



Agenda Item: 2

Date: March 8, 2010

Subject: Resolution No. 10-08 Accepting Grant of Easement and Right of Way for 2845 Fulton Avenue

Staff Contact: Dave Jones, Associate Engineer

Recommended Board Action:

Adopt Resolution No. 10-08, accepting Grant of Easement and Right of Way for 2845 Fulton Avenue.

Discussion:

The design of new water mains for the Park Hills Main Replacement Project has necessitated the acquisition of a pipeline easement. The District has received a Grant of Easement and Right of Way for the future facilities located at 2845 Fulton Avenue. The property at 2845 Fulton Avenue is a commercial property owned by Timothy Lohrey and the Katie Lohrey Trust which owns half ownership of a private road known as El Sutton Way on the south side of their property. See Exhibit 1 included in this report for a map of the easement.

The easement allows for a 10 foot wide area for construction and maintenance of the new water system facilities (12" water main and water meters). When combined with the 10 foot easement granted to the District by the adjacent property owner at 2813 Fulton Avenue, the District will have a 20 foot wide easement for construction and maintenance of the proposed water facilities.

Fiscal Impact:

No fiscal impact of accepting the easement. Minor costs are anticipated for restoration of the existing roadway will be incurred as part of project construction.

Strategic Plan Alignment:

Facilities and Operations – 2.B. Monitor and improve the District's efficiencies in operating and maintaining system infrastructure.

The proposed easement allows the District the right to access the new water main and facilities for maintenance of the infrastructure and operation of the system.

RESOLUTION NO. 10-08

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SACRAMENTO SUBURBAN WATER DISTRICT
ACCEPT GRANT OF EASEMENT AND RIGHT OF WAY
FOR 2845 FULTON AVENUE**

WHEREAS, the below named Grantor, the owner of record of certain real property has conveyed to Sacramento Suburban Water District, a political subdivision of the State of California, the real property of interest therein which is more particularly described in the following instrument of conveyance:

GRANTOR: TIMOTHY PAUL LOHREY AND TIMOTHY PAUL LOHREY, TRUSTEE
 OF THE KATIE MARIE LOHREY TRUST CREATED UNDER BONNIE
 J. TRUST

INSTRUMENT: GRANT OF EASEMENT AND RIGHT OF WAY

EXECUTED AND DATED: MARCH 1, 2010

AND WHEREAS, it has been duly determined by the Board of Directors of Sacramento Suburban Water District that it is in the public interest for the District to acquire and accept the said real property or interest therein.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Directors of the Sacramento Suburban Water District as follows:

1. The District General Manager be and is hereby authorized and empowered to consent to and accept on behalf of the District, as presented to the Board of Directors on March 15, 2010, the real property or interest therein conveyed by the aforementioned instrument of conveyance.

2. The property subject to this resolution is more fully described in the attached legal description and map, attached hereto and incorporated herein as though fully set forth.

PASSED AND ADOPTED by the Board of Directors of the Sacramento Suburban Water District on this 15th day of March, 2010 by the following vote:

AYES:
NOES:
ABSENT:

By: _____
Thomas C. Fellenz
President, Board of Directors
Sacramento Suburban Water District

I hereby certify that the foregoing resolution was duly and regularly adopted and passed by the Board of Directors of Sacramento Suburban Water District at a regular meeting hereof held on the 15th day of March, 2010.

By: _____
Robert S. Roscoe
General Manager/Secretary
Sacramento Suburban Water District

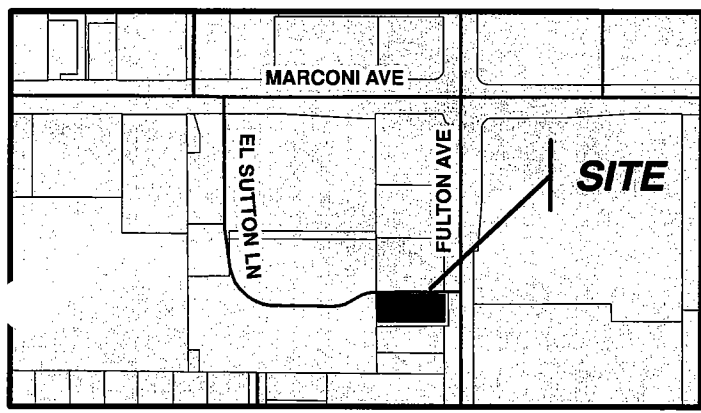
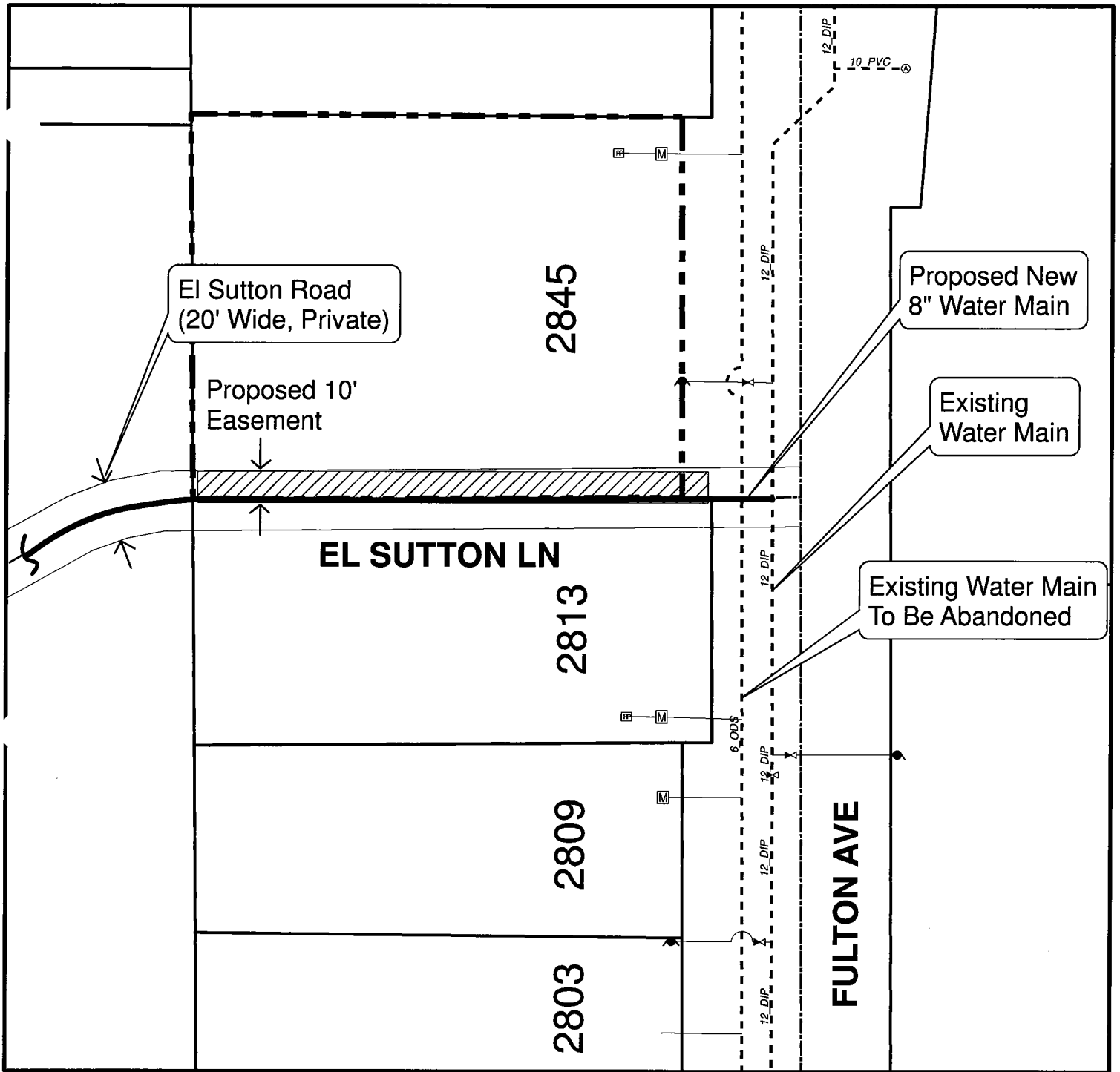
CERTIFICATE OF ACCEPTANCE

This is to certify that SACRAMENTO SUBURBAN WATER DISTRICT, a political subdivision of the State of California, acting by and through its General Manager, hereby accepts for public purposes the real property, or interest therein, conveyed by the within document and consents to the recordation thereof pursuant to authority conferred by:

Resolution No. 10-08 adopted on the 15th day of March, 2010.

By: _____
Robert S. Roscoe
General Manager/Secretary
Sacramento Suburban Water District

Dated: March 15, 2010



Location Map

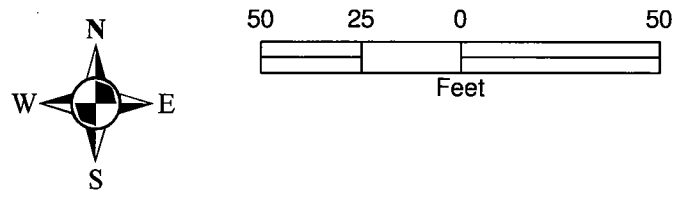


Exhibit 1

**Proposed 10' Easement at
2845 Fulton Avenue**



Base Data: Sacramento County Gis Base Map
 Projection: CA State Plane 2, NAD83
 Scale: Relative
 Prepared by: D.A.V. SSWD
 Sacramento, CA - February 26, 2010
 Fulton_2845.mxd

Recording Requested By, And When
Recorded, Please Mail Document To:

SACRAMENTO SUBURBAN WATER DISTRICT
Attn: General Manager
3701 MARCONI AVENUE, SUITE 100
SACRAMENTO, CA 95918

Official Document, Exempt from Recording
Fees Pursuant to Gov't Code §§ 6103 & 27383

No Document Transfer Tax
Per R&T Code § 11922

Assessor's Parcel No(s): 268-0180-014

— This Space for Recorder's Use Only —

GRANT OF EASEMENT AND RIGHT OF WAY

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **TIMOTHY PAUL LOHREY, AS TO AN UNDIVIDED 50% INTEREST AND TIMOTHY PAUL LOHREY, TRUSTEE OF THE KATIE MARIE LOHREY TRUST CREATED UNDER BONNIE J. LOHREY TRUST DATED AUGUST 7, 2000, AS TO AN UNDIVIDED 50% INTEREST**, as tenants in common, Grantor, hereby grants to **Sacramento Suburban Water District**, a political subdivision of the State of California, Grantee, a permanent easement and right of way, including the perpetual right to enter upon the real property described below at any time that Grantee may deem necessary, to locate, construct, install, operate, maintain, repair, modify, replace and remove underground pipelines, water mains and all necessary below- and above-ground appurtenances for the purpose of conveying water over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches or trenches for the location of said pipelines, water mains and appurtenances, and the further right to remove trees, bushes, undergrowth, ground covering, pavement, and any other obstructions interfering with the location, construction, installation, operation, maintenance, repair, modification, replacement and removal of said pipelines, water mains and appurtenances.

The land burdened by this Grant of Easement and Right of Way is located in the County of Sacramento, State of California, and is more particularly described as follows:

See Exhibits 'A' and 'B'
attached to and made a part of this Grant of Easement and Right of Way

As a condition of this Grant of Easement and Right of Way, Grantor reserves the right to use such land for purposes that will not interfere with Grantee's full enjoyment of the rights hereby granted; provided that Grantor shall not erect or construct any building, wall, fence, or other permanent structure, or drill or operate any well, or construct any reservoir or any other obstruction on said land, or to diminish or substantially add to the ground cover lying over the easement and right-of-way granted herein.

The provisions of this Grant of Easement shall run with the land and inure to the benefit of and bind the heirs, successors, and assigns of the Grantor and Grantee.

Executed this 3 day of 1, 20 .

Signature: 

Signature: 

By: TIM LOHREY

By: TIM LOHREY

Title: owner

Title: TRUSTEE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

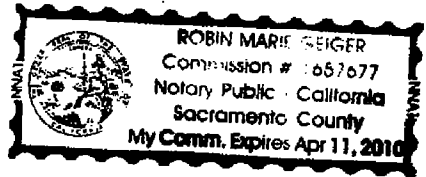
STATE OF California
 COUNTY OF Sacramento
 On 3/1/2010 before me, Robin Marie Geiger, Notary Public
date name of notary officer
 personally appeared Timothy Paul Lorey
name(s) of signor(s)

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,

Robin Marie Geiger
 Signature of Notary



OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- INDIVIDUAL
 CORPORATE OFFICER(S)

Title(s)

- PARTNER(S) LIMITED
 GENERAL
 ATTORNEY-IN-FACT
 TRUSTEE(S)
 GUARDIAN/CONSERVATOR
 OTHER:

SIGNER IS REPRESENTING:
 Name of Person(s) or entity(ies)

OPTIONAL SECTION:

DATA REQUESTED HERE IS NOT REQUIRED BY LAW.

TITLE OR TYPE OF DOCUMENT: Case note #
 NUMBER OF PAGES 4 DATE 3/1/2010
 SIGNER(S) OTHER THAN NAMED ABOVE _____

EXHIBIT 'A'
10 Foot Wide Access and Water Pipeline Easement
APN: 268-0180-014

The South 10.00 of the property described in the Grant Deed filed in Book 20031006 of Official Records of Sacramento County, at Page 2158.

EXCEPTING THEREFROM all that portion lying within the existing public right of way of Fulton Avenue, a public avenue.

Said Grant Deed being described as follows:

The East 208.71 feet of Lot 163 as shown on the "Map of Del Paso Park View Tract No. 2", filed in Book 14 of Maps, Map No. 33 (14 BM 33), Sacramento County Records.

Said East 208.71 feet being measured from the centerline of Fulton Avenue, a 60 foot public avenue, as shown on said 14 BM 33.

EXCEPTING THEREFROM the North 338.71 feet of said Lot 163; said North 338.71 feet being measured from the centerline of Marconi Avenue, a 60 foot public avenue, as shown on said 14 BM 33.

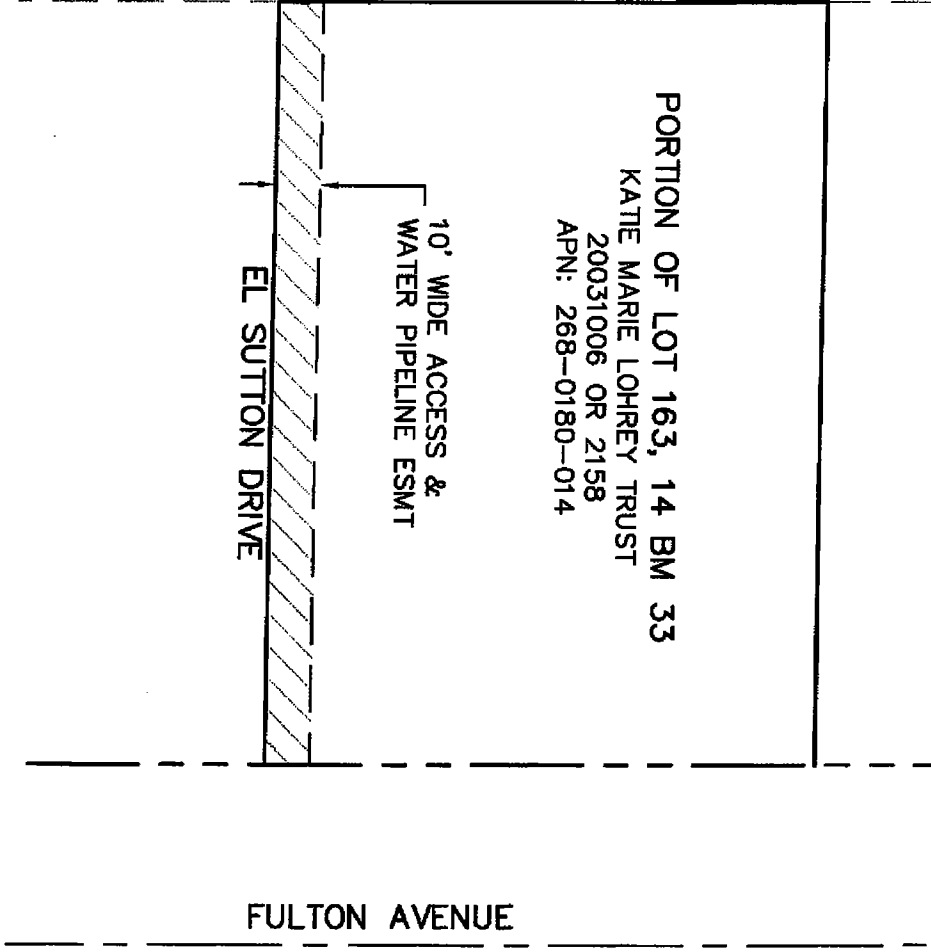
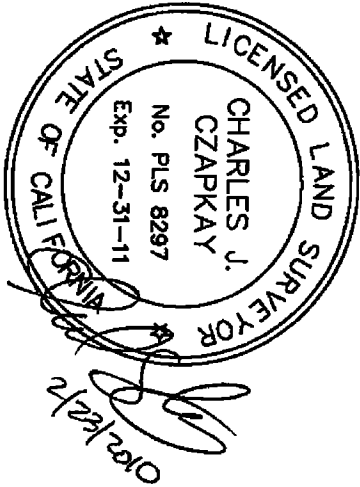
ALSO EXCEPTING THEREFROM the South 197.29 feet of said Lot 163.

The Developer shall have the right to require the District to abandon the above-described easement and to relocate the existing water facilities to accommodate future development of the burdened property, subject to Developer's granting of a replacement easement in a location acceptable to the District and relocation of the water facilities to the replacement easement at the Developer's sole expense and in compliance with all then-applicable District standards and technical specifications.

End description.



NORTH
AREA WEST ENGINEERS, INC.



AREA

WEST ENGINEERS, INC.
 7478 SANDALWOOD DRIVE, SUITE 400
 CITRUS HEIGHTS, CA 95621
 (916) 725-5551 - FAX (916) 725-5808
 CIVIL ENGINEERING - PLANNING - SURVEYING

EXHIBIT 'B'
 10' WIDE ACCESS & WATER PIPELINE EASEMENT
 2845 FULTON AVENUE
 APN: 268-0180-014
 COUNTY OF SACRAMENTO
 STATE OF CALIFORNIA

SCALE		08005
HORIZ.:	1" = 40'	
VERT.:	NONE	1 of 1
DATE:	MARCH, 2010	