



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Kim Walesh

SUBJECT: SEE BELOW

DATE: April 23, 2012

Approved

Date

5/1/12

COUNCIL DISTRICT: 4

SUBJECT: APPROVING AN EASEMENT AGREEMENT CONVEYING A PERMANENT EASEMENT TO HARJINDER & BALWINDER MUNDH FOR STORM DRAIN INSTALLATION, AND AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE THE EASEMENT AGREEMENT AND ALL DOCUMENTS NECESSARY TO CONVEY THE EASEMENT AND COMPLETE THE TRANSACTION

RECOMMENDATION

- a) Adopt a resolution to authorize the City Manager or her designee to execute the storm drain easement agreement with Harjinder & Balwinder Mundh for the installation and usage of a storm drain on the site of Fire Station No. 19 together with all other documents needed to conclude the transaction.

OUTCOME

Adoption of this resolution will allow the grant of an easement of approximately 4,638 square feet over a portion of City-owned property located at 3292 Sierra Road, the site of the new Fire Station 19, (APN 591-14-053), to Harjinder & Balwinder Mundh for a consideration of \$11,595.

BACKGROUND

The City acquired the property at 3292 Sierra Road in anticipation of constructing the new Fire Station 19. Plans for the new fire station were approved in 2008 and grading began on the site in September 2008. Construction was completed in 2010 and fire station operations began on November 16, 2010.

As a part of the development of the site, the design team anticipated the future need of the adjacent property owner to access the site in order to provide storm water drainage and overland

April 23, 2012

Subject: Conveyance of Permanent Easement to ABC Animal Clinic for Installation of Storm Drain

Page 2

storm water release. The adjacent property is uphill from Fire Station 19 and therefore the most reasonable option is to allow the release of storm water through the Fire Station 19 site. During the construction of the fire station the storm water drainage system (both above and below grade) is oversized in order to meet the current site's requirements and also the anticipated future needs of the adjacent property owner.

The adjacent property owner has applied for a site development permit to construct a new 4,525 square foot animal clinic on the 0.63 acre site. Prior to the City's issuance of an occupancy permit, the property owner must obtain a private storm drainage easement and an overland storm water release easement from the City as owner of the adjacent Fire Station No. 19. The Planning Department encouraged the property owner to coordinate this process with the Real Estate Division in order to obtain the necessary property rights to extend the current underground drainage system and to be able to use the overland storm water release system if ever needed. Completion of the improvements for the ABC Animal Clinic is expected to occur in the late spring of 2012.

ANALYSIS

The owner of 1265 Piedmont Road (Assessor Parcel No. 591-14-054) which is adjacent to the new Fire Station 19 is going through the site development permit process in order to build an animal care clinic ("ABC Animal Clinic"). The new clinic will replace the one that is currently located at 1030 Piedmont Road. Due to the topography of the area, the owner will need to access an existing storm drain that runs through the Fire Station 19 site. In addition, the owner needs to utilize the existing above ground storm water release area that was constructed on the Fire Station 19 site in case the storm drain is ever clogged or cannot handle the water run off from a storm. In order for the adjacent property owner to access and use the current storm drain systems an easement must be granted from the City. During the development of Fire Station 19, staff was aware of the possible future need of the adjacent property to use the storm drain system.

The owner of ABC Animal Clinic has applied for a development permit to construct a 4,528 square foot building and one of the conditions of final approval is that they obtain an easement from the City in order to use the storm drain and overland release system that exists on the Fire Station 19 site. The existing storm drain pipeline on the fire station parcel terminates approximately four to five feet away from the boundary line of the adjacent parcel. Minor excavation on the Fire Station 19 site will be required in order to connect the ABC Animal Clinic's new storm drain line to the existing storm drain pipeline. The excavation, placement of the additional 5 feet of drainpipe, and restoration back to its original condition will not interfere with fire operations during the time of installation.

Fire Station 19 is "fully built out" and does not have any future plans to build any additional structures on the site. Staff considers this easement essential to complete the proposed project of the adjacent property owner and does not believe granting the proposed easement rights to Harjinder & Balwinder Mundh will adversely affect the operations of Fire Station No. 19. In addition, Harjinder & Balwinder Mundh has agreed to a one time payment of \$11,595 in

April 23, 2012

Subject: Conveyance of Permanent Easement to ABC Animal Clinic for Installation of Storm Drain

Page 3

exchange for the easement rights and has agreed to pay 5% of any ongoing maintenance costs that may be incurred for the storm water drainage system.

EVALUATION AND FOLLOW-UP

The execution and recordation of the easement agreement between the City and the adjacent property owner is anticipated to be completed within 30 days of approval by the City Council.

POLICY ALTERNATIVES

Alternative #1: Deny the easement agreement with the adjacent property owner.

Pros: By denying the easement agreement, the City would not share a common storm drain system with the adjacent property owner.

Cons: By accepting the easement agreement, the City will share a common storm drain system with the adjacent property owner and a proportionate sharing in the expenses to maintain the system.

Reason for not recommending: The above and below ground storm drain system was originally designed to handle the storm water runoff from the adjacent property owner and the Fire Station 19 site. Therefore, the granting of the easement will not affect the fire station operations on site and will allow the adjacent property owner to develop their property.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This action does not meet any of the above listed criteria; however it will be posted on the City's website for the May 15, 2012 Council agenda.

HONORABLE MAYOR AND CITY COUNCIL

April 23, 2012

Subject: Conveyance of Permanent Easement to ABC Animal Clinic for Installation of Storm Drain

Page 4

COORDINATION

This memorandum has been coordinated with the Fire Department, Public Works Department, the City Manager's Budget Office, and the City Attorney's Office.

COST SUMMARY/IMPLICATIONS

The net proceeds from the execution of the easement agreement (\$11,595) will be recognized in the General Fund. Currently, the 2011-2012 modified budget for the General Fund includes a \$1,500,000 revenue estimate for the sale of surplus property. The proceeds from this storm drain easement agreement will help meet the budgeted estimate.

CEQA

CEQA: Exempt File No. PP 00-02-023.

/s/

KIM WALESH
Director of Economic Development
Chief Strategist

For questions please contact Nanci Klein, Deputy Director at (408) 535-8184.

Attachments

EXHIBIT 4
AERIAL MAP

