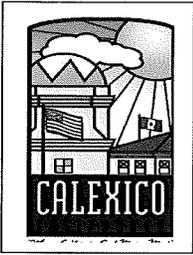


**AGENDA  
ITEM**

**11**



# AGENDA STAFF REPORT

**DATE:** March 15, 2017

**TO:** Mayor and City Council

**APPROVED BY:** Armando G. Villa, City Manager

**PREPARED BY:** Nick Fenley, Public Works Manager 

**SUBJECT:** Resolution of the City Council of the City of Calexico Authorizing the City Manager to Execute a Grant of Easement/Pipeline(s) and Certificates of Acceptance for the City's Acquisition of Fee Simple Interests, a Permanent Sewer Easement Interest in a Portion of Assessor's Parcel Numbers 058-400-020, for the Expansion of Sewer Lift Station.

=====  
**Recommendation:**

Adoption of Resolution of the City Council of the City of Calexico authorizing the City Manager to execute a Grant of Easement/Pipeline(s) with Loo Arellano & Loo ("Owner") in order to acquire fee simple interests, a permanent sewer easement interest in a portion of real property located at 363 W. 2<sup>nd</sup> Street, in the City of Calexico, Imperial County, California, and known as a portion of Assessor's Parcel Numbers 058-400-020 ("Subject Property"), and to execute Certificates of Acceptance on its behalf as provided by Government Code section 27281.

**Background:**

For public projects, the City acquires and accepts real property interests in order to construct and later maintain public improvements. The property interests that are acquired necessitate acceptance by the City Council or an authorized agent prior to recordation with the County Recorder. The City Council may authorize an officer or agent, in this instance, the City Manager or City Engineer, to accept the property interests on its behalf. This procedure is provided for in Government Code section 27281, which states that: "A public corporation or governmental agency, by a general resolution, may authorize one or more officers or agents to accept and consent to such deeds or grants."

**Discussion & Analysis:**

The City of Calexico was approached by General Services Administration



(GSA) to assist them in acquiring a permanent sewer easement at 363 W. 2<sup>nd</sup> Street for the purpose of expanding the existing sewer lift station that will be required due to the construction of the New Port-Of-Entry. City staff and GSA representatives met with the owners of said property and they have agreed to grant the City of Calexico a Grant of Easement/Pipeline(s) for the expansion of sewer lift station.

**Fiscal Impact:**

General Services Administration (GSA) independent appraiser valued the subject property at \$29,300.00 and the property owners have agreed. Please note that GSA will be funding the purchase of said property.

**Coordinated With:**

General Services Administration (GSA) and Best Best & Krieger LLP.

**Attachment:**

1. Resolution of the City Council of the City of Calexico Authorizing the City Manager to Execute a Grant of Easement/Pipeline(s) and Certificates of Acceptance for the City's Acquisition of Fee Simple Interests, a Permanent Sewer Easement Interest in a Portion of Assessor's Parcel Numbers 058-400-020, for the Expansion of Sewer Lift Station.

RESOLUTION NO. 2017-\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF EASEMENT/PIPELINE(S) AND CERTIFICATES OF ACCEPTANCE FOR THE CITY'S ACQUISITION OF FEE SIMPLE INTERESTS, A PERMANENT SEWER EASEMENT INTEREST IN A PORTION OF ASSESSOR'S PARCEL NUMBERS 058-400-020, FOR THE EXPANSION OF SEWER LIFT STATION**

WHEREAS, the City is authorized to acquire property and accept real property interest in order to construct and later maintain public improvements within the City of Calexico; and

WHEREAS, Loo Arellano & Loo, a California Partnership ("Owner") is the owner of the Subject Property; and

WHEREAS, the City's independent appraiser valued the Subject Property at \$29,300.00; and

WHEREAS, Government Code section 27281 requires a city to execute a Certificate of Acceptance for the recordation of any interest being accepted by the City; and

WHEREAS, Government Code section 27281 allows a City Council to adopt a Resolution authorizing the execution of Certificates of Acceptance on its behalf; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Calexico hereby consents to the City's execution of the Grant of Easement/Pipeline(s) with the Owner to acquire the Subject Property for the Project, a copy of which is attached hereto as **Exhibit A**, as well as the City's execution and recordation of Certificates of Acceptance for the fee simple interests, permanent sewer easement interest, attached hereto as **Exhibits B** respectively, in accordance with Government Code section 27281.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of March 2017.

\_\_\_\_\_  
Armando G. Real, Mayor

Attest:

\_\_\_\_\_  
Gabriela T. Garcia, Deputy City Clerk

Approved as to Form:

\_\_\_\_\_  
Carlos L. Campos, Interim City Attorney

State of California     )  
County of Imperial    ) ss.  
City of Calexico       )

I, Gabriela T. Garcia, Deputy City Clerk of the City of Calexico, California, do hereby certify that the above and foregoing Resolution No. 2017-\_\_\_\_\_ was duly passed, approved and adopted by the City Council at its regular meeting held on the \_\_\_\_\_ day of March, 2017, by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Gabriela T. Garcia, Deputy City Clerk

No Recording Fees  
Required Per  
Government Code  
Section 27383

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

CITY OF CALEXICO  
[Address]  
Calexico, California ZIP

(Space above this line is for Recorders use)

APN: \_\_\_\_\_  
FILE: \_\_\_\_\_  
TRA: \_\_\_\_\_

### GRANT OF EASEMENT / PIPELINE(S)

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged,  
\_\_\_\_\_ ("Grantor") does hereby grant to CITY OF  
CALEXICO, a public agency of the State of California ("Grantee"), and its successors and assigns, a  
perpetual, nonexclusive easement and right-of-way to install, construct, enlarge, survey, reconstruct,  
remove and replace, operate, maintain, repair, improve and relocate underground pipeline(s), which  
pipeline(s) 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 in the County of  
Imperial, 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 said easement for the  
purpose of exercising the rights granted herein.

Said pipeline(s) and every part thereof shall, where it crosses Grantor's land, be confined to lands  
hereinabove-described, and shall be constructed by Grantee with sufficient ground cover (i.e., distance  
between ground surface and top of such pipeline(s)) as shown on the construction plans for such  
pipeline(s). Notwithstanding the foregoing, the ground cover shall not be changed by any party other  
than Grantee. Fixtures and appurtenances used or useful in the operation of said pipeline(s) may be  
constructed any distance either below or above the ground surface.

The Grant of Easement herein contained shall include the right to enter said premises, to survey,  
construct, reconstruct, lay, relay, maintain, operate, control, use and remove said pipeline(s), fixtures,  
appurtenances, and to remove objects interfering with the construction, operation and maintenance  
thereof.

The Grantor reserves the right to occupy and use said premises for any purpose not inconsistent  
with the rights and privileges above granted and which will not interfere with or endanger said

pipeline(s), fixtures and appurtenances or the use thereof. The Grantee shall use due care in the construction, operation and maintenance of said pipeline(s), fixtures and appurtenances.

Date: \_\_\_\_\_

GRANTOR:

[NAME],  
a California \_\_\_\_\_ corporation

By: \_\_\_\_\_  
[Print Name} \_\_\_\_\_  
President

By: \_\_\_\_\_  
[Print Name] \_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
\_\_\_\_\_

STATE OF CALIFORNIA            )  
  ss.  
COUNTY OF IMPERIAL         )

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public,  
personally appeared \_\_\_\_\_, 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 he executed the  
same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf  
of which the person 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.

Signature \_\_\_\_\_

(Seal)

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE EASEMENT**

Exhibit A

# PSOMAS

## EXHIBIT 'A'

### LEGAL DESCRIPTION

Parcel No.: "A"

Sewer Easement

APN 058-400-20

In the City of Calexico, County of Imperial, State of California, being a portion of Lot 1 of Calexico Shopping Center Final Map, according to the map thereof filed in Book 12, Pages 71-73, recorded September 14, 1976 as Document No. 36, in the Office of the County Recorder of said County, said portion being a strip of land, 30.00 feet wide, lying 15.00 feet on each side of the following described line:

**Commencing** at a 2" brass disc in well monument stamped PLS 5397 at the centerline of Second Street, being distant thereon South 54°21'51" West 393.54 feet (South 54°19'38" 393.45' Per ROS 10/72-76) from a 2" brass disc in well monument stamped PLS 5397 at the centerline of Second Street, said centerline and monuments are shown on Record of Survey filed in Book 10, Pages 72-76, recorded December 6, 1994 as Document No. 94-29522, in the Office of the County Recorder of Imperial County, State of California; thence leaving said centerline North 35°38'09" West 45.00 feet to the northwesterly right-of-way line of Second Street, 90 feet wide; thence northeasterly along said right-of-way line North 54°21'51" East 94.55 feet to the southwesterly corner of said Lot 1; thence continuing along said right-of-way line North 54°21'51" East 15.99 feet to a line 15.00 feet northwesterly and parallel to the southwesterly boundary of said Lot 1 and the **True Point of Beginning** of said centerline; thence leaving said right-of-way line along said parallel line the following six courses: North 55°53'59" West 235.35 feet; thence North 51°38'00" West 110.58 feet; thence North 58°01'09" West 127.42 feet; thence North 65°19'38" West 189.24 feet; thence North 38°11'48" West 34.74 feet; thence North 17°40'53" West 42.85 feet to the most northerly northwesterly line of said Lot 1 and the point of terminus of said centerline.

The sidelines of said 30.00 foot strip of land shall be prolonged or shortened as to terminate in the most northerly northwesterly line of said Lot 1 and the northwesterly right-of-way line of said Second Street.

Containing 22,205 sq. ft. (0.510 Acres)

# PSOMAS

1 See Exhibit 'B' attached hereto and made a part hereof.

2

3 This legal description is not intended to be used in the conveyance of land in violation of the  
4 Subdivision Map Act of the State of California.

5

6 This legal description was prepared by me or under my direction.

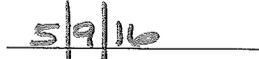
7

8

9



10 Gregory A. Helmer, PLS 5134



Date



**EXHIBIT B**  
**DEPICTION OF THE EASEMENT**

Exhibit B

CITY OF CALEXICO

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: \_\_\_\_\_ ("Grantor")

to: **CITY OF CALEXICO, 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: \_\_\_\_\_

CITY OF CALEXICO,  
a public agency of the State of California

By: \_\_\_\_\_