

AGENDA STAFF REPORT

DATE: January 24, 2018

TO: Mayor and City Council

APPROVED BY: David Dale, Interim City Manager *DD*

PREPARED BY: David Dale, Interim City Manager

SUBJECT: Resolution of the City Council of the City of Calexico Authorizing the Interim 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

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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. 2nd 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."

**AGENDA
ITEM**

7

Discussion and Analysis:

The City of Calexico was approached by General Services Administration (GSA) to assist them in acquiring a permanent sewer easement at 363 W. 2nd 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 \$13,015.00 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 City Attorney.

ATTACHMENTS

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. 2018-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO AUTHORIZING THE INTERIM 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 \$13,015.00; 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 January 2018.

Maritza Hurtado, Mayor

Attest:

Erica LaCuesta, Deputy City Clerk

Approved as to Form:

Carlos Campos, City Attorney

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

I, Erica LaCuesta, Deputy City Clerk of the City of Calexico, California do hereby certify that above and foregoing Resolution No. 2018-__ was duly passed, approved and adopted by the City Council at its regular meeting held on the ___ day of January, 2018 by the following vote to-wit:

AYES:
NOES:
ABSENT:

Erica LaCuesta, Deputy City Clerk

No Recording Fees Required Per
Government Code section 27383

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

CITY OF CALEXICO
608 Heber Avenue
Calexico, California 92231

(Space above this line is for Recorders use)

APN 058-400-020

GRANT OF EASEMENT / PIPELINE(S)

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, Loo Arellano & Loo, a California Partnership ("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:

LOO ARELLANO & LOO,
a California Partnership

By: _____

Its: _____

By: _____

Its: _____

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)
) ss.
County of _____)

On _____ before me, _____ (insert name and title of the officer) 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.

Signature _____ (Seal)

EXHIBIT A
LEGAL DESCRIPTION OF THE EASEMENT

Exhibit A

PSOMAS

EXHIBIT 'A'

LEGAL DESCRIPTION

Parcel No.: "A"
Sewer Easement
APN 058-400-020

In the City of Calexico, County of Imperial, State of California, being a portion of Lots 1 and 2 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:

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 leaving said right-of-way line along the southwesterly boundary of said Lot 1 for the following four courses; North 55°53'59" West 230.37 feet; thence North 51°38'00" West 110.30 feet; thence North 58°01'09" West 125.63 feet; thence North 65°19'38" West 51.14 feet; thence leaving said southwesterly boundary line North 24°40'22" East 30.00 feet to the **True Point of Beginning**; thence along a line 30.00 feet northeasterly and parallel with said southwesterly boundary of said Lot 1 the following three courses, North 65°19'38" West 133.53 feet; Thence North 38°11'48" West 28.40 feet; Thence North 17°40'53" West 22.36 feet; Thence leaving said parallel line North 63°22'16" East 64.47 feet; Thence South 26°33'02" East 47.69 feet; Thence South 40°11'38" West 22.31 feet Thence South 49°48'16" East 106.22 feet returning to the **True Point of Beginning**.

PSOMAS

1

2 Containing 5,351 sq. ft. (0.122 Acres)

3

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

5

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

8

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

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13



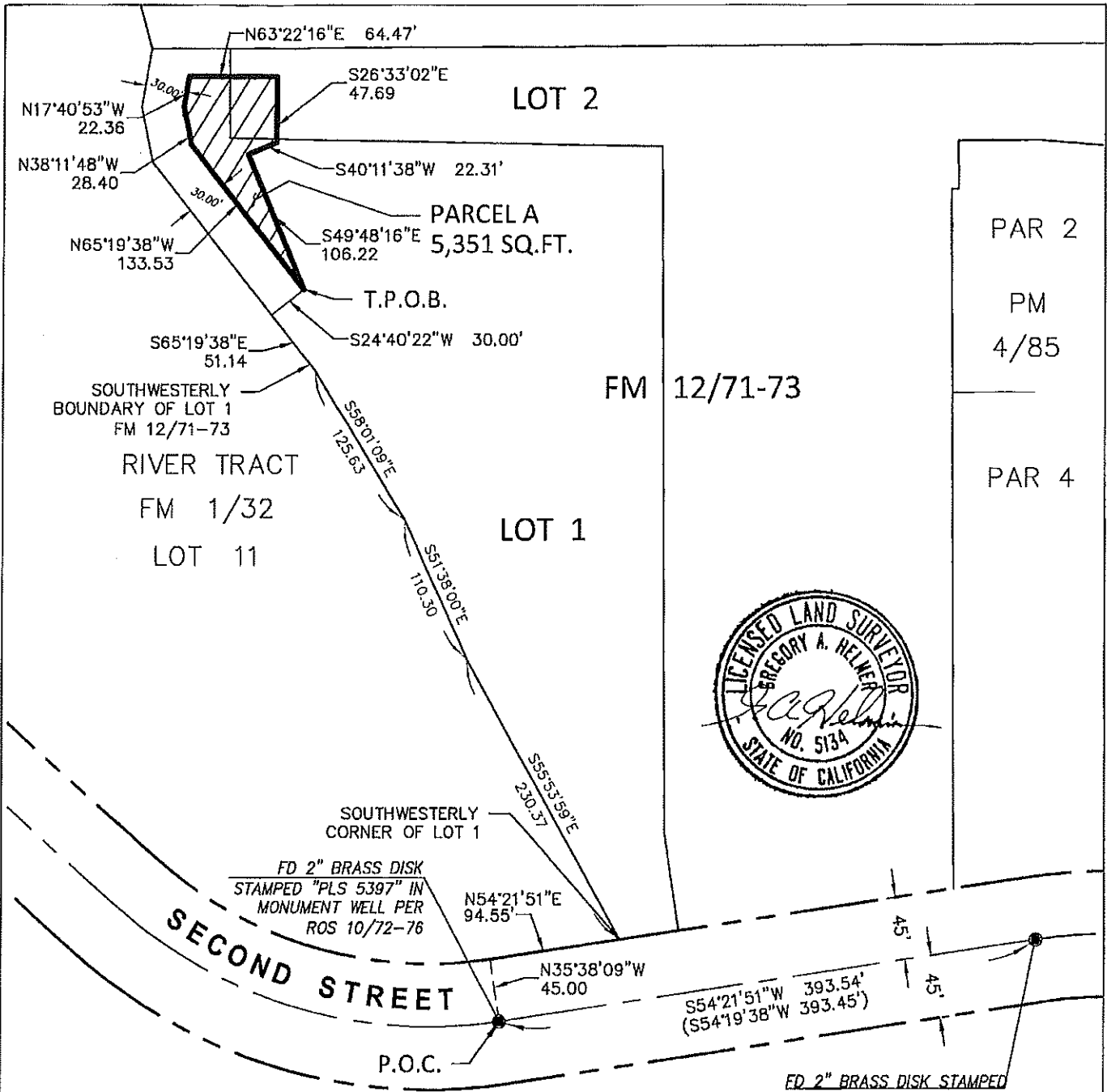
Gregory A. Helmer, PLS 5134

10/27/2017


Date

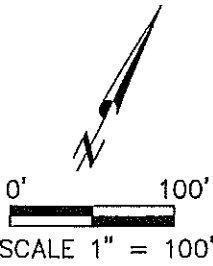


EXHIBIT B
DEPICTION OF THE EASEMENT



LEGEND

-  INDICATES EASEMENT PARCEL "A" CONTAINING 5,351 SQ. FT. (0.122 AC.)
- P.O.C. INDICATES POINT OF COMMENCEMENT
- T.P.O.B. INDICATES TRUE POINT OF BEGINNING
- () INDICATES RECORD INFORMATION PER ROS 10/72-76



FD 2" BRASS DISK STAMPED "PLS 5397" IN MONUMENT WELL PER ROS 10/72-76

PSOMAS	
401 B Street, Suite 1600 San Diego, California 92101 619/451-2600 619/261-2382 (Fax)	
SHEET 1 OF 1	
SCALE	1"=100'
DRAFTED	JRN
CHECKED	GAH
DATE	10/27/2017
JOB NUMBER	5PER030207

EXHIBIT "B"

PARCEL "A"
SEWER EASEMENT OVER PORTIONS OF
LOT 1 & 2 OF FINAL MAP BOOK 12, PAGES 71-73

CITY OF CALEXICO COUNTY OF IMPERIAL STATE OF CALIFORNIA

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: **LOO ARELLANO & LOO, a California Partnership ("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: _____

Its: _____