

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Environmental Resources

BOARD AGENDA #: *B-2

AGENDA DATE: May 9, 2017

SUBJECT:

Approval of a Grant of Easement with Modesto Irrigation District on County-owned Property Known as the Triangle Ranch, West of the Geer Road Landfill, Modesto, CA, to Construct and Maintain Electrical Service

BOARD ACTION AS FOLLOWS:

No. 2017-237

On motion of Supervisor Olsen, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: 
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

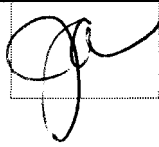
DEPT Environmental Resources
Urgent Routine

BOARD AGENDA #: *B-2

AGENDA DATE: May 9, 2017

CEO

CONCURRENCE: *pnt*



4/5 Vote Required: Yes No

SUBJECT:

Approval of a Grant of Easement with Modesto Irrigation District on County-owned Property Known as the Triangle Ranch, West of the Geer Road Landfill, Modesto, CA, to Construct and Maintain Electrical Service

STAFF RECOMMENDATIONS:

1. Approve a Grant of Easement with Modesto Irrigation District on County-owned property known as the Triangle Ranch, west of the Geer Road Landfill, Modesto, CA, Assessor's Parcel Number 009-029-015, to construct and maintain electrical service.
2. Authorize the Chairman of the Board of Supervisors to execute the Grant of Easement with Modesto Irrigation District.

DISCUSSION:

The Department of Environmental Resources was contacted in late January 2017 regarding the Modesto Irrigation District's (MID) need for a property easement in order to construct and maintain electrical service. The area of need is in the vicinity of the Geer Road Landfill in east Modesto, CA, due to a lack of direct public access to some properties. The property in question is County-owned and immediately west of and contiguous with the Geer Road Landfill and is commonly referred to as the Triangle Ranch (Attachment D).

The property was purchased in 2004 and is used for both buffer area and corrective action and currently includes several groundwater monitoring wells associated with the landfill. In the near future, some of this area will also be used to return treated groundwater back into the soil. As such, staff requested the acknowledgment of the following within the easement document: the current and planned future uses of the property, the need to protect these assets, and the need for notification whenever the easement area will be accessed.

Staff worked cooperatively with MID to develop a Grant of Easement (Attachment C) that met both the County's needs and provided the property access and use that MID needs. The Legal Description and Map of Easement are included as Attachments A and B. The MID Board will consider approving the Grant of Easement as well, immediately following the Board of Supervisor's consideration.

POLICY ISSUE:

The Board of Supervisors must approve the granting of easements on County-owned property.

Approval of a Grant of Easement with Modesto Irrigation District on County-owned Property Known as the Triangle Ranch, West of the Geer Road Landfill, Modesto, CA, to Construct and Maintain Electrical Service

FISCAL IMPACT:

There is no fiscal impact or monetary exchange associated with this action.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priorities of A Healthy Community, A Well Planned Infrastructure System, and the Efficient Delivery of Public Services. Authorizing access and use of property through an easement supports the Department's mission to promote a safe and healthy environment and improve the quality of life in the community through a balance of science, education, partnerships, and environmental regulation.

STAFFING IMPACT:

Existing staff will continue to oversee the work associated with this item.

CONTACT PERSON:

Jami Aggers, Director of Environmental Resources

Telephone: 209-525-6770

ATTACHMENT(S):

- A. Legal Description of Easement
- B. Map of the Easement
- C. Grant of Easement document
- D. Parcel map of the Geer Road Landfill and APN 009-029-015

EXHIBIT "A"
LEGAL DESCRIPTION
POWER EASEMENT

NC16222
February 10, 2017

A 30.00 foot wide M.I.D. Power Easement situated in and being a portion of "REMAINDER PARCEL" as shown on that certain map filed for record on April 15, 1977, in Book 24 of Parcel Maps at Page 99, Stanislaus County Official Records, and lying within the South Half of Section 34, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, City of Modesto, Stanislaus County, California. The centerline of this easement is more particularly described as follows:

COMMENCING at a 3/4 inch iron pipe with cap marked RCE 7632 at the Southeast corner of Parcel "B" of that Parcel Map recorded on February 14, 1973 in Book 16 of Parcel Maps at Page 31, Stanislaus County Official Records, thence running Westerly along the Southerly line of said Parcel "B" North 89°55'18" West a distance of 11.80 feet to the TRUE POINT OF BEGINNING;

Thence along the centerline of said Power Line Easement South 0°01'08" East a distance of 20.63 feet;

Thence continuing along said centerline South 44°39'37" West a distance of 2059.62 feet, more or less to a point on Line 107 of that Certificate of Lot Line Adjustment, recorded on May 10, 2016 in Document No. 2016-0034244, Stanislaus County Official Records, and the Southerly end of this Power Easement. Said point is South 73°50'36" East a distance of 50.19 feet from a 3/4 inch iron pipe marking the Westerly end of Line 107 as shown on pages 18 and 19 of said Certificate and on that Record of Survey Recorded as 16-S-80, Stanislaus County Official Records.

Side lines of said 30.00 foot wide Power Easement shall be extended or contracted to match the South line of Parcel "B" at the North end and said Line 107 at the South end.

SUBJECT TO all easements and/or rights-of-way of record.

BASIS OF BEARINGS for this description is the South line of Parcel "B" of that Parcel Map recorded in Book 16 of Parcel Maps at Page 31, Stanislaus County Official Records. Said line is taken to bear South 89°55'18" West.

Containing 1.43 Acres, more or less.

A portion of APN 009-029-015

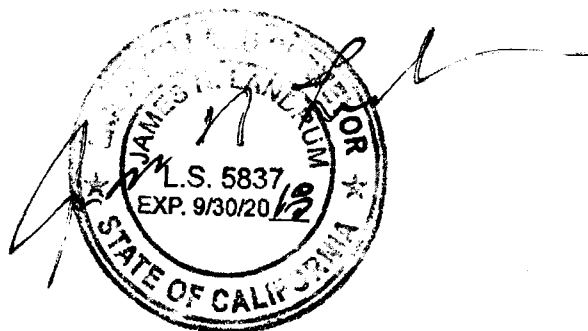


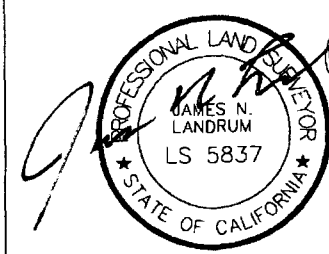
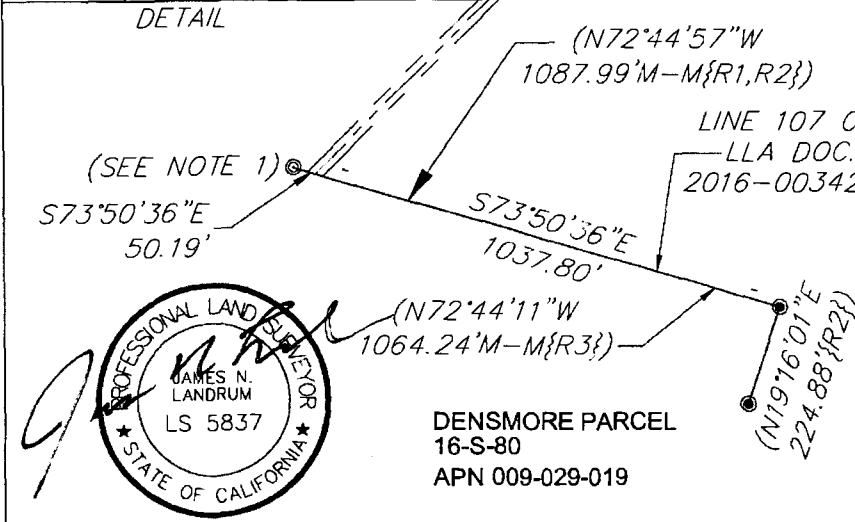
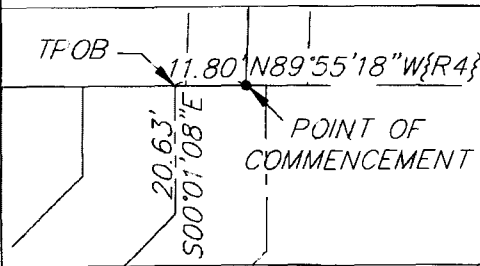
EXHIBIT "B"

NOTES

NOTE 1 - SEARCHED FOR MONUMENT AT RECORD POSITION. GOT WEEK HOT SPOT AND DUG DOWN 4.5 FEET AND GOT A SIGNAL INDICATING MONUMENT WAS STILL DOWN 1-2 MORE FEET BUT WAS LIKELY 1-2 INCHES OF RECORD POSITION.

NOTE 2 - ALL DISTANCES WERE MEASURED UNLESS OTHERWISE NOTED.

**30.00 FOOT WIDE
M.I.D. POWER EASEMENT
CONTAINS 1.43 ACRES**



PARCEL "B"
16-PM-31
APM 009-027-009

PARCEL "C"
16-PM-31
APM 009-027-010

EXISTING 20.00
FOOT M.I.D.
POWER
EASEMENT

TPOB

SEE DETAIL TO LEFT

**POINT OF
COMMENCEMENT**

REMAINDER PARCEL
24-PM-99
APN 009-029-015



LEGEND

- FOUND 3/4" IRON PIPE WITH CAP MARKED RCE 7632
 - FOUND 3/4" IRON PIPE WITH UNREADABLE CAP
- M-M MONUMENT TO MONUMENT
TPOB TRUE POINT OF BEGINNING

REFERENCES

- {R1} DOC. 2016-0034244
- {R2} 16-S-80
- {R3} GRANT DEED BOOK 2867 AT PAGE 459 (PARCEL 4)
- {R4} 16-PM-31

Drawn By: JNL
Date: 02-10-17
Scale: 1"=400'
Job No.: NC16222
Phone: 866.526.4214

**M.I.D. POWER EASEMENT
ACROSS
APN 009-029-015**

STANISLAUS COUNTY CALIFORNIA

MVE Inc.
1117 L Street, Modesto, CA 95354
866.526.4214 | www.mve.net
Northern California | Southern California | Nevada

SHEET
1
OF **1**

Plot February 10, 2017 at 2:35 PM P:\CA\DWG\1622\NAMES\HIBT\SWC1622.dwg

No Recording Fees Required Per Government Code
Section 27383

No Documentary Transfer Tax

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

Modesto Irrigation District
Secretary, Board of Directors
P.O. Box 4060
Modesto, California 95352



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2017-0038322-00

Friday, MAY 26, 2017 13:50:43

Ttl Pd \$0.00 Rcpt # 0003976724

OLD/R2/1-11

APN: 009-029-015

Space Above This Line for Recorder's Use

GRANT OF EASEMENT

For valuable consideration, the receipt of which is hereby acknowledged, County of Stanislaus, a political subdivision of the State of California ("GRANTOR") hereby grant(s) to the Modesto Irrigation District, an irrigation district organized and existing under the Constitution and laws of the State of California ("DISTRICT"), a permanent, non-exclusive easement and right-of-way.

Said easement and right-of-way shall consist of all that certain real property situate in the County of Stanislaus, State of California, as more fully described in Exhibit "A" and illustrated in Exhibit "B" attached hereto ("Easement Area").

This GRANT OF EASEMENT is subject to and incorporates the following conditions, restrictions and rights of the Parties:

1. GRANTOR reserves the right to use and enjoy its interest in the Easement Area, including but not limited to continued utilization for environmental remediation and the construction, installation and maintenance of necessary facilities for that purpose. DISTRICT shall not disturb, remove or destroy any of GRANTOR's facilities in the Easement Area. DISTRICT shall not exercise any rights under this Grant of Easement in a manner that interferes with GRANTOR's use of the Easement Area.

2. DISTRICT shall make or cause to be made such repairs and take such action as is necessary to maintain the Easement Areas, and District's facilities at all times in good condition and repair, and to prevent or remedy the destruction, damage or deterioration of GRANTOR's property or improvements, due to activities under the control of DISTRICT or associated with DISTRICT's facilities.

3. DISTRICT shall have the right to remove from the Easement Area trees, bushes, undergrowth, flowers and any other obstruction the DISTRICT deems are interfering with its use of said easement and right-of-way or as DISTRICT deems necessary to comply with applicable local, state, or federal laws and regulations. DISTRICT may not remove or modify GRANTOR's facilities or improvements without express written permission from GRANTOR.

4. DISTRICT is granted the right to construct, place, inspect, maintain, replace and use across, upon, in and under said right of way underground and associated aboveground electrical and telecommunication facilities, consisting of poles, crossarms, wires, cables, electrical cables, braces, insulators, service lines, fixtures, appurtenances, anchors, guys, conduits, concrete conduit encasements, transformers, switchgear, concrete equipment pads, equipment vaults, secondary service terminals, pull boxes, manholes, fixtures and appurtenances, together with such other underground and associated aboveground electrical and telecommunication facilities ("District's Facilities") as may, in DISTRICT's opinion, be necessary or desirable.

5. DISTRICT is granted the right from time to time to increase or decrease the size, weight, number or capacity and to change the position of DISTRICT's facilities installed over, across, upon, in, along or under the land described above.

11/5

6. DISTRICT, its contractors, agents and employees shall at all times have the right of ingress to and egress from said DISTRICT facilities and the right of way hereby granted. DISTRICT shall further have the right to place tools, equipment, implements and materials within the easement area as necessary to exercise the rights conveyed hereunder.

7. DISTRICT shall provide notice to GRANTOR prior to DISTRICT's entry onto the Easement Area. Notice shall be provided by DISTRICT to GRANTOR's Administrative/Landfill Division of the Department of Environmental Resources at 209-525-6700. For entry for ordinary repair and maintenance of a nature that they are scheduled in the ordinary course of business, DISTRICT shall provide two (2) business days' notice. For entry for emergency repairs, DISTRICT shall attempt to provide reasonable notice prior to entry however; District shall not be precluded from entering for emergency repairs if the emergency is deemed a potential threat to public safety. For other entry such as construction, DISTRICT shall provide written notice to GRANTOR.

8. DISTRICT is granted the right to assign to any public utility the right to install, inspect, maintain, replace, remove and use communications facilities within said easement area (including ingress thereto and egress therefrom), subject to all restrictions contained herein.

When written notice is required or provided for under this Grant of Easement, such notice shall be delivered in person or by certified mail, return receipt requested, or by a nationally recognized overnight delivery service and shall be addressed to the parties as indicated below:

If to GRANTOR: Administrative/Landfill Division of the Department of Environmental Resources, 3800 Cornucopia Way, Suite C, Modesto, CA, 95358.

The terms and provisions of this easement and right-of-way shall be binding upon and inure to the benefit of the respective heirs, executors, administrators, personal representatives, successors and assigns of DISTRICT and GRANTOR.

Each individual executing this grant of easement on behalf of each respective Party acknowledges and warrants that it has full authority to execute this GRANT OF EASEMENT on behalf of such Party, that this Grant has been authorized and approved by such Party, and that this Grant constitutes a valid and binding obligation of such Party.

EXECUTED: May 9th, 2017

GRANTOR:

COUNTY OF STANISLAUS

By: [Signature]
Vito Chiesa, Chairman
Stanislaus County Board of Supervisors

APPROVED AS TO CONTENT:

By: [Signature]
Jami Aggers, Director
Stanislaus County Environmental Resources

APPROVED AS TO FORM:

John P. Doering, Stanislaus County Counsel

By: [Signature]
Amanda DeHart, Deputy County Counsel

GRANTEE ACCEPTANCE:

The undersigned Grantee hereby accepts this Grant of Easement and agrees to be bound by it.

MODESTO IRRIGATION DISTRICT

By: [Signature]
[name] Greg Salyer
[title] General Manager

RESOLUTION 2017-32
GRANT OF EASEMENT FROM COUNTY OF STANISLAUS,
A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA

BE IT RESOLVED, That the Board of Directors of the Modesto Irrigation District does hereby accept, on behalf of the District, that certain Grant of Easement, dated May 9, 2017, from County of Stanislaus, a political subdivision of the State of California, whose easement is located within a portion of "REMAINDER PARCEL" as shown on that certain map filed for record on April 15, 1977, in Book 24 of Parcel Maps at Page 99, Stanislaus County Official Records, and lying within the South Half of Section 34, Township 3 South, Range 10 East, Mount Diablo Base Meridian, City of Modesto, County of Stanislaus, State of California, and to which reference is hereby made for full particulars.

Moved by Director Campbell, seconded by Director Mensinger, that the foregoing resolution be adopted.

The following vote was had:

Ayes: Directors Blom, Byrd, Campbell, Mensinger, Wenger

Noes: Director None

Absent: Director None

The President declared the resolution adopted.

o0o

I, Angela Cartisano, Board Secretary of the Modesto Irrigation District, do hereby CERTIFY that the foregoing is a full, true and correct copy of a resolution duly adopted at a special meeting of said Board of Directors held the twenty-third day of May 2017.



Board Secretary of the
Modesto Irrigation District

ACKNOWLEDGMENT

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.

State of California
County of Stanislaus

On May 9, 2017 before me, Jennifer Jacquez, Notary Public
(insert name and title of the officer)

personally appeared Vito Chiesa
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 Jennifer Jacquez (Seal)



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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.

State of California)
County of Stanislaus)

On May 23, 2017 before me, Linda Fischer, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Greg Salyer
Name(s) of Signer(s)

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 *Linda Fischer*
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer -- Title(s): _____
 Partner -- Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer -- Title(s): _____
 Partner -- Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

EXHIBIT "A"
LEGAL DESCRIPTION
POWER EASEMENT

NC16222
February 10, 2017

A 30.00 foot wide M.I.D. Power Easement situated in and being a portion of "REMAINDER PARCEL" as shown on that certain map filed for record on April 15, 1977, in Book 24 of Parcel Maps at Page 99, Stanislaus County Official Records, and lying within the South Half of Section 34, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, City of Modesto, Stanislaus County, California. The centerline of this easement is more particularly described as follows:

COMMENCING at a 3/4 inch iron pipe with cap marked RCE 7632 at the Southeast corner of Parcel "B" of that Parcel Map recorded on February 14, 1973 in Book 16 of Parcel Maps at Page 31, Stanislaus County Official Records, thence running Westerly along the Southerly line of said Parcel "B" North 89°55'18" West a distance of 11.80 feet to the TRUE POINT OF BEGINNING;

Thence along the centerline of said Power Line Easement South 0°01'08" East a distance of 20.63 feet;

Thence continuing along said centerline South 44°39'37" West a distance of 2059.62 feet, more or less to a point on Line 107 of that Certificate of Lot Line Adjustment, recorded on May 10, 2016 in Document No. 2016-0034244, Stanislaus County Official Records, and the Southerly end of this Power Easement. Said point is South 73°50'36" East a distance of 50.19 feet from a 3/4 inch iron pipe marking the Westerly end of Line 107 as shown on pages 18 and 19 of said Certificate and on that Record of Survey Recorded as 16-S-80, Stanislaus County Official Records.

Side lines of said 30.00 foot wide Power Easement shall be extended or contracted to match the South line of Parcel "B" at the North end and said Line 107 at the South end.

SUBJECT TO all easements and/or rights-of-way of record.

BASIS OF BEARINGS for this description is the South line of Parcel "B" of that Parcel Map recorded in Book 16 of Parcel Maps at Page 31, Stanislaus County Official Records. Said line is taken to bear South 89°55'18" West.

Containing 1.43 Acres, more or less.

A portion of APN 009-029-015



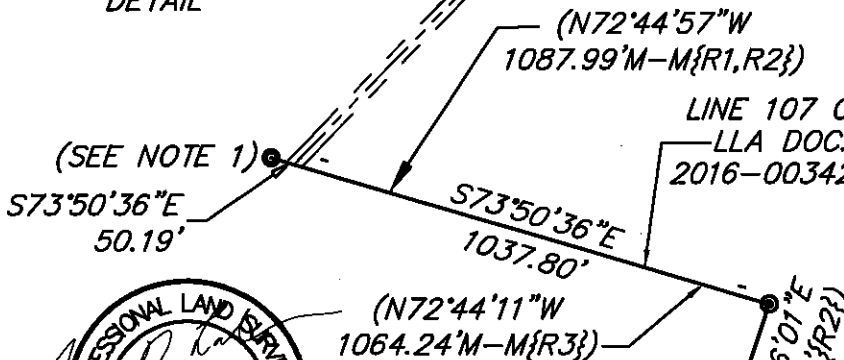
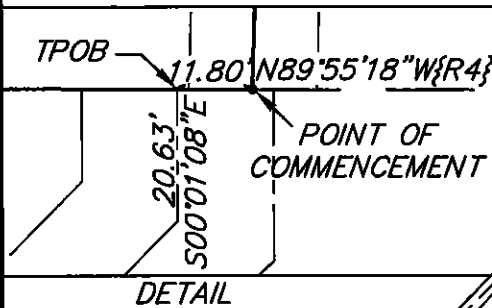
EXHIBIT "B"

NOTES

NOTE 1 - SEARCHED FOR MONUMENT AT RECORD POSITION. GOT WEEK HOT SPOT AND DUG DOWN 4.5 FEET AND GOT A SIGNAL INDICATING MONUMENT WAS STILL DOWN 1-2 MORE FEET BUT WAS LIKELY 1-2 INCHES OF RECORD POSITION.

NOTE 2 - ALL DISTANCES WERE MEASURED UNLESS OTHERWISE NOTED.

**30.00 FOOT WIDE
M.I.D. POWER EASEMENT
CONTAINS 1.43 ACRES**



DENSMORE PARCEL
16-S-80
APN 009-029-019

PARCEL "B"
16-PM-31
APM 009-027-009

EXISTING 20.00
FOOT M.I.D.
POWER
EASEMENT

PARCEL "C"
16-PM-31
APM 009-027-010

TRIANGLE RANCH RD.

TPOB

SEE DETAIL TO LEFT

POINT OF
COMMENCEMENT

REMAINDER PARCEL
24-PM-99
APN 009-029-015



LEGEND

- FOUND 3/4" IRON PIPE WITH CAP MARKED RCE 7632
- FOUND 3/4" IRON PIPE WITH UNREADABLE CAP

M-M MONUMENT TO MONUMENT
TPOB TRUE POINT OF BEGINNING

REFERENCES

- {R1} DOC. 2016-0034244
- {R2} 16-S-80
- {R3} GRANT DEED BOOK 2867 AT PAGE 459 (PARCEL 4)
- {R4} 16-PM-31

Drawn By: JNL
Date: 02-10-17
Scale: 1"=400'
Job No.: NC16222
Phone: 866.526.4214

**M.I.D. POWER EASEMENT
ACROSS
APN 009-029-015**

STANISLAUS COUNTY CALIFORNIA



1117 L Street, Modesto, CA 95354
866.526.4214 | www.mve.net

Northern California | Southern California | Nevada

SHEET

1

OF 1