SWEETWATER SPRINGS WATER DISTRICT

TO: Board of Directors **AGENDA NO. III-E**

FROM: Steve Mack, General Manager

Meeting Date: March 1, 2012

SUBJECT: APPROVAL OF RESOLUTION 12-06 FOR MARINO EASEMENT

RECOMMENDED ACTION: Approve Resolution 12-06 which:
(1) accepts a revised easement from Gregory Marino for the Handy Andy line feed project, which was part of CIP IV-B, Project 1; and
(2) authorizes the General Manager to execute and cause to be recorded a quitclaim deed for the original easement and a certificate of acceptance for the new easement.

FISCAL IMPACT: none

DISCUSSION:

The Handy Andy line feed project, part of CIP IV-B, Project 1, and located between Highway 116 and Old Monte Rio Road west of Guerneville, required rerouting of the line through private property and these new routes required easements. Brelje and Race Engineers negotiated the easements associated with Resolutions 10-04, 10-05, and 10-06 with the owners of the properties in question:

- Resolution 10-04 authorized an easement through Mr. Osiride A. Fazzi's property,
- Resolution 10-05 authorized an easement through Mr. Gregory L. Marino's property, and
- Resolution 10-06 authorized an easement through Mr. and Mrs. Beyer's property.

These easements were approved by the Board at the March 4, 2010 meeting.

The easement through Mr. Marino's property needs to be revised as the alignment of the pipe was changed during construction. As part of this process, the District needs to quitclaim back to Mr. Marino his original easement and then accept the new easement. Resolution 12-06 authorizes these actions.

The District has paid for all costs associated with the easement and is making no payments to Mr. Marino for the new easement.

Resolution No. 12-06

A Resolution Of The Board Of Directors Of The Sweetwater Springs Water District Reconveying An Existing Waterline Easement, Accepting A New Waterline Easement And Authorizing The General Manager To Execute And Cause To Be Recorded A Quitclaim Deed And Certificate Of Acceptance

[Portions of Assessor's Parcel No. 072-211-034]

WHEREAS, the Sweetwater Springs Water District (District) accepted a grant of public utility easement from Mr. Gregory L. Marino over a portion of Assessor's Parcel No. 072-211-034 ("the Subject Property") on March 4, 2010, to allow installing, maintaining and repairing a water transmission line near the Handy Andy Booster pump site; and

WHEREAS, during construction it was realized that the location of the pipeline associated with this easement needed to be moved to a different location; and

WHEREAS, in order to acquire a new easement in a different location, the District needs to convey back to Mr. Marino the original easement and accept a new grant of easement which recognizes the correct location of the installed pipe; and

WHEREAS, Gregory L. Marino has approved and expressed his intention to execute a form of grant of public utility easement approved by District General Counsel for a public utility easement in the new location and for the same purposes as the original easement; and

WHEREAS, Mr. Marino has executed a grant of public utility easement in substantially the same form as approved by District General Counsel for purposes of installing, maintaining and repairing a water transmission line over the Subject Property; and

WHEREAS, the Board of Directors finds that it is desirable and necessary for the Sweetwater Springs Water District (the "District") to acquire a public utility easement for the purposes and in the location described herein;

NOW, THEREFORE BE IT RESOLVED by the District Board of Directors that the easement on portions of Assessor's Parcel No. 072-211-034 on March 4, 2010 be conveyed back to Mr. Marino through the execution and recordation of a quitclaim deed.

BE IT FURTHER RESOLVED by the District Board of Directors that a grant of a public utility easement, as described herein, is hereby accepted.

BE IT FURTHER RESOLVED that the General Manager is hereby authorized and directed to execute a Quitclaim Deed (form of deed attached as Exhibit "A") and to do all things necessary to finalize the transaction contemplated in said Quitclaim Deed on behalf of the District.

BE IT FURTHER RESOLVED that the General Manager is hereby authorized and directed to execute a Certificate of Acceptance (form of Certificate of Acceptance attached as Exhibit "B") and to do all things necessary to finalize the transaction contemplated in said grant of public utility easement on behalf of the District.

I hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted and passed by the Board of Directors of the SWEETWATER

SPRINGS WATER DISTRICT, Sonoma County, California, at a meeting held on March 1, 2012, by the following vote.

Director	**Aye**	**No**
Sukey Robb-Wilder	_____	_____
Jim Quigley	_____	_____
Rich Holmer	_____	_____
Gaylord Schaap	_____	_____
Victoria Wikle	_____	_____

_____
Sukey Robb-Wilder
President of the Board of Directors

_____
Attest: Julie A. Kenny
Clerk of the Board of Directors

Resolution 12-06, Exhibit B

CERTIFICATE OF ACCEPTANCE OF GRANT OF PUBLIC UTILITY EASEMENT
BY SWEETWATER SPRINGS WATER DISTRICT

Date of Grant of PUE: _January 6, 2012 APN: Portions of 072-211-034

Pursuant to the authorization and direction of the Board of Directors of the Sweetwater Springs Water District, expressed in Resolution 12-06, the Sweetwater Springs Water District does hereby accept that certain Grant of Public Utility Easement ("Grant of PUE") pertinent to portions of that real property identified as Assessor's Parcel Number 072-211-034, located on Highway 116, Guerneville, Sonoma County, California. The Grant of PUE was executed by Gregory L. Marino on January 6, 2012 (notarized signature). Sweetwater Springs Water District consents to the recordation of this Certificate of Acceptance of Grant of PUE by the Office of the County Recorder of the County of Sonoma, California.

March 1, 2012 SWEETWATER SPRINGS WATER DISTRICT

By: _____
Stephen Mack, General Manager

Attest:

_____
Julie Kenny, Secretary to Board of Directors

RECORDING REQUESTED BY
Sweetwater Springs Water District

When recorded mail to:
Sweetwater Springs Water District
P.O. Box 48
Guerneville, CA 95446-0048

Parcel No. 072-211-034 (a portion)
Tax Code Area: 93-044

QUITCLAIM DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S) Documentary Transfer Tax is $ None-Extinguishment of Easement

For valuable consideration, receipt of which is hereby acknowledged.

Sweetwater Springs Water District

does hereby remise, release and forever quitclaims to

Gregory L. Marino, an unmarried man

the real property in the County of Sonoma, State of California, described as follows:

Parcel One as described in Document Number 2010-019321, Sonoma County Records

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on this _____day of _____, 20___.

By:_____

ACKNOWLEDGMENT

State of California)

County of _____)

On _____ before me, (here insert name and title of the officer), personally appeared _____, 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.

Signature _____ (Seal)