

Marina Coast Water District
Agenda Transmittal

Agenda Item: 9-I

Meeting Date: September 13, 2011

Submitted By: Brian True

Presented By: Brian True

Reviewed By: Carl Niizawa

Agenda Title: Consider Adoption of Resolution No. 2011-74 to Approve Obtaining Permanent Easements from the Federal Government for Recycled Water Pipelines

Detailed Description: The Board of Directors is requested to approve MCWD staff to obtain permanent recycled water (RW) pipeline easements from the Federal Government with the expenditure of a not-to-exceed amount of \$55,000. The easements are for approximately 6,300 linear feet of the RUWAP pipeline route.

The Board adopted Resolution No. 2010-54 on August 10, 2010 that authorized the expenditure of \$25,000 for the review and processing of these prospective easements for recycled water pipelines; this action will help complete the easement process with the Federal Government.

The RW pipeline alignment segments for which the District can obtain permanent easements are those portions extending southwards in General Jim Moore Boulevard from the Lightfighter intersection and terminating in Normandy 500-feet east of Normandy's intersection with General Jim Moore Boulevard, as well as segments behind Marshall Elementary School adjacent to the City of Seaside property boundary eastwards to the D/E Reservoir site. Maps depicting the easement areas and alignment are included with this Agenda Transmittal for reference. The total distance of RW pipeline easement within this proposed action is approximately 6,300 linear feet.

The Army Corp of Engineers has provided the District with draft easement documents on June 23, 2011. With the submittal of the draft easement documents, the Army Corp has also offered an alternative to the permanent easement. The alternative is for payment of \$17,000 for a temporary five-year easement. This provides an option to pursue the permanent easements at a future time.

District staff finds that the greatest benefit to the District would be to obtain the permanent easements from the Federal Government. This finding is based on the following:

- While the cost is higher to obtain permanent easements (up to \$55,000 for the permanent easements versus \$17,000 for the 5-year easements), the District would eventually have to pay to obtain permanent easements after the 5-year easements expired in addition to the cost of the 5-year easements; therefore, the total cost of obtaining the easements for the segments of RW pipeline will be lower if permanent easements are pursued now.
- Obtaining permanent easements appears to best satisfy State Revolving Fund requirements.

Payments are proposed to be made to the Army Corp of Engineers on behalf of the Federal Government for the purchasing and final processing of the easements.

If the Board approves staff to pursue the permanent easements, estimated costs to obtain the permanent easements are \$1,000 in administrative costs and \$40,000 for the easements themselves. Staff recommends a not-to-exceed amount as \$55,000 for this action in the event the final cost of the easements is higher than estimated.

Environmental Review Compliance: No environmental review is required for this action.

Prior Board Action: The Board of Directors adopted Resolution No. 2010-54 on August 10, 2010 authorizing a \$25,000 expenditure within CIP# RW-0156 to review and process Marina Coast Water District's request for the Right of Entry and Easements from the Army Corp of Engineers for recycled water pipelines.

Board Goals/Objectives: *Strategic Plan, Goal No. 2 – To meet 100% of current and future customers' needs and make timely improvements and increase infrastructure and level of services and human resources to meet needs of expanding service areas in an environmentally sensitive way.*

Financial Impact: ___X___ Yes ___ ___ No

Funding Source/Recap: The proposed expenditure is planned within the design phase of CIP# RW-0156 which will be funded through District Reserves.

Material Included for Information/Consideration: Resolution No. 2011-74; two (2) maps depicting the easement areas and alignments.

Staff Recommendation: The Board of Directors consider adopting Resolution No. 2011-74 to Approve Obtaining Permanent Easements From the Federal Government for Recycled Water Pipelines

Action Required: ___X___ Resolution ___ ___ Motion ___ ___ Review
(Roll call vote is required.)

Board Action

___ Resolution No ___ Motion By ___ Seconded By ___

Ayes ___ Abstained ___

Noes ___ Absent ___

Reagendized ___ Date ___ No Action Taken ___

September 13, 2011

Resolution No. 2011 - 74
Resolution of the Board of Directors
Marina Coast Water District
Approving Obtaining Permanent Easements from the
Federal Government for Recycled Water Pipelines

RESOLVED by the Board of Directors (“Directors”) of the Marina Coast Water District (“District”), at a regular meeting duly called and held on September 13, 2011, at the business office of the District, 11 Reservation Road, Marina, California as follows:

WHEREAS, the District Board of Directors adopted Resolution No. 2010-54 on August 10, 2010 authorizing the expenditure of \$25,000 within the design phase of CIP# RW-0156 for the review and process of the Right of Entry and Easements from the Federal Government for recycled water pipelines; and,

WHEREAS, the Army Corp of Engineers, on behalf of the Federal Government, has processed the Easements for segments of the recycled water pipeline and have provided the District options for a permanent easement or a 5-year easement; and,

WHEREAS, District finds that the greatest benefit to the District would be to obtain the permanent easements from the Federal Government; and,

WHEREAS, the cost for obtaining the permanent easements from the Federal Government as described by the Army Corp of Engineers is estimated by staff to be as much as \$55,000.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Marina Coast Water District does hereby authorize the General Manager and/or Deputy General Manager/District Engineer to expend a not-to-exceed amount of \$55,000 within the design phase of CIP# RW-0156 to obtain permanent easements from the Federal Government for recycled water pipelines and to take all actions and execute all documents as may be necessary or appropriate to give effect to this resolution.

PASSED AND ADOPTED on September 13, 2011 by the Board of Directors of the Marina Coast Water District by the following roll call vote:

Ayes: Directors _____

Noes: Directors _____

Absent: Directors _____

Abstained: Directors _____

William Y. Lee, President

ATTEST:

Jim Heitzman, Secretary

CERTIFICATE OF SECRETARY

The undersigned Secretary of the Board of the Marina Coast Water District hereby certifies that the foregoing is a full, true and correct copy of Resolution No. 2011-74 adopted September 13, 2011.

Jim Heitzman, Secretary