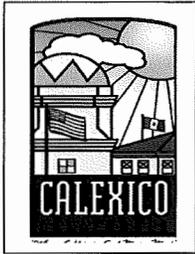


**AGENDA
ITEM**

9



AGENDA STAFF REPORT

DATE: September 6, 2017

TO: Mayor and City Council

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

PREPARED BY: David Dale, Public Works Director/City Engineer *David Dale*

SUBJECT: Resolution of the City Council of the City of Calexico Authorizing the City Mayor and City Clerk to Execute a Grant of Easement(s) to the Imperial Irrigation District (IID) and Certificates of Acceptance for Assessor Parcel No. 058-400-007 and 058-400-060.

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Recommendation:

Adopt a Resolution of the City Council of the City of Calexico Authorizing the City Mayor and City Clerk to Execute a Grant of Easement(s) to the Imperial Irrigation District (IID) and Certificates of Acceptance for Assessor Parcel No. 058-400-007 and 058-400-060.

Background:

The Cesar Chavez Blvd. Improvement Project will consist of widening and improving Cesar Chavez Blvd. to four (4) lanes from 2nd Street to SR-98 and include surface rehab, turn lanes, traffic signal, lighting and sidewalks. Initially, the Imperial Irrigation District (IID) was going to route their power lines along Cesar Chavez Blvd. but after careful consideration the IID, with the approval from the City, has decided to shift the routing relocation to Pierce Avenue.

Discussion & Analysis:

Due to the widening of Cesar Chavez Blvd., the Imperial Irrigation District (IID) has requested an easement and right-of-way for underground/overhead and communication facilities for the transmission and distribution of electricity from the City of Calexico for the following parcels:

1. Assessor Parcel No. 058-400-007
2. Assessor Parcel No. 058-400-060

Therefore, staff is requesting that the City Council of the City of Calexico

AGENDA ITEM
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authorize the City Mayor and City Clerk to execute two (2) grant easements and Certificates of Acceptance for the above-mentioned parcels in order to grant the Imperial Irrigation District easements on the subject properties.

Fiscal Impact:

Not applicable.

Coordinated With:

Imperial Irrigation District (IID) and Public Works Department.

Attachment(s):

1. Resolution of the City Council of the City of Calexico Authorizing the City Mayor and City Clerk to Execute a Grant of Easement(s) to the Imperial Irrigation District (IID) and Certificates of Acceptance for Assessor Parcel No. 058-400-007 and 058-400-060.
2. Grant of Easement for Assessor Parcel No. 058-400-007
3. Grant of Easement for Assessor Parcel No. 058-400-060

RESOLUTION NO. 2017-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO AUTHORIZING THE CITY MAYOR AND CITY CLERK TO EXECUTE A GRANT OF EASEMENT(S) TO THE IMPERIAL IRRIGATION DISTRICT (IID) AND CERTIFICATES OF ACCEPTANCE FOR ASSESSOR PARCEL NO. 058-400-007 AND 058-400-060

WHEREAS, the City is authorized to acquire property and accept/grant real property interest for the construction and maintain of public improvements within the City of Calexico; and

WHEREAS, the City of Calexico (“Owner”) is the owner of the subject properties; and

WHEREAS, Government Code section 27281 requires a city to execute a Certificate of Acceptance for the recordation of any interest being granted 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 resolves as follows:

Section 1. The above-listed recitals are true and correct.

Section 2. The City Manager and City Clerk are authorized to execute a grant of easement(s) and Certificates of Acceptance for the following parcels:

1. APN 058-400-007
2. APN 058-400-060

Section 3. The City of Calexico transfers via a grant easement(s) to the Imperial Irrigation District (IID).

PASSED, APPROVED AND ADOPTED this 6th day of September 2017.

Maritza Hurtado, Mayor

Attest:

Gabriela T. Garcia, 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, 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 6th day of September, 2017, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

Gabriela T. Garcia, City Clerk

Recording Requested By
Imperial Irrigation District

And When Recorded Mail To:

Imperial Irrigation District
Attn: Real Estate Section
P.O. Box 937
Imperial, CA 92251

Space Above This Line For Recorder's Use

APN: 058-400-007

Documentary Transfer Tax § R&T §11922: Gov Code §6103
____ Computed on Full Value of Property conveyed, or
____ Computed on Full Value less liens & encumbrances
remaining thereon at time of sale

Signature of Declarant or Agent Determining Tax - Firm Name

EASEMENT

The Undersigned hereby grants to the Imperial Irrigation District an easement and right-of-way in, upon, over, under and across the lands hereinafter described, to erect, construct, change the size of, improve, reconstruct, relocate, repair, maintain and use facilities consisting of:

1. Underground/Overhead facilities and appurtenances for the transmission and distribution of electricity.
2. Communication facilities and appurtenances.

The above facilities will be installed at such locations and elevations upon, along, over and under the hereinafter described easement as Grantee may now or hereafter deem convenient or necessary. Grantee also has the right of ingress and egress, to, from and along this easement in, upon, over and across the hereinafter described lands. Grantee has the right to require the easement be kept clear from explosives, buildings, structures, and materials that Grantee considers incompatible for which this easement is granted.

The property in which this easement and right-of-way is hereby granted is situated in the County of Imperial, State of California, described as follows:

PORTION OF LOT 15 OF RIVER TRACT IN THE CITY OF CALEXICO AS SHOWN ON MAP RECORDED IN BOOK 1, PAGE 32 OF FINAL MAPS ON FILE IN THE OFFICE OF THE IMPERIAL COUNTY RECORDER.

The easement in the aforesaid property shall be a strip of land, including all the area lying between the exterior sidelines, which sidelines shall be 5' feet, measured at right angles, on each exterior side of each and every facility installed, the approximate location being shown as Exhibit "A" attached hereto and made a part hereof.

Grantor shall not erect, place or construct, nor permit to be erected, placed or constructed, any building or other structure, plant any tree, drill or dig any well, within this easement.

Grantor shall not increase or decrease the ground surface elevations within this easement after installation of Grantee's facilities, without prior written consent of Grantee, which consent shall not unreasonably be withheld.

Grantor further grants to Grantee the right to assign any or all of the rights granted in this easement in whole or in part to other companies providing utility or communication facilities/services.

Grantee shall have the right but not the duty, to trim or remove trees and brush along or adjacent to this easement and remove roots for within this easement whenever Grantee deems it necessary. Said right shall not relieve Grantor of the duty as owner to trim or remove trees and brush to prevent danger or hazard to property or persons.

CONDUITS CARRY HIGH VOLTAGE ELECTRICAL CONDUCTORS, therefore Grantor shall not make or allow any excavation or fill to be made within this easement WITHOUT FIRST NOTIFYING IMPERIAL IRRIGATION DISTRICT by calling 1-800-DIGALERT (Underground Alert), and OBTAINING PERMISSION.

This easement shall be binding upon and inure to the benefit of successors, heirs, executors, administrators, permittees, licensees, agents or assigns of Grantor and Grantee.

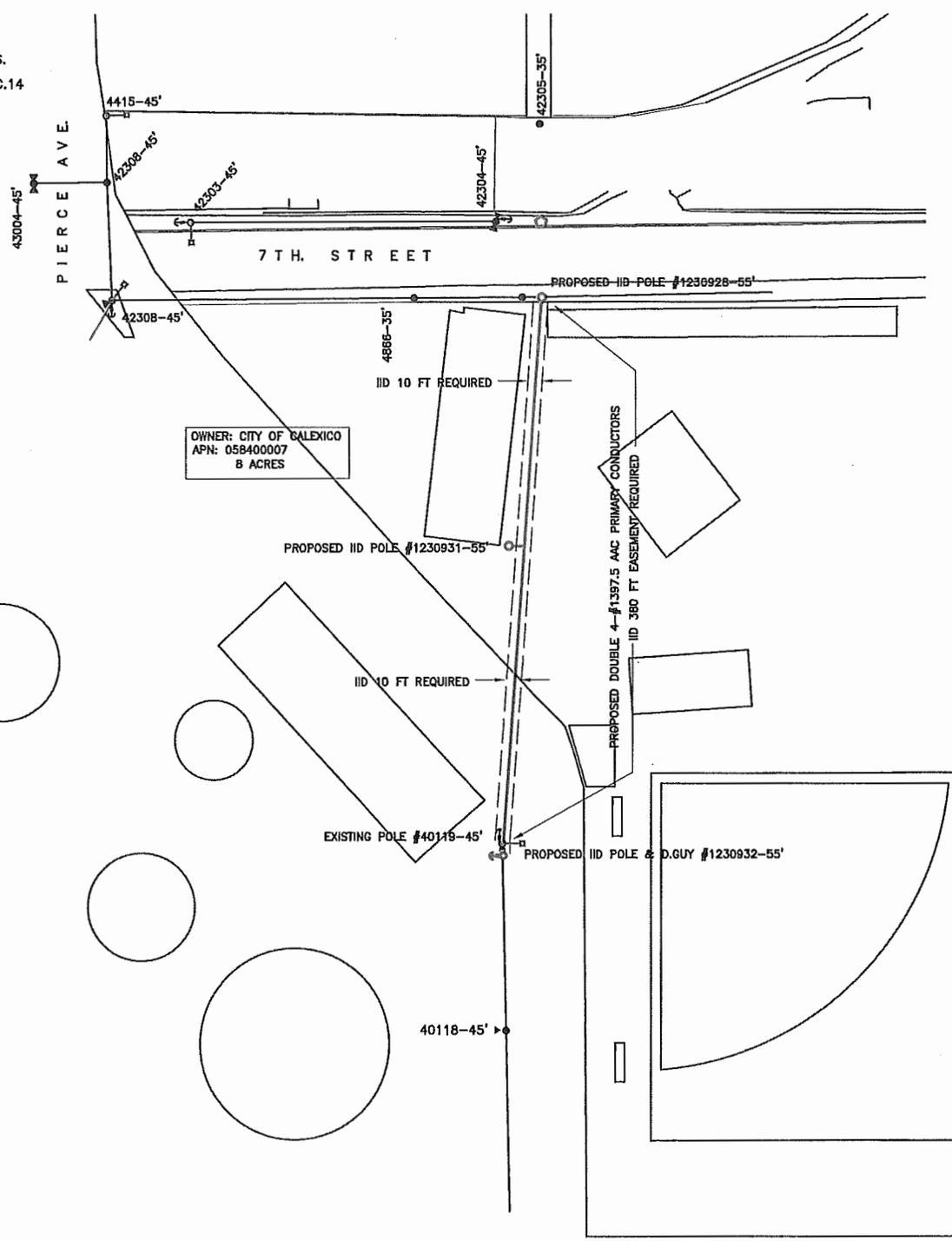
IN WITNESS WHEREOF, Grantor executed this instrument this ____ day of _____, 2017.

CITY OF CALEXICO

By _____
City Mayor

By _____
City Clerk

↑
IID
N.T.S.
T.17R.14SEC.14



PJ NAME: CESAR CHAVEZ RELOCATION

ENG. BY: J.RIVERA | DRAWN BY: J.RIVERA

NETWORK: 4032464	CIRCUIT#: X-38	EXHIBIT "A" LAYOUT	DATE: 02/27/17	SHEET 1 OF 2
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CITY OF CALEXICO

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Easement to which this Certificate of Acceptance is attached,

from: CITY OF CALEXICO, a municipal corporation of the State of California ("**Grantor**")

to: IMPERIAL IRRIGATION DISTRICT ("**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 Easement.

Dated: _____

CITY OF CALEXICO,
a municipal corporation of the State of California

By: _____
Maritza Hurtado, Mayor

Recording Requested By
Imperial Irrigation District

And When Recorded Mail To:

Imperial Irrigation District
Attn: Real Estate Section
P.O. Box 937
Imperial, CA 92251

Space Above This Line For Recorder's Use

APN: 058-400-060

Documentary Transfer Tax \$ R & T §11922, Gov Code §6103
 Computed on Full Value of Property conveyed, or
 Computed on Full Value less liens & encumbrances
 remaining thereon at time of sale

Signature of Declarant or Agent Determining Tax – Firm Name

EASEMENT

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1. Underground/Overhead facilities and appurtenances for the transmission and distribution of electricity.
2. Communication facilities and appurtenances.

The above facilities will be installed at such locations and elevations upon, along, over and under the hereinafter described easement as Grantee may now or hereafter deem convenient or necessary. Grantee also has the right of ingress and egress, to, from and along this easement in, upon, over and across the hereinafter described lands. Grantee has the right to require the easement be kept clear from explosives, buildings, structures, and materials that Grantee considers incompatible for which this easement is granted.

The property in which this easement and right-of-way is hereby granted is situated in the County of Imperial, State of California, described as follows:

LOTS 13 AND 16 OF RIVER TRACT IN THE CITY OF CALEXICO AS SHOWN
ON MAP RECORDED IN BOOK 1, PAGE 32 OF FINAL MAPS ON FILE IN THE
OFFICE OF THE IMPERIAL COUNTY RECORDER.

The easement in the aforesaid property shall be a strip of land, including all the area lying between the exterior sidelines, which sidelines shall be 5' feet, measured at right angles, on each exterior side of each and every facility installed, the approximate location being shown as Exhibit "A" attached hereto and made a part hereof.

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Grantor further grants to Grantee the right to assign any or all of the rights granted in this easement in whole or in part to other companies providing utility or communication facilities/services.

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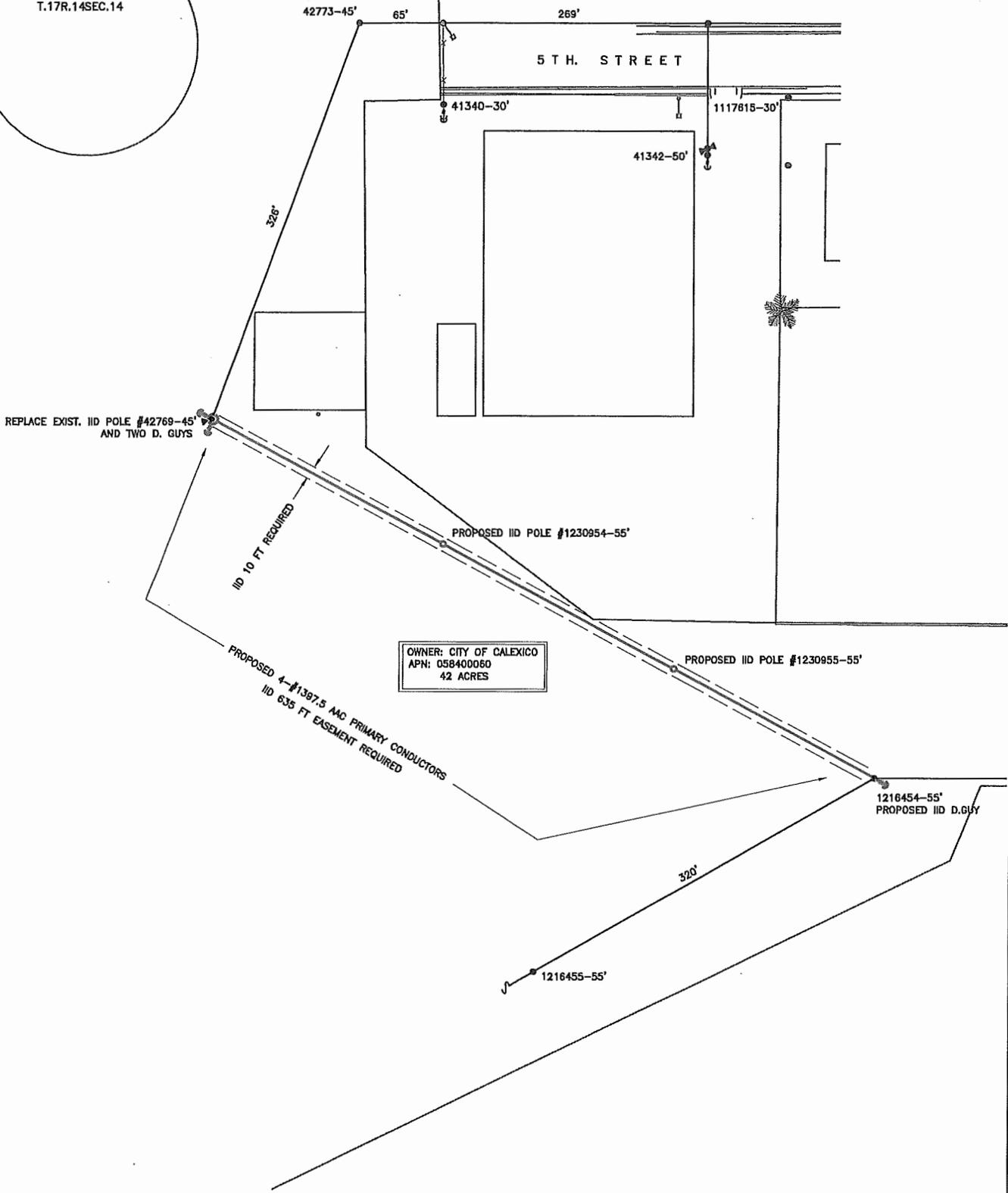
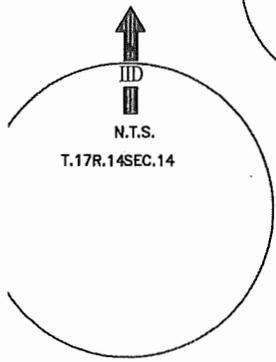
This easement shall be binding upon and inure to the benefit of successors, heirs, executors, administrators, permittees, licensees, agents or assigns of Grantor and Grantee.

IN WITNESS WHEREOF, Grantor executed this instrument this ____ day of _____, 2017.

CITY OF CALEXICO

By _____
City Mayor

By _____
City Clerk



OWNER: CITY OF CALEXICO
 APN: 058400060
 42 ACRES

PJ NAME: CESAR CHAVEZ RELOCATION

ENG. BY: J.RIVERA DRAWN BY: J.RIVERA

NETWORK: 4032464	CIRCUIT#: X123	EXHIBIT "A" LAYOUT	DATE: 03/15/17	SHEET 2 OF 2
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CITY OF CALEXICO

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Easement to which this Certificate of Acceptance is attached,

from: CITY OF CALEXICO, a municipal corporation of the State of California ("**Grantor**")

to: IMPERIAL IRRIGATION DISTRICT ("**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 Easement.

Dated: _____

CITY OF CALEXICO,
a municipal corporation of the State of California

By: _____
Maritza Hurtado, Mayor