

## REPORT TO CITY COUNCIL

**DATE: DECEMBER 14, 2011**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: GREG RAMIREZ, CITY MANAGER**

**BY: RAMIRO ADEVA, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER**

**SUBJECT: ACCEPTANCE OF PUBLIC UTILITY EASEMENT AND RIGHT-OF-WAY FROM WHIZIN MARKET SQUARE, LLC, TO LAY, CONSTRUCT, REPAIR, MAINTAIN, OPERATE, RENEW, AND REPLACE PUBLIC UTILITY PIPELINES AND PUBLIC SERVICE FACILITIES ON THE SOUTH SIDE OF CANWOOD STREET NEAR CLARETON DRIVE**

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In March 2010, Agoura Business Center North, LLC, (ABC North) acquired the property previously owned by Komar Investments, LLC, along Canwood Street, just west of Clareton Drive. In doing so, ABC North inherited the conditions of approval from the Komar entitlement, which included, among other things, undergrounding of various overhead utility lines.

As is typically the case when undergrounding overhead lines, the limits of undergrounding extended beyond ABC North's frontage in order to be considered acceptable by Southern California Edison (SCE). In this case, that meant a 10-foot public utility easement (PUE) would be needed along the frontage of the vacant parcels on the south side of Canwood Street, currently owned by the Whizin Market Square, LLC, (see Exhibit B).

Following discussion between ABC North, LLC, and Whizin Market Square, LLC, William P. Tucker, has agreed to dedicate a 10-foot PUE across his property frontage, as outlined in the attached deed document and Exhibits A and B.

Accepting this PUE ensures that the utilities are kept within the public right-of-way, and readily available for any operations necessary to access the undergrounded lines at a later date.

### RECOMMENDATION

Staff respectfully recommends that the City Council accept the public utility easement and right-of-way from Whizin Market Square, LLC, to lay, construct, repair, maintain, operate, renew, and replace public utility pipelines and public service facilities on the south side of Canwood Street near Clareton Drive.

Attachment: Public Utility Easement Deed and Exhibits A & B

EXHIBIT "A"

LEGAL DESCRIPTION  
PUBLIC UTILITY EASEMENT

THE NORTH 10 FEET OF LOTS 17, 19, 20 AND 21 IN THE CITY OF AGOURA HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS SHOWN ON THE LICENSED SURVEYORS MAP OF SUBDIVISION OF A PORTION OF LOT "H" IN THE RANCHO LAS VIRGINES, AS PER MAP FILED IN BOOK 15, PAGES 8 AND 9 RECORD OF SURVEY MAPS.

CURRENTLY ALL FOUR LOTS HAVE BEEN MERGED IN TO ONE PARCEL AND ASSESSOR PARCEL NUMBER FOR THE SUBJECT PROPERTY IS 2048-011-034.

Westland Civil, Inc.



Donald G. Waite, RCE 27364  
Expires: March 31, 2013

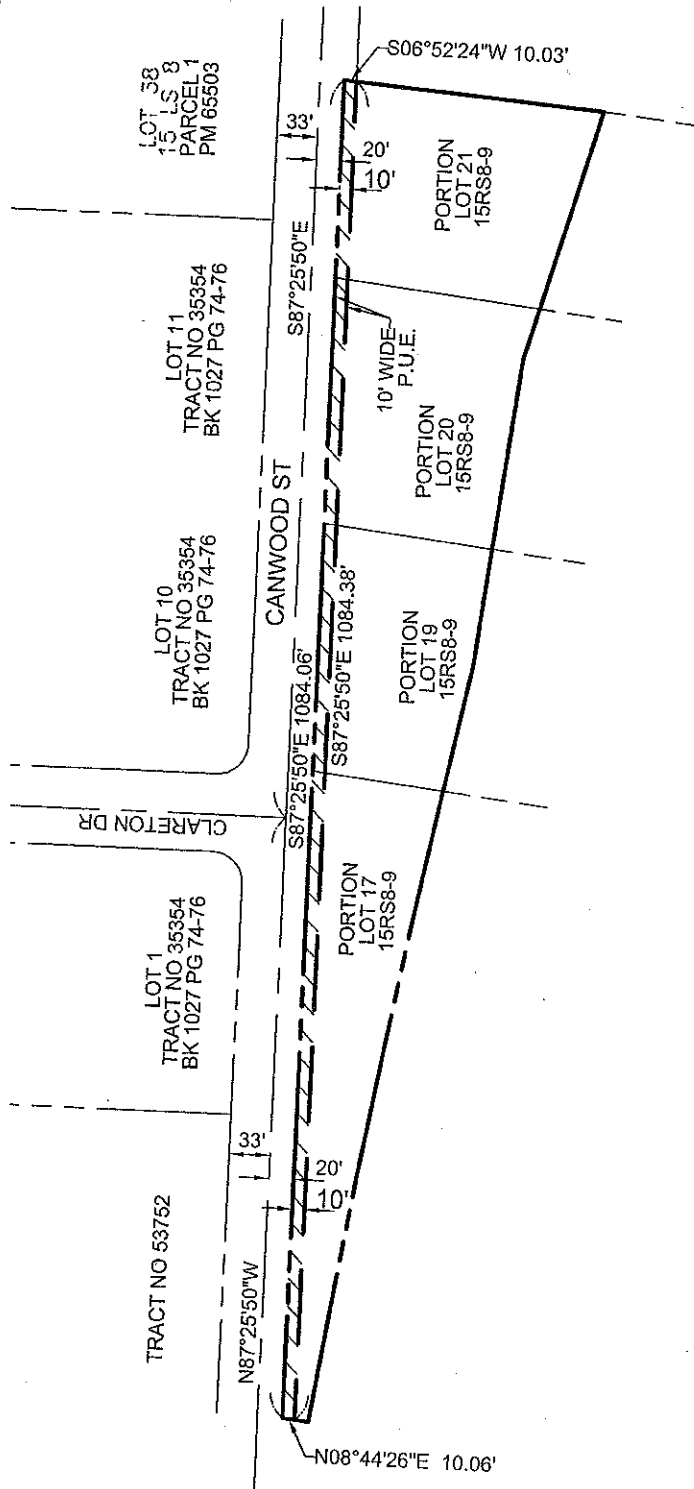


NOTE: EXHIBIT "B" IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT A SURVEY OF EASEMENT.

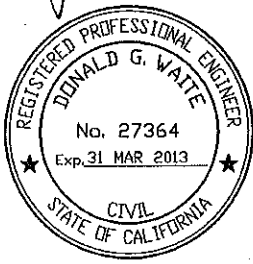
# EXHIBIT "B"



EASEMENT LOCATION



*Donald G. White*



SCALE: 1" = 150'

PREPARED BY: **WESTLAND CIVIL, INC.** ID: # ABCN.CwdSt



**WESTLAND CIVIL, INC.**  
 CIVIL ENGINEERS PLANNING / DESIGN LAND SURVEYORS  
 558 ST. CHARLES DR, SUITE 202, THOUSAND OAKS, CA, 91360  
 (805) 495-1330 FAX: (805) 446-9125

**PUBLIC UTILITY EASEMENT  
 SKETCH TO ACCOMPANY LEGAL  
 DESCRIPTION  
 15RS8-9, APN 2048-011-034  
 AGOURA HILLS, CA**

DATE SUBMITTED: 12/07/2011 SHEET 1 OF 1

**DO NOT PLACE RECORDING DATA ABOVE THIS LINE**

**RECORDING REQUESTED BY**

City of Agoura Hills

**WHEN RECORDED RETURN TO**

City Clerk  
City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, CA 91301

**PUBLIC UTILITY EASEMENT DEED**

**APN 2048-011-034**

**Documentary Transfer Tax \$ -0-;** No Apparent Value or Common Area

"No Fee Required" (Government Code Section 6103 & 27383)  
Recorded for the benefit of the City of Agoura Hills

City of Agoura Hills, by: (signature required above this line)

.....  
For a valuable consideration, receipt of which is hereby acknowledged,

WHIZIN MARKET SQUARE, LLC  
(Owner's Name)

herein referred to as "GRANTOR", hereby GRANT(S) to the CITY OF AGOURA HILLS, CALIFORNIA, a municipal corporation, a public utility easement and right-of-way to lay, construct, repair, maintain, operate, renew and replace pipelines for public utility and public service facilities and appurtenances incidental thereto (herein referred to as "facilities") for the conveyance of electricity and telecommunication with right of ingress and egress to and from same, in, over, under and across the easement.

GRANTOR agrees for itself, its successors and assigns, not to erect, place or maintain, nor to permit the erection, placement, or maintenance of any buildings, planter boxes, earthfill, large trees, large shrubs, block walls, decking, structures and/or other similar improvements that would unreasonably interfere with the ability of CITY or Public Utility to obtain access to the easement for the purposes of repair, replacement, or installation of facilities.

GRANTOR shall have the right to construct or install sidewalk/landscape/irrigation upon approval of City of Agoura Hills.

CITY and its contractors, agents and employees, shall have the right to trim or cut tree roots and vegetation as may endanger or interfere with the function of this easement and shall have free access to the facilities and every part thereof, at all times, for the purpose of exercising the rights granted herein.

In doing work on property of the GRANTOR, CITY will conduct work in such a manner as will cause the least injury to the surface of the ground or surface around construction area, and will replace the earth so removed, and will restore the surface of the ground to as near a condition as existed prior to such work as is practicable.

In the event prohibited structures and/or improvements are installed or planted within the easement area, CITY may require GRANTOR to remove same and, if GRANTOR does not comply, CITY may cause removal and charge costs back to GRANTOR.

The real property for the public utility easement is fully described in Exhibit "A" attached hereto and made a part hereof by reference.

IN WITNESS WHEREOF, this Public Sidewalk Easement Deed is executed by the undersigned this 2 day of NOVEMBER 2011.

**Signature(s) must be acknowledged by a Notary Public.**

Signature: *William P. Tucker*

**WHIZIN MARKET SQUARE, LLC**

By: WILLIAM P. TUCKER  
(Print name and title of signatory if Company or Corporation)

Signature: \_\_\_\_\_

\_\_\_\_\_  
(Print Grantor's Legal Name, Company or Corporation as applicable)

By: \_\_\_\_\_  
(Print name and title of signatory if Company or Corporation)

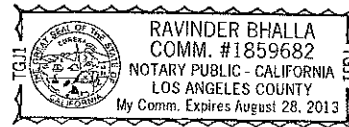
STATE OF CALIFORNIA )  
COUNTY OF Los Angeles ) ss.

On NOV 2nd, 2011, before me, personally appeared William P. Tucker 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 and under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *[Signature]*



(This area for notary stamp)