

CITY OF YUBA CITY
STAFF REPORT

Date: September 15, 2009
To: Honorable Mayor & Members of the City Council
From: Public Works Department
Presentation by: George Musallam, Public Works Director

Summary

Subject: Easement Agreement with Mohammad Bath

Recommendation: Authorize the City Manager to sign an Easement Agreement with Mohammad Bath, for dedication of right-of-way and a public utility easement associated with AP# 58-033-014. [Northwest corner of Franklin Road and Neil Drive]

Fiscal Impact: \$11,500 – Account No. 931061-65501 (Franklin Road/Walton Avenue Improvements)

Background:

In the FY 2009-10 Capital Improvement Program, there are developer impact funds designated for the widening of Walton Avenue between Aneka Lane and Franklin Road and Franklin Road between Walton Avenue and Littlejohn Road (see Exhibit 1). On June 16, 2009, Council approved the plans and specifications for the project and authorized the Public Works Department to advertise the project for bid. On that same day, staff received a petition from property owners requesting the installation of an eastbound left-turn pocket on Franklin Road at Neil Drive. In order to accommodate a left-turn pocket, additional right-of-way is needed from AP# 58-033-014 located at the northwest corner of Franklin Road and Neil Drive, which is owned by Mohammad Bath.

Council directed staff to contact Mr. Bath and offer the construction of improvements across the frontage of his property on Franklin Road at no cost to him in exchange for dedication of right-of-way.

Analysis:

Staff contacted Mr. Bath and discussed construction of the street improvements in exchange for dedication of right-of-way and a public utility easement. An Easement Agreement was drafted and provided to Mr. Bath. Upon further investigation on the property it was determined that the proposed improvements will impact the existing well serving the property. Staff modified the Easement Agreement to include a provision for the City to connect the property to City water and abandon the well on-site with the project paying for all associated fees.

Mr. Bath has signed the Agreement and an Easement Deed, which are attached. Staff is requesting authorization for the City Manager to sign the Agreement. The Easement Agreement is consistent

with four other Agreements that were approved by Council with Crowne Development, Inc., Gurmit Rai, etal, Roman Real Estate Development, LLC, and Rajinder and Paramdeep Chohan.

Fiscal Impact:

In exchange for the dedication of right-of-way and public utility easement, the Agreement provides that the City will install full street improvements along the frontage of the subject property, connect the property to City water, and stub out a sewer service at no cost to the property owner. The estimated costs associated with connecting the property to City water is \$11,500 which will be paid from Account No. 931061-65501 (Franklin Road/Walton Avenue Improvements). There is currently \$2,380,000 available to the project.

At such time as the property owner chooses to connect to City sewer, all standard building permit fees will apply.

Alternatives:

Do not authorize the execution of the Easement Agreement.

Recommendation:

Authorize the City Manager to sign an Easement Agreement with Mohammad Bath, for dedication of right-of-way and a public utility easement associated with AP# 58-033-014.

Prepared by:

Diana Langley
Diana Langley
Principal Engineer

Submitted by:

Steven R. Jepsen
Steven R. Jepsen
City Manager

Reviewed by:

Department Head

Finance

City Attorney

Other

GM
MB

EASEMENT AGREEMENT
AP# 58-033-014

This Agreement is made and entered into as of _____, 2009, between the City of Yuba City ("City") and Mohammad Bath ("Owner").

Recitals

- A. Owner owns certain real property in the City of Yuba City, County of Sutter, State of California ("Owner's Property") more particularly described in Exhibit A which is attached hereto and incorporated herein by reference.
- B. City desires to make certain street improvements to Walton Avenue between Anneka Way and Franklin Road and Franklin Road from west of Walton Avenue to Littlejohn Road ("City Project").
- C. Owner's Property fronts on the City Project and Owner is willing to dedicate to City a right-of-way and a public utility easement along the frontage of Owner's Property needed by City for the City Project.

NOW, THEREFORE, in consideration of the terms and conditions set forth below, City and Owner mutually agree as follows:

- 1. Owner agrees to dedicate to City on or before July 31, 2009, and City agrees to accept a strip of right-of-way for road purposes along the street frontages of Owner's Property ("Right of Way") as described in Exhibit B attached hereto.
- 2. Owner agrees to dedicate to City on or before July 31, 2009, and City agrees to accept a public utility easement ("PUE") as described in Exhibit B attached hereto.
- 3. In consideration for the dedication of the Right of Way and PUE, the parties agree as follows:
 - (a) City shall install full street improvements consisting of street paving, curb, gutter, and sidewalk along the frontage of the Owner's Property along Franklin Road at no cost to the Owner. Owner shall not be required to reimburse City for the cost of said full street improvements.
 - (b) City shall relocate any overhead utilities to a location behind the proposed sidewalk at no cost to Owner. Owner shall not be required to reimburse City for the cost of relocating any overhead utilities.
 - (c) City shall install a 4" sewer stub on the west side of Owner's Property to the back of sidewalk. Owner shall be responsible for connecting Owner's Property to City sewer and paying all fees at such time as Owner decides to connect to City sewer.

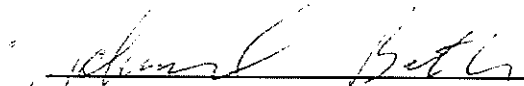
- (d) City shall install a 1" water service with meter, connect to the existing on-site water line serving the property, obtain a permit to abandon the well, and abandon the well. City shall pay the connection fees for a 1" water service, the permit to abandon the well, and the abandonment of the well.
- (e) City shall relocate Owner's sign to the east edge of the driveway on Franklin Road.

The parties agree that the consideration as provided above in this Section 3 constitutes full and complete consideration for the Right of Way and PUE.

- 4. At the time Owner's Property is developed, Owner shall be required to pay all applicable fees associated with the development of the Owner's Property.
- 5. Owner represents that it owns full legal title to Owner's Property and has full power and authority to dedicate the Right of Way and PUE to the City.
- 6. To the best of Owner's knowledge, there has been no production, storage, disposal, presence or release of hazardous substances in, on, under, or about Owners' Property.
- 7. If any action is instituted to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its costs and attorney's fees from the other party.

Mohammad Bath

Date: 8-17-09



City of Yuba City

Date: _____

Steve Jepsen
City Manager

EXHIBIT A

Lots 5 and 6, as shown on that certain map entitled "Plat of Franklin Acres", filed in the office of the County Recorder of Sutter County, California on February 13, 1957 in Book 8 of Surveys, page 72.

AND WHEN RECORDED MAIL TO

CITY OF YUBA CITY
CLERK'S OFFICE
1201 CIVIC CENTER BLVD.
YUBA CITY, CA. 95993

MAIL TAX STATEMENTS TO

CITY OF YUBA CITY
CLERK'S OFFICE
1201 CIVIC CENTER BLVD.
YUBA CITY, CA. 95993

EASEMENT DEED

The undersigned grantor(s) declare(s):

Assessor's Parcel Number: 58-033-014

Documentary transfer tax is \$0-..... R & T Code 11922

computed on full value of property conveyed, or

computed on full value less liens and encumbrances remaining at time of sale.

Unincorporated area

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Mohammad Bath, a married man, as his sole and separate property

Hereby GRANT(s) to the

CITY OF YUBA CITY, a Municipal Corporation

An easement for right-of-way proposed in, over, under and across the real property in the City of Yuba City, County of Sutter, State of California more particularly described as follows:

SEE EXHIBIT A

DATE 8-17-08.....


Mohammad Bath

ACKNOWLEDGMENT

State of California

County of SUTTER

On AUGUST 17, 2009 before me, MOHAMMAD B. BAGRIHAY (Notary Public)
(insert name and title of the officer)

personally appeared MOHAMMAD R. BATH
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)

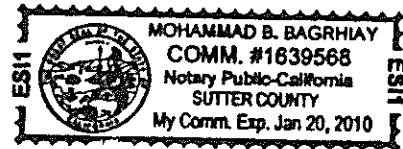


EXHIBIT A

All that real property situate in the County of Sutter, State of California, being a portion of the Southwest quarter of the Southeast quarter of Section 21, Township 15 North, Range 3 East, Mount Diablo, Base and Meridian, and a portion of Lots 5 and 6 as shown on that certain map entitled "Plat of Franklin Acres" filed in the Office of the County Recorder of Sutter County, California on February 13, 1957, in Book 8 of Surveys, Page 72, more particularly described as follows:

Being a portion of said Lots 5 and 6 lying southerly and easterly of the following described line:

Commencing at the southwest corner of said Lot 5, as shown on that certain map entitled "Plat of Franklin Acres"; thence along the westerly line of said Lot 5 North $00^{\circ}15'14''$ West, a distance of 9.00 feet to the True Point of Beginning; thence North $89^{\circ}44'58''$ East parallel to the south line of said Lots 5 and 6, a distance of 151.74 feet to the beginning of a tangent curve concave to the northwest having a radius of 15.00 feet; thence northeasterly along said curve through a central angle of $90^{\circ}00'12''$ an arc distance of 23.56 feet to a point on the existing easterly right-of-way line of said Lot 6, said point being 98.00 feet South $00^{\circ}15'14''$ East from the northeast corner of said Lot 6, and there terminating.

Together with a Public Utility Easement lying coincident to, and southerly, westerly, and easterly of the following described line:

Commencing at the southwest corner of said Lot 5, as shown on that certain map entitled "Plat of Franklin Acres"; thence along the westerly line of said Lot 5 North $00^{\circ}15'14''$ West, a distance of 19.00 feet to the True Point of Beginning; thence North $89^{\circ}44'58''$ East parallel to the south line of said Lot 5, a distance of 70.50 feet; thence South $00^{\circ}15'02''$ East perpendicular to the south line of said Lot 5, a distance of 5.00 feet; thence North $89^{\circ}44'58''$ East parallel to the south line of said Lots 5 and 6, a distance of 40.00 feet; thence North $00^{\circ}15'02''$ West perpendicular to the south line of said Lot 6, a distance of 5.00 feet; thence North $89^{\circ}44'58''$ East parallel to the south line of said Lot 6, a distance of 43.24 feet to the beginning of a tangent curve concave to the northwest having a radius of 5.00 feet; thence northeasterly along said curve through a central angle of $90^{\circ}00'12''$ an arc distance of 7.85 feet; thence North $00^{\circ}15'14''$ West parallel to the east line of said Lot 6, a distance of 98.00

feet to a point on the north property line of said Lot 6, said point being 8.00 feet South 89°44'58" West from the northeast corner of said Lot 6, and there terminating.

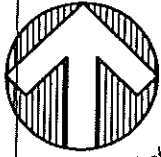
END OF DESCRIPTION



8/21/09

Date

EXHIBIT B



1" = 60'

Lot 10
58-033-004

Lot 11
58-033-005

Lot 12
58-033-006

Lot 13
58-034-003

Lot 14
58-034-002

Lot 17
58-034-001

FRANKLIN ACRES
Bk 8 Pg 72

NEIL DRIVE

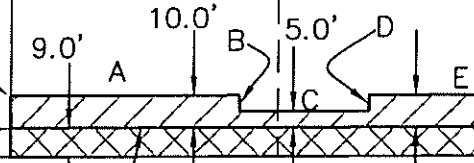
Lot 4
58-033-009

Lot 5

Lot 6

58-033-014

P.O.B. PUE



$\Delta = 90^{\circ}00'12''$
R = 5.00'
L = 7.85'

P.O.B. R/W

N89°44'58"E
151.74'

$\Delta = 90^{\circ}00'12''$
R = 15.00'
L = 23.56'

FRANKLIN AVENUE

FRANKLIN AVE. HOME SITES
Bk 5 Pg 67

LITTLEJOHN RD

Lot 18
57-161-016

Lot 19
57-161-017

Lot 20
57-161-018

Lot 21
57-161-019

Lot 22
57-161-020

Lot 23
57-161-021

Lot 24
57-161-022

	BEARING	DISTANCE
A	N89°44'58"E	70.50'
B	S00°15'02"E	5.00'
C	N89°44'58"E	40.00'
D	N00°15'02"W	5.00'
E	N89°44'58"E	43.24'
F	N00°15'14"W	98.00'

r/w=.034 acres; pue=.052 acres

RESOLUTION No. 06-046

DOCUMENT NO.

CITY of YUBA CITY

BATH

EXHIBIT "B"

58-033-014

SUBMITTED BY:

sal

DATE DRAWN:

7-6-09

DWG. No.

APPROVED

DRAWN BY:

sal

XXXX

CHECKED BY:

staff

A

APPROVED

LEGEND

----- EXISTING RIGHT of WAY

RIGHT OF WAY TO BE DEDICATED TO CITY

PUBLIC UTILITY EASEMENT TO BE DEDICATED TO CITY