



## Item No. 10 Town of Atherton

### **CITY COUNCIL STAFF REPORT – CONSENT AGENDA**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER**

**THROUGH: MARTY HANNEMAN, INTERWEST CONSULTING GROUP  
PROJECT MANAGER**

**FROM: ANTHONY SUBER, DEPUTY CITY MANAGER / CITY CLERK**

**DATE: OCTOBER 21, 2020**

**SUBJECT: ADOPT A RESOLUTION APPROVING A GRANT OF PUBLIC  
UTILITIES EASEMENT TO CALIFORNIA WATER SERVICE  
COMPANY FOR WATER PIPELINE CONSTRUCTION AND  
AUTHORIZE THE CITY MANAGER TO EXECUTE THE GRANT  
OF EASEMENT.**

### **RECOMMENDATION**

Staff recommends the City Council adopt a Resolution granting California Water Service Company a public utilities easement for water pipeline purposes over Town of Atherton owned property and authorize the City Manager to execute the Grant of Easement.

### **BACKGROUND**

On March 21, 2018, the City Council evaluated granting California Water Service Company (Cal Water) easements to grant access for Public Utilities Easements (PUE) to relocate the water main for the Town Center. These PUE's were approved on a Final Parcel Map and were for each of the proposed fire hydrants through the project area, as well as a proposed connection from an existing 6-inch main on the Ashfield loop to the proposed 8-inch main. The easements were 20ft-wide (10ft either side of the water main extensions) and extend 5ft beyond the hydrant riser.

During construction of the Cal Water improvements, a conflict with the existing SPFUC 36-inch water line was discovered at Maple Ave. That conflict required that the Cal Water improvements be moved to a different location outside of the current PUE. Because of the new location of the improvements, an additional PUE is needed.

### **POLICY ISSUES**

There are no significant policy issues within this report.

### **FISCAL IMPACT**

There is no fiscal impact to the Town under this action.

### **PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials. In addition, the project's information is updated frequently on the Town's Website, and an open forum is noticed and offered prior to the beginning of each CCAC Regular meeting.

The Town maintains an active and up to date Project Website at <http://ca-atherton.civicplus.com/index.aspx?nid=290>.

### **ATTACHMENTS**

Attachment 1: PUE Resolution

Attachment 2: Grant of Public Utilities Easement, Exhibit "A" – Legal description and Exhibit "B" - Map

**Resolution No. 20-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON APPROVING A GRANT OF A PUBLIC UTILITIES EASEMENT TO CALIFORNIA WATER SERVICE COMPANY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT OF EASEMENT**

The City Council of the Town of Atherton hereby resolves as follows:

**WHEREAS**, on March 21, 2018, the City Council evaluated granting California Water Service Company (Cal Water) easements to grant access for Public Utilities Easements (PUE) to relocate the water main for the Town Center. These PUE’s were approved on a Final Parcel Map.

**WHEREAS**, during construction of the Cal Water improvements, a conflict with the existing SPFUC 36-inch water line was discovered at Maple Ave. That conflict required that the Cal Water improvements be moved to a different location outside of the current PUE. Because of the new location of the improvements, an additional PUE is needed.  
and

**WHEREAS**, the Town of Atherton (“Grantor”) is providing the PUE at no cost to Cal Water (“Grantee”) for the purpose of providing access for all existing utilities and future utilities located within the depicted areas more particularly described in the legal description attached hereto as Exhibit “A,” under the terms and conditions of the Grant of Public Utilities Easement attached hereto as Exhibit “B,” as incorporated herein by this reference; and

**WHEREAS**, California Water Service is an essential need and the Town has worked with California Water Service to establish the necessary easement access. The easement provides access to perform long-term service and maintenance which is vital to allow unobstructed flow of waters and to allow safe access for residents and emergency services critical to a safe community.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ATHERTON that:**

**SECTION 1.                    Recitals.**

1. The City Council hereby finds that the foregoing recitals are true and correct.
2. The City Manager is designated as the Town of Atherton agent and authorized to execute and record the Grant of Public Utilities Easement in generally the form attached as Exhibit "B", together with such additional changes as may be deemed necessary and proper by the City Manager in consultation with legal counsel.
3. The City Council of the Town of Atherton previously certified an Environmental Impact Report (SCH No. 2014112003) analyzing the environmental impacts from the civic center project and no further environmental review is necessary. Furthermore, the recordation of a public utility easement is not itself a project under CEQA.

**ATTACHMENT 1**

*I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 21<sup>st</sup> day of October, 2020, by the following vote:*

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:

\_\_\_\_\_  
Rick DeGolia, Mayor  
Town of Atherton

ATTEST:

\_\_\_\_\_  
Anthony Suber, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Mona Ebrahimi, City Attorney

NO FEE DOCUMENT  
Government Code § 6103

**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

California Water Service Company

\_\_\_\_\_

Attention: \_\_\_\_\_

[The Above Space for Recorder's Use Only]

**GRANT OF PUBLIC UTILITIES EASEMENT**

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged,

**Town of Atherton**, a California municipal corporation ("Grantor"), as owner of certain real property, located in the Town of Atherton, County of San Mateo, State of California, hereby grants to the **California Water Service Company**, a California \_\_\_\_\_ ("Grantee"), a public utility easement, on, over and under the area legally described on **Exhibit A**, and depicted on **Exhibit B**, attached hereto and incorporated herein, for the purposes of construction, repair, replacement, and maintenance of an underground water pipeline, together with any and all appurtenant structures.

1. Grantor retains the right to use the easement area in any lawful manner that does not unreasonably interfere with Grantee's rights hereunder.
2. If the surface of the easement area or any other of Grantor's property or any improvements are disturbed by Grantee, such property and improvements shall be promptly restored by Grantee to their prior condition. If Grantee permanently abandons its facilities, Grantee shall, upon Grantor's written request, remove the facilities at Grantee's sole cost and expense.
3. Grantee shall indemnify, defend and hold harmless Grantor, its officers, employees and agents from all demands, claims, losses, damages, including property damage, personal injury (including death), costs (including attorney fees and court costs), arising out of or related to the pipeline, this Grant of Easement, or the activities of Grantee, its subsidiaries, affiliates, employees, agents, representatives, contractors, and subcontractors, except those matters caused by the sole negligence of Grantor.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

GRANTOR:

**Town of Atherton,**  
a California municipal corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_

**ATTACHMENT 2**

Title: \_\_\_\_\_

**ATTACHMENT 2**

GRANTEE:

**California Water Service Company,**  
a California \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\*\*\*\*\*

**CERTIFICATE OF ACCEPTANCE**

This is to certify that the interest in real property conveyed by the within Grant of Public Utilities Easement, the provisions of which are incorporated by this reference as though fully set forth in this Certification, to the California Water Service Company, is hereby accepted by the undersigned officer on behalf of the California Water Service Company Board \_\_\_\_\_ pursuant to authority conferred by Resolution No. \_\_\_\_\_ adopted \_\_\_\_\_, by the California Water Service Company.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_ Date

\*\*\*\*\*

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

**ACKNOWLEDGEMENT**

State of California )  
County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, 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)

**Exhibit A to Grant of Easement**

**EXHIBIT "A"**  
LEGAL DESCRIPTION  
APN: 060-321-220

**PUBLIC UTILITIES EASEMENT**

THAT PORTION OF LAND SHOWN AS LOT 1 ON THAT PARCEL MAP NO. TOA 18-01, RECORDED JULY 2, 2019, OFFICIAL RECORDS, IN THE TOWN OF ATHERTON, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE MOST EASTERLY CORNER OF SAID LOT 1;**

THENCE ALONG THE WESTERLY LINE OF MAPLE AVENUE, SOUTH 33°04'17" WEST, 66.05 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 33°04'17" WEST, 13.84 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THE PUBLIC UTILITIES EASEMENT SHOWN ON SAID PARCEL MAP;

THENCE LEAVING THE WESTERLY LINE OF SAID LOT 1 ALONG SAID NORTHEASTERLY LINE, NORTH 50°26'45" WEST, 14.00 FEET;

THENCE LEAVING SAID NORTHEASTERLY LINE, NORTH 17°50'10" WEST, 25.60 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF THE PUBLIC UTILITIES EASEMENT SHOWN ON SAID PARCEL MAP;

THENCE ALONG SAID SOUTHWESTERLY LINE, SOUTH 50°22'18" EAST, 34.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 330 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.

ALL FOUND MONUMENT DESCRIPTIONS AND BASIS OF BEARINGS ARE AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

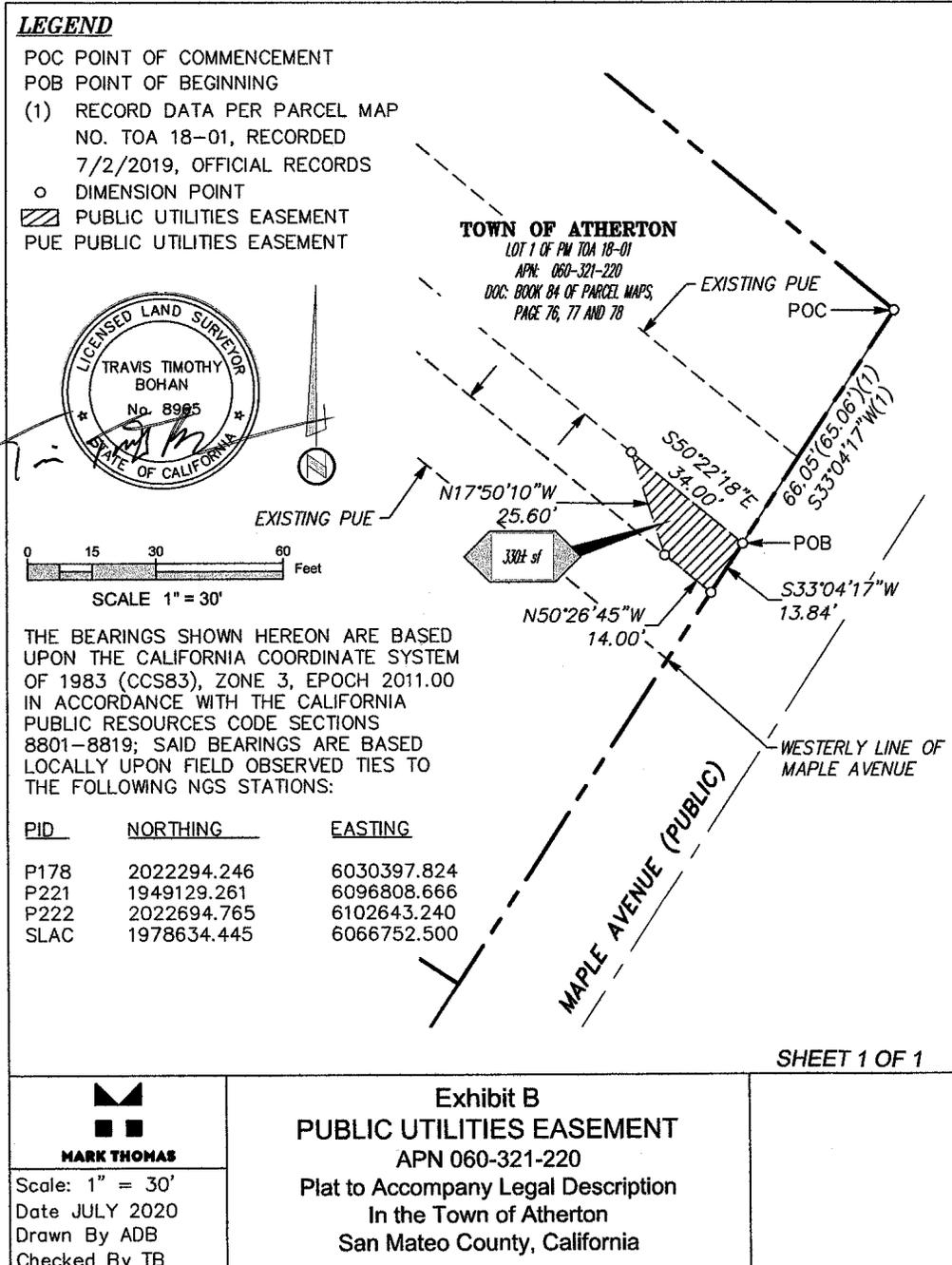
THIS REAL PROPERTY DESCRIPTION AND ACCOMPANIED EXHIBIT "B" HAS BEEN PREPARED AT MARK THOMAS, BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

  
TRAVIS TIMOTHY BOHAN L.S. 8965



07/15/2020  
DATE

**Exhibit B to Grant of Easement**  
(Depiction of Easement Area)



SHEET 1 OF 1

 <b>MARK THOMAS</b> Scale: 1" = 30' Date JULY 2020 Drawn By ADB Checked By TB	<b>Exhibit B</b> <b>PUBLIC UTILITIES EASEMENT</b> APN 060-321-220 Plat to Accompany Legal Description In the Town of Atherton San Mateo County, California	

\\WFILE01\PROJECTS\5DE-SJ-17112-ATHERTON-CIVIC CENTER LOT LINE MERGER\SURVEY\PRODUCTION FILES\LEGAL DESCRIPTIONS & PLATS\PUE.DWG 2020-07-15 ABRENT