

# Olivehurst Public Utility District



## Agenda Item Staff Report

**Meeting Date: February 21, 2019**

### Item description/summary:

**Consideration of granting easements to Yuba County and Lennar in the River Oaks East park parcel.**

The requested easements (attached) are necessary for slope, public services and storm drainage. This is typical for a parcel of this type but normally happens before we accept the parcel. In this case we already own the parcel. The slop easement to Lennar will enable them to slope the small portion of the parkland, normally shrub bed, away from the homeowner's fence to avoid drainage into the homeowner's yard. The Public Services Easement (PSE) and the Storm Drainage Easement, both for Yuba County, will allow for storm drainage and storm drain infrastructure necessary for proper drainage in the area.

### Fiscal Analysis:

N/A

### Employee Feedback

None

### Sample Motion:

Move to grant the three attached easements as described above to Lennar and Yuba County.

Prepared by:

John Tillotson, P.E., General Manager

RECORDING REQUESTED BY:  
CALATLANTIC TITLE  
WHEN RECORDED RETURN TO:

Lennar Homes of California, Inc.  
Attn: Sean MacDiarmid  
1420 Rocky Ridge Drive, Suite 320  
Roseville, CA 95661

\*\*\*\*\*

**EASEMENT GRANT DEED**

(Lots 60, 68, 69, 75 of Tract No. 2005-07)

The undersigned Grantor declares:

The documentary transfer tax is \$ \*\*NONE, computed on full value of the property conveyed, County of Yuba.

**FOR VALUABLE CONSIDERATION**, receipt of which is hereby acknowledged, the OLIVEHURST PUBLIC UTILITY DISTRICT, a \_\_\_\_\_ ("**Grantor**"), hereby grants to LENNAR HOMES OF CALIFORNIA, INC., a California corporation ("**Grantee**"), and to Grantee's successors and assigns as owners of Lots 60, 68, 69 and 75 of Tract No. 2005-07, or any part thereof, as per Map filed on December 27, 2018, in Book 98, Pages 29 through 36, inclusive, of Maps, in the Official Records of the County of Yuba, State of California, those certain permanent slope easements on, over, under and across the following described real property in the County of Yuba, State of California:

**AS PER EXHIBIT "1", EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.**

\*\* No consideration was paid for this conveyance. California Revenue and Taxation Code Sec. 2188.5.

Dated: \_\_\_\_\_, 201\_\_

**OLIVEHURST PUBLIC UTILITY DISTRICT,**

A \_\_\_\_\_

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

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

Its: \_\_\_\_\_

**Grantor**

**MAIL TAX STATEMENTS TO:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 201\_\_, 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)

**EXHIBIT "1"**

In the unincorporated area of the County of Yuba, State of California:

THOSE CERTAIN PERMANENT, FOUR AND ONE-HALF FOOT (4.5') WIDE SLOPE EASEMENTS LOCATED WITHIN THE "PARK SITE" SHOWN AND DESCRIBED ON THE ATTACHED **EXHIBIT "A"** AND **EXHIBIT "B"**, IMMEDIATELY ADJACENT TO GRANTEE'S LOTS 60, 68, 69 AND 75 OF TRACT NO. 2005-07, AS PER MAP FILED ON DECEMBER 27, 2018, IN BOOK 98, PAGES 29 THROUGH 36, INCLUSIVE, OF MAPS, IN THE OFFICIAL RECORDS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA ("**GRANTEE'S LOTS**"), WHICH EASEMENTS SHALL BE APPURTENANT TO AND FOR THE BENEFIT AND SUPPORT OF GRANTEE'S LOTS, AND SHALL BURDEN GRANTOR'S ENCUMBERED REAL PROPERTY, WHICH BENEFIT AND BURDEN SHALL RUN WITH THE LAND OF GRANTEE AND GRANTOR AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS AS OWNERS OF SUCH REAL PROPERTIES. GRANTOR AND ITS SUCCESSORS AND ASSIGNS AS OWNERS OF THE BURDENED PROPERTY SHALL CONTINUOUSLY MAINTAIN THE SLOPE IMPROVEMENTS AND THE INTEGRITY OF THE SLOPE STABILIZATION IMPROVEMENTS WITH IN SUCH EASEMENT AREAS FOR THE BENEFIT OF THE ADJACENT LOTS 60, 68, 69 AND 75 IN PERPETUITY.

## 4.5 Foot Slope Easement

### Exhibit "A"

#### EASEMENT 1

A 4.5 foot wide strip of land being a portion of that real property described as "PARK SITE" as described in that Grant Deed to Olivehurst Public Utility District recorded in Document No.: 2009R-017043, Official Records of Yuba County, situate in the County of Yuba, State of California the easterly line of which is described as follows:

**BEGINNING** at the northeasterly corner of said "PARK SITE"; thence from said **POINT OF BEGINNING** along the easterly line of said "PARK SITE" the following four (4) courses: 1) South 08°50'40" East 239.91 feet to the **POINT OF TERMINATION**.

The westerly line shall be lengthened or shortened to terminate at the northerly and easterly lines of said "PARK SITE".

Containing an area of 1,080 square feet, more or less.

EASEMENT 2

A 4.5 foot wide strip of land being a portion of that real property described as "PARK SITE" as described in that Grant Deed to Olivehurst Public Utility District recorded in Document No.: 2009R-017043, Official Records of Yuba County, situate in the County of Yuba, State of California the easterly line of which is described as follows:

**BEGINNING** at the southeasterly corner of said "PARK SITE"; thence from said **POINT OF BEGINNING** along the easterly line of said "PARK SITE" the following two (2) courses: 1) North 08°50'40" West 144.85 feet; 2) North 07°37'18" East 117.75 feet to the **POINT OF TERMINATION**.

The westerly line shall be lengthened or shortened to terminate at the southerly and easterly lines of said "PARK SITE".

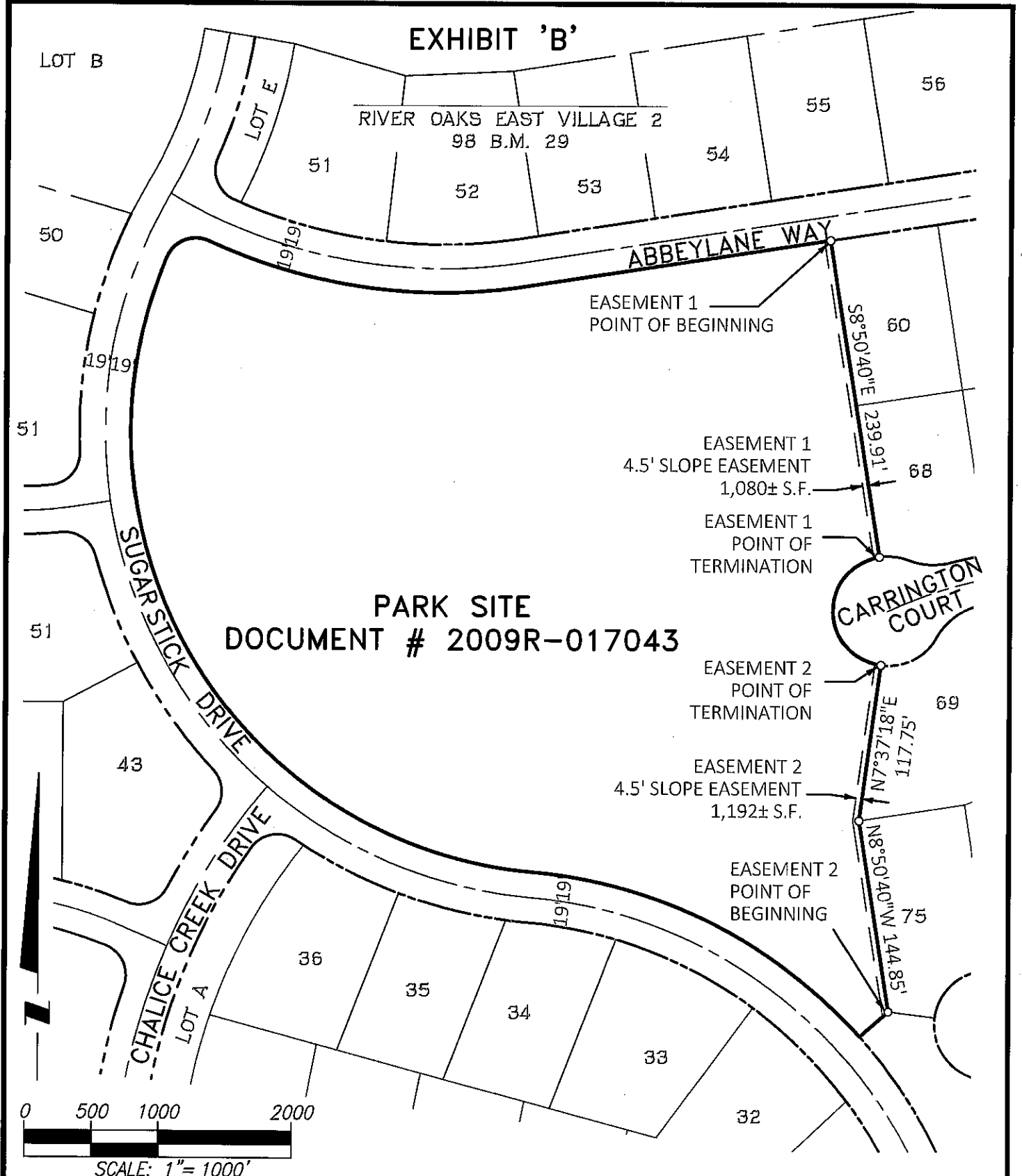
Containing an area of 1,192 square feet, more or less.

End of Description

Murray Smith & Associates  
Engineering Inc.

JANUARY 15, 2019  
03-005

**EXHIBIT 'B'**



**PARK SITE  
DOCUMENT # 2009R-017043**

CALC:  
DRN:  
CKD:  
APRVD:

**SLOPE EASEMENT  
RIVER OAKS EAST  
YUBA COUNTY, CALIFORNIA**  
**MSA ENGINEERING, INC.**  
ROSEVILLE, CALIFORNIA

DATE: JAN. '19  
SCALE: 1"=1000'  
FB:  
WO: 03-005

Storm Drain  
APN: 022-040-018

Recorded at the Request of and:  
When Recorded Return To:

Yuba County Surveyor  
CDSA - Department of Public Works  
915 Eighth Street, Suite 125  
Marysville, CA 95901

**GRANT DEED**

Record at no fee per GC 6103  
Documentary transfer tax exempt:  
R&T Code 11922: Conveyance to  
Government Agency

**STORM DRAIN EASEMENT**

For value received

Olivehurst Public Utility District

Grants To

The County of Yuba, a political subdivision of the State of California

All that real property situate in the unincorporated area of the County of Yuba, State of California, described as follows:

The undersigned hereby grant(s) to the County of Yuba, or its successor agencies and assigns, a perpetual easement with the right of ingress and egress, for the purpose of excavating, laying, installing, maintaining, repairing, protecting and replacing surface and/or underground storm drains, together with appurtenances thereof, in, over, under, through and across a strip of land described as follows:

Legal Description (Exhibit A) and Exhibit Plat (Exhibit B)  
attached hereto and made a part hereof by this reference

The undersigned shall not erect or construct any building, swimming pool or other structure or dig or operate any well within said strip of the undersigned's real property.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019

**GRANTOR:**

Olivehurst Public Utility District

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

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(title)

(Signatures must be notarized)



## 15 Foot Storm Drain Pipe Easement

### Exhibit "A"

A 15 foot wide strip of land being a portion of that real property described as "PARK SITE" as described in that Grant Deed to Olivehurst Public Utility District recorded in Document No.: 2009R-017043, Official Records of Yuba County, situate in the County of Yuba, State of California the centerline of which is described as follows:

**COMMENCING** at the most southerly corner of said "PARK SITE", said most southerly corner also being a point on the northeasterly right-of-way of Sugarstick Drive as shown on that final map titled "Tract Map No. 2005-07 of River Oaks East Village 2", recorded in Book 98 of Maps, at Page 29, Official Records of Yuba County; thence from said **POINT OF COMMENCEMENT** along the southwesterly line of said "PARK SITE", also being the northeasterly right-of-way of Sugarstick Drive, along the arc of a curve to the left, the center of which bears South 48°20'03" West, having a radius of 369.00 feet, a central angle of 30°15'31" and an arc length of 194.87 feet to the **POINT OF BEGINNING**; thence from said **POINT OF BEGINNING** leaving the southwesterly line of said "PARK SITE", also being the northeasterly right-of-way of Sugarstick Drive North 39°09'14" East 239.53 feet to a point on the easterly line of said "PARK SITE" also being the **POINT OF TERMINATION**

The northwesterly and southeasterly lines shall be lengthened or shortened to terminate at the southwesterly and easterly lines of said "PARK SITE".

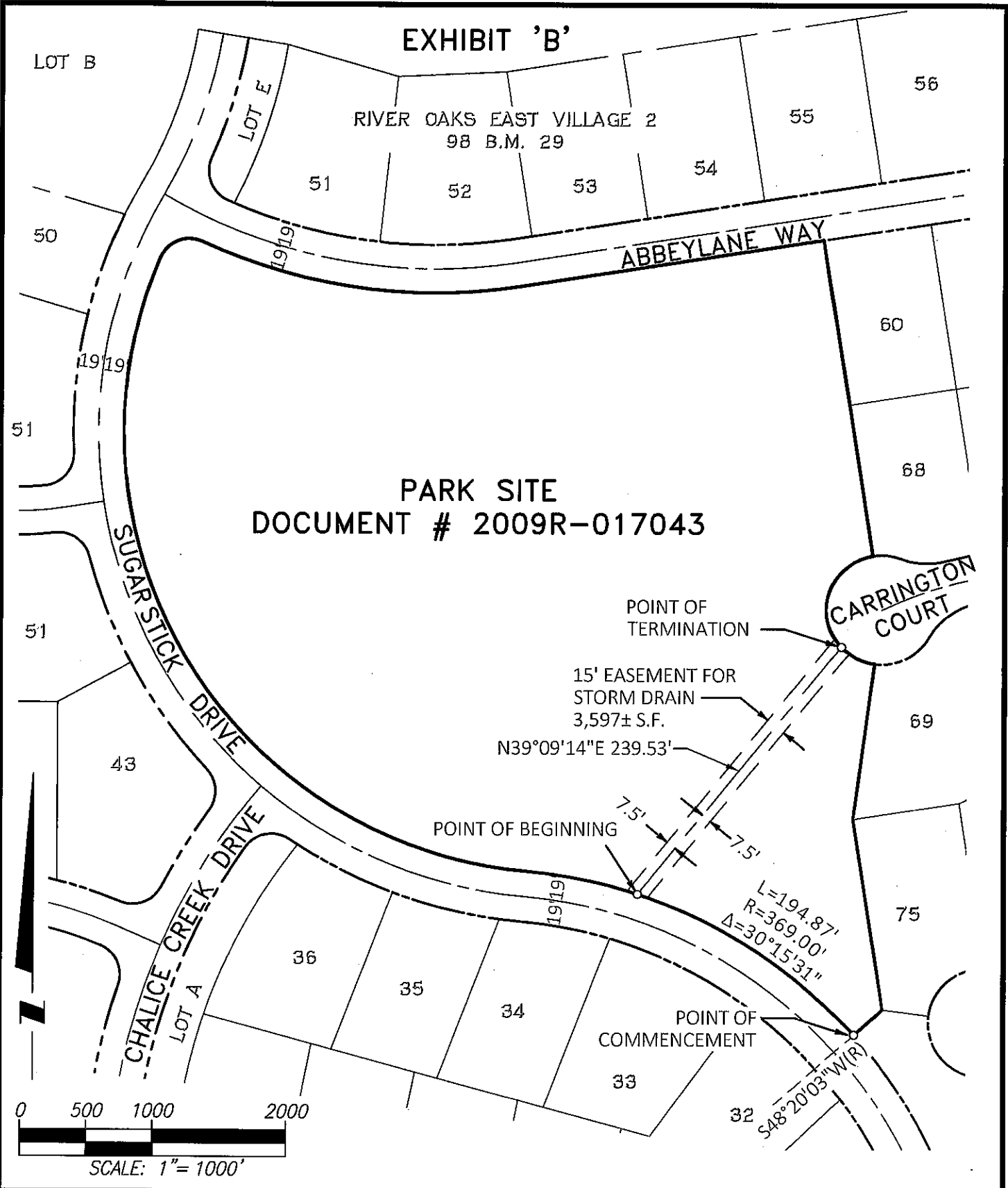
Containing an area of 3,597 square feet, more or less.

End of Description

Murray Smith & Associates  
Engineering Inc.

JANUARY 15, 2019  
03-005

**EXHIBIT 'B'**



CALC: DRN: CKD: APRVD:	<b>STORM DRAIN EASEMENT</b> <b>RIVER OAKS EAST</b> YUBA COUNTY, CALIFORNIA <b>MSA ENGINEERING, INC.</b> ROSEVILLE, CALIFORNIA	DATE: JAN. '19 SCALE: 1"=1000' FB: WO: 03-005
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Road Sugarstick Drive, #921  
Road Abbeylane Way, #923  
APN: 022-040-018

Recorded at the Request of and:  
When Recorded Return To:

Yuba County Surveyor  
CDSA - Department of Public Works  
915 Eighth Street, Suite 125  
Marysville, CA 95901

The undersigned grantor(s) declare(s):  
Documentary transfer tax is \$ None  
(R&T Code 11922), Conveyance to  
Government Agency

GRANT DEED

Exempt from recording fees  
pursuant to Gov't Code § 6103

PUBLIC SERVICES EASEMENT

For value received

Olivehurst Public Utility District

Grants To

The County of Yuba, a political subdivision of the State of California

All that certain real property situate in the County of Yuba, State of California, more particularly described as follows:

A perpetual public services easement and right of way for the purposes of installing, constructing, repairing, maintaining, replacing, renewing and using surface and subsurface public utilities including, but not limited to, water, sewer, power, gas, drainage and other pipelines, transmission and communication devices, methods and media (including, but not limited to, television, cable, telephone, sound, images, data), poles, overhead lines, underground wires, fibers, conduit and related facilities and appurtenances (collectively, "Public Utilities") over, under and across that certain property described as follows:

Legal Description (Exhibit A) and Exhibit Plat (Exhibit B)  
attached hereto and made a part hereof by this reference

The aforesaid Public Utilities shall have the right of ingress and egress from the Easement Area with the right to trim or to cut down and clean away any trees within the hereinafter described easement as may be necessary for the full enjoyment of the rights hereby granted by the Grantor.

Grantor agrees not to use the Easement Area or grant any other party rights to use the Easement Area for any purpose which would unreasonably burden or interfere with Grantee's or Public Utilities use or enjoyment of the rights granted herein.

The provisions hereof shall inure to the benefit of and be binding upon the heirs, successors, assigns and personal representatives of respective parties hereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019

GRANTOR:  
Olivehurst Public Utility District

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

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(title)

(Signatures must be notarized)

## 12 Foot Public Service Easement

### Exhibit "A"

#### EASEMENT 1

A 12 foot wide strip of land being a portion of that real property described as "PARK SITE" as described in that Grant Deed to Olivehurst Public Utility District recorded in Document No.: 2009R-017043, Official Records of Yuba County, situate in the County of Yuba, State of California the southwesterly, westerly and northerly line of which is described as follows:

**BEGINNING** at the most southerly corner of said "PARK SITE" also being a point on the northeasterly right-of-way of Sugarstick Drive as shown on that map titled "Tract Mo No. 2005-07 of River Oaks East Village 2", recorded in Book 98 of Maps, at Page 29, Official Records of Yuba County; thence from said **POINT OF BEGINNING** along the southwesterly, westerly and northerly lines of said "PARK SITE", also being the northeasterly and easterly right-of-way of Sugarstick Drive and the southerly right-of-way of Abbeylane Way as shown on said map recorded in Book 98 of Maps, at Page 29 the following five (5) courses: 1) along the arc of a curve to the left, the center of which bears South 48°20'03" West, having a radius of 369.00 feet, a central angle of 43°25'57" and an arc length of 279.72 feet to a point of reverse curvature; 2) along the arc of a curve to the right, having a radius of 331.00 feet, a central angle of 108°10'51" and an arc length of 624.96 feet to a point of compound curvature; 3) along the arc of a curve to the right having a radius of 24.00 feet, a central angle of 91°29'27" and an arc length of 38.32 feet to a point of reverse curvature; 4) along the arc of a curve to the left, having a radius of 417.23 feet, a central angle of 33°25'04" and an arc length of 243.35 feet to a point of tangency; 5) North 81°09'20" East 229.62 feet to the northeast corner of said "PARK SITE", said northeast corner also being a point referred to as **POINT 'A'** heron, also being the **POINT OF TERMINATION**.

The northeasterly and southerly lines shall be lengthened or shortened to terminate at the southeasterly and easterly lines of said "PARK SITE".

Containing an area of 16,837 square feet, more or less.

EASEMENT 2

A 12 foot wide strip of land being a portion of that real property described as "PARK SITE" as described in that Grant Deed to Olivehurst Public Utility District recorded in Document No.: 2009R-017043, Official Records of Yuba County, situate in the County of Yuba, State of California the easterly line of which is described as follows:

**COMMENCING** at the aforementioned **POINT 'A'**, thence from said **POINT OF COMMENCEMENT** along the easterly line of said "PARK SITE" South 08°50'40" East 239.91 feet to a point of curvature, also being the **POINT OF BEGINNING**; thence from said **POINT OF BEGINNING** along the arc of a non-tangent curve to the left, the center of which bears South 09°32'35" East, having a radius of 41.00 feet, a central angle of 162°50'07" and an arc length of 116.52 feet to the **POINT OF TERMINATION**.

The westerly line shall be lengthened or shortened to terminate at the easterly line of said "PARK SITE".

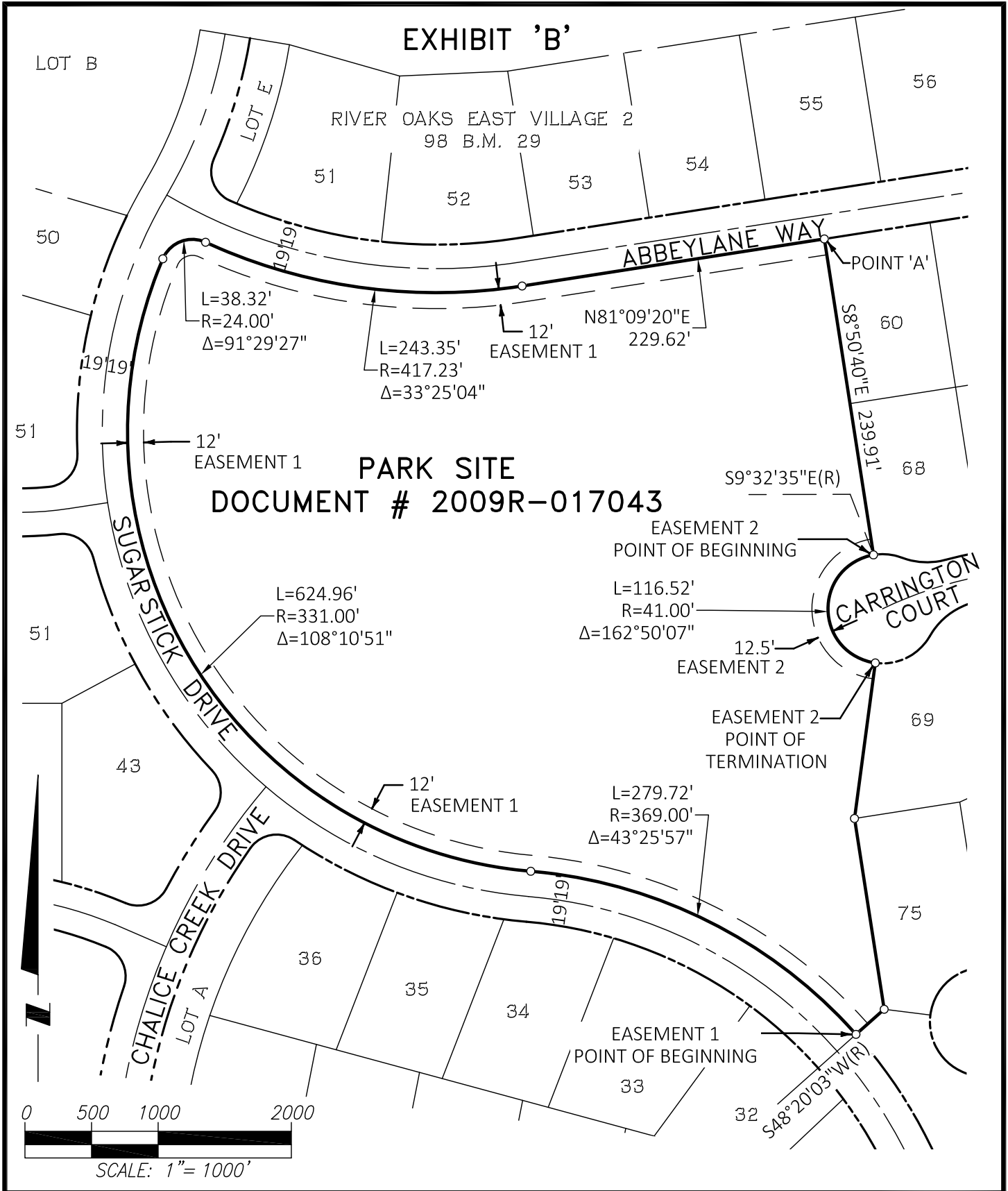
Containing an area of 1,604 square feet, more or less.

End of Description

Murray Smith & Associates  
Engineering Inc.

JANUARY 15, 2019  
03-005

# EXHIBIT 'B'



CALC:  
DRN:  
CKD:  
APRVD:

PUBLIC SERVICE EASEMENT  
**RIVER OAKS EAST**  
YUBA COUNTY, CALIFORNIA  
**MSA ENGINEERING, INC.**  
ROSEVILLE, CALIFORNIA

DATE: JAN. '19  
SCALE: 1"=1000'  
FB:  
WO: 03-005