

## INTER-DEPARTMENT MEMORANDUM

To:	Matthew J. Fertal	From:	William E. Murray
Dept:	City Manager	Dept:	Public Works
Subject:	EASEMENT AND TEMPORARY ACCESS AND CONSTRUCTION EASEMENT FOR WATER LINE PURPOSES AT 12752 TRASK AVENUE, GARDEN GROVE	Date:	February 26, 2013

## OBJECTIVE

It is requested that the City Council authorize the acceptance of an easement deed and temporary construction easement deed for property located at 12752 Trask Avenue, Garden Grove.

## BACKGROUND/DISCUSSION

The City's Water Master Plan identified a fire flow deficiency area at 12752 Trask Avenue (Doig Intermediate School). The Lilly Street/Trask Avenue Water Improvement Project's objective is to install a pipeline connecting the nearby existing pipes to provide a looping water system to resolve this fire flow deficiency. The Garden Grove Unified School District Board has granted an easement and a temporary construction and access easement to facilitate the Project.

## FINANCIAL IMPACT

There will be no compensation paid, as the property will benefit from improved water flow. There is no impact to the General Fund for the acceptance of the easement and temporary construction easement.

## RECOMMENDATION

Staff recommends that the City Council:

- Authorize the City Clerk to accept, on behalf of the City, the easement and temporary access and construction easement for property located at 12752 Trask Avenue, Garden Grove.

WILLIAM E. MURRAY, P.E.  
Public Works Director/City Engineer

By:  Carlos Marquez  
Senior Real Property Agent

**Recommended for Approval**

**Matthew Fertal**  
City Manager

Attachment 1 – Easement Deed  
Attachment 2 – Temporary Construction and Access Easement

RECORDING REQUESTED BY  
City of Garden Grove

When recorded mail to:  
City of Garden Grove  
P. O. Box 3070  
Garden Grove, CA 92842  
Attn. Real Property Office

Space above line for Recorder's Use

Portion: 101-711-01  
ASSESSOR PARCEL NUMBER

This Document is exempt from payment of recording fee  
pursuant to Section 6103 of the government Code

## EASEMENT DEED

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

**GARDEN GROVE UNIFIED SCHOOL DISTRICT**, who took title as **GARDEN GROVE SCHOOL DISTRICT**, a California public entity ("Grantor"),

does hereby **GRANT** to

**CITY OF GARDEN GROVE**, a municipal corporation ("Grantee"), a permanent easement and right-of-way to establish, construct, reconstruct, install, enlarge, repair, refurbish, rehabilitate, inspect, operate, maintain and use for all time water pipeline(s), and all appurtenances thereto, including ingress and egress for said purposes, over and through that certain real property situated in the City of Garden Grove, County of Orange, State of California, more particularly described as follows:

**PER LEGAL DESCRIPTION SHOWN IN EXHIBIT "A", AND DELINEATED ON PLOT MAP SHOWN AS EXHIBIT "B", BOTH OF WHICH ARE ATTACHED HERETO AND MADE A PART HEREOF**

*Together with the right to enter upon and to pass and repass over and along said easement and right of way to deposit tools, implements, and other materials thereon, by the Grantee and by any contractor, its agents and employees, engaged by said Grantee, whenever necessary for the purpose above set forth.*

*THIS GRANT is made by the Grantor under the full understanding and condition that the Grantee, by acceptance of this grant, has the right to permanently remove all things thereon that interfere with the purposes for which said easement is granted. Further, it is agreed by the Grantor that any structure place upon, or tree, plant or shrub planted on, along, or adjacent to said easement which injures the water pipeline(s) or interferes with the use, operation or maintenance, repair, enlargement, reconstruction, refurbishment, inspection, rehabilitation, or replacement thereof shall be removed by the Grantor at its expense.*

*It is understood that each undersigned grantor grants only that portion of the above described land said grantor has an interest.*

[SIGNATURES ON FOLLOWING PAGE]

Dated: Jan. 31, 2012

ATTEST:

GARDEN GROVE UNIFIED SCHOOL DISTRICT

By:   
Sue McCann

Its: Assistant Superintendent, Bus. Svc.

ACKNOWLEDGEMENT

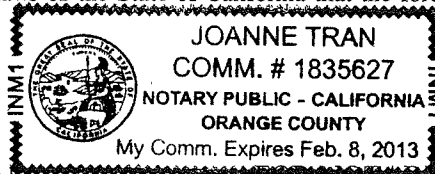
STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF ORANGE )

On Jan. 31, 2013, before me, JoAnne Tran, a Notary Public, personally appeared Sue McCann, 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 declare 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 JoAnne Tran, Notary Public



FOR NOTARY SEAL OR STAMP

APPROVED AS TO FORM OTHER  
THAN LEGAL DESCRIPTION

By: James H. Egner for  
City Attorney

Dated: 2-14-13

APPROVED AS TO EXECUTION  
AND DESCRIPTION

By: [Signature]  
Right of Way Agent

Dated: 2/20/2013

This is to certify that the interest in real property conveyed by  
the deed or grant dated \_\_\_\_\_ from

to the City of Garden Grove, a governmental agency, is hereby  
accepted by the undersigned officer on behalf of the Garden  
Grove City Council pursuant to authority conferred by  
Resolution of the Garden Grove City Council adopted July 17,  
1978, and the grantee consents to recordation thereof by its duly  
authorized officer.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
City Clerk

**EXHIBIT "A"**  
**DOMESTIC WATER PIPELINE EASEMENT**  
**GARDEN GROVE SCHOOL DISTRICT**  
**APN 101-711-001**

BEING A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 10 WEST, SAN BERNARDINO MERIDIAN, LOCATED IN THE INCORPORATED AREA OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

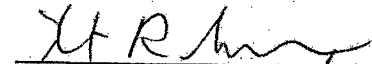
THE SOUTHERLY 10.00 FEET OF THE NORTHERLY 314.00 FEET OF THE WESTERLY 21.00 FEET OF SAID NORTHEAST QUARTER, AND THE SOUTHERLY 10.00 FEET OF THE NORTHERLY 605.50 FEET OF THE WESTERLY 21.00 FEET OF SAID NORTHEAST QUARTER, AND THE EASTERLY 10.00 FEET OF THE WESTERLY 21.00 FEET, OF THE SOUTHERLY 605.50 FEET OF SAID NORTHEAST QUARTER.

CONTAINS 5872.80 SQUARE FEET (MORE OR LESS).

EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO ALL COVENANTS, RIGHTS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF THE CITY OF GARDEN GROVE IN SEPTEMBER 2012.

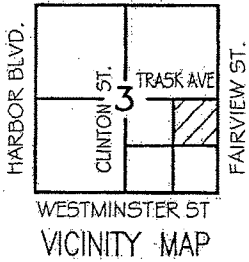
  
KENTON R. MAEVERS P.L.S. 7850

10/17/12  
DATE



GARDEN GROVE BLVD.

SHEET 1 OF 1



# EXHIBIT "B"

DOMESTIC WATER PIPELINE EASEMENT

GARDEN GROVE SCHOOL DISTRICT

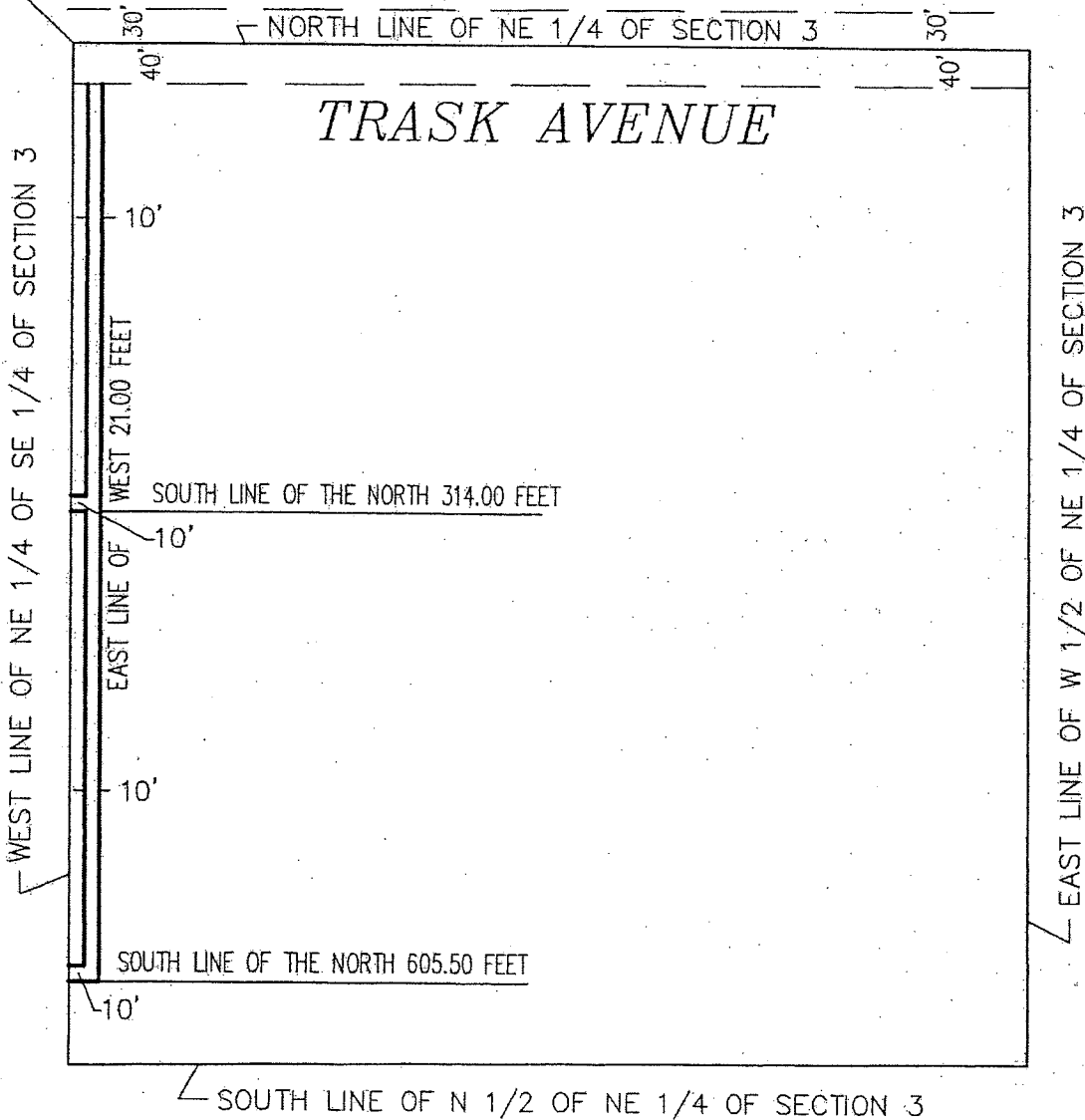
APN 101-711-001

NE 1/4 OF SE 1/4 OF SECTION 3, T5S, R10W, SBM

□ 5872.80 SQ FT



NW CORNER  
NE 1/4 OF SE 1/4  
OF SECTION 3



RECORDING REQUESTED BY:  
 City of Garden Grove  
 P.O. BOX 3070  
 Garden Grove, CA 92842  
 Attention: City Clerk  
 WHEN RECORDED MAIL TO:  
 Same as above

For Recorder's Use Only

Portion of 101-711-01  
 Assessor's Parcel No.

This Document is exempt from payment of recording fee  
 pursuant to Section 6103 of the government Code

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**TEMPORARY CONSTRUCTION  
 AND ACCESS EASEMENT**

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

**GARDEN GROVE UNIFIED SCHOOL DISTRICT, who took title as GARDEN GROVE  
 SCHOOL DISTRICT**, a California public entity ("Grantor"),

*does hereby GRANT to*

**CITY OF GARDEN GROVE**, a municipal corporation, (hereinafter called "Grantee"), a Temporary Construction and Access Easement, for the purposes of constructing, installing, using, repairing, a water line and other appurtenant structures as part of the Lilly Street/Trask Avenue Water Improvement Project (the "Project"), across the following described real property shown in Exhibit "A" and Exhibit "B", attached hereto and made a part hereof:

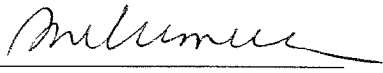
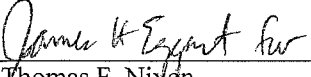
**TO HAVE AND TO HOLD** said easement to said Grantee, for the use and purpose herein above described.

It is further understood that:

1. The rights granted herein shall not be construed to interfere with or restrict use of the premises by Grantor(s), their heirs or assigns, with respect to the construction and maintenance of property improvements along and adjacent to the premises herein described, so long as the same are so constructed as to not impair or interfere with the use and maintenance of access of utilities herein above authorized.
2. The Grantee hereby agrees to restore the easement area to its original condition, as close as is practical to do so, upon acceptance of the completion of the Project by the Garden Grove City Council. .
3. This temporary construction easement shall be terminated upon recordation of a quitclaim deed after formal acceptance of Project completion by the Garden Grove City Council.
4. The Grantee agrees to indemnify and hold harmless the Grantor herein from liability arising out of the use of the property pursuant to this temporary Construction Easement.

(SIGNATURES ON THE FOLLOWING PAGE)

IN WITNESS WHEREOF, the parties have executed this Temporary Construction and Access Easement document on this \_\_\_\_ day of \_\_\_\_\_.

"Grantee"	"Grantor"
CITY OF GARDEN GROVE, a public body,	GARDEN GROVE UNIFIED SCHOOL DISTRICT, who took title as GARDEN GROVE SCHOOL DISTRICT, a California public entity,
By:	
Its: City Manager	
Attest:	By: 
By: _____ Kathleen Bailor	Its: <sup>Sue McCann</sup> Assistant Superintendent, Bus. Svc.
Its: City Clerk	By: _____
Approved to form:	Its: _____
By:  Thomas F. Nixon	
Its: City Attorney	

**EXHIBIT "A"**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**GARDEN GROVE SCHOOL DISTRICT**  
**APN 101-711-001**

BEING A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 10 WEST, SAN BERNARDINO MERIDIAN, LOCATED IN THE INCORPORATED AREA OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERLY 10.00 FEET OF THE NORTHERLY 615.50 FEET OF THE WESTERLY 31.00 FEET OF SAID NORTHEAST QUARTER, AND THE EASTERLY 10.00 FEET OF THE WESTERLY 31.00 FEET, OF THE SOUTHERLY 615.50 FEET OF SAID NORTHEAST QUARTER.

CONTAINS 5947.63 SQUARE FEET (MORE OR LESS).

**EXHIBIT "B"** ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO ALL COVENANTS, RIGHTS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF THE CITY OF GARDEN GROVE IN OCTOBER 2012.

  
KENTON R. MAEVERS P.L.S. 7850

11/5/12  
DATE







# EXHIBIT "B"

TEMPORARY CONSTRUCTION EASEMENT

GARDEN GROVE SCHOOL DISTRICT

APN 101-711-001

NE 1/4 OF SE 1/4 OF SECTION 3, T5S, R10W, SBM

□ 5947.63 SQ FT



NW CORNER  
NE 1/4 OF SE 1/4  
OF SECTION 3

