



Town Council Agenda Report

Date: April 14, 2020 Item No. 8

To: Honorable Mayor and Town Council

Subject: GRANT OF EASEMENT TO LIBERTY UTILITIES FOR WATERLINE OVER THE TOWN OWNED GOLF COURSE PROPERTY.

From: Douglas Robertson, Town Manager

Submitted by: Brad Miller, Town Engineer
Engineering Department

Budgeted Item: Yes No N/A

RECOMMENDED ACTION

That Town Council approve Grant of Easement to Liberty Utilities for Waterline over the Town owned Golf Course property.

BACKGROUND

On their request letter dated April 1st, 2020, Liberty Utilities stated that they are replacing the water mains in the housing tract near the roads of Symeron and Yanan. The purpose of this main replacement project is to install new pipes to reduce the number of leaks, disruption of service and property damage to their customers in the neighborhood. The existing steel pipes have long exceeded their useful life and will be abandoned in place. A section of the existing pipeline is in an existing public utility easement (PUE) that runs between 4 lots as it crosses Symeron Road. These lots have existing obstructions and expensive landscaping on private property that makes it cost prohibitive to install new main adjacent to the existing one. Liberty Utilities proposes to reroute this pipeline onto the Town owned Golf Course property. This is necessary in order to maintain circulation of the water system. Therefore, Liberty Utilities is requesting a 12.5' wide utility easement for water line purposes on a section of the Town owned Golf Course property.

ANALYSIS

Town staff has reviewed Liberty Utilities request letter as well as the Grant of Easement documents and determined that they are accurate and agrees with their contents. After a field visit of the location, Town staff agrees that the proposed solution is the path of least resistance and is the least intrusive to nearby residents. Therefore, staff recommends that the Town Council approve this request for Grant of Easement.

FISCAL IMPACT

There is no fiscal impact associated with this matter.

ATTACHMENTS

- A. Liberty Utilities request letter;
- B. Grant of Easement document;
- C. Exhibit "A" (Legal Description) and Exhibit "B" (Map).

Attachment A

Liberty Utilities request letter



Liberty Utilities

April 1, 2020

Attn: Brad Miller
Town of Apple Valley
Engineering Department
14955 Dale Evans Parkway
Apple Valley, CA 92307

Project: Tract 3333 Shasta to Symeron MR (Ph 3)

Subject: Easement Request
Apple Valley Country Club
APN 3112-101-35

Dear Brad:

Liberty Utilities (Apple Valley Ranchos Water) Corp.'s is replacing the water mains in this housing tract near the roads of Symeron and Yanan. The purpose of this main replacement project is to install new pipes to reduce the number of leaks, disruption of service and property damage to our customers in the neighborhood. The existing steel pipes have long exceeded their useful life and will be abandoned in place. A section of the existing pipeline is in an existing public utility easement (PUE) that runs between 4 lots as it crosses Symeron Road. These lots have existing obstructions and expensive landscaping on private property that makes it cost prohibitive to install new main adjacent to the existing one. We are proposing to reroute this pipeline onto the Apple Valley Country Club property. This is necessary in order to maintain circulation of the water system. Therefore, Liberty Utilities is requesting a 12.5' wide utility easement for water line purposes on a section of the golf course property.

As you may recall when we met in the field to look at the site, our first option was to place the proposed pipeline in the existing 12.5' wide PUE on lot 2744. But this location was no good due to an existing wall that the home owner installed to create a nice looking backyard. The next option was to place the pipeline on the opposite side of this property line, in the golf course property. This would require an easement since our pipeline would be on private property that the Town of Apple Valley would convey to Liberty Utilities. This easement would mirror the same width as on lot 2744 and would be 12.5' wide. This area is a dirt trail and is the "out of bounds" area that would not impede the players on the golf course. This option is the best location to install and maintain the proposed pipeline as it is open and away from existing structures in case of a main break. In addition, this benefits the public interests, the residents of this neighborhood and provides for minimal intrusion onto public and private land.

Therefore, the Town Council's approval of this easement will give permission for the Town of Apple Valley to proceed with signing of the Grant of Easement to Liberty Utilities for the requested waterline easement. Feel free to contact us if you have any questions or need any further information. Thank you.

Sincerely,

Gregory J. Miles, P.E.
Manager, Engineering Projects
Liberty Utilities (Apple Valley Ranchos Water) Corp.

J:\AppleValley\AllStaff\Engineering\2019 Jobs\41193008 - Tr. 3333 Shasta to Symeron (Ph 3) MR\Easements\Town Esmt Request.docx

21760 Ottawa Road, Apple Valley, CA 92308
www.libertyutilities.com

Attachment B

Grant of Easement document

Recording Requested by:

When Recorded Return To:

Liberty Utilities (Apple Valley Ranchos Water) Corp.
P.O. Box 7005
Apple Valley, CA 92307

ABOVE SPACE FOR RECORDER'S USE

GRANT OF EASEMENT

Township 5 North, Range 3 West, Section 7
APN: 3112-101-35

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Town of Apple Valley, a California Municipal Corporation, GRANTOR, hereby grants and conveys to Liberty Utilities (Apple Valley Ranchos Water) Corp., a California corporation, GRANTEE, for the use and benefit of GRANTEE, its successors, assignees or transferees, who may succeed through conveyance or otherwise to all or a portion of the rights and interest herein granted to GRANTEE, a non-exclusive, perpetual easement, more particularly described in Exhibit "A" attached hereto and made a part hereof, to construct, operate, reconstruct, install, replace, remove, repair, alter, maintain, read meters, inspect and use pipeline(s), and all water-related appurtenances, and for vehicular access, ingress and egress in connection with the exercise of any foregoing rights, and all other uses necessary or convenient thereto, in, upon, along, under, over, through and across the following described real property located in the Town of Apple Valley, County of San Bernardino, State of California:

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

Within said easement, no permanent structures shall be placed, nor trees shall be planted that would interfere with the actual location of the pipelines and water-related appurtenances or the GRANTEE's ability to exercise any of the foregoing rights. The easement herein granted shall also include the right to use such areas adjacent to the easement as may be reasonably necessary for the performance of work during any and all construction periods, or other periods when persons, equipment, vehicles, supplies and working activities are necessary when exercising rights under this easement.

This Easement shall bind GRANTOR and each successive owner of the GRANTOR's property during its respective period of ownership.

IN WITNESS WHEREOF, these presents have executed this instrument this ____ day of _____, 20__

By: _____
Signature

Printed Name and Capacity

Notary Acknowledgment

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 _____ :

On _____, before me, _____, notary public

personally appeared _____

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.

Attachment C

Exhibit "A" (Legal Description) and Exhibit "B" (Map)

EXHIBIT "A"

A portion of that real property described as Parcel 1 in Document No. 2017-0142288, O.R., in the Town of Apple Valley, County of San Bernardino, State of California, more particularly described as:

Beginning at the most Northerly corner of that portion of Parcel 1 of Document No. 2017-0142288, O.R., also being the Southeasterly corner of Lot 2744 and the Southwesterly corner of Lot 2743, Tract No. 3333, Map Book 44, Pages 59-61; thence South 72°50' West along the Southeasterly line of said Lot 2744 and continuing along the Southeasterly line of Lot 2748 said Tract No. 3333 a distance of 710 feet to the angle point in said Southeasterly line of said Lot 2748; thence South 17°10' East at right angles a distance of 12.5 feet; thence North 72°50' East, parallel to, and 12.5 feet Southeasterly from said Southeasterly line of said Lots 2744 and 2748 a distance of 710 feet; thence North 17°10' West at right angles a distance of 12.5 feet to the point of beginning.

Containing 8,875 square feet.



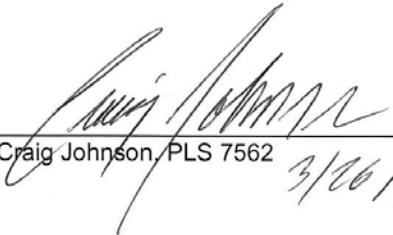
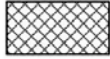

Craig Johnson, PLS 7562 3/26/20

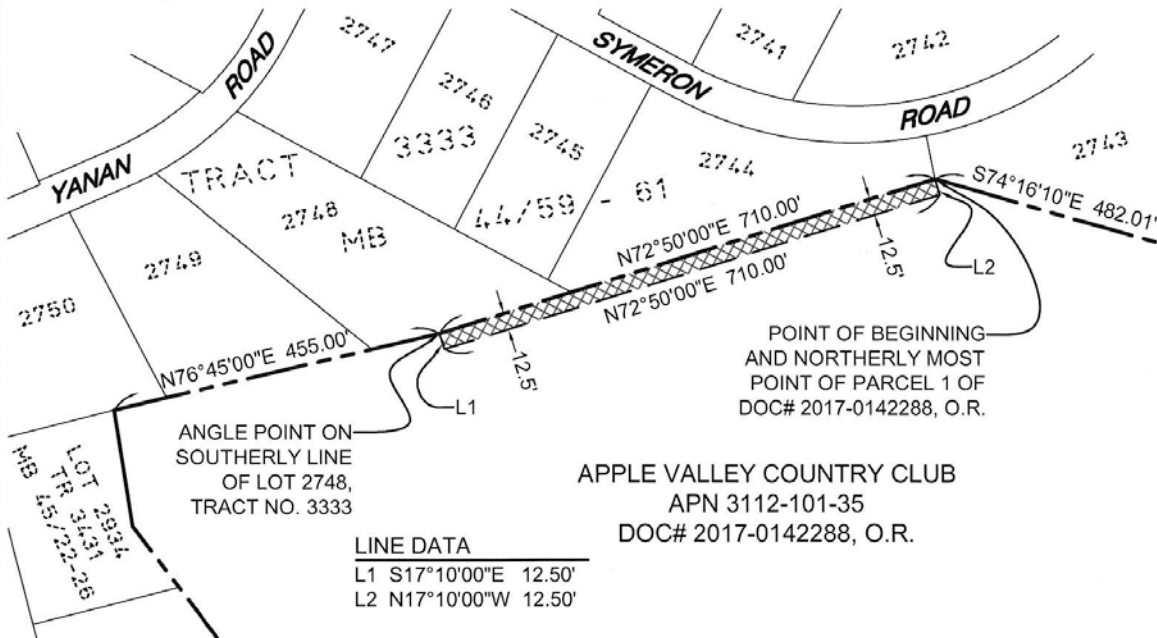
EXHIBIT B WATER LINE EASEMENT

LEGEND



AREA OF WATER LINE EASEMENT

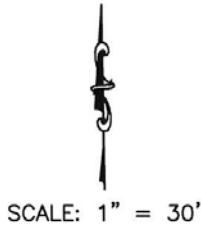
----- PROPERTY LINE



APPLE VALLEY COUNTRY CLUB
APN 3112-101-35
DOC# 2017-0142288, O.R.

LINE DATA

L1 S17°10'00"E 12.50'
L2 N17°10'00"W 12.50'



Merrell Johnson
COMPANIES

22221 HIGHWAY 18 APPLE VALLEY, CALIFORNIA 92307 (760) 240-8000 (760) 240-1400 FAX	16091 KAMANA RD APPLE VALLEY, CALIFORNIA 92307 (760) 256-2068 (760) 530-6872 FAX
--------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------

CRAIG JOHNSON L.S. 7562