



Report to City Council

TO: Mayor and City Council
Mayor and City Council Acting in its Capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Marshall Eyerman, Chief Financial Officer

AGENDA DATE: June 20, 2017

TITLE: EASEMENT DEED TO THE CITY OF MORENO VALLEY FROM THE MORENO VALLEY COMMUNITY SERVICES DISTRICT FOR ELECTRICAL UTILITY PURPOSES ACROSS EL POTRERO PARK

RECOMMENDED ACTION

Recommendations:

1. Board of Directors of the Moreno Valley Community Services District (CSD) approve the Easement Deed to the City of Moreno Valley for electrical utility purposes across El Potrero Park.
2. City Council accept the Easement Deed from the Moreno Valley CSD.
3. Board of Directors of the Moreno Valley CSD authorize the President of the Board of Directors of the Moreno Valley CSD to execute the Easement Deed.
4. City Council direct the City Clerk to record the Easement Deed and the Certificate of Acceptance with the County Recorder of Riverside County when fully executed.

SUMMARY

This report recommends approval of an Easement Deed from the Moreno Valley CSD to the City as well as acceptance of the Easement Deed by the City. The proposed easement, which runs across El Potrero Park, is for electric utility purposes. The easement contains Circuit #1 of the Kitching Substation which runs from the substation to an interconnect site in Lasselle Sports Park, south of El Potrero Park. The Kitching

Substation Circuit #1 project is funded with Moreno Valley Utility's operating fund and is approved in the FY 2016/2017 Capital Improvement Plan.

The Utility Commission approved the Easement Deed on May 24, 2017.

DISCUSSION

Kitching Substation Circuit #1 consists of electrical conduit from the Kitching Substation to an interconnect site in Lasselle Sports Park. It crosses El Potrero Park and therefore requires an easement.

The easement was prepared by a licensed land surveyor and reviewed by both Parks and Moreno Valley Utility (MVU) staff. The Easement Deed along with its legal description and plat are attached to this staff report.

Once the Easement Deed is executed by the President of the Board of Directors of the Moreno Valley CSD, the document will be forwarded to the Mayor to execute the Acceptance Certificate.

ALTERNATIVES

1. Moreno Valley CSD approve the Easement Deed and City accept the Easement Deed for electrical utility purposes across El Potrero Park. *This will allow Moreno Valley Utility to operate and maintain that portion of Kitching Substation Circuit #1 across El Potrero Park.*
2. Moreno Valley CSD does not approve the Easement Deed and the City does not accept the Easement Deed for electric utility purposes across El Potrero Park. *This will prevent Moreno Valley Utility from operating and maintaining that portion of the Kitching Substation Circuit #1 across El Potrero Park.*

FISCAL IMPACT

No fiscal impact is anticipated.

NOTIFICATION

Notification was provided through publication of the agenda.

PREPARATION OF STAFF REPORT

Prepared By:
Clement Jimenez
Senior Engineer, P.E.

Concurred By:
Jeannette Olko
Electric Utility Division Manager

Concurred By:

Department Head Approval:
Marshal Eyerman
Chief Financial Officer/City Treasurer

Department Head Approval:
Betsy Adams
Interim Parks & Community Services Director

CITY COUNCIL GOALS

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

CITY COUNCIL STRATEGIC PRIORITIES

1. Economic Development
2. Public Safety
3. Library
4. Infrastructure
5. Beautification, Community Engagement, and Quality of Life
6. Youth Programs

Objective 4.1: Develop a Moreno Valley Utility Strategic Plan to prepare for the 2020 expiration of the ENCO Utility Systems agreement.

ATTACHMENTS

1. Easement Deed
2. Certificate of Acceptance

APPROVALS

Recording requested by and when recorded, mail to:

Moreno Valley Utility
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley
Project No. 805 0037
A.P.N. 312-130-010

(Space above this line for Recorder's use)
DOCUMENTARY TRANSFER TAX IS NONE.
Public Agency exempt.
Revenue and Taxation Code Section 11922

EASEMENT DEED

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

MORENO VALLEY COMMUNITY SERVICES DISTRICT

GRANTOR(S) hereby grant(s) and convey(s) to the CITY OF MORENO VALLEY, a municipal corporation, for themselves, successors or assigns a perpetual non-exclusive easement and right of way for municipal utility purposes, including ingress and egress, for the purpose of constructing, operating, maintaining, and repairing municipal service facilities and reading meters over, under, upon, and across the real property in the City of Moreno Valley, County of Riverside, State of California, described as follows:

All as described in the attached legal description and illustrated on the plat attached hereto and marked Exhibits "A" and "B" respectively. IN WITNESS WHEREOF, this instrument has been executed this _____ day of _____, 2017.

Grantor(s)
Signature(s)

*Dr. Yxstian Gutierrez, Board President
Moreno Valley Community Services District*

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)
County of _____)ss.

On _____ before me, _____, a Notary Public in and for said State, 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 _____
Signature of Notary Public

Place Notary Seal Above

EXHIBIT 'A'
LEGAL DESCRIPTION
Potrero Park Electrical Easement

Those portions of Lot 'D' and Lot 'E' as shown on Parcel Map No. 21574, as filed in Book 147, Pages 28 through 30 inclusive, of Parcel Maps, records of Riverside County, located in Section 29, Township 3 South, Range 3 West, S.B.M., in the City of Moreno Valley, County of Riverside, State of California, more particularly described as follows:

Being a strip of land 20.00 feet wide, the centerline of said strip being more particularly described as follows:

Commencing at the southwest corner of said Lot 'D';

Thence along the westerly line of said Lot 'D' North 00°17'00" East 26.03 feet to the **Point of Beginning**;

Thence South 88°31'11" East 38.44 feet;

Thence North 68°38'49" East 61.85 feet to a line parallel to and distant 50.00 feet northerly, measured at right angles to the southerly line of said Lot 'D';

Thence along said parallel line South 88°31'11" East 638.01 feet;

Thence North 47°24'11" East 185.57 feet;

Thence North 84°09'42" East 334.17 feet;

Thence North 85°46'36" East 11.42 feet;

Thence North 04°13'35" West 2.15 feet;

Thence North 85°46'25" East 25.83 feet to the westerly line of the Riverside County Flood Control & Water Conservation District Kitching Street Channel R/W (136' wide) as shown on said map;

Thence continuing North 85°46'25" East 136.00 feet to easterly line of said Kitching Street Channel, also being the westerly line of said Lot 'E';

Thence North 85°37'37" East 40.68 feet;

Thence South 88°59'27" East 109.68 feet;

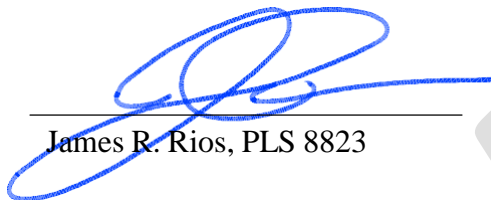
Thence South 01°35'39" West 196.07 feet to the southerly line of said Lot 'E' and the **Point of Termination**;

The sidelines of said strip to be prolonged or shortened as to terminate westerly on said westerly line of Lot 'D', and southerly on said southerly line of Lot 'E';

Excepting therefrom that portion lying within said Kitching Street Channel R/W;

The above described parcel of land contains 32,877 square feet (0.75 acres) more or less.

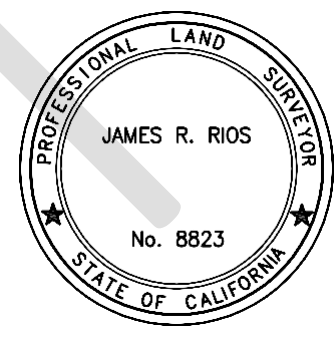
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.



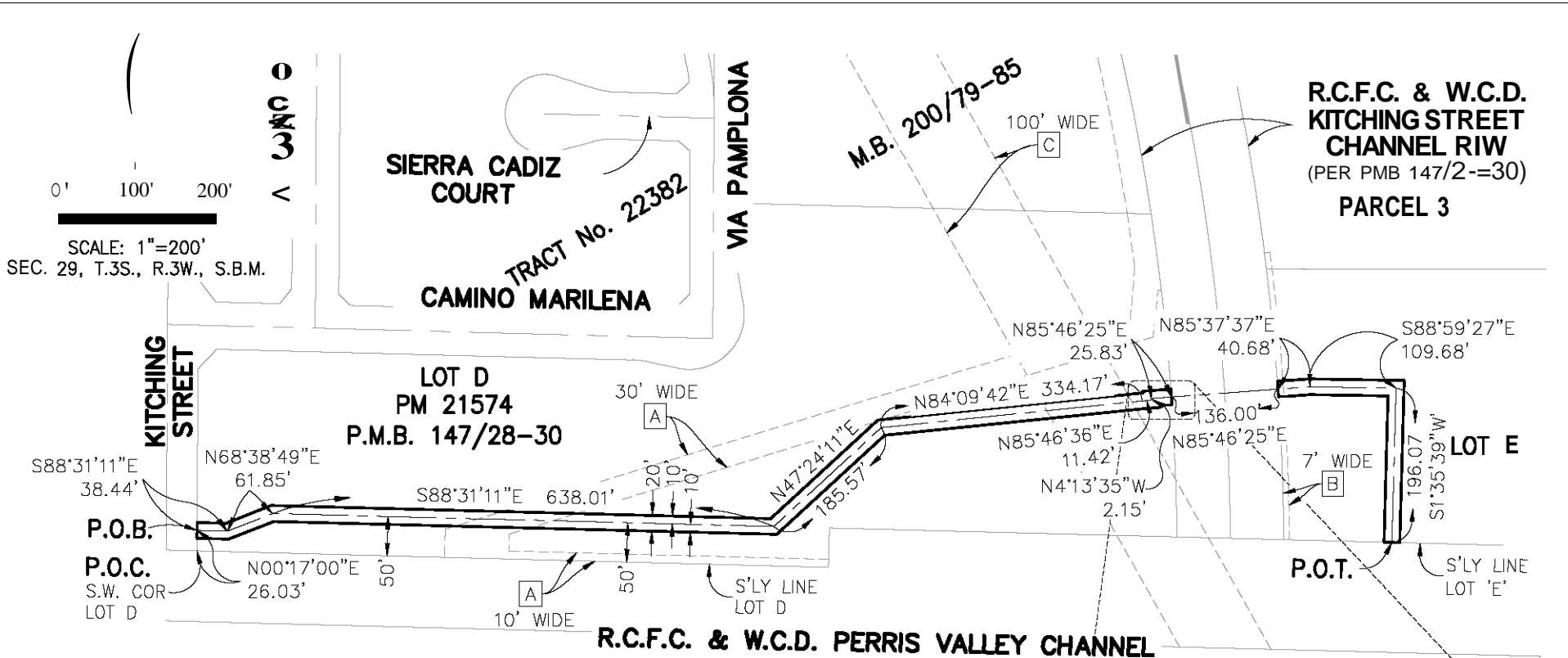
James R. Rios, PLS 8823

12/08/2016

Date:



DRAFT

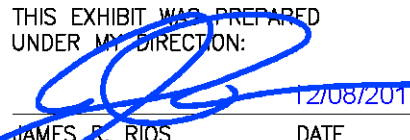


LEGEND

- INDICATES 20' WIDE PROPOSED MVU
- ELECTRICAL EASEMENT 32,877 SQ. FT. (0.75 ACRES) MORE OR LESS
- INDICATES CENTERLINE

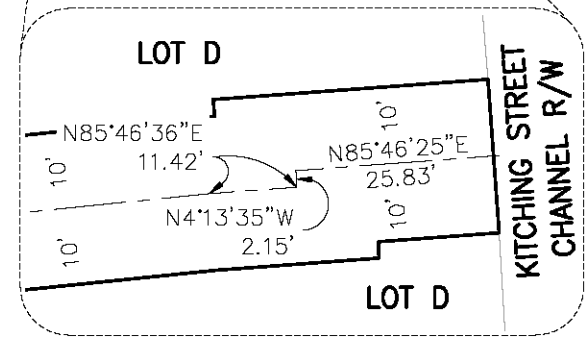
- P.O.B.** POINT OF BEGINNING
- P.O.C.** POINT OF COMMENCING
- P.O.T.** POINT OF TERMINATION



THIS EXHIBIT WAS PREPARED UNDER MY DIRECTION:

 12/08/2016
 JAMES R. RIOS DATE

EXISTING EASEMENTS

- [A]** VARIABLE WIDTH SEWER EASEMENT IN FAVOR OF E.M.W.D., "PARCEL A" PER GRANT OF EASEMENT REC. 08/24/88 AS INST. NO. 241104, O.R.
- [B]** 7' WIDE SEWER EASEMENT IN FAVOR OF E.M.W.D., "PARCEL A" PER GRANT OF EASEMENT REC. 08/24/88 AS INST. NO. 241104, O.R.
- [C]** 100' WIDE WATER EASEMENT IN FAVOR OF THE STATE OF CALIFORNIA PER INST. 41767, REC. 05/06/69



APN: 312-130-010	St-EET10F 1	SCALE 1" = 200'
EXHIBIT "B" ELECTRICAL EASEMENT	PSOMAS	
	1500 Iowa Avenue, Suite 210 Riverside, Ca 92507 (951) 787-8421 www.psomas.com	
	DRAFTED JRR	
	CHECKED Sf.15	
		DAIE DEC. 08, 2016
		JOB NUMBER 4MOR040421

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

**City Clerk
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805**

This space for Recorder's use only

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property, more specifically described as Lot 'D' and Lot 'E' of Tract 21574, Recorded in Book 147, Map Page(s) 28 through 30, conveyed by Easement Deed dated _____, from the Moreno Valley Community Services District of the City of Moreno Valley to the City of Moreno Valley, in the form attached hereto, is hereby accepted by order of the Moreno Valley City Council, on June 6, 2017, and the grantee consents to recordation thereof.

Date: _____

By: _____
Dr. Yxstian Gutierrez, Mayor
City of Moreno Valley