

# Council Agenda Report

To: Mayor Wagner and the Honorable Members of the City Council

Prepared by: Adam Chase, Assistant Public Works Director/City Engineer

Reviewed by: Robert DuBoux, Public Works Director/City Engineer

Approved by: Reva Feldman, City Manager

Date prepared: July 31, 2019 Meeting date: August 26, 2019

Subject: Utility and Access Easement to Waterworks District 29

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**RECOMMENDED ACTIONS:** Grant a utility and access easement on Winter Mesa Drive to Waterworks District 29.

**FISCAL IMPACT:** There is no fiscal impact associated with this recommended action.

**DISCUSSION:** On April 9, 2018 City Council approved a vesting tract map for the subdivision of an approximate twenty-four acre parcel into seven individual parcels located at 24120 Case Court consisting of: 3.85 acres (Lot 1); 3.38 acres (Lot 2); 2.61 acres (Lot 3); 3.47 acres (Lot 4); 5.96 acres (Lot 5); 2.89 acres (Lot 6); and 1.73 acres (Lot 7). Additionally, City Council Resolution No. 14-12 approved Coastal Development Permit No. 07-144 for the land division.

Five new single-family residences are under construction at 24108, 24180, 24134, 24150, 24134 Case Court. As part of this development, the owner is required to construct a new private road to access each of the five properties. Access to the private properties is via Winter Mesa Drive which is City of Malibu property and is not a public roadway.

While under construction, it has been determined that a utility and access easement from the City granted to Waterworks District 29 will be necessary for water pipelines, appurtenances, and ingress/egress purposes. The proposed easement is 35 feet wide and covers that portion of Winter Mesa Drive providing access to the private properties and an existing 10-foot-wide water easement.

Staff recommends granting the utility and access easement on Winter Mesa Drive to Waterworks District 29.

ATTACHMENTS: Utility and Access Easement to Waterworks District 29

# ORIGINAL

**RECORDING REQUESTED BY**  
LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO. 29,  
MALIBU

**WHEN RECORDED MAIL TO:**  
Los Angeles County Department  
of Public Works,  
Waterworks Division  
P.O. Box 1460  
Alhambra, CA. 91802-1460  
Attention: Aracely Jaramillo

THIS DOCUMENT IS EXEMPT FROM DOCUMENTARY  
TRANSFER TAX PURSUANT TO SECTION 11922 OF THE  
REVENUE & TAXATION CODE.

THIS DOCUMENT IS EXEMPT FROM RECORDING FEES  
PURSUANT TO SECTION 27383 OF THE GOVERNMENT  
CODE.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Assessor's Identification No.  
4458-018-902 & 904(portion)

## EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

**CITY OF MALIBU, a California municipal corporation**

hereinafter referred to as GRANTOR, does hereby grant to the **LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU**, a governmental agency, hereinafter referred to as DISTRICT, an easement for water pipelines and appurtenances and ingress/egress purposes and the right to construct, operate, maintain, and use same in, on, over, under, and across the real property in the City of Malibu, County of Los Angeles, State of California, described in Exhibit "A" and shown on Exhibit "B", both exhibits attached hereto and by this reference made a part hereof.

**SEE ATTACHED EXHIBITS "A" AND "B".**

Together with the right to enter upon and to pass and repass over and along said easement and right of way and to deposit tools, implements, and other materials thereon, by said DISTRICT, its officers, agents, and employees and by any contractor, its agents, and employees engaged by said DISTRICT, whenever and wherever necessary for the purposes above set forth.

It is understood that said undersigned GRANTOR grants said easement only for that portion of the described land in which said GRANTOR has an interest.

Use of the surface of said property by the owner thereof shall be subject to the following conditions:

(A) At no point on said easement area shall there be any fill placed without prior approval of said DISTRICT; (B) the ground surface within the easement area shall not be lowered by grading or otherwise in such manner as to reduce the depth of cover to less than three (3) feet at any point above the top of any of said DISTRICT-owned facilities therein; (C) no permanent building, or other structure of whatever nature, shall be constructed upon any portion of the easement area. The erection of walls and fences and placement of landscaping shall be subject to prior approval of said DISTRICT; and (D) any and all uses of the easement area by the GRANTOR, subsequent to the granting of the easement, shall not restrict or inhibit the utilization of the easement by said DISTRICT for the intended purposes above set forth.

**CITY OF MALIBU**

By: \_\_\_\_\_ Date \_\_\_\_\_  
Jefferson Wagner, Mayor

Easement Location:  
24120 Pacific Coast Hwy, Malibu, CA 90265  
A.P.N. 4458-018-902 & 904 (portion)  
T.G. 628 (H7)  
I.M. 114-057  
S.D. 3  
Waterworks District No. 29  
Specification No. 29-827  
Distribution Map No. KM-16

**ACKNOWLEDGMENT FORM**

*A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.*

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public.  
(insert name of the officer) (insert title of the officer)

personally appeared \_\_\_\_\_  
\_\_\_\_\_  
(insert name(s) and title(s))

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.

Signature \_\_\_\_\_

(Seal)

**RECOMMENDED FOR ACCEPTANCE**

Dated \_\_\_\_\_, 2019

**DEPARTMENT OF PUBLIC WORKS  
WATERWORKS DIVISION**

By: \_\_\_\_\_  
Aracely Jaramillo  
Senior Civil Engineer

**CERTIFICATE OF ACCEPTANCE**

This is to certify that the interest in real property conveyed by the within deed or grant to said Los Angeles County Waterworks District, a governmental agency, is hereby accepted and the Grantee consents to the recordation thereof.

Dated \_\_\_\_\_, 2019

By: \_\_\_\_\_  
Adam Arika  
**ASSISTANT DEPUTY DIRECTOR – WATERWORKS DIVISION**

WATERWORKS DISTRICT NO. 29, MALIBU  
SPECIFICATION NO. WWD 29-827 (PC)  
DISTRIBUTION MAP NO. KM-17  
PORTIONS OF APN's 4458-018-902 AND 4458-018-904

LEGAL DESCRIPTION

Parcel 1WA: (Easement for Water Pipelines, Appurtenances, and Ingress/Egress Purposes)

That portion of the Rancho Topanga Malibu Sequit in the City of Malibu, County of Los Angeles, State of California, as confirmed to Matthew Keller by Patent recorded in Book 1, Pages 407 et. seq. of Patents, in the office of the County Recorder of said County being a portion of the Parcel of land as granted from the State of California to the City of Malibu per Quitclaim Deed as recorded September 8, 2006 in Instrument No. 06-2007736 O.R. in the Office of said County Recorder.

Said portion of land is described as follows:

Beginning at the westerly terminus of the 41st course in the legal description for said City of Malibu Parcel, said course is shown as S 84° 56' 52" W, 303.30 feet; thence,

- 1st parallel with the 46th course in the legal description for said City of Malibu Parcel S 84° 56' 52" W, 90.00 feet; thence,
- 2nd N 05° 03' 08" W, 200.00 feet to a point in said 46th course and the southerly right of way boundary of Pacific Coast Highway (100.00 feet wide), said point lies S 84° 56' 52" W, 90.00 feet from the easterly terminus of said 46th course; thence,
- 3rd along said 46th course N 84° 56' 52" E, 90.00 feet to the easterly terminus thereof, said point being the beginning of a non-tangent curve, concave southeasterly with a radius of 25.00', a central angle of 90° 00' 00" and a radial bearing of N 05° 03' 08" W; thence,
- 4th along the easterly boundary of said City of Malibu Parcel and along the arc of said curve in a southwesterly direction a distance of 39.27 feet; thence,
- 5th continuing along the easterly boundary of said City of Malibu Parcel S 05° 03' 08" E, 150.00 feet to the beginning of a tangent curve, concave northeasterly with a radius of 25.00', and a central angle of 90° 00' 00"; thence,
- 6th continuing along the easterly boundary of said City of Malibu Parcel and along the arc of said curve in a southeasterly direction a distance of 39.27 feet to the point of beginning.

Containing an area of 13,268 square feet, more or less.

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature:  Date: August 7, 2019  
Chris Nelson  
PLS 6385



EXHIBIT A

Unincorporated  
County of Los  
Angeles

MALIBU  
CYN. RD.



SCALE: 1" = 50'

50'

PACIFIC COAST

HIGHWAY

(STATE HIGHWAY)

50'

RADIAL

N05°03'08"W

N.W. CORNER OF LOT 6

N84°56'52"E  
90.00'

$\Delta = 90^{\circ}00'00"$   
 $R = 25.00'$   
 $L = 39.27'$

APN 4458-018-041

LOT 6

APN 4458-018-902

City of Malibu

N05°03'08"W

WINTER MESA DRIVE

S05°03'08"E

TRACT NO. 70038  
BOOK 1405 PAGES 31-35



APN 4458-018-042

$\Delta = 90^{\circ}00'00"$   
 $R = 25.00'$   
 $L = 39.27'$

LOT 7

APN 4458-018-907

P.O.B. PARCEL 1WA

60' PRIVATE ROAD  
EASEMENT PER INST.  
#20170726326, O.R.




AUGUST 7, 2019

90.00'  
S84°56'52"W

WINTER MESA DRIVE

APN 4458-018-904

10' WATER EASEMENT  
PER INST. #4417, O.R.

-  PROPOSED EASEMENT
-  EASEMENT PER INST. 20170726326, O.R.
-  EASEMENT PER INST. 4417, O.R.

JOB NO. 17-4415

SCALE: 1" = 50'

DATE: JULY 3, 2019

PREPARED BY:



**Chris Nelson**  
& Associates, Inc.  
PROFESSIONAL LAND SURVEYORS  
31238 Via Colinas Suite H, Westlake Village, CA, 91362  
Voice: 818.991.1040 Fax: 818.991.0614

PACIFIC COAST HIGHWAY  
MALIBU, CA 90265

WWD No. 29, MALIBU

SPEC No. WWD 29-827 (PC)

DIST. MAP No. KM-17

APN 4458-018-902 AND -904

SHEET

1 OF 1

EXHIBIT B