RECORD DATA PER MB 56/95-96.
- [XX] RECORD DATA PER INST. #117191 REC. 12/06/1996 O.R.
- POC POINT OF COMMENCEMENT.
- POR. PORTION OF.
- REC. RECORDED
- TPOB TRUE POINT OF BEGINNING.
- DRAINAGE EASEMENT.

EASEMENT NOTE:

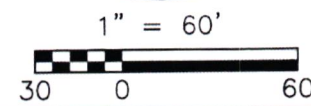
- ① A 10' WIDE NON-EXCLUSIVE EASEMENT FOR DRAINAGE PURPOSES PER INST. #117191, REC. 12/06/1996 O.R.

CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C1	99.99'	49°25'20"	86.25'
[C1	100.00'	49°25'20"	86.26']

INST. #1988-208137
REC. 07/26/1988
POR. E 1/2 SE 1/4
SECTION 16,
T5S, R1E, SBM



GRANT AVE
RS 30/67
EAST LINE OF SECTION 16
N00°17'50"W 270.14' (N00°39'40"W 269.69')
POR. WEST 3/4 NW 1/4,
SW 1/4 SEC. 15



SEC. 16, T5S, R1E, SBM

NOTE:
ALL BEARINGS AND DISTANCES SHOWN HEREON ARE GRID
UNLESS SPECIFIED OTHERWISE. GROUND DISTANCES MAY BE
OBTAINED BY MULTIPLYING THE GRID DISTANCE BY A
COMBINATION FACTOR OF 1.000115090.



RIVERSIDE COUNTY

H:\2020\20-0110\Drawings\Mapping\Legals & Plats\20-0110 PE_PLAT_EMMEL_VACATION.dwg 8/29/2022 5:41 PM

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT.
ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 1 OF 1
W.O.
20-0110

SCALE: 1"=60' DRWN BY CGS DATE 08/29/22 SUBJECT: VACATE RIGHT TO ACCEPT DRAINAGE EASEMENT
CHKD BY MJ 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

FILED / POSTED

County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder

E-202300121
01/31/2023 02:38 PM Fee: \$ 50.00
Page 1 of 3

Removed: By: Deputy

NOTICE OF EXEMPTION

Project Name: Resolution No. 2023-004, Summarily Vacating the County of Riverside's right to accept a non-exclusive drainage easement (10.00 foot strip), per Inst # 117191, Recorded 12/06/1966, in the East Hemet area.

Project Number: D00089D, Z2055

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

Description of Project: Resolution No. 2023-004, Summarily Vacating the County of Riverside's right to accept a non-exclusive drainage easement (10.00 foot strip), per Inst # 117191, Recorded 12/06/1966, in the East Hemet 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 the Right to Accept a non-exclusive 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 Right to Accept a non-exclusive 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 the Right to Accept a non-exclusive 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. Vacation of the Right to Accept a non-exclusive drainage easement will not require any construction activities, change the use or intensity of the existing site to

01.31.23 3.32

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 street have the potential to cause a significant environmental impact and the vacation is exempt from further CEQA analysis.

- Section 15060(c) – for purposes of analysis under CEQA, Vacation of the Right to Accept a non-exclusive 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 Vacation of the Right to Accept a non-exclusive 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: 12/15/2022

David L. McMillan, Riverside County Surveyor

Accounting String: ZABS20012, Task Code: ZSU14

1 PROJECT: Brennan Drainage Project
2 PARCEL: 0089-001B
3 APN: 553-090-020 (portion)

4 **RIGHT OF WAY ACQUISITION AGREEMENT**

5 This Right of Way Acquisition Agreement, ("Agreement"), is made by and
6 between the COUNTY OF RIVERSIDE, a political subdivision of the State of California
7 ("County"), and Phyllis Pasquarelli Emmel, Trustee of the John Frederick Emmel and
8 Phyllis Pasquarelli Emmel Revocable Trust, Dated July 25, 1988 ("Grantor"). County
9 and Grantor are sometimes collectively referred to as "Parties."

10 **RECITALS**

11 WHEREAS, Grantor owns that certain real property located just east of 26500
12 Rim Road, west of Grant Avenue and north of Viejo Drive in the City of Hemet, County
13 of Riverside, State of California, as depicted on the Plat Map identified as Attachment
14 "1," attached hereto and made a part hereof. The real property consists of 4.43 acres
15 of land and known as Assessor's Parcel Number 553-090-020 ("Property"); and

16 WHEREAS, Grantor desires to sell to the County and the County desires to
17 purchase a permanent drainage easement interest, on a portion of the Property, for the
18 purpose of constructing the Brennan Drainage Project ("Project") as follows:
19 Permanent Drainage Easement Deed, Parcel 0089-001B in favor of the County of
20 Riverside, for drainage purposes described on Attachment "2," attached hereto and
21 made a part hereof pursuant to the terms and conditions set forth herein ("ROW
22 Property"); and

23 WHEREAS, concurrently with this Agreement, the Parties intend to enter into a
24 Temporary Construction Access Agreement to grant County the right to temporarily
25 use portions of the Property, as described therein, for the construction of the Project;
26 and

1 the ROW Property described herein, under the terms and conditions set forth in this
2 Agreement. The full consideration for the ROW Property consists of the purchase
3 price amount for a drainage easement in the real property interest to be acquired in the
4 amount of Two Thousand Five Hundred Dollars (\$2,500) ("Purchase Price"). The
5 Purchase Price is to be distributed to Grantor in accordance with this Agreement.
6 Grantor will be responsible for any apportionment or allocation of the Purchase Price if
7 required for any separately held interests that may exist.

8 3. County Responsibilities:

9 A. Upon the mutual execution of this Agreement, County will open
10 escrow ("Escrow") with Lawyers Title Company ("Escrow Holder"). Promptly on the
11 Escrow Holder's request the Parties shall execute additional Escrow instructions as are
12 reasonably required to consummate the transaction contemplated by this Agreement
13 and are not inconsistent with this Agreement. In the event of any conflict between the
14 terms of this Agreement and any additional Escrow instructions, the terms of this
15 Agreement shall control. The Escrow Holder will hold all funds deposited by the
16 County in an escrow account ("Escrow Account") that is interest bearing and at a bank
17 approved by County with interest accruing for the benefit of County. The Escrow
18 Account shall remain open until all charges due and payable have been paid and
19 settled, any remaining funds shall be refunded to the County.

20 B. Upon the opening of Escrow, the County shall deposit the
21 Consideration as follows:

22 i. Purchase Price. Deposit into Escrow the Purchase
23 Price in the amount of Two Thousand Five Hundred Dollars (\$2,500) (the "Deposit").

24 C. On or before the date that Escrow is to close ("Close of Escrow"):

25 i. Closing Costs. County will deposit to Escrow Holder
26 amounts sufficient for all escrow, recording and reconveyance fees incurred in this
27 transaction, and if title insurance is desired by County, the premium charged, therefore.
28 Said escrow and recording charges shall not include documentary transfer tax as

1 County is exempt pursuant to California Government Code section 6103 and California
2 Revenue and Taxation Code section 11922.

3 ii. County will deposit all other such documents
4 consistent with this Agreement as are reasonably required by Escrow Holder or
5 otherwise to close escrow.

6 D. County will authorize the Escrow Holder to close Escrow and
7 release the Deposit to Grantor, in accordance with the provisions herein, and upon
8 satisfaction of all conditions by the Parties.

9 E. At closing or Close of Escrow, County is authorized to deduct and
10 pay from amount shown in the Deposit, any amount necessary to satisfy and handle all
11 real property taxes, bonds, and assessments in the following manner:

12 i. All real property taxes shall be prorated, paid, and canceled
13 pursuant to the provisions of section 5081 et. seq., of the Revenue and Taxation Code.

14 ii. Pay any unpaid liens or taxes together with penalties, cost,
15 and interest thereon, and any bonds or assessments that are due on the date title is
16 transferred.

17 F. County shall direct Escrow Holder to disburse the Purchase Price
18 minus any and all charges due upon Close of Escrow in accordance with the escrow
19 instructions contained in this Agreement.

20 4. Grantor Responsibilities.

21 A. Execute and acknowledge, substantially in the form attached
22 hereto as Attachment "3" ("Deed"), Drainage Easement Deed for drainage purposes in
23 favor of the County of Riverside dated _____ identified as Parcel Number 0089-
24 001B and deliver deeds to the Escrow Holder for recordation in the Official Records of
25 the County Recorder of Riverside County ("Official Records") upon Close of Escrow,
26 with said Deed and the easement property interests granted therein free and clear of
27 all liens, encumbrances, easements, leases (recorded or unrecorded), and taxes,
28 except:

1 i. Those encumbrances and easements which, in the sole
2 discretion of the County, are acceptable;

3 ii. Current fiscal year, including personal property tax, if any,
4 and any further assessment thereto under Chapter 3.5 of Revenue and Taxation Code
5 of the State of California;

6 iii. Easements or rights of way of record over said land for
7 public or quasi-public utility or public street purposes, if any;

8 iv. Any items on the Preliminary Title Report (PTR) not
9 objected to by County in a writing provided to Escrow Holder before the Close of
10 Escrow;

11 v. Any other taxes owed whether current or delinquent are to
12 be made current.

13
14 B. Grantor shall indemnify, defend, protect, and hold the County of
15 Riverside, its Agencies, Districts, Departments, their respective directors, Board of
16 Supervisors, elected and appointed officials, employees, agents, representatives,
17 successors, and assigns free and harmless from and against any and all claims,
18 demands, causes of action, judgements, losses, liabilities, costs or expenses which
19 County may suffer, sustain, incur or otherwise become subject to (either directly or
20 indirectly) to the extent the same results from or arises out of any breach of Grantor's
21 representations, warranties, or covenants provided in this Agreement or any action or
22 omission by Grantor, its affiliates, agents, employees or representatives, or in
23 connection with Grantor's ownership and operation of the ROW Property. Grantor
24 warrants and covenants to County that Grantor owns all right, title, and interest in the
25 ROW Property, free and clear of all liens, mortgages, encumbrances, security
26 interests, and adverse claims, except for those set forth in Section 4(A) of Article 1
27 and has the right to transfer the ROW Property to County. Grantor further agrees that
28 Grantor will defend County's rights, title, and interest in the ROW Property against the

1 demands of anyone claiming through Grantor and any person who may lawfully claim
2 the same.

3
4 **Article 2. MISCELLANEOUS**

5 1. It is mutually understood and agreed by and between the Parties hereto
6 that the right of possession and use of the subject property by County, including the
7 right to remove and dispose of improvements, shall commence upon the execution of
8 this Agreement by all Parties. The Purchase Price includes, but is not limited to, full
9 payment for such possession and use.

10 2. This Agreement embodies all of the considerations agreed upon between
11 the County and Grantor. This Agreement was obtained without coercion, promises
12 other than those provided herein, or threats of any kind whatsoever by or to either
13 party.

14 3. The performance of this Agreement constitutes the entire consideration
15 for the acquisition of the Property and shall relieve the County of all further obligations
16 or claims pertaining to the acquisition of the Property or pertaining to the location,
17 grade, or construction of the proposed public improvement.

18 4. This Agreement is made solely for the benefit of the Parties to this
19 Agreement and their respective successors and assigns, and no other person or entity
20 may have or acquired any right by virtue of this Agreement.

21 5. This Agreement shall not be changed, modified, or amended except upon
22 the written consent of the Parties hereto.

23 6. This Agreement is the result of negotiations between the Parties and is
24 intended by the Parties to be a final expression of their understanding with respect to
25 the matters herein contained. This Agreement supersedes any and all other prior
26 agreements and understandings, oral or written, in connection therewith. No provision
27 contained herein shall be construed against the County solely because it prepared this
28 Agreement in its executed form.

1 7. This Agreement shall be governed by the laws of the State of California.
2 Any action at law or in equity brought by either of the Parties for the purpose of
3 enforcing a right or rights provided for by this Agreement shall be tried in a court of
4 competent jurisdiction in the County of Riverside, State of California, and the Parties
5 hereby waive all provisions of law providing for a change of venue in such proceedings
6 to any other county.

7 8. Grantor and its assigns and successors in interest shall be bound by all
8 the terms and conditions contained in this Agreement, and all the Parties thereto shall
9 be jointly and severally liable thereunder.

10 9. This Agreement may be signed in counterpart or duplicate copies, and any
11 signed counterpart or duplicate copy shall be equivalent to a signed original for all
12 purposes.

13 10. The authority for the Director of Transportation to execute this Agreement
14 is contained in Ordinance No. 598.

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16 (SIGNATURE PROVISIONS ON FOLLOWING PAGE;
17 REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)
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1 In Witness Whereof, the Parties have executed this Agreement the day and year
2 last below written.

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4 Dated: November 4, 2022

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6 COUNTY:
7 COUNTY OF RIVERSIDE, a political
8 Subdivision of the State of California

GRANTOR:

Phyllis Pasquarelli Emmel,
Trustee of the John Frederick
Emmel and Phyllis Pasquarelli Emmel
Revocable Trust,
Dated July 25, 1988

9
10
11 By: 
12 Mark Lancaster
13 Director Transportation Department

By: , Trustee
Phyllis Pasquarelli Emmel

Its: Trustee

14 APPROVED AS TO FORM:
15 COUNTY COUNSEL

16 By: 
17 Ryan Yabko
18 Deputy County Counsel

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ATTACHMENT "1"
ASSESSOR'S PLAT MAP

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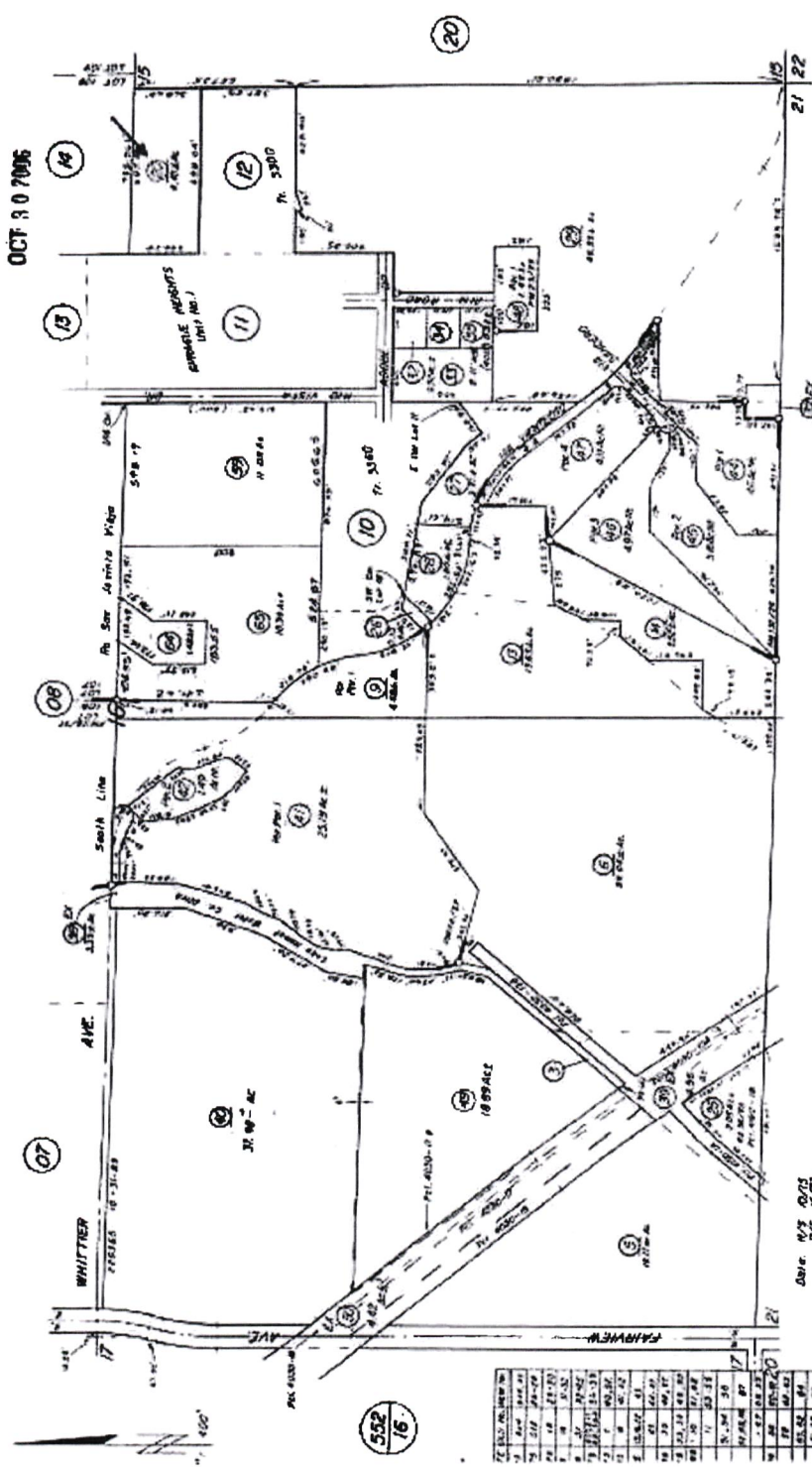
553-09

T.C.A. 7123
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POR. FRAC. SEC. 16, T.5S., R.1E.

THIS MAP IS FOR
ASSESSMENT PURPOSES ONLY

OCT 30 1906



RM 02/28-30 Parcel Map 20754
RM 23/33-36 Parcel Map 6555
RM 18/37-39
RS 36/69
RS 37/52-59

BK 553

Date: N/T 0/21
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ASSESSOR'S MAP BK 553 PG 09
RIVERSIDE COUNTY, CALIF.

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ATTACHMENT "2"
LEGAL DESCRIPTION AND PLAT MAP
Parcel No. 0089-001B

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THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: *[Signature]*
DATE: 1/31/2022

EXHIBIT "A"
LEGAL DESCRIPTION
0089-001 B
DRAINAGE EASEMENT

THAT PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 5 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, LYING NORTH OF THE
NORTH LINE OF TRACT NO. 3300 AS SHOWN BY MAP ON FILE IN BOOK 56, PAGES 95 AND
96 THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, BEING A STRIP OF LAND,
15.00 FEET IN WIDTH, LYING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED
CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF LOT 6 OF SAID TRACT NO. 3300;

THENCE SOUTH 89°49'55" WEST ALONG THE NORTHERLY LINE OF SAID LOT 6, A
DISTANCE OF 8.72 FEET TO THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID NORTHERLY LINE OF LOT 6, NORTH 09°01'34" EAST, A
DISTANCE OF 204.46 FEET TO THE POINT OF TERMINATION OF THIS STRIP.

THE SIDELINES OF ABOVE STRIP SHALL BE PROLONGED OR SHORTENED TO
TERMINATE SOUTHERLY IN SAID NORTHERLY LINE OF SAID LOT 6.

CONTAINING 3067 SQUARE FEET, MORE OR LESS.

ALL BEARINGS AND DISTANCES SHOWN HEREON ARE GRID UNLESS SPECIFIED
OTHERWISE. GROUND DISTANCES MAY BE OBTAINED BY MULTIPLYING THE GRID
DISTANCE BY A COMBINATION FACTOR OF 1.000115090.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION

[Signature]
Michael E. Johnson, L.S. 7673
Prepared By: JCR
Checked By: LB

01/27/22
Date



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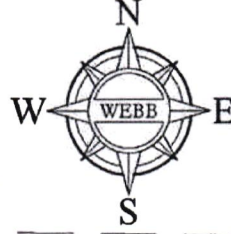
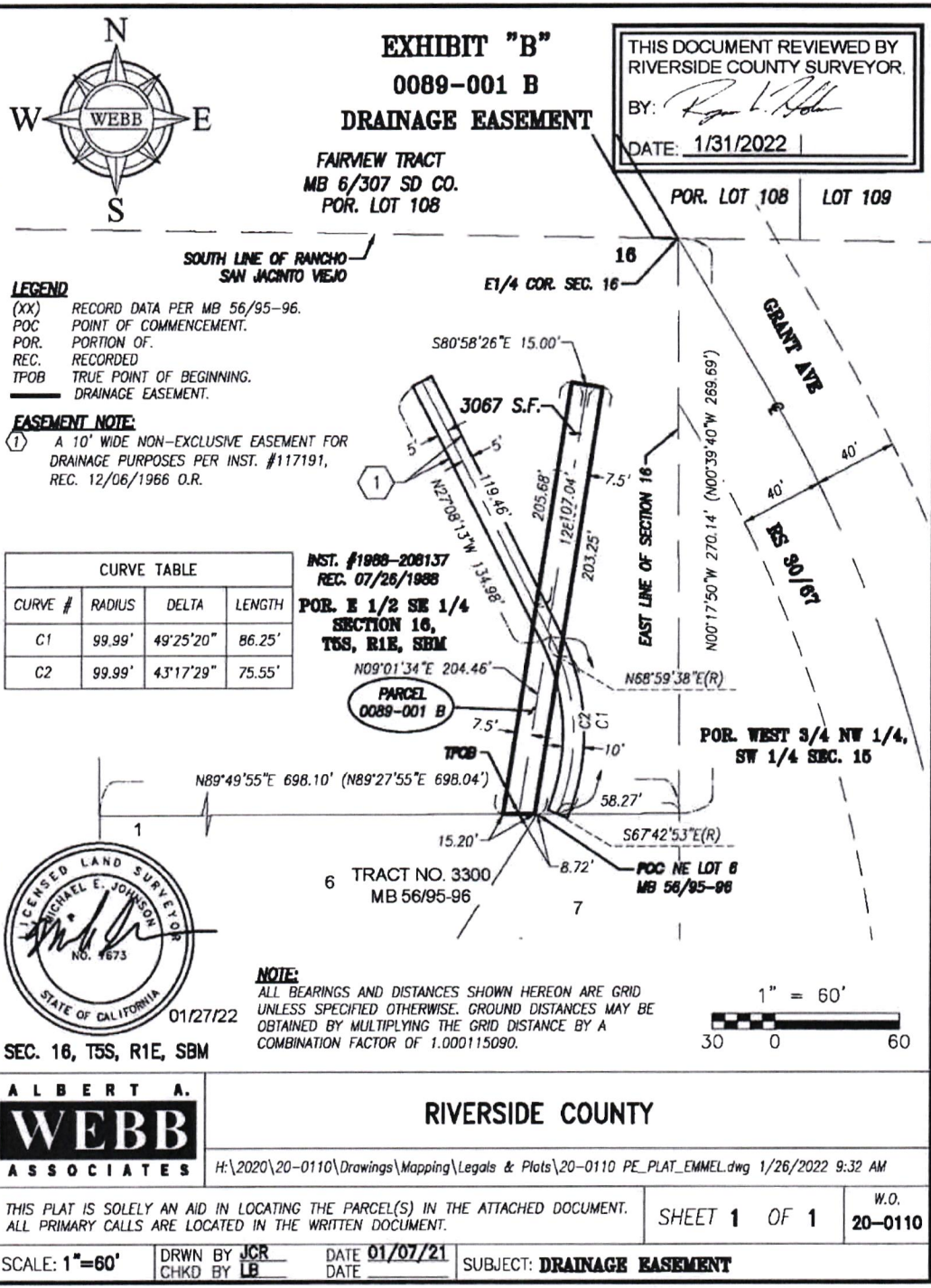


EXHIBIT "B"
0089-001 B
DRAINAGE EASEMENT

THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.
BY: *[Signature]*
DATE: 1/31/2022

FAIRVIEW TRACT
MB 6/307 SD CO.
POR. LOT 108

POR. LOT 108 LOT 109

LEGEND
(XX) RECORD DATA PER MB 56/95-96.
POC POINT OF COMMENCEMENT.
POR. PORTION OF.
REC. RECORDED.
TPOB TRUE POINT OF BEGINNING.
DRAINAGE EASEMENT.

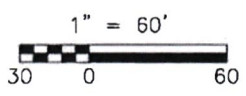
EASEMENT NOTE:
① A 10' WIDE NON-EXCLUSIVE EASEMENT FOR DRAINAGE PURPOSES PER INST. #117191, REC. 12/06/1966 O.R.

CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C1	99.99'	49°25'20"	86.25'
C2	99.99'	43°17'29"	75.55'

INST. #1988-208137
REC. 07/26/1988
POR. E 1/2 SE 1/4
SECTION 16,
T5S, R1E, S8M



NOTE:
ALL BEARINGS AND DISTANCES SHOWN HEREON ARE GRID UNLESS SPECIFIED OTHERWISE. GROUND DISTANCES MAY BE OBTAINED BY MULTIPLYING THE GRID DISTANCE BY A COMBINATION FACTOR OF 1.000115090.



ALBERT A. WEBB ASSOCIATES		RIVERSIDE COUNTY	
H:\2020\20-0110\Drawings\Mapping\Legals & Plots\20-0110 PE_PLAT_EMMEL.dwg 1/26/2022 9:32 AM			
THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.		SHEET 1 OF 1	W.O. 20-0110
SCALE: 1"=60'	DRWN BY JCR CHKD BY LB	DATE 01/07/21 DATE	SUBJECT: DRAINAGE EASEMENT

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ATTACHMENT "3"
FORM OF DEEDS

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Recorded at request of and return to:
Facilities Management
Real Estate Division
On behalf of the Transportation Department
3133 Mission Inn Avenue
Riverside, CA 92507

FREE RECORDING
This instrument is for the benefit of
the County of Riverside, and is
entitled to be recorded without fee.
(Govt. Code 6103)

(Space above this line for Recorder's use)

DTT = \$0.00

PROJECT: Brennan Drainage Project
PARCEL: 0089-001B
APN: 553-090-020 (portion of)

DRAINAGE EASEMENT DEED

FOR GOOD AND VALUABLE CONSIDERATION, receipt and adequacy of which are hereby acknowledged,

Phyllis Pasquarelli Emmel, Trustee of the John Frederick Emmel and Phyllis Pasquarelli Emmel revocable Trust, Dated July 25, 1988

Grant(s) to the COUNTY OF RIVERSIDE, a political subdivision of the State of California, an easement for drainage purposes, over, upon, across and within the real property in the County of Riverside, State of California, as more particularly described in Exhibit "A: and shown in Exhibit "B", attached hereto and made a part hereof (Slope Easement Area").

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PROJECT: Brennan Drainage Project
PARCEL: 0089-001B
APN: 553-090-020 (a portion of)

PUBLIC ROAD AND UTILITY EASEMENT

CERTIFICATE of ACCEPTANCE
(Government Code Section 27281)

THIS IS TO CERTIFY that the interest in real property granted by the easement deed dated _____, from Phyllis Pasquarelli Emmel, Trustee of the John Frederick Emmel and Phyllis Pasquarelli Emmel revocable Trust, Dated July 25, 1988 to the COUNTY OF RIVERSIDE, is hereby accepted for the purpose of vesting title in the County of Riverside on behalf of the public for public road, drainage and utility purposes, and subject to improvements in accordance with County standards, will be included into the County Maintained Road System by the undersigned on behalf of the Board of Supervisors pursuant to the authority contained in County Ordinance No. 669. Grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

COUNTY OF RIVERSIDE
Mark Lancaster, Director of Transportation

By: _____.

3.32

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



3.46
(MT 20796)

On motion of Supervisor Perez, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from the Transportation and Land Management Agency/ Transportation to Adopt Resolution No. 2023-004 Summarily Vacating the right to accept an irrevocable offer of dedication for a non-exclusive drainage easement (10.00 foot strip), per Inst #117191, Recorded 12/06/1996 in the East Hemet area, CEQA Exempt per State CEQA Guidelines sections 15061(b)(3) and 15060(c)(2), District 3, is continued to Tuesday, January 31, 2023, at 9:30 a.m. or as soon as possible thereafter.

Roll Call:

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

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on January 24, 2023, of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: January 24, 2023
Kimberly Rector, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: *Mauna Smith* Deputy

AGENDA NO.
3.46

xc: Trans., COB

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



**ITEM: 3.46
(ID # 20796)**

MEETING DATE:
Tuesday, January 24, 2023

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Adopt Resolution No. 2023-004 Summarily Vacating the right to accept an irrevocable offer of dedication for a non-exclusive drainage easement (10.00 foot strip), per Inst #117191, Recorded 12/06/1996 in the East Hemet area, CEQA Exempt per State CEQA Guidelines sections 15061(b)(3) and 15060(c)(2), District 3. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that Vacating the right to accept an irrevocable offer of dedication for a non-exclusive drainage easement (10.00 foot strip), per Inst #117191, Recorded 12/06/1996 in the East Hemet area is exempt from CEQA pursuant to Section 15060(c)(2) (not a project under CEQA), and Section 15061(b)(3) (the Common Sense Exemption) of the State CEQA Guidelines;
2. Adopt Resolution No. 2023-004 Summarily Vacating the County of Riverside's right to accept an irrevocable offer of dedication for a non-exclusive drainage easement (10.00 foot strip), per Inst #117191, Recorded 12/06/1996 in the East Hemet 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 12/22/2022

MINUTES OF THE BOARD OF SUPERVISORS

**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: 2023/2024	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

The County of Riverside (“County”) desires to Vacate the County’s Right to Accept the Irrevocable Offer of Declaration of a non-exclusive drainage easement (10.00 foot strip), per Instrument Number 117191, Recorded December 6, 1996, lying outside of Parcel 0089-001B, which was never formally accepted by the County, and is no longer necessary and useful for County Drainage Purposes.

A Right-of-Way Agreement (executed 11/04/2022) was made between the County and the Trustees of Parcel 0089-001B to sell to the County a permanent drainage easement interest on a portion of the Property, for the purpose of constructing the Viejo Drive Drainage Project as follows: a Permanent Drainage Easement Deed, Parcel 0089-001B in favor of the County for drainage purposes.

The Transportation Department has reviewed this vacation and has no objections.

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

County Counsel has approved Resolution Number 2023-004 as to form.

Impact on Residents and Businesses

Vacating the County of Riverside’s right to accept drainage easements will not impact residents or businesses.

Additional Fiscal Information

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

ATTACHMENTS:

- Resolution No. 2023-004
- Resolution Exhibits “A” and “B” (Legal Descriptions and Plats)
- Notice of CEQA Exemption

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

Attachment "A" (Vicinity Map)
Authorization to Bill
Right-of-Way Agreement



Aaron Gettis, Deputy County Counsel 1/10/2023