



## **BOARD MEETING AGENDA SUBMITTAL**

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**TO:** GCSO Board of Directors

**FROM:** Peter Kampa, General Manager

**DATE:** May 14, 2024

**SUBJECT: Agenda Item 6F: Discussion and Board Direction on Policy  
Regarding Public Access to District Owned Easements**

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### **RECOMMENDED ACTION:**

Staff request that the board provide direction regarding clarification and potential modification of existing easement policies as follows:

*I move to direct staff to prepare an updated easement policy that clarifies the process for members of the public to access district owned properties and easements.*

### **BACKGROUND:**

When the sewer system serving the Pine Mountain Lake development was being constructed, property owners were granting easements across their property for the district to construct, operate, maintain, and access its public sewer facilities. This is the case for location along Big Creek on Pine Mountain Lake, where an easement was dedicated across the back of twenty parcels of land, terminating at GCSO lift station 15 as shown in the attached image. In construction of the sewer and lift station, it was necessary to develop an access road to the lift station and then ultimately for construction of the sewer line. To maintain access to the lift station, the district has kept this access road in serviceable condition.

At some point in history, a property owner located near lift station 15, constructed their primary access and driveway originating from this sewer access road. There is no information in the board record or property files relating to how, from whom, or if this property owner was granted access to their property over the district's sewer easement. In 1972, the district adopted Resolution 14-72, attached, which conveyed a general policy statement related to the use of easements for construction and access, fencing and allowing the use of the easement by property owners adjacent to pump stations. The policy was not specific to an individual location or property, and the board meeting minutes for the meeting in which resolution 14-72 was adopted also referred to easement access in general and did not speak to particular parcels.

Normally, when an easement is granted and the property owner wishes to reserve the right to access the area granted to the district, the conveyance document, such as a grant deed, would include appropriate language to allow the access to occur. However, no such language was included in any of the grant deeds dedicating the sewer easement to the district. A gate was installed at the entrance to the sewer easement, presumably when the

lift station was constructed. There are currently four locks hooked Daisy chained to allow access to the easement by the district, Pine Mountain Lake staff, PG&E, and the property owner with the driveway near lift station 15.

The district recently received a request from a property owner for the potential to install a driveway originating from the district owned sewer access easement. The district responded that it did not have the legal right to grant access from the sewer easement. The property owner then approached the PML homeowners association with the same request. PML then sent the attached clarifying letter to the property owners along the easement and established a meeting date to discuss. This meeting was subsequently cancelled and a new meeting date of April 25, 2024, established. The District will not be participating in the meeting, under advice of legal counsel, as it does not have the ability to grant others access to the easement.

We were also made aware that the combination had been changed on the privately owned gate lock. This resulted in phone calls to our office wondering why property owners were being locked off the easement access road. The prior lock combination was routinely provided to real estate agents, contractors, and property owners along the easement. It is unknown who provided the combination to those entering the easement.

It is apparent that district resolution 14-72 is creating confusion regarding property owners' ability to use the easement to access their property. Because this easement is dedicated to the district exclusively for the purpose of construction, maintenance, and operation of the sewer system and lift station, the district has no authority to grant others the ability to use the easement.

The district has easement policies prescribing when easements are necessary, the process for their acquisition and the ability of others to access District owned property by easement or encroachment permit. Staff is recommending that our existing easement policies be amended to include the relevant policy statements contained in Resolution 14-72, and the provisions for public access clarified as they relate to property owner access on pump station roads. Specifically, for access needs unrelated to the sewer system, the District cannot grant legal right to cross the property of others. Once our policy is amended, resolution 14-72 can be rescinded.

**ATTACHMENTS:**

- Google Earth Image of the Lift Station 15 Access Easement area
- District Resolution 14-72
- PML Letter Regarding Sewer Easement



**Sewer Lift Station,  
End Road**

**Easement Road  
Alignment with sewer  
to Lift Station**

**Begin Easement Road**

RESOLUTION NO. 14 -72

A RESOLUTION OF THE GROVELAND COMMUNITY SERVICES DISTRICT EXPRESSING THE POLICY OF SAID DISTRICT  
RE: SEWER PIPELINE EASEMENTS.

WHEREAS, the GROVELAND COMMUNITY SERVICES DISTRICT is installing or acquiring sanitary sewer collection and treatment systems within portions of said District; and

WHEREAS, it becomes necessary from time to time to acquire easements in real property for sewer pipeline purposes; and

WHEREAS, it is desirable that property owners be informed of district policy with regard to sewer construction;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Groveland Community Services District as follows:

1. The plans and specifications for sewer pipeline construction will provide:

A. That the property utilized will be returned, insofar as it is reasonably possible, to its original condition after construction.

B. The contractor will be required to have public liability and property damage insurance to protect property owners.

2. The District will not, save in an exceptional situation to avoid a dangerous condition, fence along pipeline easements.

3. Owners of lots adjacent to pump stations will be allowed to use pump station access roads for ingress and egress to their lots, but no parking will be allowed on pump station access roads.

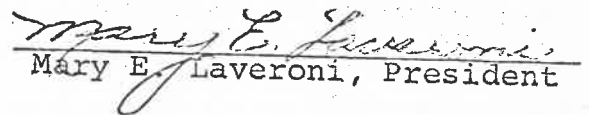
4. Pump stations will normally be fenced by the District.
5. In the event a temporary working easement is acquired, it shall be quitclaimed to the property owner after construction is completed and accepted.

PASSED AND ADOPTED November 14, 1972 by the following vote:


AYES: Directors: Cassaretto, Dickens, Mitchell and  
President Laveroni

NOES: Directors: None

ABSENT: Directors: Harris

  
Mary E. Laveroni, President

ATTEST:

  
Lois Rae Nelson, Secretary

*PINE MOUNTAIN LAKE  
ASSOCIATION*



March 27, 2024

Owners of PML Unit No. 4, Lots 124 to 139 and  
Unit 13, Lots 275 to 279  
Pine Mountain Lake Association

Re: Pine Mountain Lake Association  
Unit No. 4, Lot 129,

Dear Members,

The purpose of this letter is to notify you of an issue that has arisen regarding the unpaved road that traverses your Lot and an upcoming meeting facilitated by the Association to address that issue. The Association has been approached by one of your neighbors requesting access to the unpaved road in order to use it as the primary entrance to a new driveway they wish to construct on their Lot. The Association will be facilitating the following meeting to discuss the effected Lot owners' property rights and you are encouraged to attend:

Date: April 27, 2024  
Time: 10:00 am to 12:00 pm  
Location: PML Lake Lodge  
20270 Pine Mountain Drive  
Groveland, CA 95321

Below is some background and information on the road and issue that will be discussed at the meeting.

**A. Creation of and Rights to Use Easement Road**

The road at issue is an unpaved road constructed on or around 1975 for the Groveland Community Services District (the "GCSD") to access its "lift station" (the "Road"). The Road was constructed atop the GCSD's sewer laterals between Pine Mountain Drive and the lift station. The Road passes over individually owned Lots (i.e., Unit No. 4/Lots 124 to 139, and Unit 13/Lots 275 to 279, inclusive). No part of the Road is on or traverses Association property other than the apron where the Road intersects with the Association's common area road, Pine Mountain Drive.

It is the Association's understanding that in the 1970s, prior to constructing the Easement Road, GCSD entered into individual easement agreements with the owners of

each Lot over which the Road now traverses and recorded grant deeds giving GCSD the right to construct and use the Road for the limited purpose of "ingress and egress and for sewer purposes...". (See, Grant Deed, Volume 395, page 684 in the official records of Tuolumne County, recorded October 18, 1973.) GCSD's easement over the Lots was granted by each individual Lot owner, and not the Association. The Association is unaware of any document granting easement rights over the entire Easement Road to all of the servient Lot owners or to the Association's membership generally.

### **B. Application for Second Driveway**

The owners of one of the servient Lots, has informed the Association that they desire to use the Road to access a proposed second driveway they wish to build on the lake side of their Lot. They intend to use the Road and proposed second driveway as their primary access route rather than the existing driveway off of Pine Mountain Drive. Again, the Road was created by GCSD pursuant to individual easement agreements with the servient Lot owners, and is not Association property; therefore, the Association is not in a position to grant easement rights over your Lot. The Association is unable to move forward with the owners' application to construct a second driveway until the issue of their right to use the Road is resolved.

### **C. Access Through Gate to Use Road**

These same owners have also asked for access to the gate at the foot of the Road. As explained above, since the Road is not on Association property, but rather exists pursuant to an easement agreement with almost two dozen individual Lot owners, the Association is not in a position to deny or grant permission to use the Road. While the Association has an easement right over the lakefront Lots for the purpose of maintaining the lake, it does not control others' access through the gate. (CC&Rs Art. 10, Sec. 3.) As such, the Association does not control the locks on the gate and they presumably belong to individuals and/or entities who have easement rights over the effected Lots such as the GCSD and PG&E.

The Association is hoping that by facilitating a meeting among the effected owners, these issues can be addressed and resolved efficiently and amicably. Note that the Association's role in this meeting is only one of facilitator and it is not advocating on behalf of the applicants or the effected Lot owners.

Very truly yours,



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Joseph M. Powell PCAM, CCAM-LS, CMCA, AMS  
General Manager