

CITY OF SEBASTOPOL CITY COUNCIL

AGENDA ITEM REPORT FOR MEETING OF: August 06, 2024

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To: Honorable Mayor and City Councilmembers
From: Mario Landeros, Interim City Engineer
Subject: Resolution Accepting a Waterline Easement and Authorizing the City Manager to execute easement deed in connection with Woodmark Apartments

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RECOMMENDATIONS:

The item is to request Council adopt a resolution accepting a water line easement for a fire line in connection with the Woodmark Apartments project and authorizing the City Manager to execute the easement deed.

EXECUTIVE SUMMARY:

Pursuant to Permit Number 2021-010 Woodmark Apartment (the Project) Conditions of Approval, the Project developer has provided an easement deed for a waterline for fire protection purposes within the Project property ("fire line"). The fire line has been constructed in accordance with approved plans. The easement deed is to be recorded prior to occupancy.

BACKGROUND AND DISCUSSION:

Among various conditions of approval of the Woodmark Apartment project now under construction at 7716 and 7760 Bodega Avenue (APN 004-211-007 and 060-230-067, respectively), is a requirement to construct an 8-inch fire line through the property and to provide to the City a waterline easement.

The new 8-inch fire line connects into an existing City water main located in Bodega Avenue near the Project's southwesterly corner and loops through Project site within the loop driveway. The fire line also connects into another section of City water main near the Project's northeasterly corner that runs through the adjacent existing residential development, Bear Meadow Apartments, located at 7720 Bodega Avenue. There is also a privately owned and privately maintained domestic waterline also within the loop driveway that connects to the Project apartments as well as the landscape irrigation system.

The easement deed was prepared by the developer and submitted to the City for review and approval. The attached resolution documents the need and purpose for the easement and authorizes the City Manager to execute the easement deed.

STAFF ANALYSIS:

The easement deed, which includes the easement legal description (Exhibit 'A') and graphical plat (Exhibit 'B') were reviewed and accepted by the City Engineer. In addition, construction of the 8-inch waterline within the described easement has been inspected and approved by the City Engineer.

Once the easement is accepted by Council and the easement deed is recorded with the County Recorder the 8" waterline will become a part of the City water system and Public Works will be responsible for the operation and maintenance (O&M) of the new 8" waterline.

COMMUNITY OUTREACH:

This item has been noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

FISCAL IMPACT:

With the acceptance of easement and recordation of the easement deed the new 8-inch waterline will become the City’s responsibility for operating and maintaining the new line, and the fiscal obligation thereof considered a part of the O&M budget.

OPTIONS:

No reasonable alternatives have been identified. Construction of the 8inch fire line and the dedication of waterline easement thereof were conditions of approval for the Project. The Developer has complied with both conditions, which are required for the Project to receive building occupancy.

ATTACHMENTS:

- 1 - Resolution
- 2 - Easement Deed

APPROVALS:

Department Head Approval: Approval Date: 7/23/24
 CEQA Determination (Planning): Approval Date: 7/22/24

The proposed action is not a project under the California Environmental Quality Act (CEQA)

Administrative Services (Financial) Approval Date: 7/22/24

Costs authorized in City Approved Budget: Yes No N/A

Account Code (f applicable) _____

City Attorney Approval and

City Manager Approval: Approval Date: 7/23/24

RESOLUTION NUMBER: 2024-___

CITY OF SEBASTOPOL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL ACCEPTING A WATERLINE EASEMENT PERTAINING TO THE WOODMARK APARTMENTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE EASEMENT DEED

WHEREAS, Sebastopol Pacific Associates, a California Limited Partnership, is the owner (OWNER) of real property located at 7716 and 7760 Bodega Avenue, APN 004-211-007 and 060-230-067, respectively (PROPERTY); and

WHEREAS, pursuant to City of Sebastopol Permit Number 2021-010 OWNER has constructed the Woodmark Apartments (PROJECT) within the PROPERTY; and

WHEREAS, pursuant to the PROJECT Conditions of Approval and in accordance with the PROJECT Improvement Plans approved by the City Engineer on May 3, 2023, OWNER constructed an 8-inch waterline ("fire line") through the PROPERTY; and

WHEREAS, the constructed 8-inch fire line has been inspected and approved by the City Engineer; and

WHEREAS, OWNER has granted to the City of Sebastopol for its acceptance a waterline easement over the constructed 8-inch fire line, shown in Exhibit-Easement Deed, a true copy attached herewith.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

1. Accepts the waterline easement; and
2. Authorizes the City Manager to execute the easement deed.

The above and foregoing Resolution was duly passed, approved, and adopted at a meeting by the City Council on the 6th day of August 2024 by the following vote:

VOTE:

Ayes:

Noes:

Absent:

Abstain:

APPROVED: _____
Mayor Diana Rich

ATTEST: _____
Mary Gourley, Assistant City Manager/City Clerk, MMC

Exhibit – Easement Deed

Recording Requested by:
CITY OF SEBASTOPOL

And When Recorded Mail to:
CITY OF SEBASTOPOL
P. O. BOX 1776
SEBASTOPOL, CA 95473

Recorded for the benefit of the City of Sebastopol
and exempt from recording fees pursuant to
Government Code Sections 6103 and 27383.

(Space Above This Line for Recorder's Use Only)

APN: A portion of 060-230-067 & 004-211-007

EASEMENT DEED

The undersigned Grantor(s) declare(s):

Documentary transfer tax is \$ 0.00. City transfer tax is \$.

- () Computed on full value of property conveyed, or
- () Computed on full value less value of liens and encumbrances remaining at time of sale.
- () Unincorporated area: (**XX**) City of Sebastopol – Exempt (R&T 11922)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Sebastopol Pacific Associates, a California Limited Partnership,

Hereby grant(s) to The City of Sebastopol, a municipal corporation, the following described real
property located in the City of Sebastopol, County of Sonoma, State of California:

An easement for fire water line purposes as described in **EXHIBIT "A" Legal Description, attached
hereto and made a part hereof.**

[GRANTOR]

Caleb Roope, General Partner


Name *Caleb Roope, General Partner*

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed above is hereby accepted by order of the
Council of the City of Sebastopol by Resolution No. _____ dated _____, 20____, and grantee
consents to recordation thereof by its duly authorized officer.

CITY OF SEBASTOPOL,
A Municipal Corporation

BY: _____ DATED: _____
Don Schwartz, City Manager

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 Idaho

County of Ada

On 7/10/24 before me, **Katie Callen, Notary Public** personally appeared Caleb Rood, 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 Idaho that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Katie Callen*
Commission Expires: 7/8/2027

(Seal)



EXHIBIT 'A'
LEGAL DESCRIPTION FOR
FIRE WATER LINE EASEMENT

IN THE CITY OF SEBASTOPOL, COUNTY OF SONOMA, STATE OF CALIFORNIA

BEING PORTIONS OF LAND LYING WITHIN THE LANDS OF SEBASTOPOL PACIFIC ASSOCIATES, A CALIFORNIA LIMITED PARTNERSHIP, AS DESCRIBED BY THAT GRANT DEED RECORDED UNDER DOCUMENT NO. 2021-131844 AND THAT GRAND DEED RECORDED UNDER DOCUMENT NO. 2021-131845, BOTH SONOMA COUNTY RECORDS, HEREON REFERRED TO AS "PARCEL OF LAND" AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND 15 FEET IN WIDTH OVER, ACROSS AND UNDER SAID "PARCEL OF LAND" AND LYING 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHWEST CORNER OF SAID "PARCEL OF LAND", SAID SOUTHWEST CORNER ALSO BEING ON THE NORTHERLY RIGHT OF WAY LINE OF BODEGA HIGHWAY;

THENCE LEAVING SAID SOUTHWEST CORNER, ALONG SAID NORTHERLY RIGHT OF WAY LINE AND THE SOUTHERLY BOUNDARY OF SAID "PARCEL OF LAND" N 89°38'41" E, 71.04 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE N00°21'19"W A DISTANCE OF 65.29 FEET;
THENCE N27°41'21"E A DISTANCE OF 41.03 FEET;
THENCE N89°38'41"EA DISTANCE OF 150.53 FEET TO A POINT HEREON REFERRED TO AS **POINT 'A'**;
THENCE, LEAVING SAID **POINT 'A'** N89°38'41"E A DISTANCE OF 203.98 FEET;
THENCE N01°11'04"E A DISTANCE OF 49.10 FEET TO A POINT HEREON REFERRED TO AS **POINT 'B'**;
THENCE, LEAVING SAID **POINT 'B'** N01°11'04"E A DISTANCE OF 160.26 FEET TO A POINT HEREON REFERRED TO AS **POINT 'C'**;
THENCE, LEAVING **POINT 'C'** N01°11'04"E A DISTANCE OF 15.59 FEET TO A POINT HEREON REFERRED TO AS **POINT 'D'**;
THENCE, LEAVING **POINT 'D'** N01°11'04"E A DISTANCE OF 4.48 FEET;
THENCE N43°48'56"W A DISTANCE OF 52.86 FEET;
THENCE N83°29'17"W A DISTANCE OF 154.58 FEET;
THENCE S62°06'02"W A DISTANCE OF 25.17 FEET;
THENCE S27°41'21"W A DISTANCE OF 51.32 FEET;
THENCE S72°41'21"W A DISTANCE OF 2.83 FEET;
THENCE S27°41'21"W A DISTANCE OF 20.00 FEET TO A POINT HEREON REFERRED TO AS **POINT 'E'**;
THENCE, LEAVING SAID **POINT 'E'** S27°41'21"W A DISTANCE OF 168.96 FEET TO A POINT HEREON REFERRED TO AS **POINT 'F'**;
THENCE, LEAVING SAID **POINT 'F'** S27°41'21"W A DISTANCE OF 110.91 FEET;
THENCE S00°21'19"E A DISTANCE OF 65.29 FEET TO THE **TRUE POINT OF BEGINNING**;

THE SIDELINES OF SAID STRIP OF LAND SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE ON SAID NORTHERLY RIGHT OF WAY LINE AND THE SOUTHERLY BOUNDARY OF SAID "PARCEL OF LAND"

CONTINUED ON SHEET 2.

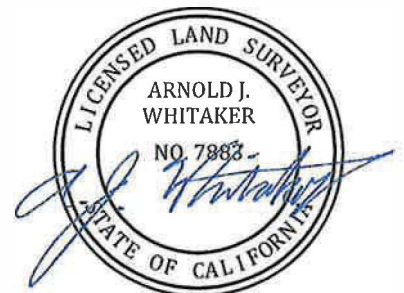


EXHIBIT 'A'
LEGAL DESCRIPTION FOR
FIRE WATER LINE EASEMENT

LEGAL DESCRIPTION CONTINUED...

TOGETHER WITH, A STRIP OF LAND 7.33 FEET IN WIDTH AND LYING 3.665 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT SAID **POINT 'A'** S00°21'19"E A DISTANCE 14.50 FEET TO THE POINT OF TERMINATION OF THIS 7.33 FOOT WIDE STRIP OF LAND.

ALSO TOGETHER WITH, A STRIP OF LAND 15 FEET IN WIDTH AND LYING 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT SAID **POINT 'B'** S88°48'56"E A DISTANCE OF 23.00 FEET TO THE POINT OF TERMINATION OF THIS 15 FOOT WIDE STRIP OF LAND.

ALSO TOGETHER WITH, A STRIP OF LAND 15 FEET IN WIDTH AND LYING 7.5 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT SAID **POINT 'C'** S80°22'24"E A DISTANCE OF 40.95 FEET TO THE POINT OF TERMINATION OF THIS 15 FOOT WIDE STRIP OF LAND. THE SIDELINES OF SAID STRIP OF LAND SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE ON THE EASTERLY LINE OF SAID "PARCEL OF LAND";

ALSO TOGETHER WITH, A STRIP OF LAND 15 FEET IN WIDTH AND LYING 7.5 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT SAID **POINT 'D'** N88°48'56"W A DISTANCE OF 22.93 FEET TO THE POINT OF TERMINATION OF THIS 15 FOOT WIDE STRIP OF LAND;

ALSO TOGETHER WITH, A STRIP OF LAND 6 FEET IN WIDTH AND LYING 3 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT SAID **POINT 'E'** N62°18'39"W A DISTANCE OF 12.00 FEET TO THE POINT OF TERMINATION OF THIS 6 FOOT WIDE STRIP OF LAND;


ALSO TOGETHER WITH, A STRIP OF LAND 15 FEET IN WIDTH AND LYING 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT SAID **POINT 'F'** S6°18'39"E A DISTANCE OF 27.21 FEET TO THE POINT OF TERMINATION OF THIS 15 FOOT WIDE STRIP OF LAND.

CONTAINING 19,748.91 SQUARE FEET MORE OR LESS.

ATTACHED HERETO IS EXHIBIT 'B' AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECTION ON: 02/21/2023


ARNOLD J. WHITAKER
PLS 7883

2/22/2023
EXP. 03-31-23

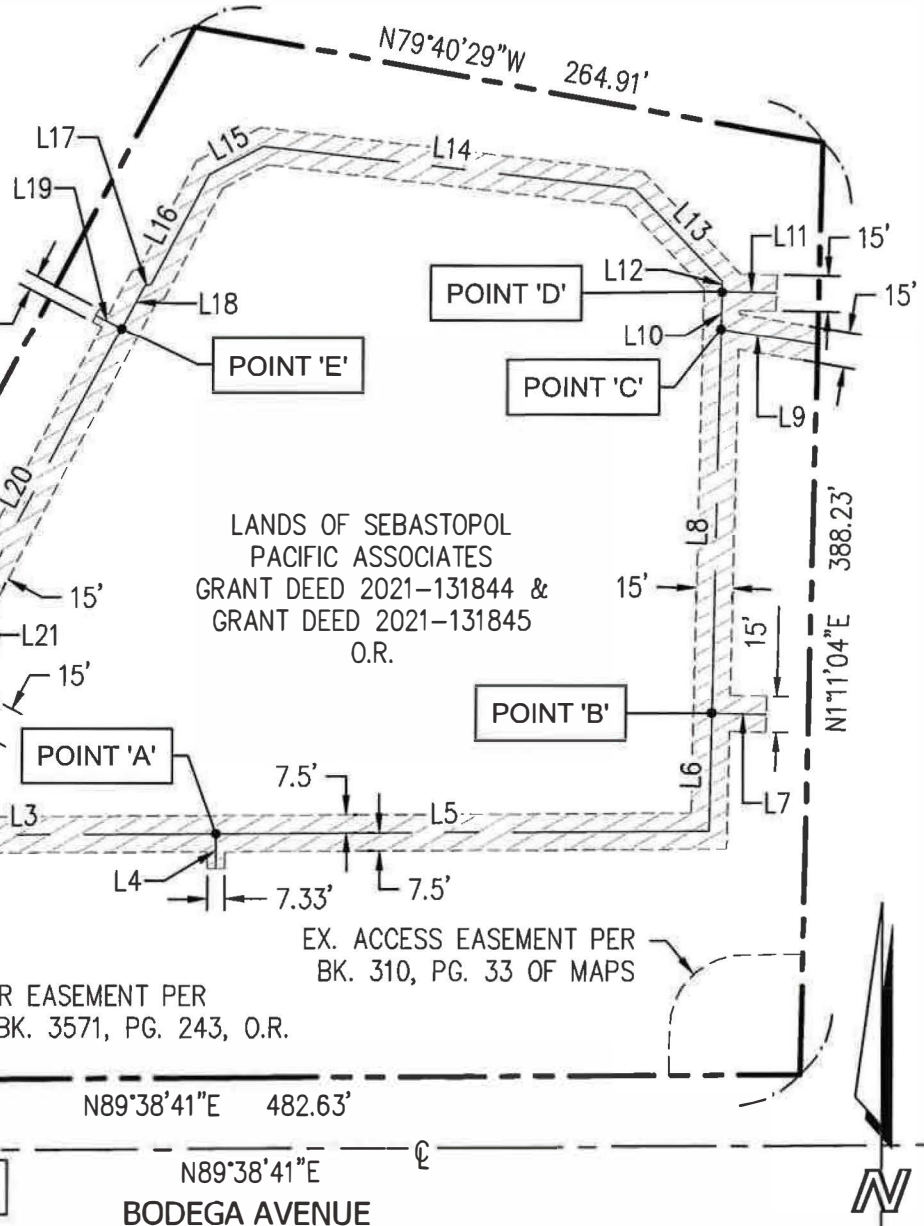
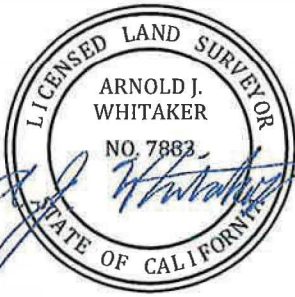
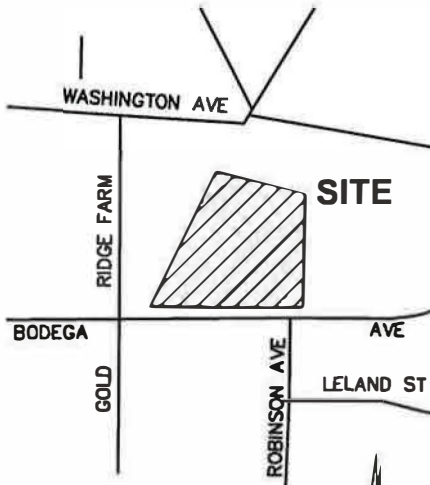


EXHIBIT 'B'

PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR FIRE WATER LINE EASEMENT

LEGEND

- PARCEL BOUNDARY / STREET RIGHT OF WAY CENTERLINE
- EASEMENT BOUNDARY - AREA = 19,748.91 SF
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- POINT 'A' POINT OF REFERENCE



GOLD RIDGE FARM

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 2, NAD 83, EPOCH 2011.00 AS DETERMINED LOCALLY BY A LINE BETWEEN CONTINUOUS GLOBAL POSITIONING SYSTEMS (CGPS) STATION CASR AND STATION HOPB; BEING NORTH 24°16'15" WEST AS DERIVED FROM GEODETIC VALUES PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (CSRC).



EXHIBIT 'B'
PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR
FIRE WATER LINE EASEMENT

LINE DATA		
L#	BEARING	DISTANCE
L1	N00°21'19"W	65.29'
L2	N27°41'21"E	41.03'
L3	N89°38'41"E	150.53'
L4	S00°21'19"E	14.50'
L5	N89°38'41"E	203.98'
L6	N01°11'04"E	49.10'
L7	S88°48'56"E	23.00'
L8	N01°11'04"E	160.26'
L9	S80°22'24"E	40.95'
L10	N01°11'04"E	15.59'
L11	N88°48'56"W	22.93'

LINE DATA		
L#	BEARING	DISTANCE
L12	N01°11'04"E	4.48'
L13	N43°48'56"W	52.86'
L14	N83°29'17"W	154.58'
L15	S62°06'02"W	25.17'
L16	S27°41'21"W	51.32'
L17	S72°41'21"W	2.83'
L18	S27°41'21"W	20.00'
L19	N62°18'39"W	12.00'
L20	S27°41'21"W	168.96'
L21	S62°18'39"E	27.21'
L22	S27°41'21"W	69.88'

