

RESOLUTION NO. 2024-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING THE CREATION OF A UTILITY EASEMENT ON CITY
PROPERTY (CITY CORPORATION YARD, 2660 5TH AVENUE), AND;
AUTHORIZING ALL OTHER ACTIONS NECESSARY TO ACCEPT AND
RECORD SAID EASEMENT ON BEHALF OF THE CITY OF MARINA, AND;
AUTHORIZING THE FINANCE DIRECTOR TO MAKE THE NECESSARY
ACCOUNTING AND BUDGETARY ENTRIES, AND; AUTHORIZING THE
CITY CLERK TO RECORD CERTIFIED COPY OF RESOLUTION IN THE
MONTEREY COUNTY OFFICE OF THE COUNTY RECORDER

WHEREAS, the Marina Coast Water District A1/A2 Tank and B/C Booster Station project will provide water storage for Zone A in the Ord Community and Central Marina. Zone A is the lowest pressure zone within the water system that serves the majority of the City of Marina in both the Ord area and traditional areas of Marina. The B and C booster pumps will pump water from Zone A tanks to Zones B and C tanks. The project provides additional storage and fire flows for the community, and;

WHEREAS, in order to provide a connection to the B-Zone, a utility easement is necessary through the City's Corporation Yard. This connection will support the second lowest pressure zone in the system. The location of the new pipeline is also adjacent to existing utilities, making its proposed alignment practical. A power connection to the Tank site is also necessary for completion of the project, requiring another utility easement through the City's property, and;

WHEREAS, at the regular meeting of June 6, 2023, the City Council adopted Resolution 2023-53, approving the creation of the utility easements on City Property (City Corp Yard, 2660 5th Avenue), and;

WHEREAS, MCWD has requested an expansion of the existing PG&E utility easement to include an additional ±462 square feet. The additional easement area is necessary to relocate the primary electrical transformer and meter panel off of CSUMB property as PG&E and CSUMB could not come to an agreement on easement language for underground electrical conduit and conductor cable. The expansion of the easement can be seen on **Exhibit A**, and;

WHEREAS, City staff had previously requested MCWD to provide an appraisal for the previous easements (see **Exhibit B**). Using the same appraisal value, the valuation for the new easement area amounts to \$772.38. Staff is recommending accepting the appraised value for the easement and approve the MCWD easement as proposed, and;

WHEREAS, should the Council approve this recommendation, City staff will coordinate with the Finance Department and City Attorney to finalize the payment of the appraised value and record the final easement documents with the County Recorder, and;

WHEREAS, the City of Marina Planning Division has determined that this project is exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines under Class 3, Section 15303, for New Construction or Construction of Small Structures.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina that:

1. Approve the creation of a utility easement on City property (City Corporation Yard, 2660 5th Avenue), and;
2. Authorize all other actions necessary to accept and record said easement on behalf of the City of Marina, and;
3. Authorize the Finance Director to make the necessary accounting and budgetary entries, and;
4. Authorize the City Clerk to record certified copy of resolution in the Monterey County office of the County Recorder.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 21st day of February 2024, by the following vote:

AYES: COUNCIL MEMBERS: McCarthy, Biala, Visscher, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT 'A'
SHEET 1 OF 2

**EXHIBIT A TO
STAFF REPORT**

LEGAL DESCRIPTION OF A PG&E EASEMENT
OVER PARCEL 2, VOL. 26 SURVEYS, PG. 49 (CITY OF MARINA)

An easement over certain real property situate in the former Fort Ord in the City of Marina, County of Monterey, State of California, being a portion of Parcel 2 as said Parcel is shown on the map filed for record March 6, 2003 in Volume 26 of Surveys at Page 49 in the Office of the County Recorder of said county, described as follows:

A strip of land of varying width beginning at a point on the easterly boundary of said Parcel 2, being also the boundary of Parcel 5 as said parcel is shown on the map filed for record October 19, 1994 in Volume 19 of Surveys at Page 15, in the Office of the County Recorder of said County, being also the boundary of Parcel 5B as said parcel is shown on the map filed for record May 28, 2013 in Volume 32 of Surveys at Page 59 in the Office of the County Recorder of said County, at a point that bears South 2°15'00" West, 42.50 feet from the corner designated as Corner #32 on the last said map; thence departing said easterly boundary along a course perpendicular thereto and defining a 28.5-foot-wide strip of land, lying 5.00 feet on the left (southerly) side and 23.5 feet on the right (northerly) side of the following course and distance

- 1) North 87°45'00" West, 25.00 feet; thence changing in width to a 10-foot-wide strip of land lying 5.00 feet on each side of the centerline described by the following two (2) courses and distances
- 2) North 87°45'00" West, 189.16 feet; thence
- 3) North 11°00'00" East, 67.00 feet to the center of an existing utility pole and the terminus of said strip.

The sidelines at the beginning of said strip are to be extended or shortened so as to terminate on the easterly boundary of said Parcel 2.

Containing 3,274 square feet, more or less.

As shown on the plat attached hereto and made a part hereof.

A bearing of North 2°15'00" East for the easterly line of said Parcel 2 between the corners designated #31 and #32 on said map recorded in Volume 19 of Surveys at Page 15, as found monumented, is the basis of bearings cited in this description.

END OF DESCRIPTION

PREPARED BY:
WHITSON ENGINEERS



RICHARD P. WEBER, LS
L.S. No. 8002
Job No.: 3843.02

2/12/2024
DATE



VOL. 19 SURVEYS PG. 15
PARCEL 5

5TH AVENUE ±630' TO 8TH ST.

±275' TO INTER-GARRISON RD.

VOL. 27 SUR PG. 80
PARCEL 6
M. P. C.

EXHIBIT 'A'
SHEET 2 OF 2

100 0 100 Feet
SCALE: 1" = 100'

ACCESS & UTIL.
EASEMENT FOR
SEWAGE LIFT STATION
PER DOC. 2014003927

Legend:

- Approved PG&E Easement (Reso. 2023-53)
- Proposed PG&E Easement
- Property Line



TERMINUS OF
DESCRIBED STRIP
AT CENTER OF
EXISTING POLE

N11°00'00"E
67.00'

10'

189.16'

N87°45'00"W 214.16'

DESCRIBED CENTERLINE
OF PG&E EASEMENT
3,274 SF±

CORNER #32
FOUND BRASS
DISC

BASIS OF BEARINGS
N21°15'00"E 398.80'

New
Tank
Site

BASIS OF BEARINGS:
A BEARING OF NORTH 2°15'00" EAST AS
MEASURED BETWEEN CORNERS #31 & #32
AS SHOWN ON VOL. 19 OF SURVEYS, PG. 15.

CORNER #31:
FOUND BRASS DISC

PLAT TO ACCOMPANY DESCRIPTION OF A PG&E EASEMENT

IN PROJECTED S.6, T.15S, R.2E
CITY OF MARINA, CALIFORNIA

FEBRUARY 12, 2024

PROJECT No.: 3843.02



Civil Engineering +
Land Surveying
6 Harris Court,
Monterey, California
831.649.5225
whitsonengineers.com

BRIGANTINO & DAVIS

Real Estate Appraisal, Brokerage and Consulting

February 28, 2023

Mr. Patrick Breen
Water Resources Manager
Marina Coast Water District
11 Reservation Road
Marina, CA 93933

EXHIBIT B TO STAFF REPORT

Dear Mr. Breen:

In response to your request, I have prepared an appraisal report of Two Proposed Easements to Encumber The 7.06 Acre "City of Marina Corporation Yard", located at 2660 5th Avenue, Marina, CA, and more specifically identified in the following appraisal report. I personally viewed the property on November 11, 2022. The appraisal report that follows is made for the purpose of estimating the current market value of the fee simple interest of the subject property.

This letter is not a complete report. The complete appraisal report accompanies this letter. The report describes the approaches to value and the conclusions derived by application of the approaches.

Based on the observation of the property, and investigations and analyses performed, it is my opinion that as of November 11, 2022, and subject to the assumptions and limiting conditions set forth in the following report, the current market value of the subject property is:

Land Value Before Acquisition:					\$1,537,670
	307,534	SF @	\$5.00 =	\$1,537,670	
Value of the part acquired as part of the whole:					\$23,059
PG&E Easement	2,812	SF @	\$1.67 =	\$4,696	
Pipeline Easement	10,996	SF @	\$1.67 =	\$18,363	
Total Severance Damages:					\$0
Benefits:					\$0
Total Property Rights Value:					\$23,059

The following appraisal report contains the identification of the property, assumptions and limiting conditions, pertinent facts about the area and the subject property, comparable data, the result of the investigations and analyses, and the reasoning leading to the conclusions. This appraisal is based on the extraordinary assumption listed under Item 11 of the Assumptions and Limiting Conditions outlined in the attached appraisal report.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'R. Anthony Brigantino', with a stylized, cursive script.

R. Anthony Brigantino, MAI
Certified General License No. AG006530
Expires April 29, 2023

February 14, 2024

Item No. **10g(1)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of February 21, 2024

RECOMMENDATION TO CONSIDER ADOPTING RESOLUTION NO. 2024-, APPROVING THE CREATION OF A UTILITY EASEMENT ON CITY PROPERTY (CITY CORPORATION YARD, 2660 5TH AVENUE); AND AUTHORIZING ALL OTHER ACTIONS NECESSARY TO ACCEPT AND RECORD SAID EASEMENT ON BEHALF OF THE CITY OF MARINA, AND; AUTHORIZING THE FINANCE DIRECTOR TO MAKE THE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES, AND; AUTHORIZING THE CITY CLERK TO RECORD CERTIFIED COPY OF RESOLUTION IN THE MONTEREY COUNTY OFFICE OF THE COUNTY RECORDER

RECOMMENDATION:

It is recommended that the City Council Consider adopting Resolution No. 2024-,

1. Approving the creation of a utility easement on City property (City Corporation Yard, 2660 5th Avenue), and;
2. Authorizing all other actions necessary to accept and record said easement on behalf of the City of Marina, and;
3. Authorizing the Finance Director to make the necessary accounting and budgetary entries, and;
4. Authorizing the City Clerk to record certified copy of resolution in the Monterey County office of the County Recorder.

BACKGROUND:

The Marina Coast Water District A1/A2 Tank and B/C Booster Station project will provide water storage for Zone A in the Ord Community and Central Marina. Zone A is the lowest pressure zone within the water system that serves the majority of the City of Marina in both the Ord area and traditional areas of Marina. The B and C booster pumps will pump water from Zone A tanks to Zones B and C tanks. The project provides additional storage and fire flows for the community.

In order to provide a connection to the B-Zone, a utility easement is necessary through the City's Corporation Yard. This connection will support the second lowest pressure zone in the system. The location of the new pipeline is also adjacent to existing utilities, making its proposed alignment practical. A power connection to the Tank site is also necessary for completion of the project, requiring another utility easement through the City's property.

At the regular meeting of June 6, 2023, the City Council adopted Resolution 2023-53, approving the creation of the utility easements on City Property (City Corp Yard, 2660 5th Avenue).

ANALYSIS:

MCWD has requested an expansion of the existing PG&E utility easement to include an additional ±462 square feet. The additional easement area is necessary to relocate the primary electrical transformer and meter panel off of CSUMB property as PG&E and CSUMB could not come to an agreement on easement language for underground electrical conduit and conductor cable. The expansion of the easement can be seen on **EXHIBIT A**.

City staff had previously requested MCWD to provide an appraisal for the previous easements (**EXHIBIT B**). Using the same appraisal value, the valuation for the new easement area amounts to \$772.38. Staff is recommending accepting the appraised value for the easement and approve the MCWD easement as proposed.

FISCAL IMPACT:

Should the Council approve this recommendation, City staff will coordinate with the Finance Department and City Attorney to finalize the payment of the appraised value and record the final easement documents with the County Recorder.

ENVIRONMENTAL DETERMINATION

The City of Marina Planning Division has determined that this project is exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines under Class 3, Section 15303, for New Construction or Construction of Small Structures.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Edrie Delos Santos, P.E.
Senior Engineer, Engineering Division
City of Marina

REVIEWED/CONCUR:

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina