



TO: GCSO Board of Directors

FROM: Peter Kampa, General Manager

DATE: January 11, 2022

SUBJECT: Agenda Item 4E: Adoption of a Resolution Accepting an Exclusive Sewer Easement Grant Deed from Assessor's Parcel Numbers 090-210-009-000 and 090-210-010-000

RECOMMENDED ACTION:

I move to adopt Resolution 02-2022 Accepting an Exclusive Sewer Easement Grant Deed from Assessor's Parcel Numbers 090-210-009-000 and 090-210-010-000.

BACKGROUND:

District policy delegates authority to the General Manager to negotiate certain easement agreements and grant deeds with property owners in the case where easement property rights are needed or required by the District for utilities and other purposes. Board ratification of such easement deeds and agreements are required prior to recordation.

In the above matter, the property owners desire to abandon a Public Utility Easement between two parcels they own, and in exchange for District approval are offering to dedicate an exclusive sewer easement in a location desired by the District. The appropriate applications, deposits and legal documents have been prepared, accepted by the District and approved by the General Manager. The easement dedication package is attached to this Resolution.

ATTACHMENTS:

1. Resolution 02-2022, including easement agreement, grant deed and exhibits.

FINANCIAL IMPACT:

There is no cost to the District for acquisition of this easement, and the Owner pays the cost of engineering review and recordation at the county.

RESOLUTION 02-2022

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE GROVELAND
COMMUNITY SERVICES DISTRICT ACCEPTING AN EXCLUSIVE SEWER
EASEMENT GRANT DEED FROM ASSESSOR'S PARCEL NUMBERS 090-210-009-000
AND 090-210-010-000**

WHEREAS, property owner Mark and Vicki Lyftogt (Owner) has requested the District abandon its interest in a Public Utility Easement between parcels 090-210-009 and 090-20-010; and

WHEREAS, future public sewer installation plans in the area of the above mentioned property require access for public sewer installation, operation and maintenance in the future on a different portion of the property than the location of the Public Utility Easement to be abandoned; and

WHEREAS, the other utilities have agreed to abandon their interest in the Public Utility Easement in the subject location; and

WHEREAS, the Owner has agreed to develop and dedicate to the District a 15 foot wide exclusive sewer easement in the name of the District in a location acceptable to the District; and

WHEREAS, the General Manager has accepted the easement by grant deed in accordance with the authority conveyed in District policy, subject to ratification by the Board, and to which shall be attached a Certificate of the Secretary of the Board certifying the fact that said resolution was duly adopted by the Board of Directors of the District at a meeting called and held pursuant to the Brown Act on a specified date by the specified vote, and certifying to the fact that said resolution is valid and in full force and effect and has not been revised by the Board of the District since the date of its adoption; and

WHEREAS, no compensation is to be paid by the District for said easement.

**NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE
GROVELAND COMMUNITY SERVICES DISTRICT DOES hereby:**

1. Accept the Easement Grant Deed from Mark and Vicki Lyftogt, APN 090-210-009 and 090-20-010, as detailed and depicted in the attached District Easement Agreement, Exhibits A and B.
2. Approve the attached Easement Agreement – Public Utility Easement
3. Direct the preparation of the Certificate of Secretary verifying easement acceptance, which shall be recorded with this Resolution, the Grant Deed and Easement Agreement in the Office of the County Recorder in Tuolumne County.

WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Groveland Community Services District on January 11, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Rachel Pearlman, Board Secretary

Janice Kwiatkowski, President - Board of Directors

CERTIFICATE OF SECRETARY

I, Rachel Pearlman, the duly appointed and acting Secretary of the Board of Directors of the Groveland Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Groveland Community Services District, duly called and held on January 11, 2022.

DATED: _____



Doc # 2021019677
 Page 1 of 4
 Date: 12/20/2021 01:37P
 Recording Requested By:
 GROVELAND COMMUNITY SERV DIST
 Filed & Recorded in Official Records
 of COUNTY OF TUOLUMNE
 KAENAN WHITMAN
 COUNTY RECORDER
 Fee: \$0.00

Upon recording send copy to:

Groveland Community Services District
 Post Office Box 350
 Groveland, CA 95321

CONFORMED COPY

EASEMENT GRANT

The undersigned, XXXX, Grantor, for A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, do hereby grant to the GROVELAND COMMUNITY SERVICES DISTRICT, a community services district of the State of California, Grantee, an easement to lay, construct, reconstruct, replace, renew, repair, maintain, operate, change the size of, increase the number of, and remove sewer lines and appurtenances thereof with the right of ingress and egress to and from the same through that certain parcel of land owned by Grantor, situate in the Unincorporated area of the County of Tuolumne, State of California, more particularly described as follows:

See Exhibit "A" attached.
 "B"

Grantor reserves the right to fully use and enjoy the said easement strip provided, however, that Grantor shall not construct or maintain the whole or any part of any permanent structure on the strip which would impair or interfere with the present or prospective exercise of any of the rights herein granted.

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

Mark Lyftogt
 Mark Lyftogt

12/17/2021
 Date

Vicki Lyftogt
 Vicki Lyftogt

12/17/2021
 Date

STATE OF CALIFORNIA)
 COUNTY OF Monterey)

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

On 12-17-2021 before me, Melissa Singh a Notary Public in

and for said County and State, personally appeared Mark Lyftogt and Vicki Lyftogt

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.
Melissa Singh

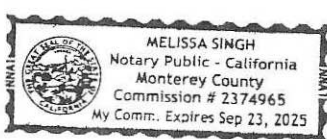



EXHIBIT A

EASEMENT FOR SEWER PURPOSES

All that real property located in the North 1/2 of Section 16, Township 1 South, Range 16 East, M.D.B.&M in the unincorporated territory of Tuolumne County, California, described as follows:

A portion of lots 198 and 199, Pine Mountain Lake Unit No. 5 as shown and delineated on the Official Map thereof, filed in the Office of the County Recorder, Tuolumne County, California on October 15, 1969 in Volume 5 of Subdivisions, at Page 49, more particularly described as follows:

A 15-foot wide strip of land parallel with, and within the Northerly line of said lots 198 and 199, containing an area of 0.056 Acres +/-



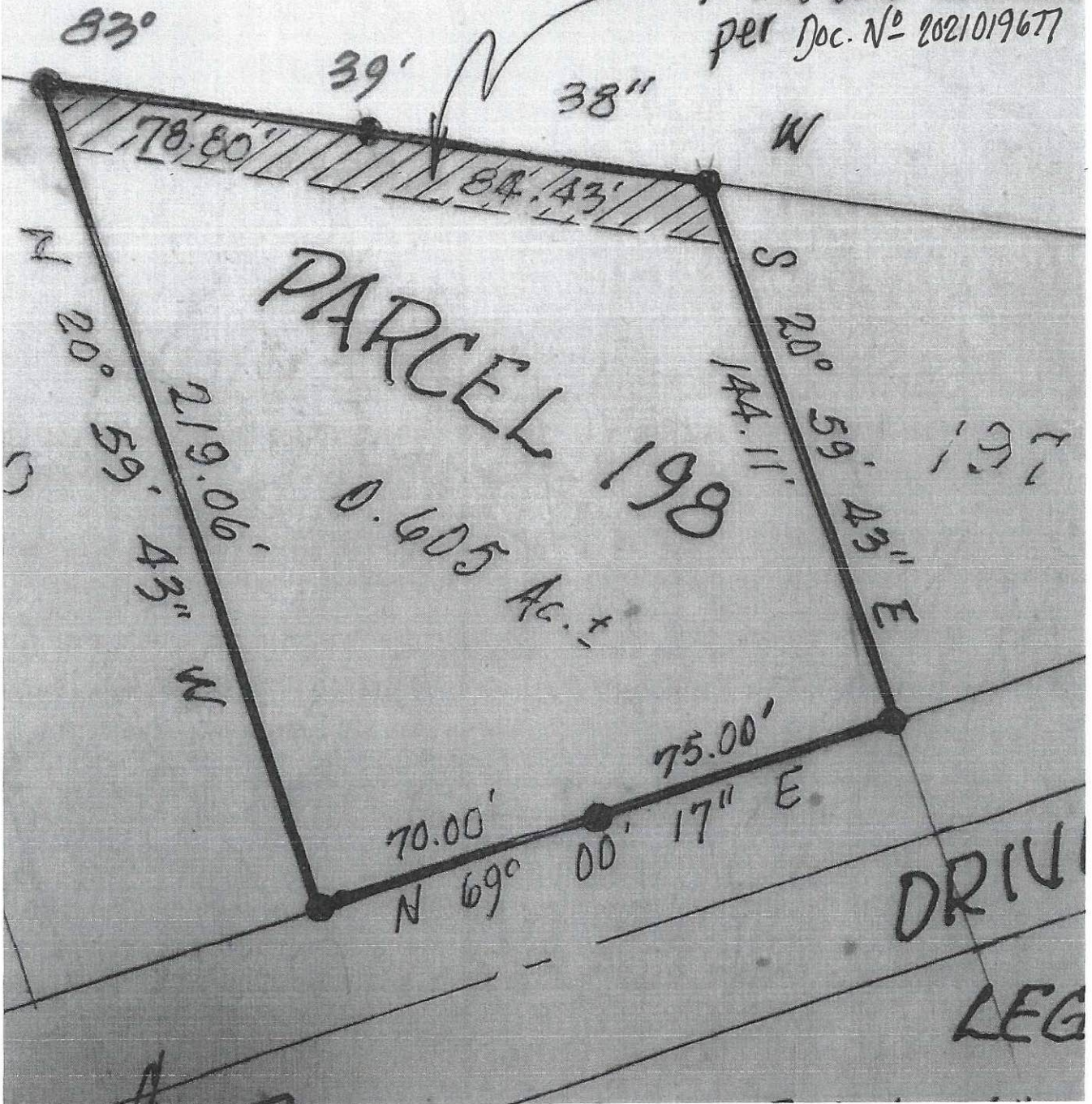
Richard T. Todd, L.S. 5522



EXHIBIT B

740.

15' Wide Sewer Easement
per Doc. No 2021019677



CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the deed or grant from Mark and Vicki Lyftogt to Groveland Community Services District, a Governmental Agency, is hereby accepted on Monday December 20, 2021 by the undersigned duly authorized Officer of Groveland Community Services District.

By: Rachel Pearlman

Board Secretary, Rachel Pearlman

Dated: 12.20.2021