



Office of the City Manager

CONSENT CALENDAR
February 11, 2014

To: Honorable Mayor and Members of the City Council
 From:  Christine Daniel, City Manager
 Submitted by: Andrew Clough, Director, Public Works
 Subject: Storm Easement Deed Agreement at 1836 Sonoma Avenue

RECOMMENDATION

Adopt first reading of an Ordinance authorizing the City Manager to accept an Easement Deed Agreement for relocation of storm pipe facilities with Laura and Brett Hazlett of 1836 Sonoma Avenue, Berkeley.

FISCAL IMPACTS OF RECOMMENDATION

No funds are exchanged for execution of the Easement Agreement. The property owners ("Grantors") will provide an easement on their property according to the Agreement, granting the City access rights in perpetuity.

The costs for abandoning the existing line, and constructing a new storm pipe and structure within the easement are paid for by the City ("Grantee") and budgeted in the City's storm infrastructure project. In the future, the City will conduct routine maintenance associated with the storm pipe.

CURRENT SITUATION AND ITS EFFECTS

This storm infrastructure project is part of the City's ongoing program to rehabilitate the aging storm infrastructure, eliminate legal claims caused by overflows and eliminate potential hazards to both public and private properties.

In December 2012, the catch basin in the public right-of-way in front of 1836 Sonoma Avenue overflowed during a rainstorm. The cause of the problem was in the drainpipe crossing private property at 1836 Sonoma, which drains water from the catch basin into Codornices Creek. When the easement is recorded, the City will install a new storm infrastructure and repair damage to the hardscape, decks, and fences at 1836 Sonoma that are removed or damaged due to the construction of the new storm infrastructure.

BACKGROUND

Sonoma Avenue and its drainage appurtenances were built by the developer of Peralta Park Subdivision, and the City subsequently accepted Sonoma Avenue and other streets within the subdivision as City right-of-way. Before the private properties were developed, the catch basins currently located at 1836 Sonoma Avenue drained to a

ravine about 20 feet from the curb. When the private property was developed, a pipe was connected to the existing pipe from the catch basin and extended to the Creek so the ravine could be filled and graded so the property could be built upon.

Reported overflows have occurred at this location 3 times over the last 8 years, with the last occurrence in December 2012. The City modified the catch basin in 2011 when an obstacle was removed from the pipe that was thought to be the problem and cause of the overflow in February 2011, but a subsequent overflow occurred that was not blockage related. A new storm infrastructure parallel to the existing drainpipe has been designed and will be bid this winter for construction in spring 2014 after the new easement is executed and recorded.

RATIONALE FOR RECOMMENDATION

As part of the City's on-going storm rehabilitation and replacement program, it is in the City's interest to replace or reconstruct storm infrastructure as it reaches the end of its useful life. The new storm infrastructure will eliminate potential claims due to overflows, reduce hazards to public and private properties, and reduce the amount of maintenance required. The design and installation of the new storm infrastructure and new easement clarifies ownership and maintenance responsibilities for this storm infrastructure.

The existing storm drainpipe has caused repeated overflows and increased maintenance. Accepting the easement will allow the City to perform routine maintenance on the new storm infrastructure in the future, rather than responding to emergency calls.

ALTERNATIVE ACTIONS CONSIDERED

There is no other alternative what would allow the conveyance of storm runoff that is cost effective, due to the topography of the area.

CONTACT PERSON

Phil Harrington, Deputy Director, Public Works, 981-6661

Lorin Jensen, Supervising Civil Engineer, Public Works, 981-6411

Sean Rose, Supervising Civil Engineer, Public Works, 981-6435

Attachments:

1: Ordinance

Exhibit A: Description Easement for Storm Drain and Access Purposes

Exhibit B: Storm Drain & Access Easement

ORDINANCE NO. -N.S.

PUBLIC UTILITY EASEMENT WITH LAURA AND BRETT HAZLETT FOR STORM
DRAIN INFRASTRUCTURE INSTALLATION AT 1836 SONOMA AVENUE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That the City Manager and City Clerk are hereby authorized and directed to make, execute and deliver for and on behalf of the City of Berkeley, as its corporate act and under its corporate name and seal, a public utility easement deed and installation agreement with Laura and Brett Hazlett for Storm Infrastructure on the property at 1836 Sonoma Avenue.

Section 2. That the City Clerk is hereby authorized and directed to cause the executed public utility easement deed and installation agreement to be recorded in the Official Records of Alameda County, California.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King, Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Exhibits

A: Description: Easement for Storm Drain and Access Purposes

B: Storm Drain & Access Easement

EXHIBIT "A"
DESCRIPTION
EASEMENT FOR STORM DRAIN AND ACCESS PURPOSES
OVER A.P.N. 061-2606-030

All that parcel of land that situate in the State of California, County of Alameda, City of Berkeley, described as follows:

BEGINNING at the most northeasterly corner of Lot 5, Block 4, as shown on "Northbrae, Berkeley, California" filed April 8, 1907 in Map Book 22, at Page 65, Official Records of Alameda County;

THENCE along the easterly line of said parcel South $16^{\circ} 19' 45''$ West 80 feet, more or less, to the flowline of Cordonices Creek, as it is located on the date of this description;

THENCE northwesterly along said flowline, to a point 10 feet distant, measured at right angles, from said easterly line;

THENCE leaving said flowline and running parallel with said easterly line North $16^{\circ} 19' 45''$ East 18.3 feet, more or less to a point;

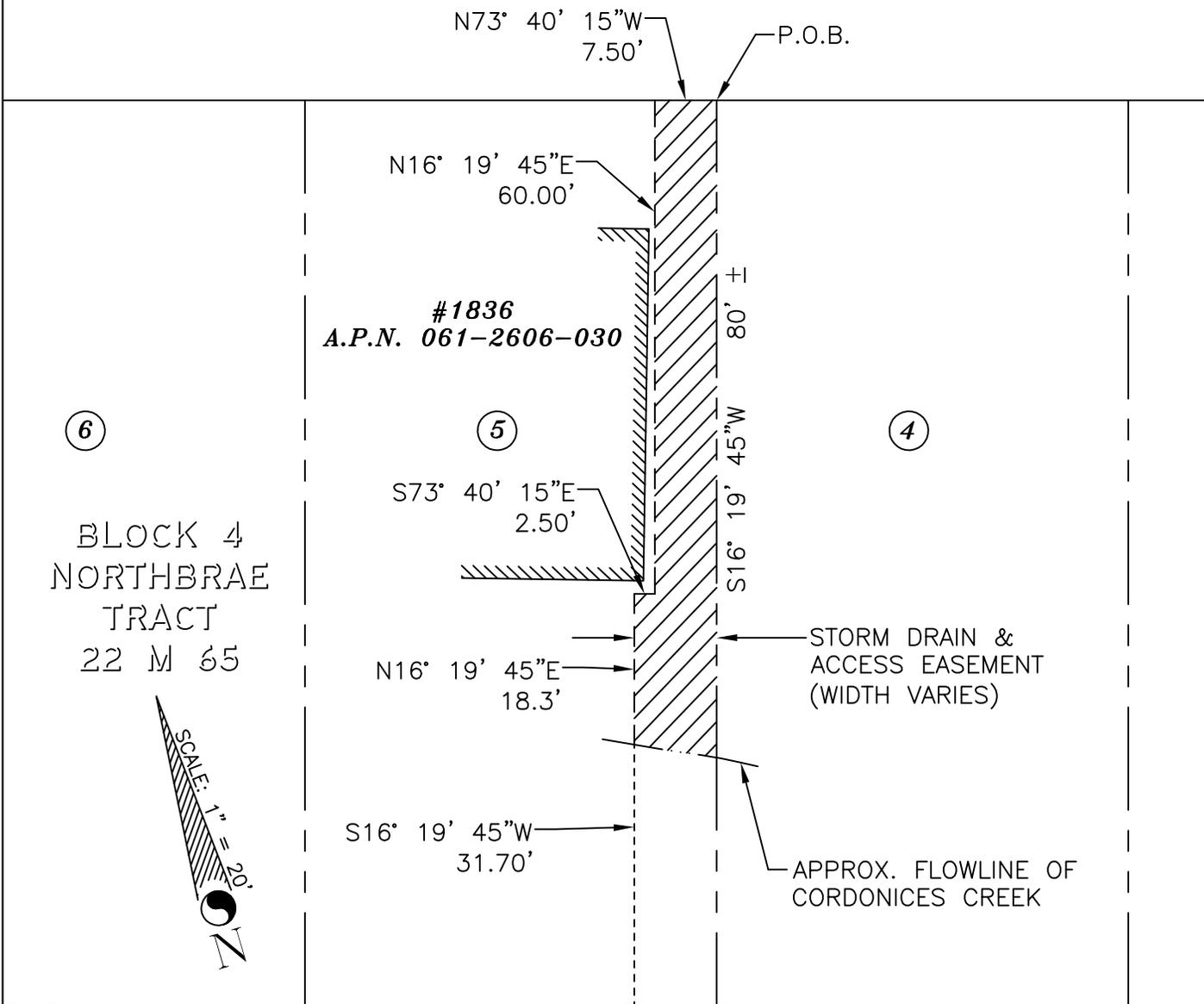
THENCE South $73^{\circ} 40' 15''$ East 2.50 feet to a point 7.50 feet distant, measured at right angles, from said easterly line;

THENCE running parallel with said easterly line North $16^{\circ} 19' 45''$ East 60.00 feet to the southerly line of Sonoma Avenue;

THENCE along said southerly line South $73^{\circ} 40' 15''$ East 7.50 feet to THE POINT OF BEGINNING, enclosing an area containing 641 square feet, more or less.

City Engineer, City of Berkeley

SONOMA AVENUE

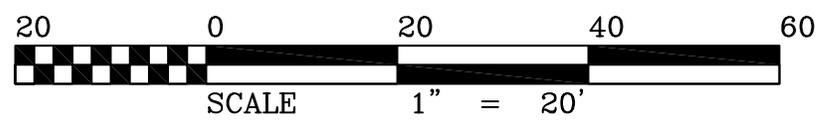
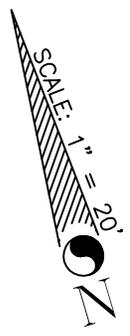


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⑥
BLOCK 4
NORTHBRAE
TRACT
22 M 65

⑤
#1836
A.P.N. 061-2606-030

④



Jeffrey L. Egeberg, Manager of Engineering

<p>EXHIBIT B STORM DRAIN & ACCESS EASEMENT 1836 SONOMA AVENUE A.P.N. 061-2606-030</p>	<p>CITY OF BERKELEY DEPARTMENT OF PUBLIC WORKS</p>
REFER: _____ DRAWN: M. Tanner	DATE: 09/06/2013 SCALE: 1" = 20'
PLAN: _____ FILE: _____	

