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 slope 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 )
COUNTY OF ________________ ) ss.

On __________, 20__, 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 "I"

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

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
GRANT DEED

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.

J:\Projects\River Oaks East\03-005\Mapping\Exhibit03-005 SD Esmt Legal Desc.doc
EXHIBIT 'B'

RIVER OAKS EAST VILLAGE 2
98 B.M. 29

PARK SITE
DOCUMENT # 2009R-017043

POINT OF TERMINATION
15' EASEMENT FOR STORM DRAIN
3,597± S.F.
N39°09'14"E 239.53'

POINT OF BEGINNING
7.5' 7.5'
L=194.87'
R=369.00'
Δ=30'7"15'31"

POINT OF COMMENCEMENT

STORM DRAIN EASEMENT
RIVER OAKS EAST
YUBA COUNTY, CALIFORNIA

MSA ENGINEERING, INC.
ROSEVILLE, CALIFORNIA

DATE: JAN. '19
SCALE: 1"=1000'

FB:
WO: 03-005
GRANT DEED

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