



Council Agenda Report

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

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

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

Approved by: Reva Feldman, City Manager

Date prepared: November 3, 2020 Meeting date: November 23, 2020

Subject: 25321 Malibu Road Utility Easement Acceptance

RECOMMENDED ACTION: 1) Adopt Resolution No. 20-62 accepting a utility easement adjacent to 25321 Malibu Road; and 2) Direct staff to record a certified copy of the resolution and easement in the Office of the County Recorder.

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

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2020-2021. This item is part of the normal operations.

DISCUSSION: As a result of the El Nino storms in 1998 and associated landslide movement, the City Council formed Assessment District 98-3 for the purpose of improving the stability of the landslide. The assessment district includes 10 dewatering wells, 23 hydraugers, and numerous slope inclinometers and piezometers. The dewatering wells and hydraugers lower the groundwater level in the landslide area and stabilize the area.

The property owner at 25321 Malibu Road is proposing improvements to their property. An existing dewatering well is located at the rear of the property and it conflicts with their proposed improvements. The property owner has agreed to install a new dewatering well and associated equipment outside their proposed improvements and provide the City with a new utility easement (see attached map). The dewatering well's new location has been reviewed and approved by the City's Geotechnical Staff and consultant who operates and maintains the Malibu Road Landslide Assessment District. Staff recommends the Council accept the proposed utility easement.

ATTACHMENTS:

1. Resolution No. 20-62
2. Location Map

RESOLUTION NO. 20-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU AUTHORIZING THE ACCEPTANCE OF A UTILITY EASEMENT GRANTED BY ALESSANDRO DAZZAN AND IRENE ROSE DAZZAN UPON, IN, ACROSS, OVER, AND UNDER THE REAL PROPERTY LOCATED AT 25321 MALIBU ROAD (APN: 4459-014-002) AND FINDING THE SAME EXEMPT FROM CEQA

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. In order to access a dewatering well on the property, the project was conditioned under the CDP 14-035 to grant the City a utility easement. The easement grants the right to construct, repair, replace, and maintain public utilities.

B. The Dedication of the utility easement will be recorded after acceptable by the City.

SECTION 2. The City Council hereby approves and authorizes the acceptance of the utility easement from Alessandro Dazzan and Irene Rose Dazzan to the City dedicating the property as described and depicted in Exhibit A, Legal Description, Exhibit B, Plat Map, showing the precise location for the easement, and Exhibit C showing the dewatering well location.

SECTION 3. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) the City Council has analyzed the acceptance of the Utility Easement. The City Council has found that the acceptance of the Dedication of the Utility Easement is exempt from the provisions of CEQA pursuant to State CEQA Guidelines section 15061(b)(3) as there is no possibility the act of accepting these utility easements may have a significant effect on the environment. The utility easement is exempt from CEQA procedures and policies because it will not have a significant effect on the environment.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 23rd day of November 2020.

MIKKE PIERSON, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

CHRISTI HOGIN, City Attorney

EXHIBIT A

City of Malibu

Easement for access to inspect, service and sample the dewatering well.

EXHIBIT "A"

Legal Description

Address: 25321 Malibu Road APN: 4459-014-002

REAL PROPERTY IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

Grantor Parcel

THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE 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, DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT IN THE NORTHERLY LINE OF MALIBU ROAD, 60.00 FEET WIDE, FORMERLY STATE HIGHWAY, AS RELINQUISHED TO THE COUNTY OF LOS ANGELES BY RESOLUTION OF THE CALIFORNIA STATE HIGHWAY RECORDED MARCH 16, 1949 AS INSTRUMENT NO. 1521 IN BOOK 29600 PAGE 281, OFFICIAL RECORDS, SAID POINT BEING THE MOST WESTERLY CORNER OF TRACT 18868, AS PER MAP RECORDED IN BOOK 551 PAGES 12 AND 13 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG THE NORTHERLY LINE OF SAID MALIBU ROAD, NORTH 81°30'15" WEST 642.51 FEET TO AN ANGLE POINT IN THE SAID NORTHERLY LINE; THENCE CONTINUING ALONG SAID NORTHERLY LINE, NORTH 80°39'15" WEST 278.22 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHERLY LINE, NORTH 80°39'15" WEST 60.00 FEET; THENCE LEAVING SAID NORTHERLY LINE, NORTH 09°20'45" EAST 247.65 FEET TO THE NORTHERLY LINE OF THE LAND DESCRIBED IN DEED TO THOS. J. DIXON JR., AND WIFE, RECORDED FEBRUARY 6, 1958 AS INSTRUMENT NO. 3547 IN BOOK D5 PAGE 772 OFFICIAL RECORDS; THENCE ALONG THE LAST MENTIONED NORTHERLY LINE, NORTH 86°36'52" EAST 61.52 FEET TO A LINE THAT BEARS SOUTH 09°20'45" WEST AND PASSES THROUGH THE TRUE POINT OF BEGINNING; THENCE SOUTH 09°20'45" WEST 261.21 FEET TO THE TRUE POINT OF BEGINNING.

Easement Parcel

A UTILITY EASEMENT OVER THE ABOVE SAID GRANTOR PARCEL OF LAND, MORE PARTICULARLY DESCRIBED AS FOLLOWS,

BEGINNING AT A POINT IN THE WEST LINE OF THE ABOVE DESCRIBED PARCEL, SAID POINT BEING SOUTH 09°20'45" WEST 60.15 FEET FROM THE NORTHWEST CORNER OF SAID PARCEL; THENCE CONTINUING ALONG SAID WEST PARCEL LINE SOUTH 09°20'45" WEST 35.00 FEET TO THE NORTH LINE OF BAYSHORE DRIVE; THENCE, LEAVING SAID WESTERLY LINE NORTH 85°56'10" EAST 15.00 FEET ALONG THE NORTHERLY LINE OF BAYSHORE DRIVE; THENCE, PARALLEL WITH THE WEST LINE OF SAID PARCEL NORTH 09°20'45" EAST 35.00 FEET; THENCE, SOUTH 85°56'10" WEST 15.00 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF APPROXIMATELY 525 SQUARE FEET AND SHOWN ON THE ATTACHED EXHIBIT "B"



EXHIBIT B

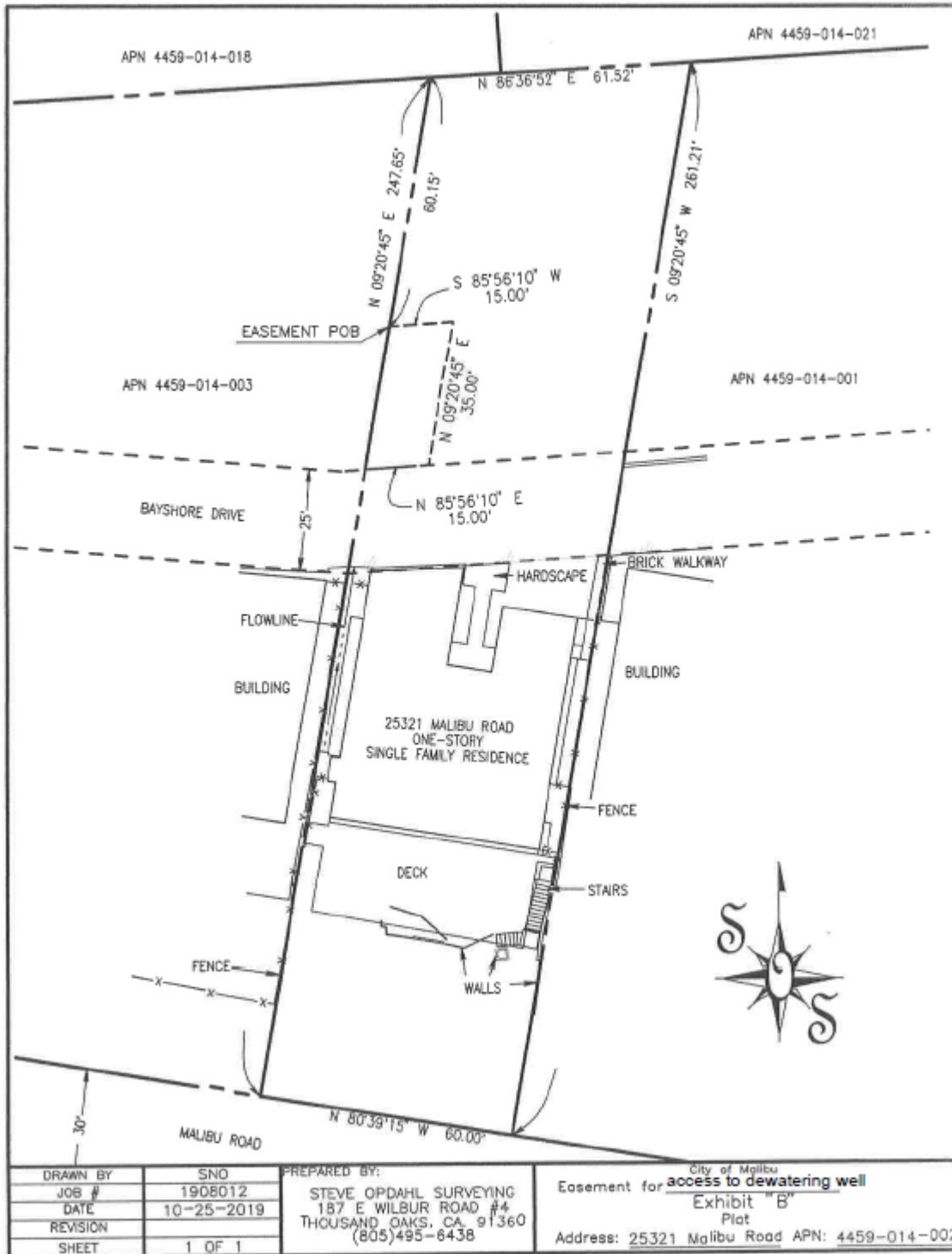
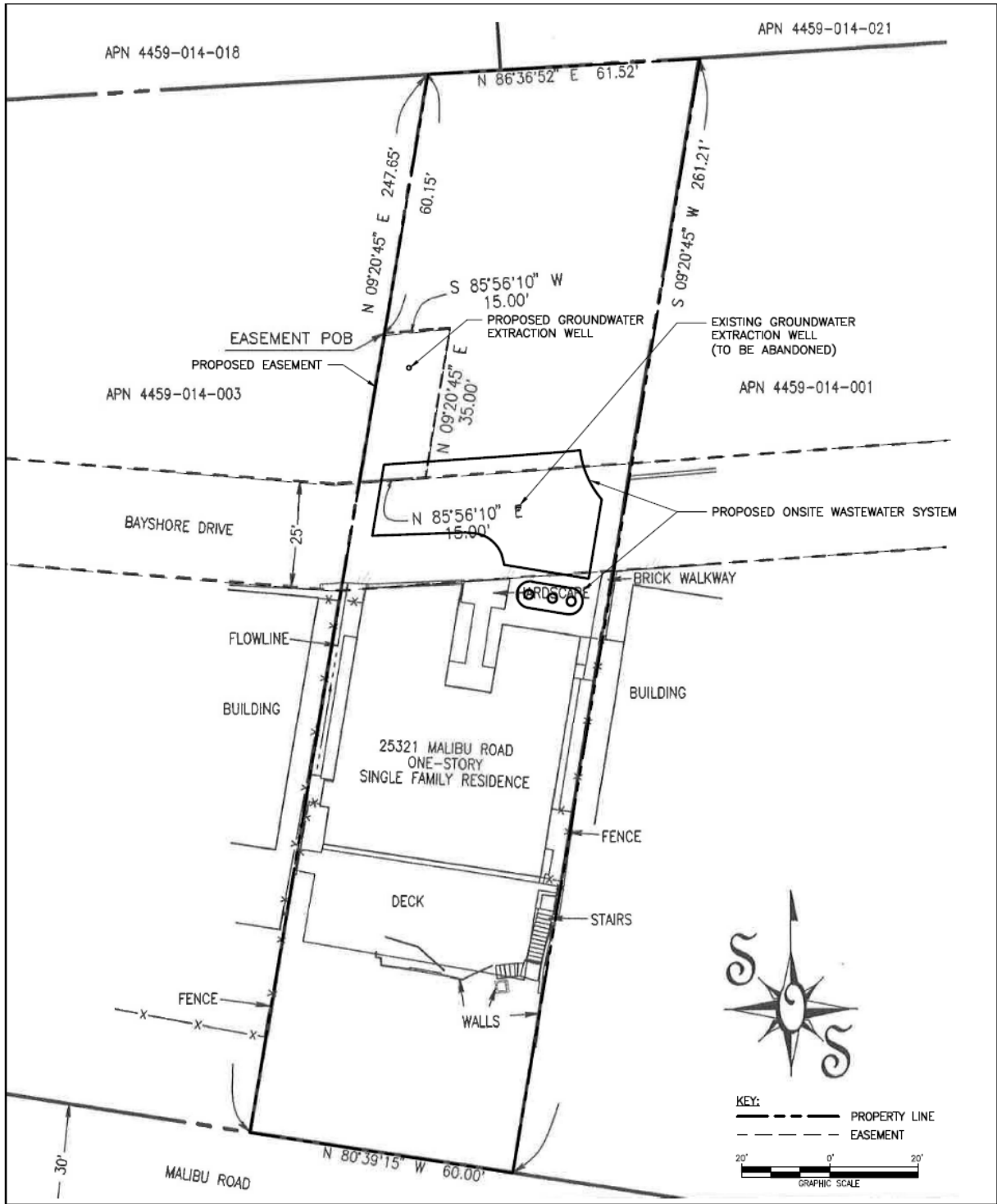


EXHIBIT C



LOCATION MAP

