

San Gorgonio Pass Water Agency

DATE: March 18, 2024
TO: Board of Directors
FROM: Lance Eckhart, General Manager
BY: Emmett Campbell, Senior Water Resources Planner
SUBJECT: Easement Relocation Agreement with Yucaipa Valley Water District

RECOMMENDATION

Authorize the General Manager to execute the Easement Relocation Agreement and any other documents necessary to complete this relocation with Yucaipa Valley Water District and authorize the General Manager to file the appropriate documentation with the County.

PREVIOUS CONSIDERATION

- No Previous Considerations

BACKGROUND

In the late 1990s and early 2000s, the Agency acquired right of ways and easements for the anticipated construction of the East Branch Extension (EBX). This was done cooperatively with the Department of Water Resources (DWR). At the time, DWR had no authority to condemn property in the Pass region; therefore, the responsibility is with the San Gorgonio Pass Water Agency. As such, the San Gorgonio Pass Water Agency still owns the right of way and easements for the EBX facilities in this area.

The easements and right of ways acquired included pipeline easements and access easements. The pipeline easements were utilized to include the installation of the East Branch Extension. The access easements were utilized to provide a clear path to construct the facilities and maintain them well into the future.

As the region has developed, so has the need to relocate some of these access easements. One such case is with the warehouse development at Cherry Valley Blvd and Roberts Rd. As a part of this development, part of the land was parceled off and the developer dedicated the land, now referenced as Parcel 4 of Parcel Map No. 36564 ("Parcel 4"), to the Yucaipa Valley Water District to construct recycled water reservoirs.

SGPWA has multiple access easements located in the vicinity of this development. To ensure the access easements retain their intended use, the access easements will need to be relocated. The first easement to be relocated will be the portion across the Yucaipa Valley Water District property where the recycled water reservoirs will be constructed.

ANALYSIS

The EBX of the California Aqueduct was constructed in phases. The first phase was completed nearly 20 years ago, while the second phase was completed a decade later. As a part of the construction of the EBX, land acquisition was required to construct and maintain the pipeline.

Two warehouses were constructed along Cherry Valley Blvd. The warehouses encroach upon access easements necessary to get to the EBX. As such, the easement will be relocated so as to not impede our ability to gain access to the pipeline and associated facilities. The Department of Water Resources has been involved in the relocation of these easements, but since they do not own these easements, they do not have the authority to relocate them. This authority to relocate these easements is with SGPWA.

As described above, part of the warehouse development by the developer included parceling off and dedicating Parcel 4 to the YVWD for YVWD to construct two recycled water reservoirs. These reservoirs would encroach upon SGPWA access easements and will need to be relocated. A new easement path has been identified that would maintain SGPWA and DWR's ability to gain access to the EBX. Since the construction of the EBX facilities are completed, the relocated access easement proposed by YVWD has been determined to be acceptable and sufficient for the needs of SGPWA and DWR to access the EBX facilities.

FISCAL IMPACT

- No impact.

ACTION

Authorize the General Manager to execute the Easement Relocation Agreement and any other documents necessary to complete this relocation with Yucaipa Valley Water District and authorize the General Manager to file the appropriate documentation with the County.

ATTACHMENTS

- Easement Relocation Agreement

Easement Relocation Agreement with YVWD

Board of Directors

3/18/2024

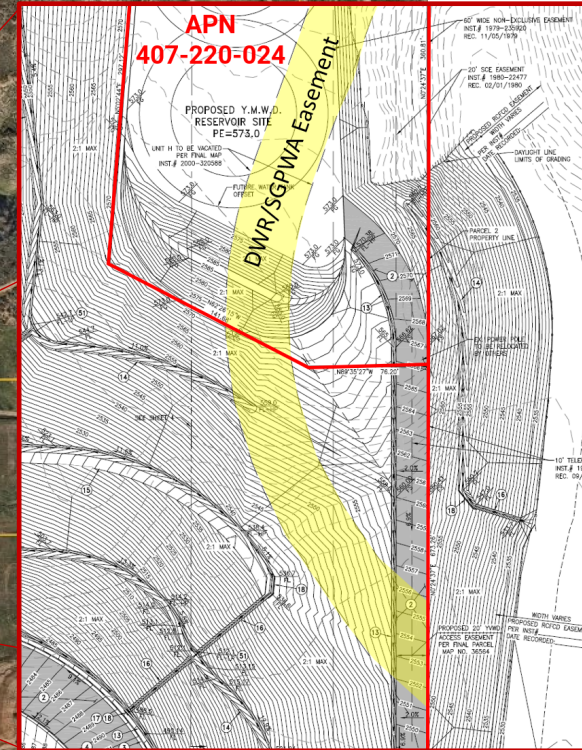




Cherry Valley Blvd



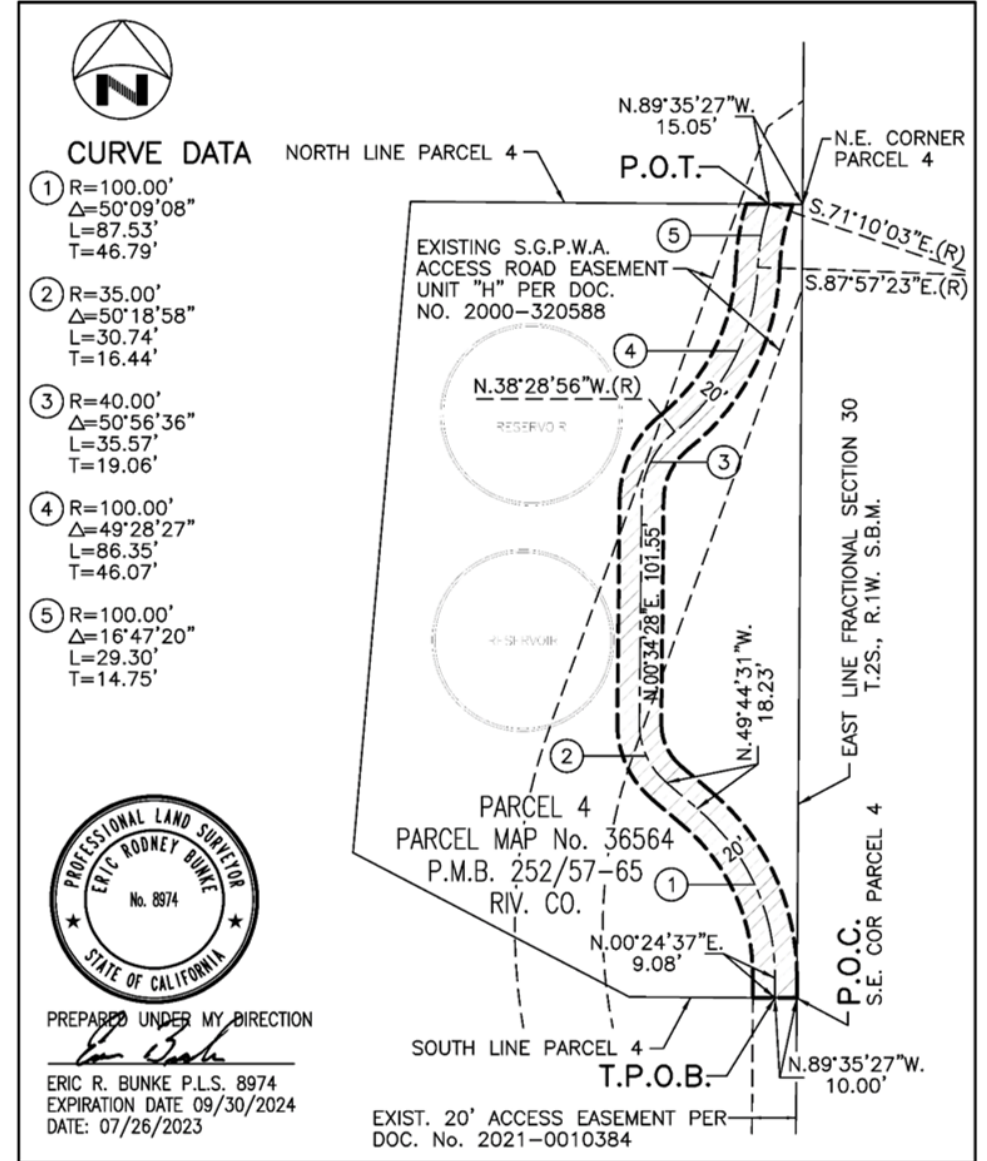
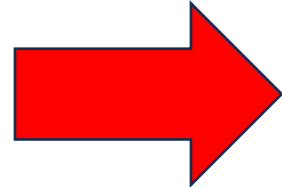
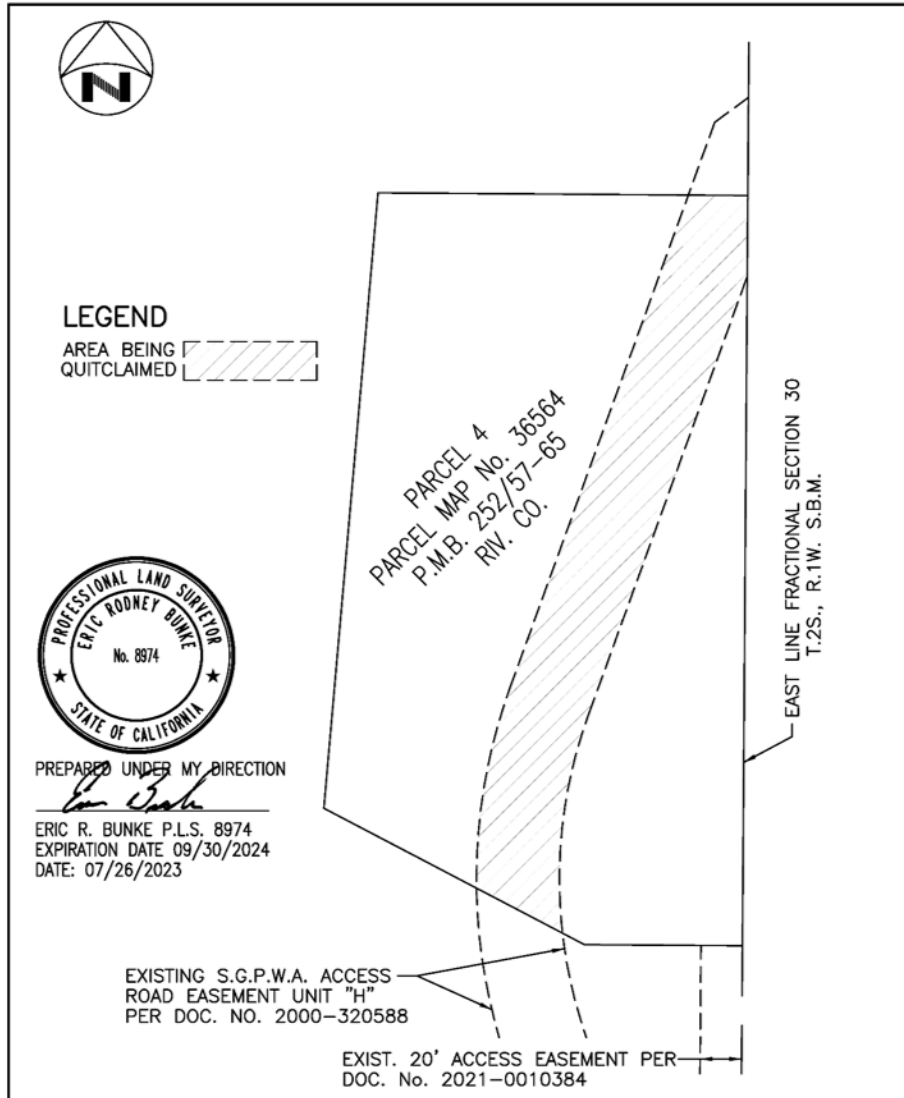
Assessor's Parcel Number 407-220-024



Cherry Valley Boulevard



DEPICTION OF PORTION OF DWR SGP-106 H



Easement Relocation Order of Operations

Easement Relocation Agreement is approved – Certificate of Acceptance sent to YVWD

YVWD records the relocated easement with the County

SGPWA records the quitclaim deed for the existing easement

Board Action

Authorize the General Manager to execute the Easement Relocation Agreement and any other documents necessary to complete this relocation with Yucaipa Valley Water District and authorize the General Manager to file the appropriate documentation with the County.

Easement Relocation Agreement

THIS EASEMENT RELOCATION AGREEMENT (“Agreement”) is entered into as of _____, 2024, by and between YUCAIPA VALLEY WATER DISTRICT, a special district (“Grantor”), and SAN GORGONIO PASS WATER AGENCY, a California public water agency (“Grantee”). Hereinafter sometimes referred to as a “Party” or collectively as the “Parties”.

RECITALS

- A. Grantor is the fee interest owner of that certain real property consisting of approximately 1.5 acres, with Assessor’s Parcel Number (APN) 407-220-024, commonly known as Parcel 4 of Parcel Map No. 36564, located in the unincorporated area of the County of Riverside, State of California, as more particularly set forth in **Exhibit A**, attached hereto and by this reference incorporated herein (the “YVWD Property”).
- B. Grantee currently owns a nonexclusive easement and right of way interest in real property over and across Grantor Property, referenced as part of the California Department of Water Resources DWR Parcel No. SGP-106 H in that certain Exclusive Easement dated September 30, 1999, recorded on August 16, 2000 in the Official Records of the County of Riverside, State of California, Document #2000-320588, an portion of Unit H is attached hereto in **Exhibit B** (the “Existing Easement”) and by this reference incorporated herein .
- C. Grantor intends to construct water reservoirs on YVWD Property which will prompt the relocation of the Existing Easement.
- D. The Parties desire to enter into this Agreement for the relocation of the Existing Easement located within YVWD Property to the eastern side of Grantor Property as more particularly legally described and depicted in **Exhibit C**, attached hereto and by this reference incorporated herein (the “Relocated Easement”).
- E. On September 19, 2023, the Board of Directors of the Yucaipa Valley Water District authorized the General Manager to execute and record the Grant of Access Easement to the San Gorgonio Pass Water Agency within the YVWD Property (Assessor’s Parcel Number 470-220-024).
- F. The purpose of this Agreement is to provide the terms and conditions for the relocation of the easement interest in favor of the San Gorgonio Pass Water Agency (“SGPWA”) and to gain approval from the Board of Directors of the San Gorgonio Pass Water Agency to receive the Relocated Easement from Yucaipa Valley Water District and to approve the Quitclaim Deed to relinquish interest in the Existing Easement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

OPERATIVE PROVISIONS

- 1. Incorporation of Recitals. The Recitals set forth above are material and by this reference are incorporated herein and made a part of this Agreement.

2. Grant of Relocated Easement. YVWD grants to SGPWA, its successors and assigns, a 20 foot wide perpetual non-exclusive access easement and right of way for ingress and egress purposes over, on, and across the YVWD Property for the purpose(s) described in the easement deed to convey the **Relocated Easement**, substantially in the form attached hereto as **Exhibit C** and by this reference incorporated herein, (the “**Grant of Access Easement**”).
3. Consideration for Grant of Relocated Easement. As part of the consideration for the grant of **Relocated Easement** described herein, SGPWA agrees to quitclaim and release all its current rights and interests of the **Existing Easement** to YVWD, substantially in the form attached hereto as **Exhibit E** and by this reference incorporated herein (the “**Quitclaim Deed**”). Upon execution and recordation of the Quitclaim Deed to YVWD, title to the relinquished easement interest will merge into the fee title of Grantor Property and shall no longer exist.
4. Yucaipa Valley Water District Approval. The Yucaipa Valley Water District authorized the General Manager to execute and record the Relocated Easement at the regular board meeting held on September 19, 2023, as Director Memorandum No. 23-148.
5. San Gorgonio Pass Water Agency Approval. The San Gorgonio Pass Water Agency approved this Easement Relocation Agreement on _____, 2024, which includes the approval on the Relocated Easement (**Exhibit C**), Certificate of Acceptance (**Exhibit D**), and the Quitclaim Deed (**Exhibit E**).
6. Sequence of Events. To meet ongoing operational constraints, the Parties recognize and acknowledge the following order of events are necessary to successfully effectuate the recordation of the Relocated Easement (Exhibit C) and the Quitclaim Deed (Exhibit E) and deliver copies at the addressed provided in Section 7 below.
 - a. Within three (3) business days of approving this Agreement, the San Gorgonio Pass Water Agency will provide an original, fully executed Certificate of Acceptance to Yucaipa Valley Water District.
 - b. Within three (3) business days of receiving the executed Certificate of Acceptance, the Yucaipa Valley Water District will record the Relocated Easement (Exhibit C) and provide written verification to the San Gorgonio Pass Water Agency.
 - c. Within three (3) business days of receiving verification of the recorded Relocated Easement, the San Gorgonio Pass Water Agency will complete and record the Quitclaim Deed (Exhibit E) and provide written verification to the Yucaipa Valley Water District.
7. Miscellaneous Provisions.
 - a. Entire Agreement. This Agreement contains the entire agreement of the Parties and supersedes any prior written or oral agreement between them concerning the subject matter contained herein. There are no representations, agreements, arrangements, or understandings, oral or written, between and among the Parties, relating to the subject matter contained in this Agreement, which are not fully expressed herein.

- b. Notices. Any notice, request, demand, instruction or other communication to be given by either party under this Agreement must be in writing and sent by e-mail and by registered or certified mail or nationally recognized overnight courier as follows:

If to YVWD:

With a copy to:

Yucaipa Valley Water District

Attn: Joseph Zoba
General Manager
12770 2nd Street
P.O. Box 730
Yucaipa, CA 92399

If to SGPWA:

with a copy to:

San Geronio Pass Water Agency

Attn: Lance Eckhart
General Manager
1210 Beaumont Ave.
Beaumont, CA 92223

Best Best & Krieger LLP
Attention: Jeff Ferre
General Counsel
P.O. Box 1028
Riverside, CA 92502-1028

Notice is deemed to be given upon receipt or refusal of delivery by the applicable addressee. The addresses and addressees for the purposes of this Section may be changed by giving written notice of such change in a manner provided herein for giving notice. However, until such written notice is actually received, the last address and addressee for such addressee continues in effect for all purposes hereunder.

- c. Not a Public Dedication. Nothing herein shall be deemed a dedication of the Relocated Easement Area or any portion of the YVWD Property to or for the benefit of the general public whatsoever, it being the intention of the parties hereto that the Relocated Easement shall be strictly limited to and for the purposes herein expressed.
- d. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be an original, but all of which together shall be deemed to be one and the same instrument.

(signature provisions on following page)

IN WITNESS WHEREOF, the parties hereto have caused this Easement Relocation Agreement to be duly executed as of the last date written below.

Yucaipa Valley Water District

San Geronio Pass Water Agency

By: _____

By: _____

Name: Joseph Zoba, General Manager

Name: Lance Eckhart, General Manager

Title: General Manager

Title: General Manager

Date: _____

Date: _____

Exhibit A - YVWD Property

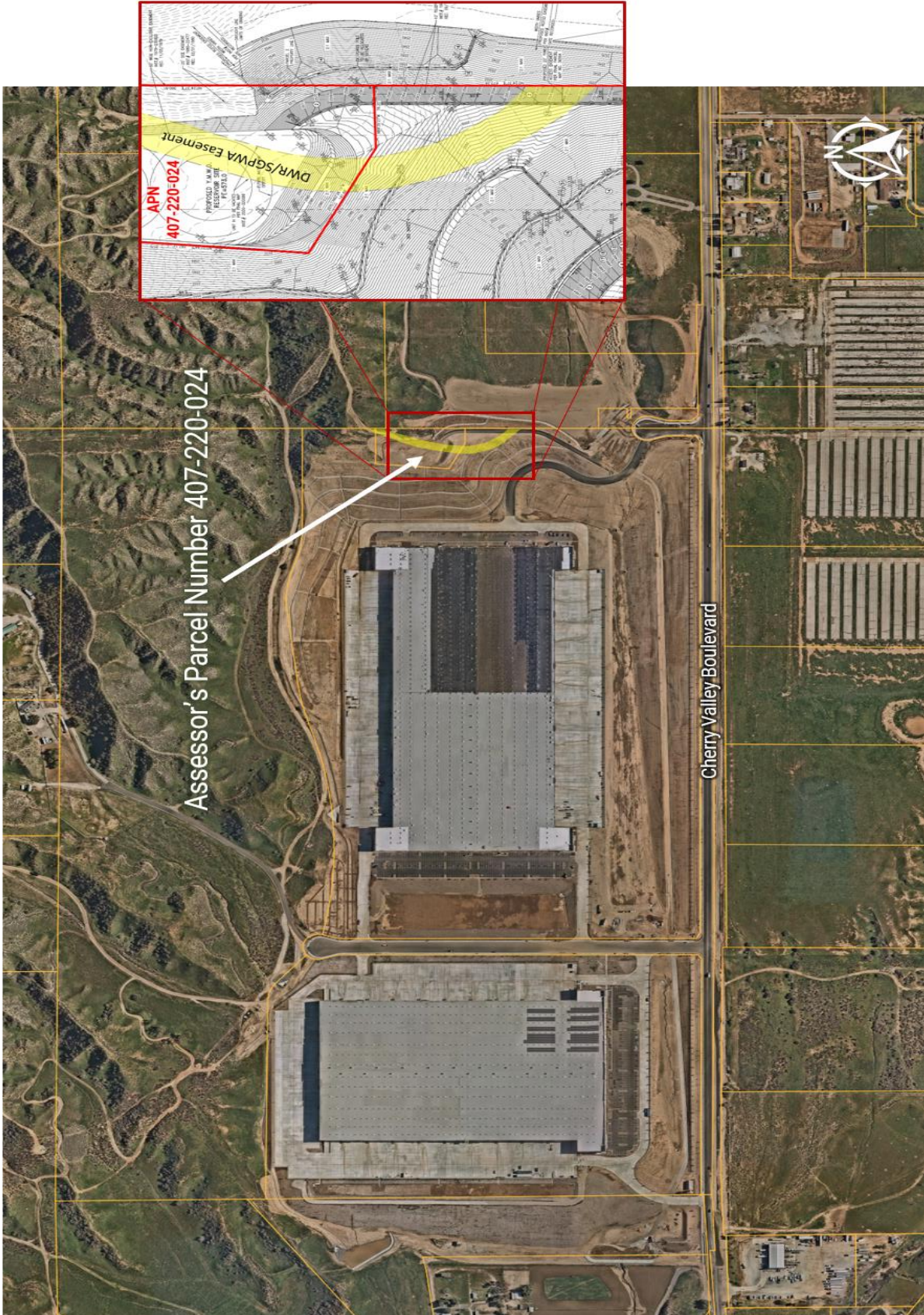


Exhibit B - Existing Easement

UNIT H

A perpetual nonexclusive easement and right of way to construct, reconstruct, operate, maintain, and use an access and service road over, through, and across that portion of said Section 30 described as follows:

BEGINNING at the point on the East line of said Section 30 which bears along said East line South 00° 34' 21" East 339.17 feet from the hereinabove designated Point "I";
thence leaving said East line South 52° 47' 32" West 20.17 feet;
thence South 18° 57' 35" West 289.31 feet;
thence along a tangent curve to the left, having a radius of 270.00 feet, through a central angle of 53° 54' 42", an arc length of 254.05 feet;
thence South 34° 57' 07" East 124.20 feet;
thence South 14° 47' 14" East 45.44 feet to said East line;
thence along said East line North 00° 34' 21" West 98.58 feet;
thence leaving said East line North 34° 57' 07" West 85.49 feet;
thence along a tangent curve to the right, having a radius of 230.00 feet, through a central angle of 53° 54' 42", an arc length of 216.42 feet;
thence North 18° 57' 35" East 224.97 feet to said East line;
thence along said East line North 00° 34' 21" West 86.05 feet to the Point of Beginning.

Containing 0.58 acre, more or less.

Exhibit B - Existing Easement

DEPICTION OF PORTION OF DWR SGP-106 H

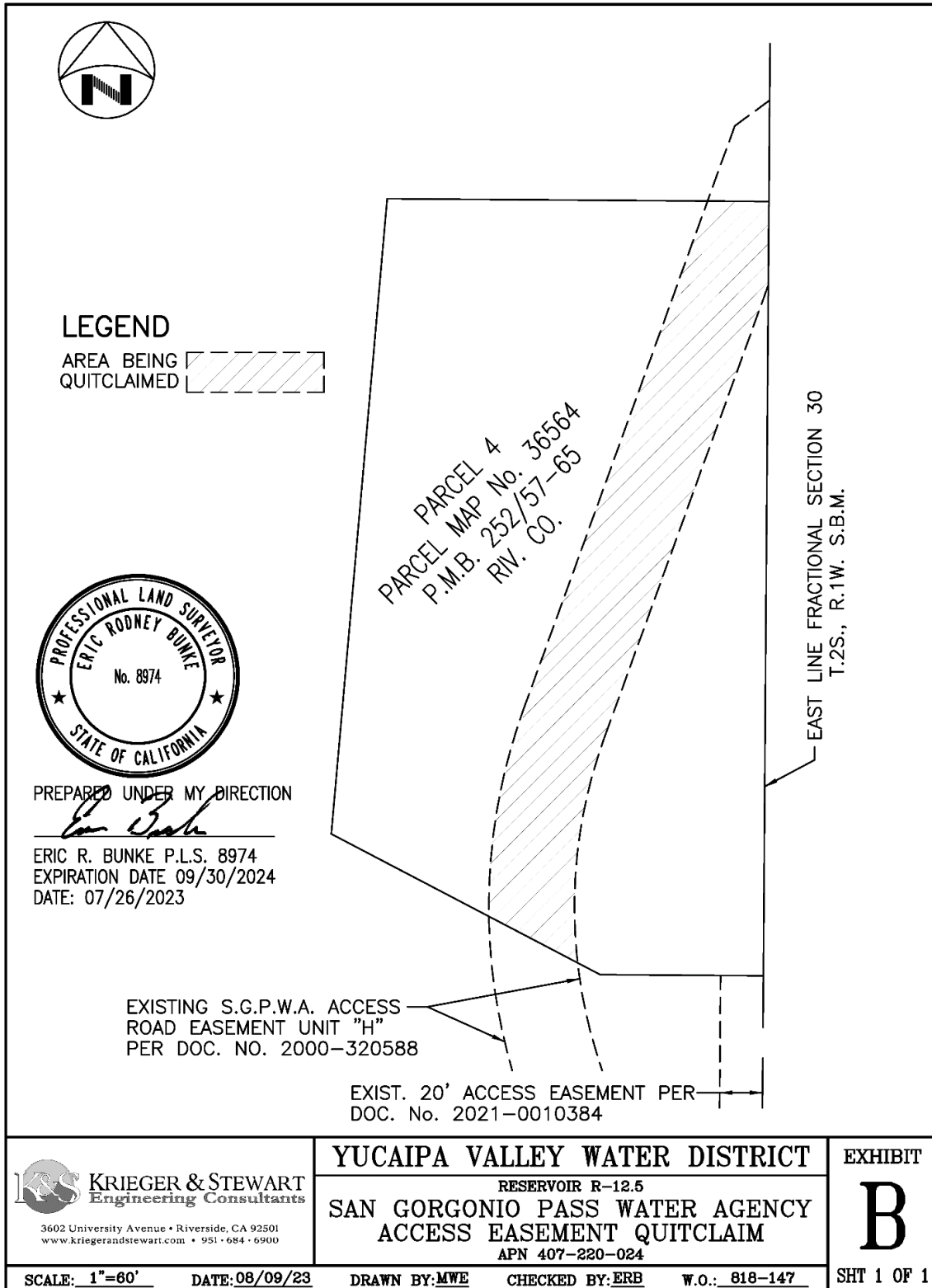


Exhibit C - Relocated Easement

Recording Requested by:
YUCAIPA VALLEY WATER DISTRICT

When Recorded Mail to:

SAN GORGONIO PASS WATER AGENCY
1210 BEAUMONT AVE
BEAUMONT, CA 92223

Exempt from recording fee pursuant to Government Code Section 6103

GRANT OF ACCESS EASEMENT

APN: 407-220-024

YUCAIPA VALLEY WATER DISTRICT, hereinafter called GRANTOR, owner of Parcel 4 of Parcel Map No. 36564, as shown by map on file in Book 252 of Parcel Maps at Pages 57 through 65, inclusive, Records of Riverside County, does hereby grant and convey to SAN GORGONIO PASS WATER AGENCY, a California public water agency, its heirs, successors, and assigns, hereinafter called GRANTEE, a perpetual nonexclusive easement for access road purposes over and across a portion of said Parcel 4 in the County of Riverside, State of California, described as follows:

SEE ATTACHED EXHIBITS "A" and "B"

And identified in the records of the San Gorgonio Pass Water Agency as:

<u>DWR Parcel No.</u>	<u>Area</u>	<u>Estate</u>
SGP-160 Unit H-1R	.183 acres	Permanent Nonexclusive Access Easement

GRANTEE covenants to maintain the easement and right-of-way in good repair so that no damage will result to the land of the GRANTOR, his heirs, successors, and assigns, from its use and the costs of maintenance shall be proportionately shared to the use made of the easement by the GRANTEE and each owner of the land or other easements. GRANTEE shall not be responsible for any damages or any costs to repair such damages caused by any third parties or by GRANTOR, its heirs, successors and assignees, contractors or agents. GRANTOR, his heirs, successors, and assigns, covenants that he will not erect, place, or maintain, or allow to be erected, placed, or maintained, within the boundaries of said easement and right-of-way, any structure, without first securing permission of the GRANTEE. GRANTOR agrees that GRANTEE, its heirs, successors and assigns, and its agents or employees, may trim or remove any plants, shrubs, or trees that encroach on the easement and right-of-way.

Any use hereinabove permitted to be made of the surface of said land by GRANTOR, his heirs, successors, and assigns, shall be exercised so as not to impair, endanger, or interfere with the present or prospective exercise of any of the rights herein granted.

The terms and covenants of this easement and right-of-way shall bind and inure to the benefit of the heirs, successors, executors, administrators, and assigns of GRANTOR and their heirs, successors, and assigns of GRANTEE.

Exhibit C - Relocated Easement

IN WITNESS WHEREOF, this instrument is executed on this ____ day of _____, 20____.

GRANTOR:

Signed: _____
YUCAIPA VALLEY WATER DISTRICT

Printed

Name:

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 _____

On _____ before me, _____ a Notary Public, 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

SEAL

Signature of Notary

Exhibit C - Relocated Easement



EXHIBIT "A"

APN: 407-220-024

LEGAL DESCRIPTION ACCESS EASEMENT

A strip of land 20.00 feet in width over a portion of Parcel 4 of Parcel Map No. 36564 as shown by map on file in Book 252 of Parcel Maps at Pages 57 through 65, inclusive thereof, Records of Riverside County, California, lying in Fractional Section 30, Township 2 South, Range 1 West, San Bernardino Meridian, in the County of Riverside, State of California, the centerline of said 20.00 foot wide strip of land being more particularly described as follows:

COMMENCING at the southeast corner of said Parcel 4, said corner being on the east line of said Fractional Section 30;

Thence North $89^{\circ}35'27''$ West, along the south line of said Parcel 4, a distance of 10.00 feet to the **TRUE POINT OF BEGINNING**;

Thence North $00^{\circ}24'37''$ East, departing said south line, a distance of 9.08 feet to the beginning of a tangent curve, concave southwesterly, having a radius of 100.00 feet;

Thence northwesterly, along said curve, through a central angle of $50^{\circ}09'08''$, an arc distance of 87.53. feet;

Thence North $49^{\circ}44'31''$ West, a distance of 18.23 feet to the beginning of a tangent curve, concave northeasterly, having a radius of 35.00 feet;

Thence northwesterly, along said curve, through a central angle of $50^{\circ}18'58''$, an arc distance of 30.74 feet;

Thence North $00^{\circ}34'28''$ East, a distance of 101.55 feet, to the beginning of a tangent curve, concave southeasterly, having a radius of 40.00 feet;

Thence northeasterly, along said curve, through a central angle of $50^{\circ}56'36''$, an arc distance of 35.57 feet to a point of reverse curvature with a curve, concave northwesterly, having a radius of 100.00 feet, a radial line at said point bears North $38^{\circ}28'56''$ West;

Thence northeasterly, along said curve, through a central angle of $49^{\circ}28'27''$, an arc distance of 86.35 feet to a point of reverse curvature with a curve, concave easterly, having a radius of 100.00 feet, a radial line at said point bears South $87^{\circ}57'23''$ East;

Thence northerly, along said curve, through a central angle of $16^{\circ}47'20''$, an arc distance of 29.30 feet to a point on the north line of said Parcel 4, said point being the **POINT OF TERMINATION** of this centerline description, a radial line at said point bears South $71^{\circ}10'03''$ East, said point also being North $89^{\circ}35'27''$ West, a distance of 15.05 feet from the northeast corner of said Parcel 4.

Exhibit C - Relocated Easement



EXHIBIT "A"

LEGAL DESCRIPTION ACCESS EASEMENT (Continued)

The sidelines of said 20.00 foot wide strip of land shall be lengthened or shortened so as to terminate northerly on the north line of said Parcel 4 and southerly on the south line of said Parcel 4.

Contains 7,967 square feet, more or less.

See Exhibit "B" attached hereto and by this reference made a part hereof.



This description was prepared by me
or under my direction:

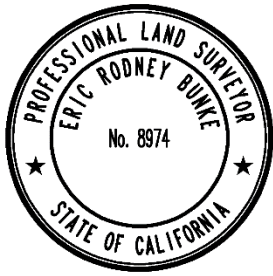
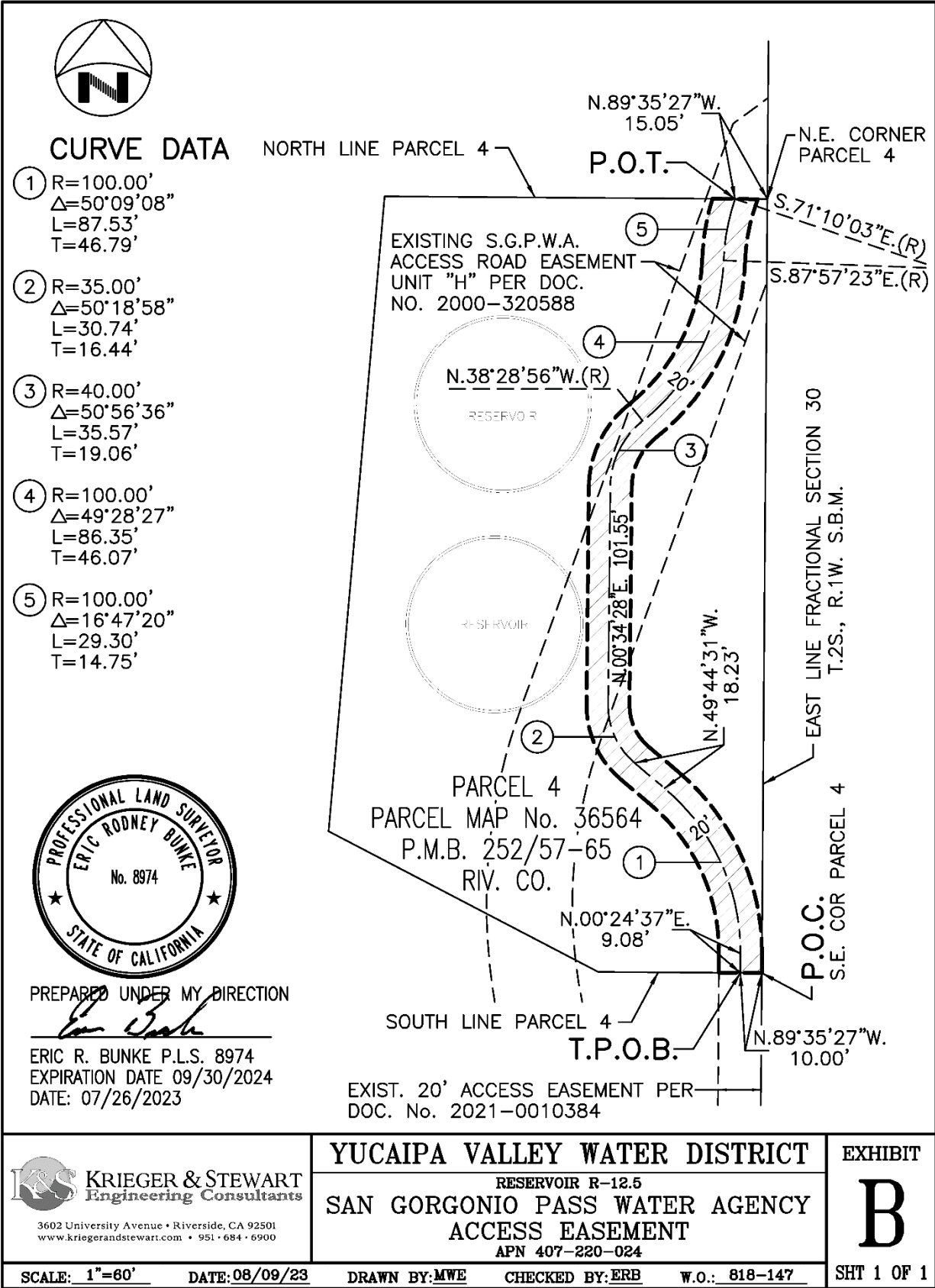

Eric R. Bunke, P.L.S. 8974

Date: 07/27/2023

Expiration Date: 09/30/2024

MWE/lge
LEGAL/818-147-A
(7/27/2023)

Exhibit C - Relocated Easement



PREPARED UNDER MY DIRECTION
Eric Bunke
 ERIC R. BUNKE P.L.S. 8974
 EXPIRATION DATE 09/30/2024
 DATE: 07/26/2023

K&S KRIEGER & STEWART
 Engineering Consultants
 3602 University Avenue • Riverside, CA 92501
 www.kriegerandstewart.com • 951-684-6900

YUCAIPA VALLEY WATER DISTRICT
 RESERVOIR R-12.5
SAN GORGONIO PASS WATER AGENCY
 ACCESS EASEMENT
 APN 407-220-024

EXHIBIT
B
 SHT 1 OF 1

SCALE: 1"=60' DATE: 08/09/23 DRAWN BY: MWE CHECKED BY: ERB W.O.: 818-147

Exhibit D - Certificate of Acceptance

CERTIFICATE OF ACCEPTANCE

(Pursuant to California Government Code §27281)

This is to certify that the interest in real property conveyed by the Grant of Access Easement Deed dated _____, 2024 from YUCAIPA VALLEY WATER DISTRICT, Grantor, to the SAN GORGONIO PASS WATER AGENCY, a California public water agency, Grantee, is hereby accepted by order of the Board of Directors on _____, 2024, and delegated certification to the undersigned officer on behalf of Grantee pursuant to authority conferred by the Easement Relocation Agreement approved by the Board of Directors of the San Gorgonio Pass Water Agency, on _____, 2024 and the Grantee consents to recordation thereof by its duly authorized officer.

Dated _____

SAN GORGONIO PASS WATER AGENCY

By: _____
Lance Eckhart, General Manager

ATTEST:

By: _____

Exhibit E - Quitclaim Deed

Recording Requested by:

YUCAIPA VALLEY WATER DISTRICT
12770 2nd Street
P.O. Box 730
Yucaipa, CA 92399

When Recorded Mail to:

YUCAIPA VALLEY WATER DISTRICT
12770 2nd Street
P.O. Box 730
Yucaipa, CA 92399

Exempt from recording fee pursuant to Government Code Section 6103

Project: R-12.5 Reservoir

APN: 407-220-024

QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, THE SAN GORGONIO PASS WATER AGENCY, does hereby remise, release, and forever quitclaim to:

YUCAIPA VALLEY WATER DISTRICT

its successors and assigns, all rights, title and interest in that certain easement and right-of-way lying within Parcel 4 of Parcel Map No. 36564 located in the County of Riverside, State of California, more particularly described as follows:

See Exhibits "A" and "B" attached hereto.

San Gorgonio Pass Water Agency

Dated: _____

Signed: _____

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 _____

On _____ before me, _____, a Notary Public, 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 of Notary

SEAL

Exhibit E - Quitclaim Deed



EXHIBIT "A"

APN: 407-220-024

LEGAL DESCRIPTION

A certain portion of the perpetual nonexclusive easement and right-of-way shown as Unit H of the Easement Deed recorded August 16, 2000 as Document Number 2000-320588, Official Records of Riverside County, California, lying within Parcel 4 of Parcel Map No. 36564, as shown by map on file in Book 252 at Pages 57 through 65, inclusive thereof, Records of Riverside County, California, within Fractional Section 30, Township 2 South, Range 1 West, San Bernardino Meridian, in the County of Riverside, State of California.

See Exhibit "B" attached hereto and by this reference made a part hereof.



This description was prepared by me
or under my direction:

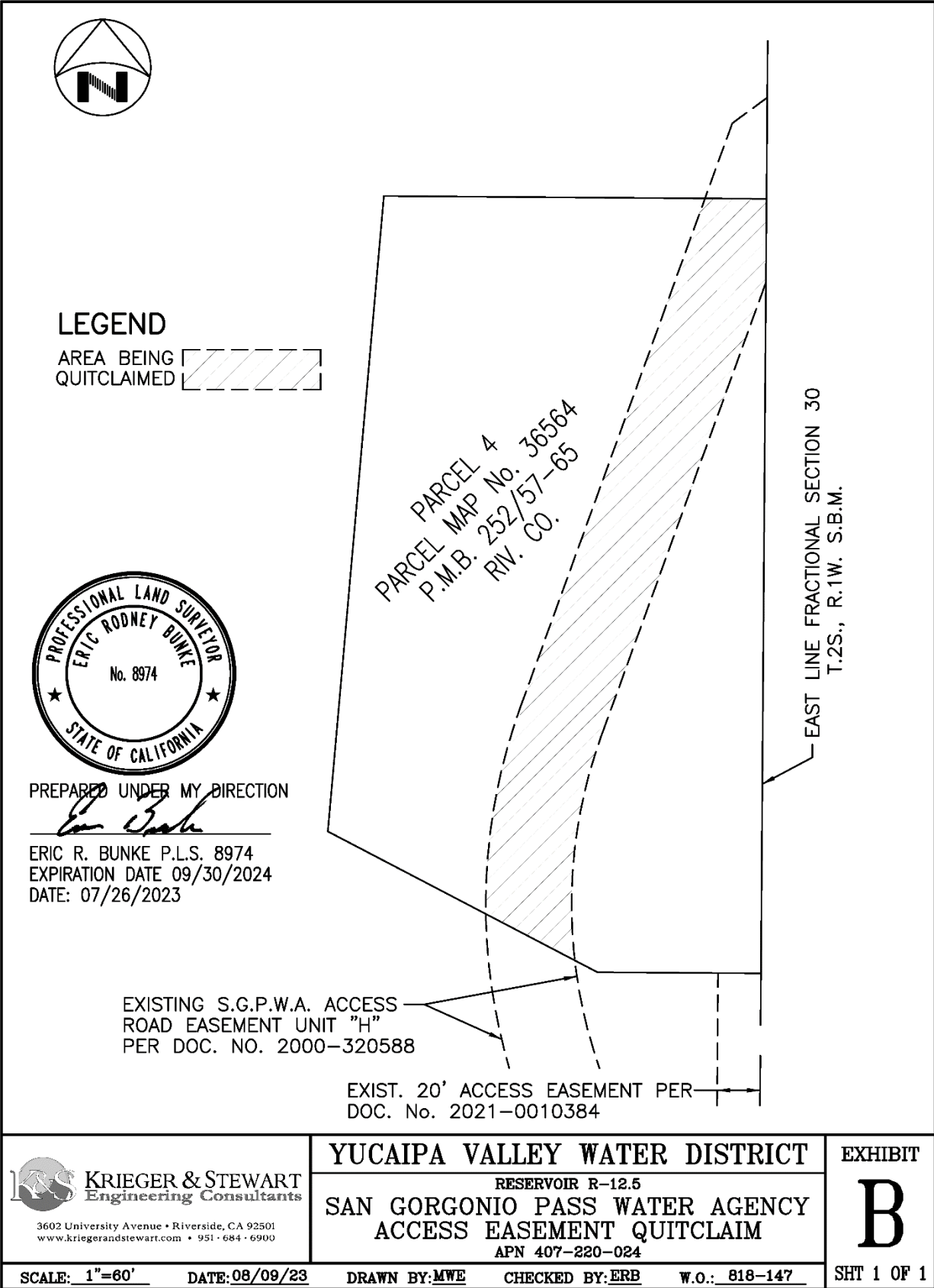

Eric R. Bunke, P.L.S. 8974

Date: 07/26/2023

Expiration Date: 09/30/2024

MWE/lge
LEGAL/818-147-B
(7/26/2023)

Exhibit E - Quitclaim Deed



KRS KRIEGER & STEWART
 Engineering Consultants
 3602 University Avenue • Riverside, CA 92501
 www.kriegerandstewart.com • 951-684-6900

YUCAIPA VALLEY WATER DISTRICT
 RESERVOIR R-12.5
SAN GORGONIO PASS WATER AGENCY
ACCESS EASEMENT QUITCLAIM
 APN 407-220-024

EXHIBIT
B

SCALE: 1"=60' DATE: 08/09/23 DRAWN BY: MWE CHECKED BY: ERB W.O.: 818-147 SHT 1 OF 1