



BOARD MEETING AGENDA SUBMITTAL

TO: GCSB Board of Directors

FROM: Peter Kampa, General Manager

DATE: July 12, 2022

SUBJECT: Agenda Item 7A: Adoption of a Resolution Delegating Authority to Approve Temporary Encroachment Permits

RECOMMENDED ACTION:

Staff recommends the following action:

I Move to adopt Resolution 30-2022 Delegating Authority to Approve Temporary Encroachment Permits

BACKGROUND:

The district is in the process planning and constructing major underground infrastructure projects. Many of the sewer lines being replaced and rehabilitated as part of the sewer collection system project are located on and/or adjacent to private property. In many cases these utilities are located in very narrow district easements or public utility easements, between 8 and 20 feet in width. The minimum width in which the contractor can typically safely complete excavation and utility replacement is 20 to 30 feet. Therefore, in cases where we must get a backhoe, dump truck and materials onto private property, we may need both temporary access rights as well as more room along the permanent easement for this temporary construction work.

In addition, we have identified locations where having a temporary easement “strip” for a more convenient temporary access route or material staging area will cause much less property damage. In some cases, we may not have access at all for construction and a permanent or temporary easement is needed. This agenda item is being proposed to provide flexibility for the general manager to negotiate temporary and permanent access and obtain easement rights across private property to safely and efficiently complete the sewer system rehabilitation project. Our current policy requires board action prior to acceptance of an easement and this resolution will authorize the general manager to execute said easement deeds, bringing them to the board for ratification at the following meeting.

Included with this item are example documents to be used in acquiring the easements.

ATTACHMENTS:

1. Resolution 23-2022
2. Example Temporary Easement Deed
3. Example Permanent Easement Deed

RESOLUTION 30-2022

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE GROVELAND
COMMUNITY SERVICES DISTRICT APPROVING DELEGATING AUTHORITY TO
APPROVE TEMPORARY ENCROACHMENT PERMITS**

WHEREAS, Groveland Community Services District (“District”) from time to time is requested to acquire or grant temporary encroachment permits and temporary entry permits (collectively referred to as “Temporary Permit”) to allow for ingress/egress to property and/or performance of work by the District or third parties within the District; and

WHEREAS, Temporary Permits are administrative in nature, though the District’s Board of Directors (the “Board”) are generally required to approve said permits; and

WHEREAS, the Board desires to delegate authority to the General Manager, or his designee, to acquire or grant Temporary Permits subject to the recommendation of the District Engineer and District Counsel to avoid the necessity and delay of a District Board meeting to approve the Temporary Permits; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF GROVELAND COMMUNITY SERVICES DISTRICT that it delegates to the General Manager, or his designee the authority to acquire or grant Temporary Permits with a duration not to exceed one year, subject to the recommendation of the District Engineer and District Counsel.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF GROVELAND
COMMUNITY SERVICES DISTRICT** this 12th day of July 2022 by the following vote:

AYES:

NOES:

ABSENT:

APPROVE:

By: _____
Spencer Edwards, Board President

ATTEST:

By: _____
Rachel Pearlman, Board Secretary

CERTIFICATE OF SECRETARY

I, Rachel Pearlman, the duly appointed and acting Secretary of the Board of Directors of the Groveland Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Groveland Community Services District, duly called and held on July 12, 2022.

DATED: _____

<p>RECORDING REQUESTED BY, AND WHEN RECORDED MAIL TO:</p> <p>GROVELAND COMMUNITY SERVICES DISTRICT 18966 FERRETTI ROAD GROVELAND, CA 95321</p>	
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SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary Transfer Tax not applicable.
Public agency is Grantee.

Secretary, Groveland Community Services District

EASEMENT DEED
(temporary construction easement)

_____ (“**Grantor**”) grants to GROVELAND COMMUNITY SERVICES DISTRICT, a political subdivision of the State of California (“**Grantee**”), the temporary, non-exclusive, right to provide for construction of the Facilities (described below) utilizing the Easement Strip (described below), and to enter upon and ingress to and egress from, with personnel (including Grantee’s officers, employees, agents, and contractors), vehicles, equipment, and material, over and across the lands of Grantor situated in the unincorporated community of _____ [*insert name of community, e.g., Big Oak Flat, Groveland, Pine Mountain Lake, etc.*], in the County of Tuolumne, State of California described as follows:

_____ [*insert address of Grantor’s land burdened by the easement*], and more particularly described in Exhibit “A”, attached hereto and incorporated herein by this reference (“**Servient Tenement**”).

The “**Facilities**” will consist of one or more underground pipes with suitable service pipes, vents, connections, valves, meters, support structures, covers, and other appurtenant items, located within existing easements, as Grantee deems necessary or convenient for the conveyance of influent or sewage or related waste.

The "*Easement Strip*" needed for construction of the *Facilities* is described in Exhibit "B", attached hereto and incorporated herein by this reference. Permitted uses within the Easement Strip include, but are not limited to, access to the Facilities, operating, staging and storing equipment, materials, and vehicles.

The land and improvements within the Easement Strip will upon completion of construction of the Facilities on the Property be returned to a condition as good or better than prior to construction.

The temporary easement rights herein granted will commence on _____, 20__ and will terminate upon the recordation by Grantee of a "*Notice of Completion*" in the Official Records of the County of Tuolumne, State of California stating that construction of the Facilities has been completed.

GRANTOR

By: _____
Name:

By: _____
Name:

[INSERT NOTARY ACKNOWLEDGEMENT(S)]

EXHIBIT "A"
LEGAL DESCRIPTION OF SERVIENT TENEMENT

EXHIBIT "B"
LEGAL DESCRIPTION OF EASEMENT STRIP

<p>RECORDING REQUESTED BY, AND WHEN RECORDED MAIL TO:</p> <p>GROVELAND COMMUNITY SERVICES DISTRICT 18966 FERRETTI ROAD GROVELAND, CA 95321</p>	
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SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary Transfer Tax not applicable.
Public agency is Grantee.

Secretary, Groveland Community Services District

EASEMENT DEED
(permanent utility easement)

_____ (“**Grantor**”) grants to GROVELAND COMMUNITY SERVICES DISTRICT, a political subdivision of the State of California (“**Grantee**”), the right from time to time to reconstruct, repair, inspect, maintain, replace, improve, remove, and use the Facilities (described below), together with a right-of-way for them, within the Easement (described below), and also to enter upon and ingress to and egress from, with personnel (including Grantee’s officers, employees, agents, and contractors), vehicles, equipment, and material, over, under and across the lands of Grantor situated in the unincorporated community of _____ [*insert name of community, e.g., Big Oak Flat, Groveland, Pine Mountain Lake, etc.*], in the County of Tuolumne, State of California described as follows:

_____ [*insert address of Grantor’s land burdened by the easement*], and more particularly described in Exhibit “A”, attached hereto and incorporated herein by this reference (“**Servient Tenement**”).

The “**Facilities**” will consist of one or more underground pipes with suitable service pipes, vents, connections, valves, meters, support structures, covers, and other appurtenant items as Grantee deems necessary or convenient for the conveyance of influent or sewage or related waste located within the strip of land described in Exhibit “B”, attached hereto and incorporated herein by this reference (“**Easement**”). Permitted

uses within the Easement also include, but are not limited to, temporarily staging and storing equipment, materials, and vehicles.

Grantor further grants Grantee the right from time to time to: (i) trim or cut down and clear away any and all trees and brush and other vegetation, the roots or other parts of which now or hereafter are within the Easement, and (ii) remove any structure or thing within the Easement, which in the reasonable opinion of Grantee may be a hazard to, or may detrimentally affect, the Facilities.

Grantor will not within the Easement: (i) erect or construct any building, fence, deck, patio, pool, or other structure or improvement (whether permanently attached to the land or otherwise), or (ii) drill or dig beyond a depth of twelve inches (12”), or (iii) plant any tree.

The easement and other rights granted in this Easement Deed are perpetual. The provisions of this Easement Deed constitute covenants running with the land comprising the Servient Tenement and will inure to the benefit of and bind the successors and assigns of the respective parties.

GRANTOR

By: _____
Name:

By: _____
Name:

[INSERT NOTARY ACKNOWLEDGEMENT(S)]

EXHIBIT "A"
LEGAL DESCRIPTION OF SERVIENT TENEMENT

EXHIBIT "B"
LEGAL DESCRIPTION AND MAP OF EASEMENT