



STAFF REPORT

SAUSALITO CITY COUNCIL

AGENDA TITLE:

Accept sanitary sewer easement deed within 40 Alexander Avenue.

RECOMMENDED MOTION:

Adopt resolution accepting an easement deed for sanitary sewer construction, improvement, repairs, maintenance, operation and replacement.

SUMMARY

Maurice and Jean Myers of 40 Alexander Avenue offered an easement to the City across their property as part of a design review in 2004. The easement has yet to be accepted by the City. The easement is useful to contain an existing sanitary sewer main. A project to design the replacement or rehabilitation of this sewer main segment has begun. Acceptance of the easement provides an economical means of obtaining property for the eventual replacement of the sanitary sewer main. Staff recommends acceptance of the offer of easement.

BACKGROUND

In 2004, Maurice and Jean Myers applied for and received a design review to expand and remodel the house at the property known as 40 Alexander Avenue (also called Assessor Parcel Number 065-303-28 & 29). The design review, DR 04-067, was approved by the Sausalito Planning Commission on November 3, 2004 as Resolution No. 2004-55.

As part of the Resolution and prior to issuance of a building permit for said improvements, the applicants were to "Grant a sewer easement to the City of Sausalito for a future sanitary sewer main line along the beach that is currently being studied by the City. The easement will likely be located along a portion of the parcel below 10-feet NGVD. Once the sewer main is designed and constructed, the easement can be revised to describe a specific 10-foot wide easement".

On September 28, 2005 Maurice and Jean Myers granted to the City of Sausalito "An easement with a right of immediate entry and continued possession for construction, improvement, repairs, maintenance, operation and replacement of a sewer main and appurtenances" within said property. There is however, no record of the City of Sausalito accepting said easement. A copy of the offer of easement is attached.

Item #: 4B8
Meeting Date: 9/1/09
Page #: 1

ISSUES

Maurice and Jean Myers have been granted a permit to construct a boat dock within said property. The Myers' 2005 grant of easement to the City still exists but requires acceptance by the City prior to it being recorded.

An existing 20-inch ductile iron sanitary sewer main runs along the beach below Alexander Avenue and which serves 19 properties, including 40 Alexander. Depending on the ultimate alignment of the proposed replacement sanitary sewer, the subject easement and other easement within various properties below Alexander Avenue may be required. Over time, opportunities to have these easements created through the design review process may present themselves and provide an economical means for the City to acquire them.

FISCAL IMPACT

None, the offer by Maurice and Jean Myers has no fiscal impact to the General Fund.

Long term costs will be associated with the construction, repair, maintenance and operation of the proposed replacement sewer. These costs exist currently and are not affected further by the recommended action.


STAFF RECOMMENDATIONS

Adopt the attached resolution accepting the offer of the easement deed and authorizing the City Manager to execute documents necessary for the transfer of property rights related to the offer.

ATTACHMENTS


Resolution
Deed w/exhibit

PREPARED BY:



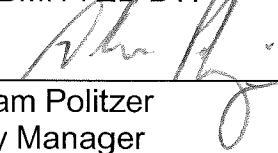
Todd Teachout, City Engineer

REVIEWED BY (Department Head):



Jonathon Goldman, Director of Public Works

SUBMITTED BY:



Adam Politzer
City Manager

Item #: 488
Meeting Date: 9/1/09
Page #: 2

RESOLUTION ____-09

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO ACCEPTING REAL PROPERTY FOR SANITARY SEWER PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS NECESSARY FOR THE TRANSFER OF PROPERTY RIGHTS.

WHEREAS, in 2004, the City of Sausalito required the property owners of 40 Alexander Avenue to grant a sewer easement to the City across said property, and

WHEREAS, in 2005, Maurice and Jean Myers, owners of said property granted to the City an easement with a right of immediate entry and continued possession for construction, improvement, repairs, maintenance, operation and replacement of a sewer main and appurtenances across said property, and

WHEREAS, said easement has not yet been accepted by the City Council, and

WHEREAS, Maurice and Jean Myers now desire to construct a boat dock in said property, and

WHEREAS, the offer of said easement still exists.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sausalito:

1. Accepts the offer of an easement as described as Exhibit A.
2. Authorizes the City Manager to execute necessary documents for the transfer of property rights related to the offer and as shown as Attachment A.

AYES: Councilmembers:
 NOES: Councilmembers:
 ABSTAIN: Councilmembers:

 Mayor, City of Sausalito

ATTEST:

 City Clerk

Item #: 488
 Meeting Date: 9/1/09
 Page #: 3

WHEN RECORDED RETURN TO:

Deputy City Clerk
CITY OF SAUSALITO
420 Litho Street
Sausalito, CA 949659

SPACE ABOVE FOR COUNTY RECORDER'S USE ONLY

EASEMENT DEED

A.P.N.: 065-303-2B #29

Documentary Transfer Tax: NONE.

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

(Name) A. MAURICE AND ELIZABETH J. MYERS TRUST

hereby GRANT(S) to

the CITY OF SAUSALITO, a municipal corporation:

An easement with a right of Immediate entry and continued possession for construction, improvement, repairs, maintenance, operation and replacement of a sewer main and appurtenances, described as follows:

See Exhibit "A" (Exhibit A is legal description and description of easement purpose) attached hereto and made part hereof by reference.

See Exhibit "B" (Exhibit B is plat map or drawing) attached hereto for reference only and NOT made a part hereof

This easement runs with the land and is binding on all heirs and successors.

Dated: 09/28/2005

By: [Signature]

By: Elizabeth Jean Myers

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed above is hereby accepted by order of the City Council of the City of Sausalito pursuant to City Council Resolution/Ordinance No. _____ dated _____, 20____, and grantee consents to recordation thereof by its duly authorized officer.

CITY OF SAUSALITO, A Municipal Corporation

By: _____

Date: _____

Recording of this document is requested for and on behalf of the City of Sausalito pursuant to Section 6103 of the Government Code.

488
5

JURAT

State/Commonwealth of Hawaii
City of Honolulu } ss.
County of _____

Subscribed and sworn to (or affirmed) before me
this 28th day of September, 2005, by
Date Month Year

(1) A. Maurice Myers
Name of Signer #1
(2) Elizabeth J. Myers
Name of Signer #2

LS

[Signature]
Signature of Notary Public
Keliann Yamamoto

Place Notary Seal and/or Any Stamp Above

Other Required Information (Printed Name of Notary, Residence, etc.)
My Commission Expires: 01/09/2009

OPTIONAL

Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Easement Deed

Document Date: 09/28/2005 Number of Pages: _____

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER #1
Top of thumb here

RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here

488
6

WHEN RECORDED RETURN TO:

Deputy City Clerk
CITY OF SAUSALITO
420 Litho Street
Sausalito, CA 949659

SPACE ABOVE FOR COUNTY RECORDER'S USE ONLY

EASEMENT DEED

A.P.N.: 065-303-28 # 29

Documentary Transfer Tax: NONE.

By: _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed above is hereby accepted by order of the City Council of the City of Sausalito pursuant to City Council Resolution/Ordinance No. _____ dated _____, 20____, and grantee consents to recordation thereof by its duly authorized officer.

CITY OF SAUSALITO, A Municipal Corporation

By: _____

Date: _____

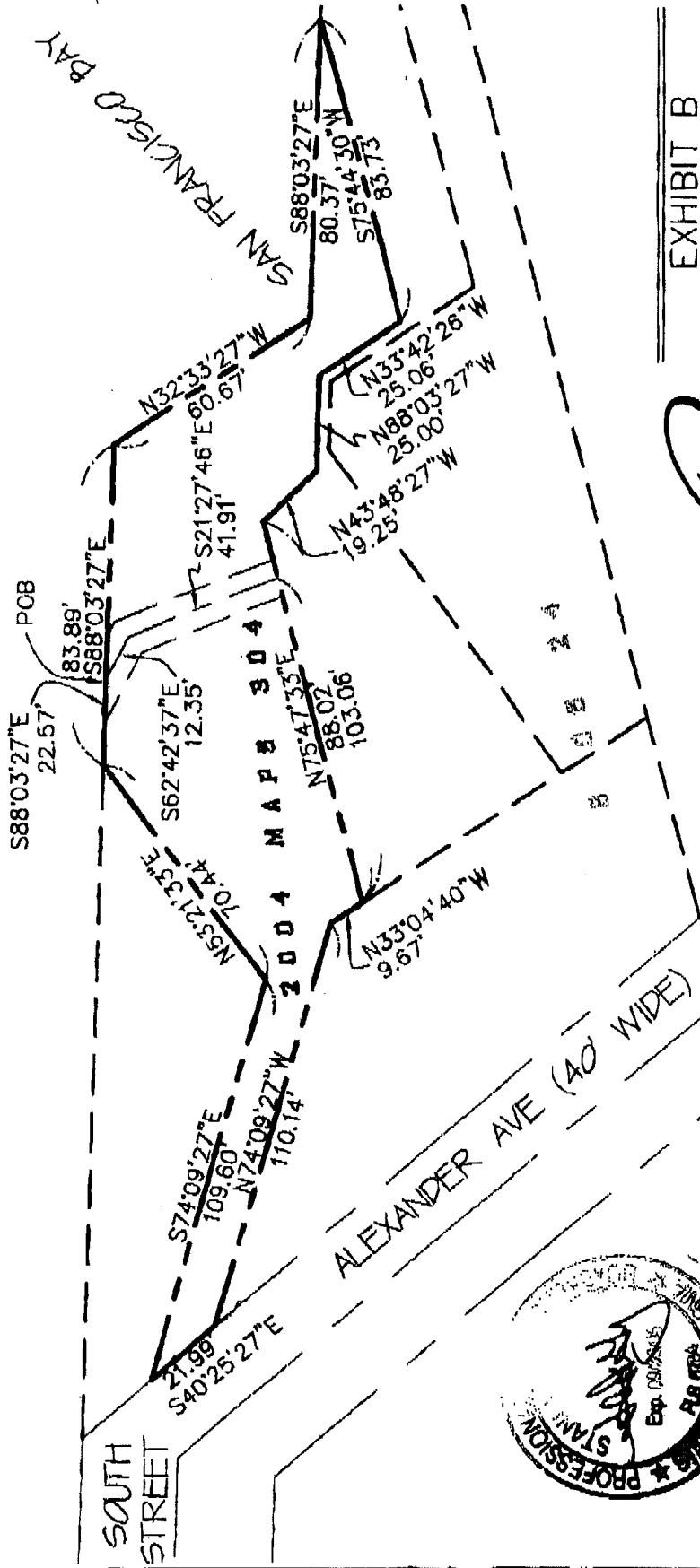
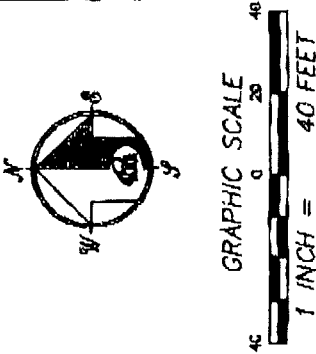
Recording of this document is requested for and on behalf of the City of Sausalito pursuant to Section 6103 of the Government Code.

4/38
7

REFERENCE

"RECORD OF SURVEY, LANDS OF MYERS... SAUSALITO, CALIFORNIA" FILED FOR RECORD DECEMBER 13, 2004 IN BOOK 2004 OF MAPS, AT PAGE 304, MARIN COUNTY RECORDS.

NOTE
RECORD=MEASURED



9/15/05

EXHIBIT B

MERIDIAN SURVEYING ENGINEERING, INC.
 1612 LARCH STREET
 SAN FRANCISCO, CA 94122
 (415) 440-4151 info@meridian-survey.com (415) 468-5600

0404B
 777 GRADY AVENUE, SUITE 202
 SAN RAFAEL, CA 94560

EXHIBIT "A"

INSERT PREFAMBLE BY ATTORNEY OR TITLE COMPANY

BEGIN DESCRIPTION

EASEMENT AGREEMENT

A strip of land, 10 feet wide, situated in the City of Sausalito, County of Marin, State of California, and being a portion of the Lands of Myers, per Record of Survey filed for record December 13, 2004 in Book 2004 of Maps, at Page 304, Marin County Records, lying 5 feet on each side of the following described centerline:

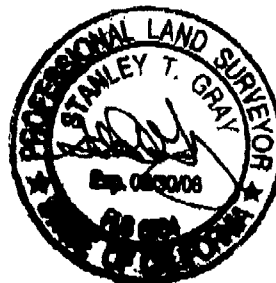
BEGINNING at a point on the northerly line of said lands, distant thereon South 88°03'27" East, 22.57 feet from the Northwesterly corner thereof; thence leaving said Northwesterly line South 62°42'37" East, 12.35 feet; thence South 21°27'46" East, 41.91 feet to a point on the Southerly line of said lands, distant thereon North 75°47'33" East, 88.02 feet from the Southwesterly corner of said lands.

The side lines of said 10 foot easement to be extended or shortened to meet at angle points and to terminate at the northerly and southerly line of said lands.

All as shown on the map attached entitled "EXHIBIT B" and made a part hereof.

Containing 543 square feet, more or less.

END OF DESCRIPTION



9/15/05

488
9