

Heber Public Utility District

MEETING DATE: June 18, 2015

FROM: Laura Fischer, General Manager

SUBJECT: Adopt Resolutions - Number 2015-10 Authorizing the General Manager to Execute a Certificate of Acceptance for a Public Easement From the Property With APN 054-540-056

ISSUE:

Shall the Heber Public Utility Board of Directors approve Resolution 2015-10 authorizing the General Manager to execute a Certificate of Acceptance for a Public Easement from the Property with APN 054-540-056?

GENERAL MANAGER RECOMMENDATION:

Approve Resolutions Number 2015-10 authorizing the General Manager to execute a Certificate of Acceptance for a Public Easement from the Property with APN 054-540-056

FISCAL IMPACT:

The property owner has agreed to approve the easement for the sum of \$1. Additional cost to record the Easement and to have Ms. Arce with The Holt Group assist with this project is estimated at \$1,500.

DISCUSSION:

Please see the attached report from Justina Arce, Planner with The Holt Group.

CONCLUSION:

An approval of Resolution 2015-10 will allow the District to secure operation and maintenance rights over existing sewer line and manholes that run through Gibson Schaeffer property.

ALTERNATIVE:

Do not adopt Resolution 2015-10 and provide alternative direction to staff.

Respectfully Submitted,

Laura Fischer, General Manager

Attachments: Report from The Holt Group, Executed Easement, Certificate of Acceptance, Resolution 2015-10



staff report

Report #1

To: Laura Fischer, General Manager
HPUD Board of Directors

From: Justina G. Arce, Consultant Planner

Date: June 25, 2015

Project: Sewer Manhole Improvement Project
Easement Dedication from James M. Richert to Heber Public Utility District

Summary:

Proponent:	Heber Public Utility District
Project Location:	Gibson & Schaeffer Site (APN 054-540-056)
Pending Action:	Adopt Resolution 2015-10 Authorizing the General Manager to Execute a Certificate of Acceptance for a Grant of Easement
Zoning:	M-1 Light Industrial
General Plan:	Industrial
Environmental:	Exemption

INTRODUCTION & BACKGROUND

HPUD Management, during due diligence for a proposed manhole repair/replacement project researched the status of easements for a sewer line that runs through Gibson Schaeffer property (Please refer to project location attached). There are no public easements at the subject site. The referenced sewer line is very old and the manholes are in poor condition. Although the manholes are protected on the Gibson & Schaeffer property so trucks don't run over them, they are still in substantial disrepair. Thus an easement dedication would be required in order to secure operation and maintenance rights over the proposed project area. James M. Richert has been generous enough to grant an easement to HPUD. The subject of this staff report is for the Board of Directors to consider acceptance of said easement and to authorize the District Manager to execute a Certificate of Acceptance on behalf of the District.

ISSUES FOR DISCUSSION AND REVIEW

Existing Conditions – The current parcel consists of an approximate 40 feet x 665 feet area at the southwest corner of Correll Road and Rockwood Road (south of the HPUD parcel) across

from the HPUD Wastewater Treatment Plant. The proposed easement will be within parcel 054-540-056 owned by James M. Richert.

Proposed Improvements – District Management proposes to retain the entire sewer pipeline and manholes in place and perform the necessary repairs within the new easement parameters. The District will be responsible for the construction of all improvements on the subject easement.

Sidewalk Easement – Mr. James M. Richert executed the requested easement on June 9, 2015 and it is enclosed hereto as **Attachment A** with corresponding **Exhibit A-Legal Description**. The proposed easement encompasses an area of .615 acres measuring approximately 40 feet x 665 feet area along the northern portion of the subject property as referenced under **Exhibit B-Plat Map**.

Certificate of Acceptance - Acceptance of the Grant of Easement is the subject matter of this report and pending Board action. The executed Grant of Easement has been issued for the benefit of the Heber Public Utility District and the corresponding legal description and plat map have been reviewed and found acceptable by the District Engineer. The Board of Directors should consider acceptance of the Grant of Easement via Resolution 2015-10 and authorize the General Manager to execute the corresponding Certificate of Acceptance, and direct staff to record the Grant of Easement and corresponding attachments.

FISCAL IMPACTS

The aforementioned easement has been granted to the Heber Public Utility District for a value of \$1. The cost is anticipated to be paid from the Sewer Enterprise Fund.

PENDING ACTION

It is being asked that Board of Directors consider the following actions:

1. Adopt Resolution 2015-10 accepting the Grant of Easement and authorizing the General Manager to execute the Certificate of Acceptance and all actions associated with said transaction.

Alternative

2. Not adopt Resolution 2015-10 and provide alternative directive to staff.

Should you have any questions and/or concerns regarding the information in this report, or would like additional information, please feel free to contact Justina G. Arce at (760) 337-3883.

Attachments:

Attachment A – Grant of Easement including:

Exhibit A – Legal Description

Exhibit B – Plat Map

Exhibit C – Resolution 2015-10

Exhibit D – Certificate of Acceptance

cc: Jack Holt, District Engineer

**Recording Requested by and
Please Return to:**

Ms. Raquel Carrillo
Secretary of the HPUD Board
Heber Public Utility District
1078 Dogwood Road
Heber, CA 92249

GRANT OF EASEMENT

A.P.N.: 054-540-056

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX **\$ No tax due R & T 11931**

- Computed on the consideration or full value of property conveyed, OR
 Computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
 Heber Public Utility District

GRANT OF EASEMENT FOR UTILITY IMPROVEMENTS

That in consideration of One Dollar (\$1.00) in goods, services and valuable consideration, receipt of which is hereby acknowledged, James M. Richert as ("GRANTOR") grants to the Heber Public Utility District, a special district, in the County of Imperial, State of California ("GRANTEE"), a perpetual, irrevocable easement for the right to construct, operate and maintain a sanitary sewer collection pipeline in, upon, over, and across that certain real property situated in said County of Imperial particularly described as follows:

SEE ATTACHED:

**EXHIBIT "A" FOR LEGAL DESCRIPTION
EXHIBIT "B" FOR PLAT MAP
EXHIBIT "C" FOR RESOLUTION NO. 2015-11 ACCEPTING EASEMENT
EXHIBIT "D" BOARD CERTIFICATE OF ACCEPTANCE**

Together with the right to enter upon and to pass and repass over and along said easement and to deposit tools, implements and other materials or equipment thereon by said GRANTEE, its officers, agents, and employees and by any contractor, his agents and employees engaged by said GRANTEE, whenever and wherever necessary for the purposes set forth above.

Reserving however to the GRANTOR, the continued use of the surface of said real property, subject to the condition that erecting buildings, masonry walls, fences, posts, poles and other structures, or the installation of privately-owned pipelines shall be prohibited.

GRANTOR and GRANTEE agree that GRANTEE shall be responsible for damage caused intentionally or by any negligent act or omission of GRANTEE or any of its officers, agents and employees and any contractor, his agents and employees engaged by GRANTEE while exercising the rights granted herein.

CALIFORNIA ALL -PURPOSE ACKNOWLEDGMENT CIVIL CODE § 1189

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 06/09/15 before me, Judi Thompson, "Notary Public",
(Date)

James N. Richert
personally appeared _____
(name[s] of signer[s]),

Who proved to me on the basis of satisfactory evidence to be the person[s] whose name[s] is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under 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.



Judi Thompson

Judi Thompson - Notary Public

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Grant of Easement Document Date: None

Number of Pages: 7 Signer(s) Other Than Named Above: Laura Fischer Raquel Carrillo
Eduardo Valdez Beltronte, James Holt

Capacity(ies) Claimed by Signer(s)

Signer's Name: James N. Richert

- Corporate Officer — Title(s): _____
- Partner — Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator
- Other: Owner

Signer Is Representing: Self

Signer's Name: _____

- Corporate Officer — Title(s): _____
- Partner — Limited General
- Individual Attorney in Fact
- Trustee Guardian or Conservator
- Other: _____

Signer Is Representing: _____

EXHIBIT "A"
SANITARY SEWER EASEMENT
LEGAL DESCRIPTION

BEING A PORTION OF PARCEL A OF LOT LINE ADJUSTMENT NUMBER 00186 RECORDED DECEMBER 10, 2003 ON FILE IN BOOK 2262, PAGE 1754 RECORDS OF IMPERIAL COUNTY, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

THAT PORTION OF THE NORTH HALF OF 4TH STREET LYING EAST OF THE EAST LINE OF THE SOUTHERN PACIFIC RAILROAD AND WEST OF THE WEST LINE OF ROCKWOOD AVENUE AS SAID 4TH STREET WAS VACATED, DISCONTINUED, ABANDONED AND ABOLISHED BY ORDER OF BOARD OF SUPERVISORS OF IMPERIAL COUNTY, RECORDED JUNE 11, 1918 IN BOOK 5, PAGE 345 OF MISCELLANEOUS RECORDS, SAID VACATION BEING ALSO NOTED ON MAP OF TRACT NO. 48 RECORDED APRIL 19, 1939 IN BOOK 6, PAGE 32 OF OFFICIAL MAPS, ALL ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY.

SAID DESCRIBED PARCEL CONTAINS 0.615 ACRES, MORE OR LESS.

FOR GRAPHICAL PURPOSES SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

Prepared under the supervision of:

 Date: 6/4/2015

James G. Holt, RCE 31773
Expires 12/31/2016
The Holt Group, Inc
1601 N Imperial Avenue
El Centro, CA 92243
(760) 337-3883

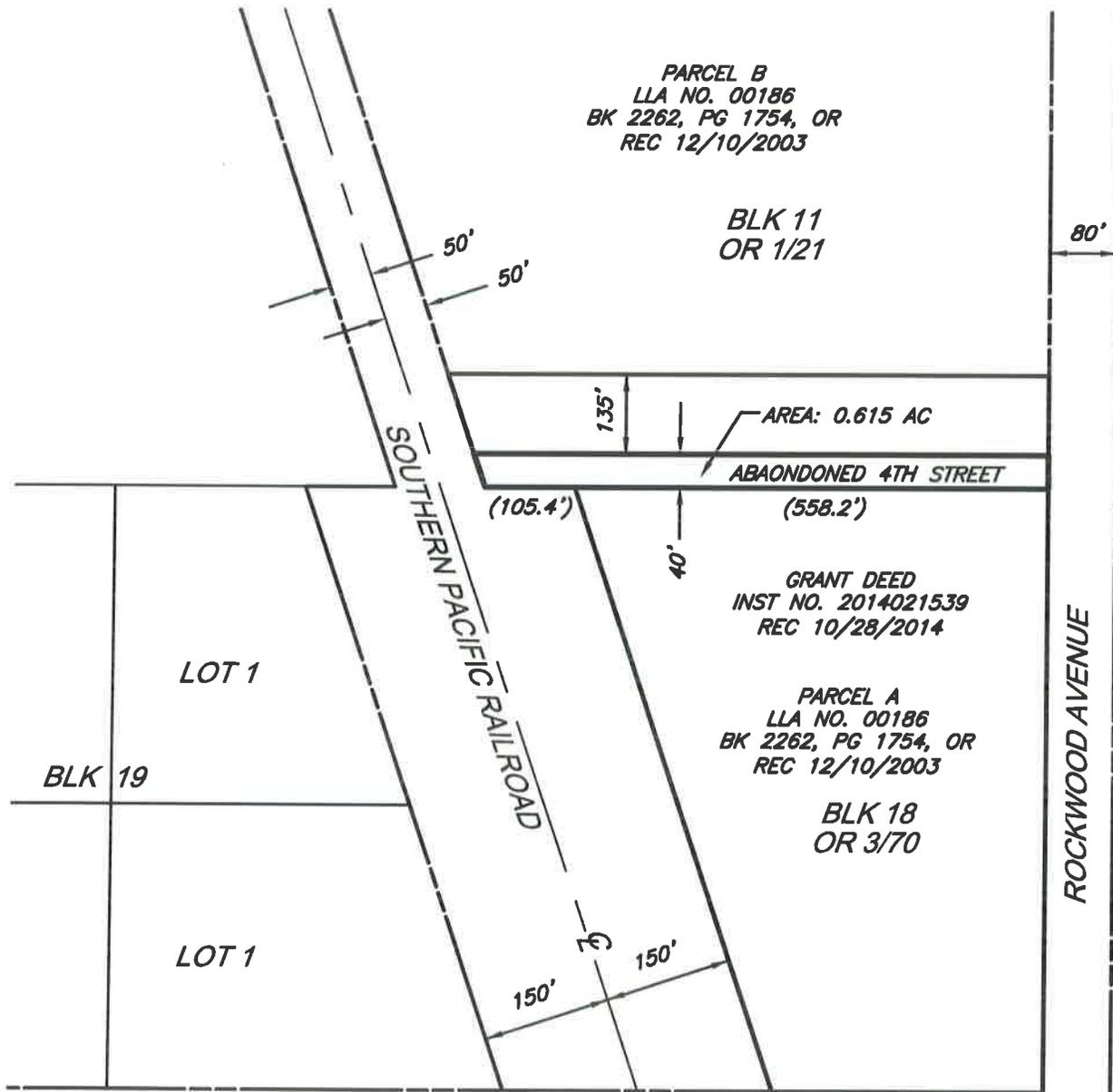


THG NO. 744.000

EXHIBIT "B"

SANITARY SEWER EASEMENT

SHEET 1 OF 1



PARCEL B
LLA NO. 00186
BK 2262, PG 1754, OR
REC 12/10/2003

BLK 11
OR 1/21

AREA: 0.615 AC

ABANDONED 4TH STREET

GRANT DEED
INST NO. 2014021539
REC 10/28/2014

PARCEL A
LLA NO. 00186
BK 2262, PG 1754, OR
REC 12/10/2003

BLK 18
OR 3/70

() INDICATES RECORD DATA PER O.R. 3/70

DATE: 05/31/2015

The Holt Group, Inc.
ENGINEERING PLANNING SURVEYING

201 E. Hobsonway, Blythe, CA. 92225
Phone: (760) 922-4658 Fax: (760) 922-4660

1601 N. Imperial Ave., El Centro, CA. 92243
Phone: (760) 337-3883 Fax: (760) 337-5997



SCALE: 1" = 200'



EXHIBIT "C"

RESOLUTION NO. 2015-10

A RESOLUTION OF THE HPUD BOARD OF DIRECTORS AUTHORIZING THE DISTRICT MANAGER TO EXECUTE A CERTIFICATE OF ACCEPTANCE FOR A PUBLIC EASEMENT FROM THE PROPERTY WITH APN 054-540-056

WHEREAS, the Heber Public Utility District owns and desires to repair and rehabilitate an existing sewer pipeline and two manholes located within APN 054-540-056, a private property owned by James M. Richert; and

WHEREAS, the District would like to acquire a public easement for the purpose of constructing, operating, and maintaining said public facilities; and

WHEREAS, James M. Richert, has agreed to receive \$1.00 as compensation from the District for the aforementioned easement and has further executed a Grant of Easement on June 9, 2015, for the aforementioned dedication; and

WHEREAS, the District desires to accept the easement consisting of approximately .615 acres of land across APN 054-540-056, as referenced in Exhibit A and Exhibit B, Legal Description and Plat Map, respectively and incorporated hereto; and

NOW THEREFORE, BE IT RESOLVED that the Board of Directors authorizes the District Manager to execute a Certificate of Acceptance on behalf of the Heber Public Utility District accepting an easement consisting of approximately .615 acres from James M. Richert.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of Directors of the Heber Public Utility District held on the 18th day of June 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Eduardo Valdez Belmonte, Board President

I, Raquel R. Carrillo, Board Secretary of the Heber Public Utility District, DO HEREBY CERTIFY that the foregoing resolution was duly passed, approved, and adopted by the Board of Directors of said District at a regular meeting thereof held on the 18th day of June 2015.

ATTEST:

Raquel R. Carrillo, Secretary of the Board

EXHIBIT “D”
CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in the real property by a Grant of Easement document dated June 9, 2015 for a .615 acre portion of Assessor’s Parcel Number 054-540-056 as authorized by James M. Richert, a married man and his sole and separate property, to the Heber Public Utility District, a special district, is hereby accepted by Resolution 2015-10 of the Heber Public Utility District Board of Directors at a regularly scheduled Board meeting of June 18, 2015.

Dated: _____

Heber Public Utility District

Laura Fischer, General Manager

Attest:

Raquel Carrillo, Board Secretary