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**City Manager's Report**  
**April 11, 2023, City Council Meeting**  
**Prepared by: Cleve Morris, City Manager**  
**Item #: 12.1**

**Subject:** Consider agreement with Jaime Low for Potential Water Line Placement/Relocation at 742-750 Chamberlain Street and Approval of Notice of Exemption pursuant to CEQA Guidelines sections 15301 and 15302.

**Recommendation:** Adopt a Resolution:

1. Approving an agreement with Jaime Low for Water Line Placement/Relocation on 742-750 Chamberlain Street; and
2. Direct staff to establish a CIP for the project as part of the Fiscal Year 2023/2024 adopted Capital Improvement Program Budget; and
3. Approve Notice of Exemption pursuant to California Environmental Quality Act Sections 15301 (existing facilities) and 15302 (replacement).
4. Authorize the City Manager to execute the agreement.

**Purpose:** The purpose of this item is to consider the approval of an agreement with buyer/potential property owners and commit in providing a solution to a City water line across several private properties that may or may not be located within the established Water Utility Easement on the property at 742 and 750 Chamberlain Street that would commit the City to attempt to locate a water line that may or may not be located within the established Water Utility Easement on the property, and if so, relocate the waterline within the City's right-of-way or outside the property envelope and within a City desired right-of-way.

**Strategic Plan Strategy:** 4) Strategy – Update and Maintain City Owned Infrastructure  
 a. Identify and repair and/or replace existing infrastructure (water, sewer, drainage, roadway network, and wastewater treatment) as needed to continue and improve the level of reliable service for essential City owned utilities to the community.

**Background:** In March of 2022, the City was contacted by the owner of 742 and 750 Chamberlain Street, two adjoining vacant lots located within "The Woods" Subdivision Unit No. 1, regarding easements and potential water lines and other utilities to the property. The owner had recently purchased the property and was interested in developing it. Various conversations took place with the Planning Division regarding the potential for development. The properties are part of a recorded subdivision ("The Woods" Subdivision Unit No. 1) and has an established Building Envelope for the parcels. Included at the back of 742 Chamberlain Street is a Utility Easement which is at the back of and outside the Building Envelope for the property (see Attachment C). City staff reviewed utility maps and the utilities for each parcel and had concerns about the actual location of a City owned water line running through the parcel. City Public Works and Engineering Departments commenced with

an extensive review, including hiring a private utility location business to attempt to locate the line through ground penetrating radar (GPR). However, the City was unable to identify the actual location of the line. After extensive review, however, staff felt somewhat confident that the water line was not encroaching within the building envelope for the parcel, but may not be within the adopted utility easement.

In March of this year, staff was again contacted by a potential buyer for the property to clarify information regarding the water line. Staff again initiated additional studies based on new information that was provide that again raised questions regarding the location of the water line. After review of this information, staff could not determine conclusively that the water line existed, or that if it did exist that it was outside the Building Envelope. Based on the new information and questions that still exist, along with the more critical concerns that the City may not be able to access or maintain said water line, staff feels it is important to identify if the line exists and where it is located. It was also noted that this water line potentially serves three other parcels located on Sacramento Street. Based on review of records, it is believed that the line could be as much as 70 years old or older and therefore may likely be due for replacement related to service life.

**Discussion:** The attached agreement with the potential buyer establishes parameters for both the City and the buyer/new owner to identify the existence and location of the water line including the timeline to accomplish this. In agreement with the buyer/new owner, the City would have 5 years to accomplish this, and the buyer agrees not to develop the property until after that 5 year period.

Staff feels this is a reasonable solution that will enable the City to develop a project and answer unknown questions regarding the water line. Staff recommends approval of the agreement, and the Engineering Department will proceed with recommendation to establish a Capital Improvement Project enabling the project to be completed within the committed timeline in the agreement.

It should be noted that at the writing of this report, the property had not yet closed escrow. Therefore, this agreement can only be executed upon close of property to the new Owner.

**Environmental:**

The agreement and potential relocation of the water line is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 (existing facilities) and 15302 (replacement).

**Options:**

1. Approve the agreement as prepared.
2. Approve the agreement with amendments.
3. Do not approve the agreement and provide further direction to staff, if any.

**Cost:** There is no cost at this time. Staff will bring back a Capital Improvement Project for consideration that will include the proposed cost.

**Budget Impact:** None at this time.



M. Cleve Morris, City Manager



Rebecca Neves, City Engineer



Pierre Rivas, DS Director

Attachments

- A: Resolution
- B: Draft Agreement
- C: Exhibit