

## American River Flood Control District

### La Riviera Easement Deed

#### Staff Report

##### **Discussion:**

The La Riviera parcel was obtained by the District in 2016 to serve as an emergency staging area and temporary storage lot. The parcel is adjacent to the levee and is conveniently located off Howe Avenue and Highway 50. Upon conferring with the City of Sacramento Planning Department to inquire about non-standard fencing around the parcel, the District learned that the City did not agree that the zoning for the parcel allowed for staging and storage. City staff did indicate that if the parcel was controlled by the State of California, it would not be subject to the City zoning code.

District staff discussed the use of the parcel with staff from the CA Central Valley Flood Protection Board. CVFPB staff agreed the parcel would be a significant benefit to the O&M of the urban flood control system. The District and CVFPB worked to transfer rights on the parcel to the CVFPB. The plan is to grant the State the same rights on this parcel that they have over the levees. This would effectively merge the La Riviera parcel with the State-Federal levee system.

The District hired a surveyor to survey the parcel and update the legal description of the parcel per State standards. The survey was completed and recorded with the County of Sacramento. The State reviewed the legal description and provided the Easement Deed for signature by the District.

##### **Considerations:**

District Legal Counsel Matt Ellis reviewed the Easement Deed and approved it for signature with the following cautions for the Board:

1. The Easement is broad enough that it effectively conveys the entire value of the parcel to the State
2. The City may still want to exert authority over the parcel because the District is still the fee owner

The GM believes that merging this parcel with the flood control system would allow the District to operate and maintain the parcel in the same manner as the levees. The District has not had conflict with the City regarding our O&M practices to date.

##### **Recommendation:**

The General Manager recommends that the Board of Trustees delegate authority to the President to sign the Easement Deed.

RECORDING REQUESTED BY  
WHEN RECORDED MAIL TO:

**DEPARTMENT OF WATER RESOURCES**

Division of Engineering  
Real Estate Branch  
1416 9<sup>th</sup> Street, Room 425  
Sacramento, CA 95814

SPACE ABOVE THE LINE FOR RECORDER'S USE  
079-0020-011-0000

**EASEMENT DEED**  
(CORPORATION)

Project American River "La Riviera Drive"

Parcel No. 13874

**American River Flood Control District**, a Municipal corporation, organized and existing under and by virtue of the laws of the State of California, does hereby grant, convey, and dedicate to the SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, acting by and through THE CENTRAL VALLEY FLOOD PROTECTION BOARD of the State of California, a public agency, exclusive perpetual rights of way and easements in the hereinafter described real property situated in the County of Sacramento, State of California, for any present or future flood control project to:

1. Construct, reconstruct, enlarge, fence, plant with trees, shrubs, and other vegetation, preserve and retain all vegetative growth desirable for project purposes, repair and use flood control works, which shall include, but not be limited to, access, haul, and patrol roads, levees, ditches, embankments, channels, berms, fences, and appurtenant structures, and operate and maintain said flood control works in conformity with the Code of Federal Regulations, Corps of Engineers' Standard Operation and Maintenance Manual, and State of California Standards.
2. Clear and remove from said flood control works any or all natural or artificial obstructions, improvements, trees, and vegetation necessary for construction, operation, maintenance, repair, reconstruction, and emergence flood fight.
3. Flow waters and materials and by said flow erode.
4. Place or deposit earth, debris, sediment or other material.
5. Excavate and remove earth, debris, sediment, or other material, including that placed or deposited as above.
6. Locate or relocate roads and public utility facilities by Grantee or others.
7. Restrict the rights of the Grantor, his successors and assigns, without limitations, to explore, extract, remove, drill, mine, or operate through the surface or upper 100 feet of the subsurface in exercise of the grantor's interest in any minerals, including oil and gas.
8. Restrict any use by others which may interfere with any of the uses listed herein or any use necessary or incidental thereto.

State of California  
The Resources Agency  
Department of Water Resources  
**THE CENTRAL VALLEY FLOOD PROTECTION BOARD**

Parcel No. 13874

Grantor, for himself, his successors and assigns, hereby waives any claims for any and all damages which will accrue to the remaining property of grantor by reason of its severance from that portion granted herein and the construction of the improvement in the manner presently proposed.

IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto, this \_\_\_\_\_ day of, \_\_\_\_\_, 20\_\_\_\_\_ .

\_\_\_\_\_

\_\_\_\_\_  
President

[CORPORATE SEAL]

\_\_\_\_\_  
Secretary

STATE OF CALIFORNIA }

SS

County of \_\_\_\_\_

On \_\_\_\_\_, 20 \_\_\_\_ , before me, \_\_\_\_\_

personally appeared \_\_\_\_\_ 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 under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

[SEAL]

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

**(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)**

This is To Certify, That the real property or interests therein described in the within deed to the SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, acting by and through The Central Valley Flood Protection Board of the State of California, a public agency, is hereby accepted on behalf of the grantee.

Dated \_\_\_\_\_, 20 \_\_\_\_\_ .

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

By \_\_\_\_\_

\_\_\_\_\_  
(Title)

DEPARTMENT OF WATER RESOURCES