CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of City Council
FROM:	Alex J. Lorca, Deputy City Attorney
MEETING DATE:	May 6, 2015
SUBJECT:	Grant of Easement at 1119 Piedmont Ave. for Sanitary Sewer Purposes
CEQA:	Does not Constitute a "Project" per California Environmental Quality Act (CEQA) Guidelines

RECOMMENDATION
Hold second reading and adopt an ordinance accepting a Grant of Easement from the owners of 1119 Piedmont Avenue to the City for sanitary sewer purposes.

DISCUSSION
On April 15, 2015 Council approved the first reading of the draft Ordinance. The ordinance authorizes the City to accept a Grant of Easement for the sewer main running under the property located at 1119 Piedmont Avenue.

A summary of the ordinance was published in accord with Council direction. After holding the public hearing, Council may approve or reject the second reading of the ordinance. Council may make substantive modifications to the draft measure, but may do so only after holding a further first reading.

ATTACHMENTS
1. Ordinance
2. Grant of Easement

RESPECTFULLY SUBMITTED,

Alex J. Lorca

Alex J. Lorca
Deputy City Attorney

REVIEWED BY,

Thomas Frutchey

Thomas Frutchey
City Manager

ORDINANCE NO. 15 -

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE ACCEPTING A GRANT OF EASEMENT FOR THE SANITARY SEWER LINE AT 1119 PIEDMONT AVENUE

WHEREAS, the City has long had a portion of its sanitary sewer line running under the property located at 1119 Piedmont Avenue (Property);

WHEREAS, during the recent sale of the home on the Property it was discovered no formal easement exists for the sewer line;

WHEREAS, the new owners of the Property have agreed to formally grant the City an easement on the Property for the City's sanitary sewer line;

WHEREAS, Article 15(g) of the Pacific Grove City Charter requires action by the City Council for the acquisition of any interest in real property be done by ordinance; and

WHEREAS, this Ordinance does not constitute a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated as though fully set forth herein.

SECTION 2. The City of Pacific Grove hereby accepts the Grant of Easement from the owners of the Property, Jeffrey M. Condit and Abigail J. Kehr.

SECTION 3. The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

SECTION 4. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 5. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in a newspaper of general circulation.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS ____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____
BILL KAMPE, Mayor

ATTEST:

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
DAVID C. LAREDO, City Attorney

U:\GENERAL (NEW)\City of Pacific Grove\Ordinances\Sewer and Stormwater\1119 Piedmont Ave. Easement\1119 Piedmont Ave - Grant of Easement Ordinance.doc

RECORDING REQUESTED BY
City of Pacific Grove

WHEN RECORDED MAIL TO:
City of Pacific Grove
300 Forest Ave.
Pacific Grove, CA 93950

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Exempt From Recording Fees Per Govt. Code Sec. 27383
Exempt From Documentary Transfer Tax Per Rev. & Tax. Code Sec. 11922

EASEMENT AGREEMENT

This Agreement (Agreement) is entered into on **[DATE]** by and between Jeffrey M. Condit and Abigail J. Kehr, hereafter referred to as "Grantors," and the City of Pacific Grove, a municipal corporation, hereafter referred to as "Grantee."

A. Grantors are the owner of certain real property situated in the City of Pacific Grove, California, hereafter referred to as the "Property," and more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference..

B. Grantee desires to acquire an easement over the Property for sanitary sewer purposes, and Grantors wish to grant such an easement pursuant to the terms of this Agreement.

GRANT OF EASEMENT

1. **Grant of Easement.** Jeffrey M. Condit and Abigail J. Kehr, as joint tenants, grant to the City of Pacific Grove an easement for the purpose of maintaining, repairing, replacing, or enlarging the sanitary sewer now existing in, under and across the Property as described and shown in Exhibit "B," attached hereto and incorporated herein by this reference.

2. **Term.** The easement granted herein shall be permanent and perpetual. However, Grantee agrees that in the event it shall abandon or cease to use said sanitary sewer or any portion thereof, that said easement, or such portion thereof as may be abandoned or no longer used, shall thereupon revert to the Grantors and the Grantee further agrees that in the event of such reversion it will execute and deliver to the Grantors, upon demand, a quit claim deed covering that parcel of land contained within the boundaries of the herein described easement or such portion thereof as may be abandoned or no longer used.

3. **Assignment**. This Agreement, including any interest in this Agreement, shall not be assigned without the prior written consent of the other party.

4. **Entire Agreement.** This Agreement constitutes the entire agreement between Grantors and Grantee relating to the above easement. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. Any amendment to this Agreement shall be of no force and effect unless it is in writing and signed by Grantors and Grantee.

5. **Binding Effect.** This Agreement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of Grantors and Grantee except as otherwise provided in this Agreement.

IN WITNESS WHEREOF, the parties have executed these presents this ____ day of _____, 2015.

Date: _____ _____
Abigail J. Kehr

Date: _____ _____
Jeffrey M. Condit

ACCEPTANCE OF GRANT OF EASEMENT

The GRANTEE, through its authorized representative, hereby accepts title to the conveyed property and accepts and agrees to all of the terms, conditions and restrictions, in the GRANT OF EASEMENT set forth above. Executed on behalf of GRANTEE this _____ day of _____, 2015, at Pacific Grove, California.

_____
Bill Kampe, Mayor
CITY OF PACIFIC GROVE

EXHIBIT "A"

Legal Description

For APN/Parcel ID(s): 007-585-006

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF PACIFIC GROVE, COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Lot 6, in Block 4, as shown on that certain Map entitled, "Map of Del Monte Park, in Pacific Grove, Monterey County, California", filed June 5, 1907 in Volume 2, Maps of "Cities and Towns", at Page 1, in the Office of the County Recorder of the County of Monterey, State of California.

Exhibit "B"

5' WIDE SANITARY SEWER EASEMENT

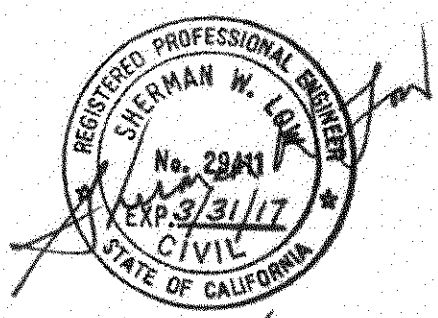
FOR

LOT 6, BLOCK 4, DEL MONTE PARK

PACIFIC GROVE, CALIFORNIA

Certain real property situate in Lot 6, Block 4, Del Monte Park in Pacific Grove, as said Lot and Block are shown on that certain map entitled "Map of Del Monte Park in Pacific Grove, Monterey County, Cal." filed in Volume 2, of Cities and Towns, at Page 1.

A 5' wide easement in Lot 6 for sanitary sewer purposes, lying 2.5' on each side of a line located parallel to and distant 5' north of the common property line of Lots 5 & 6.



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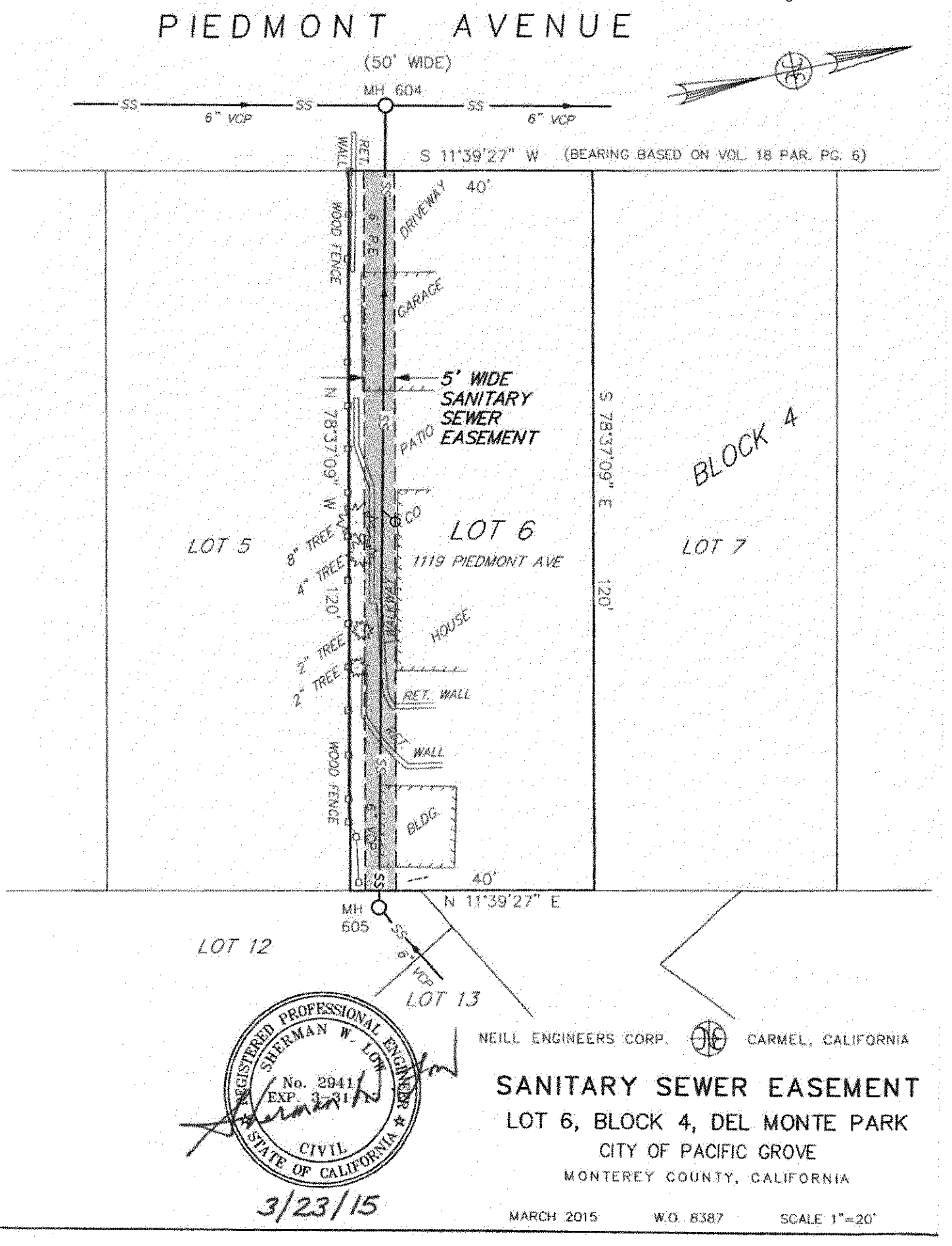

REGISTERED PROFESSIONAL ENGINEER
SHERMAN W. LOW
No. 29411
EXP. 3-31-15
CIVIL
STATE OF CALIFORNIA

3/23/15

NEILL ENGINEERS CORP. CARMEL, CALIFORNIA

SANITARY SEWER EASEMENT

LOT 6, BLOCK 4, DEL MONTE PARK

CITY OF PACIFIC GROVE

MONTEREY COUNTY, CALIFORNIA

MARCH 2015 W.O. 8387 SCALE 1"=20'

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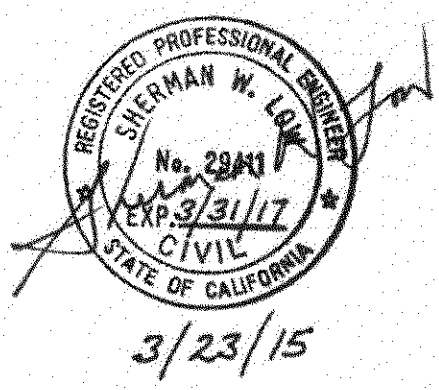

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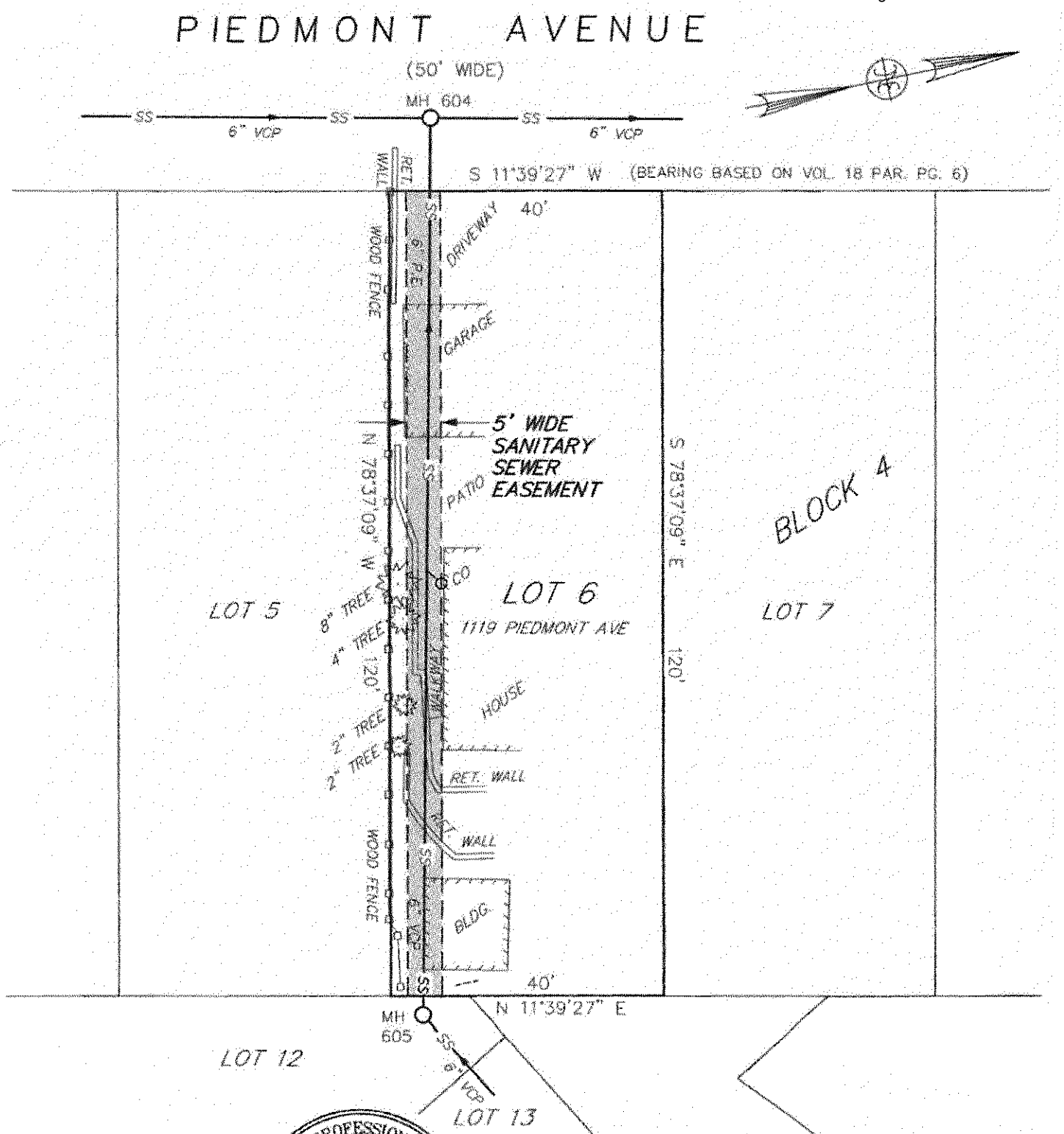

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