

Staff Report

March 14, 2023

TO: Honorable Mayor and Members of the Town Council
FROM: Merrill Buck, Town Engineer
RE: Acceptance of Storm Drain Easement Dedications, Approval of Plans and Specifications for the Magnolia Storm Drain Replacement Project, and Authorization to Award a Construction Contract within a \$200,000 Construction Budget

Recommendation

Staff recommends that the Town Council adopt a resolution:

1. Accepting storm drain easement dedications at 3755 Magnolia Street (044-114-009) and 3756 Holly Street (044-114-003); and
2. Approving the plans and specifications and authorizing the solicitation of bids for the Magnolia Storm Drain Replacement Project #22-14; and
3. Authorizing the expenditure of a construction budget in the amount of \$200,000; and
4. Authorizing the Town Manager to execute a construction contract with the lowest responsive and responsible bidder if their bid is within the construction budget.

Issue Statement and Discussion

One of the Town's higher-priority storm drain projects is to replace a 12-inch corrugated metal pipe that carries water from Magnolia Street to Holly Street. The water passes through private property, and was assumed to be in an easement, however, no records of an easement could be found. The runoff water leading to the pipe is public water, collected from the right-of-way of Magnolia Street, Walnut Street, and Oak Street. (See Location Map, Attachment B). The pipe has become so deteriorated in recent years that it has collapsed at various locations, to the point where Town crews are no longer able to service the line. Replacement of the pipe is necessary.

Based upon tributary area, the Town's Drainage Master Plan shows that the appropriate size for the replacement pipe is 24-inches. The project will therefore remove the existing pipe and install a larger, 24-inch plastic HDPE pipe in its place.

The property owners at 3755 Magnolia Street and 3756 Holly Street have agreed to dedicate a 5-foot storm drain easement along their northern property line for the replacement pipe (see the signed easement dedication deeds included as Attachment A2). Accepting the proposed dedications will allow for the storm drain, as a public facility, to legally cross their property.

The easement was limited to 5-feet to minimize the impact on the property owner's property. Normally a 10-foot easement is granted, which allows more room to construct the pipe, however, the property owners have signed a Right of Entry Permit, that gives the Town's Contractor the right to travel upon their property and work outside the easement, over the duration of construction.

Staff is requesting that the Town Council approve the plans and specifications and authorize the advertisement for sealed bids from qualified contractors for this work. A copy of the project plans and specifications are available at the Town Clerk's office for review. The Engineer's Estimate for the construction improvements is \$150,000. An additional budget of \$50,000 is recommended as an allowance against higher than expected bids, and as a contingency due to the uncertainties of working on private property.

CEQA Requirements

The act of accepting storm drain easement dedications is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3), which exempts administrative items. The authorization to award the project if within budget is categorically exempt from CEQA pursuant to Section 15301 – Existing Facilities, and Section 15302 Replacement or Reconstruction.

Financial and/or Policy Implications

The FY 2022-23 CIP budget for the Street Culvert Crossing Reconstruction Project #22-14 included \$700,000 in funding. From these funds, approximately \$40,000 has been spent repairing a failed section of storm drain on Arcadia Avenue due to a sink hole. Sufficient project funds are therefore available to authorize the expenditure of the construction budget.

Attachment

- A1. Resolution
- A2. Resolution Exhibit 1 – Public Storm Drain Easement Deeds
- B. Location Map

Resolution Exhibit 1

**NO FEE DOCUMENT
GOVERNMENT CODE SECTION 27383**

Recording Requested By and
When Recorded Mail To:

Town of Loomis
3665 Taylor Road
Loomis, CA 95650
Attn: City Clerk

The Above Space For Recorder's Use Only

Council Resolution Accepting: _____
Date: _____, 2023

Project Name: Magnolia Storm Drain Project
Address: 3755 Magnolia Street
Loomis, CA 95650
A.P.N.: 044-114-009

THIS TRANSACTION IS EXEMPT FROM CALIFORNIA DOCUMENTARY TRANSFER TAX PURSUANT TO SECTION 11922 OF THE CALIFORNIA REVENUE AND TAXATION CODE. THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO SECTION 27383 OF THE CALIFORNIA GOVERNMENT CODE.

PUBLIC STORM DRAIN EASEMENT DEED

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged,


Dennis Duane Nichols and Susan Kathleen Nichols ("Grantor"), as owners of that certain real property located in the Town of Loomis, County of Placer, State of California, legally described on Exhibit A and depicted on Exhibit B, attached hereto and made a part hereof ("Property"), hereby grants a Public Storm Drain Easement for pipeline purposes and incidentals thereto, including but not limited to the construction and maintenance of a gravity storm drain line with manholes, together with the right of ingress and egress upon, over, under and across those areas of the Property so designated, to the **Town of Loomis**, a municipal corporation ("Grantee"). Grantor reserves the right to use the Property for purposes which will not interfere with the Grantee's full enjoyment of the rights hereby granted, including the construction or use of temporary structures within the storm drain easement that do not block or cover manholes.

Executed this 2ND day of March, 2023.

GRANTOR:

Dennis Duane Nichols

Susan Kathleen Nichols

By: 
Name: Dennis Duane Nichols

By: 
Name: Susan Kathleen Nichols

Title: Property Owner

Title: Property Owner

ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
COUNTY OF Placer)

On March 2, 2023 before me, Sarah May Jennings, Notary Public, personally appeared Dennis Duane Nichols, 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 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]
Notary Public



STATE OF CALIFORNIA)
COUNTY OF Placer)

On March 2, 2023 before me, Sarah May Jennings, Notary Public, personally appeared Susan Kathleen Nichols, who proved to me on the 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 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]
Notary Public



CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the public storm drain easement deed executed on 3/2/2023, 2023 from **Dennis Duane Nichols and Susan Kathleen Nichols**, to the **Town of Loomis**, a municipal corporation, is hereby accepted by the undersigned officer or agent on behalf of the Loomis Town Council pursuant to authority conferred by Town Council of the Town of Loomis on _____, 2023, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated: _____, 2023

By: _____
Carol Parker, Deputy City Clerk

Exhibit A

Legal Description

EXHIBIT "A"
STORM DRAIN EASEMENT
LEGAL DESCRIPTION

An easement for storm drain purposes over, under and across that portion of land in document number 2018-0027029 filed in the office of the County Recorder of the County of Placer, being a portion of Lots 4, 5, and 6 of Block 10 as shown on the Map of the Town of Loomis, County of Placer, State of California as per said map was recorded in Book A of Maps at Page 27 in the office of the County Recorder of said County, more particularly described as follows:

A strip of land 5(five) feet in width lying southerly of, parallel to, and coincident with the northeasterly line of said land described in said document 2018-0027029. Together with a portion of land 10(ten) feet in width lying southerly of, parallel to, and coincident with the northeasterly line and being 10(ten) feet in length lying westerly of, parallel to, and coincident with the southeasterly line of said land described in said document 2018-0027029.

End of Description

This description has been prepared by me or under my direct supervision in conformance with the Professional Land Surveyors' Act.


Adam R. Bishop P.L.S. 9585
2.27.23
Date

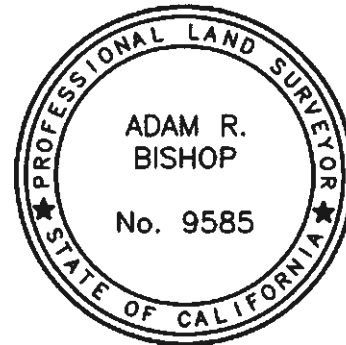


Exhibit B

Plat of Easement

LEGEND

 STORM DRAIN EASEMENT

MAGNOLIA STREET

N 36°05' E 75.0'

5' WIDE

STORM DRAIN EASEMENT

KOINONIA FOSTER
HOMES INC.
DOC. 2000-0061426

S 53°55' E 120.0'

NICHOLS
DOC. 2018-0027029
LOTS 4, 5 AND 6
IN BLOCK 10
A MAPS 27

10'
LENGTH

10' WIDE



COURTNEY
DOC. 2019-0031921

S 53°55' E 120.0'

LOT 25
D MAPS 21

SCALE: 1"=20'

N 36°05' E 75.0'

LOT 26
D MAPS 21

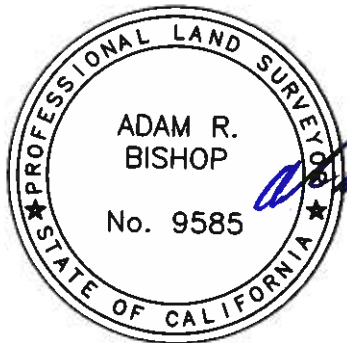


EXHIBIT B
STORM DRAIN EASEMENT
PORTION OF DOC. 2018-0027029
SECTION 9 T.11N. R.7E. M.D.B.&M.
COUNTY OF PLACER STATE OF CALIFORNIA

UNICO
ENGINEERING

110 BLUE RAVINE RD SUITE 101 | FOLSOM, CA 95630
PHONE: 916.900.6623 | unicoengineering.com

**NO FEE DOCUMENT
GOVERNMENT CODE SECTION 27383**

Recording Requested By and
When Recorded Mail To:

Town of Loomis
3665 Taylor Road
Loomis, CA 95650
Attn: City Clerk

The Above Space For Recorder's Use Only

Council Resolution Accepting: _____
Date: _____, 2023

Project Name: Magnolia Storm Drain Project
Address: 3756 Holly Street
Loomis, CA 95650
A.P.N.: 044-114-003

THIS TRANSACTION IS EXEMPT FROM CALIFORNIA DOCUMENTARY TRANSFER TAX PURSUANT TO SECTION 11922 OF THE CALIFORNIA REVENUE AND TAXATION CODE. THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO SECTION 27383 OF THE CALIFORNIA GOVERNMENT CODE.

PUBLIC STORM DRAIN EASEMENT DEED

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged,

Brian D. Renick and Courtney K. Renick ("Grantor"), as owners of that certain real property located in the Town of Loomis, County of Placer, State of California, legally described on Exhibit A and depicted on Exhibit B, attached hereto and made a part hereof ("Property"), hereby grants a Public Storm Drain Easement for pipeline purposes and incidentals thereto, including but not limited to the construction and maintenance of a gravity storm drain line with manholes, together with the right of ingress and egress upon, over, under and across those areas of the Property so designated, to the **Town of Loomis**, a municipal corporation ("Grantee"). Grantor reserves the right to use the Property for purposes which will not interfere with the Grantee's full enjoyment of the rights hereby granted, including the construction or use of temporary structures within the storm drain easement that do not block or cover manholes.

Executed this 3rd day of MARCH, 2023.

GRANTOR:

Brian D. Renick

By: 

Name: BRIAN RENICK

Title: Property Owner

Courtney K Renick

By: 

Name: Courtney Renick

Title: Property Owner

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the public storm drain easement deed executed on 3/3/, 2023 from **Brian D. Renick and Courtney K. Renick**, to the **Town of Loomis**, a municipal corporation, is hereby accepted by the undersigned officer or agent on behalf of the Loomis Town Council pursuant to authority conferred by Town Council of the Town of Loomis on _____, 2023, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated: _____, 2023

By: _____
Carol Parker, Deputy City Clerk

ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
)
COUNTY OF Placer)

On March 3, 2023 before me, Sarah May Jennings, Notary Public, personally appeared Brian D. Benick, 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 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]
Notary Public



STATE OF CALIFORNIA)
)
COUNTY OF Placer)

On March 3, 2023 before me, Sarah May Jennings, Notary Public, personally appeared Courtney B. Benick, 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 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]
Notary Public



Exhibit A

Legal Description

EXHIBIT "A"
STORM DRAIN EASEMENT
LEGAL DESCRIPTION

An easement for storm drain purposes 5(five) feet in width over, under and across that portion of Lot 25 as shown on the Map of Leak Addition to Town of Loomis, County of Placer, State of California as per said map was recorded in Book D of Maps at Page 21 in the office of the County Recorder of said County, more particularly described as follows:

A strip of land 5(five) feet in width lying adjacent to, southerly of, and parallel with the northeasterly line of said Lot 25 of the Leak Addition to Town of Loomis.

End of Description

This description has been prepared by me or under my direct supervision in conformance with the Professional Land Surveyors' Act.



Adam R. Bishop P.L.S. 9585 2-27-23
Date

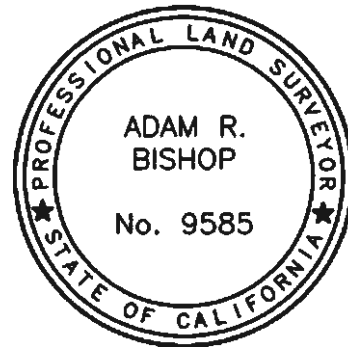


Exhibit B

Plat of Easement

LOT 23
D MAPS 21

LOT 24
D MAPS 21

NICHOLS
DOC. 2018-0027029

**5' WIDE STORM
DRAIN EASEMENT**

LOT 25
D MAPS 21

LOT 26
D MAPS 21

HOLLY STREET



SCALE: 1"=20'

LEGEND



STORM DRAIN EASEMENT

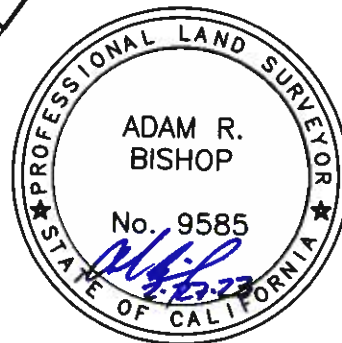


EXHIBIT B

STORM DRAIN EASEMENT
PORTION OF LOT 25 IN D MAPS 21
SECTION 9 T.11N. R.7E. M.D.B.&M.
COUNTY OF PLACER STATE OF CALIFORNIA

UNICO
ENGINEERING

110 BLUE RAVINE RD SUITE 101 | FOLSOM, CA 95630
PHONE: 916.900.6623 | uniccengineering.com

TOWN OF LOOMIS

RESOLUTION NO. 23 - _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS ACCEPTING STORM DRAIN EASEMENT DEDICATIONS AT 3755 MAGNOLIA STREET (044-114-009) AND 3756 HOLLY STREET (044-114-003), APPROVING THE PLANS AND SPECIFICATIONS FOR THE MAGNOLIA STORM DRAIN REPLACEMENT PROJECT #22-14, AND AUTHORIZING THE AWARD OF A CONSTRUCTION CONTRACT WITHIN A \$200,000 CONSTRUCTION BUDGET

WHEREAS, the Town has identified the Magnolia Storm Drain Replacement Project as a needed capital improvement in the FY 2022-23 CIP under the Street Culvert Crossing Reconstruction Project #22-14; and

WHEREAS, since the proposed improvements are on private property, storm drain easements are required at 3755 Magnolia Street (044-114-009) and 3756 Holly Street (044-114-003); and

WHEREAS, the property owners have signed a Public Storm Drain Easement Deed, in a form acceptable to the Town Attorney, with a corresponding plat and legal description which has been reviewed and accepted by the Town Surveyor; and

WHEREAS, the Town Council wishes to accept the Public Storm Drain Easement Deed; and

WHEREAS, in accordance with procedures defined in the Public Contract Code, the Public Works Department has prepared plans, specifications and an estimate for the Magnolia Storm Drain Replacement Project and is ready to advertise the project for bids; and

WHEREAS, the recommended construction budget, which consists of the anticipated construction contract amount plus construction contingencies is \$200,000; and

WHEREAS, there are sufficient funds available to cover the recommended construction budget in the Street Culvert Crossing Reconstruction Project #22-14; and

WHEREAS, the project will be advertised publicly, sealed bids will be accepted and opened by the Town Clerk, and if the lowest responsive and responsible bid is found to be within the approved construction budget, it is the intent of the Town Council to allow staff to proceed with awarding and administering the construction of the project.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Council of the Town of Loomis hereby:

1. Accepts the Public Storm Drain Easement Deeds across 3755 Magnolia Street (044-114-009) and 3756 Holly Street (044-114-003), as described in Resolution Exhibit 1, attached hereto.
2. Approves the plans and specifications and authorizes the solicitation of bids for the Magnolia Storm Drain Replacement Project.
3. Authorizes the expenditure of a construction budget in the amount of \$200,000.
4. Authorizes the Town Manager to execute a construction contract with the lowest responsive and responsible bidder if their bid is within the construction budget.

PASSED AND ADOPTED this 14th day of March 2023 by the following vote:

AYES:

NOES:

ABSENT:

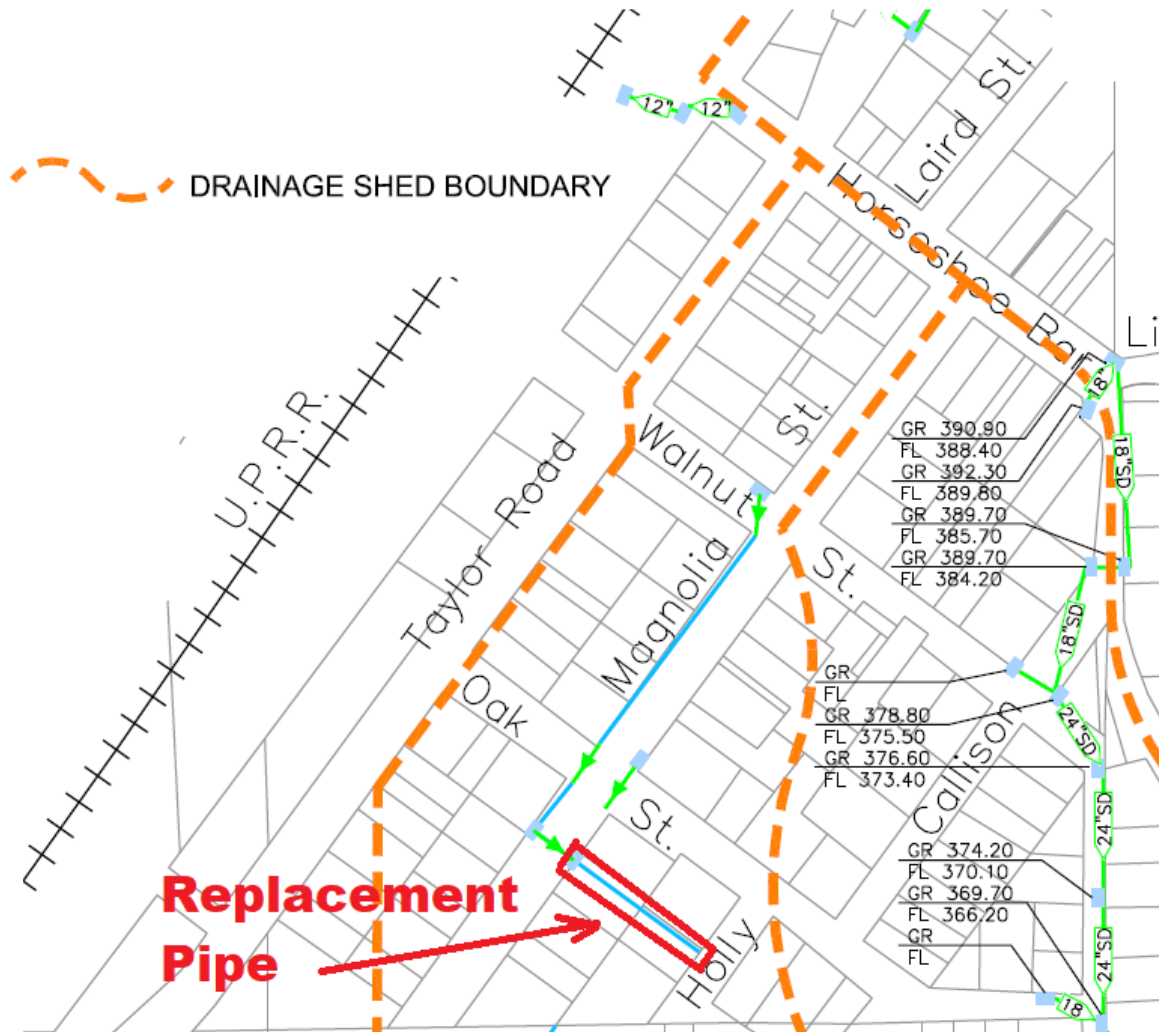
ABSTAINED:

Mayor

ATTEST:

Deputy Town Clerk

LOCATION EXHIBIT



Magnolia Street Storm Drain Replacement Project #22-14