

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

FROM: Patrick Thomas, Director of Public Works/City Engineer

DATE: October 24, 2023

SUBJECT: Approve Easement Agreement Granting Eastern Municipal Water District an Approximate 480 Square Foot Non-Exclusive Public Service Easement Located within Parcel “A” and Parcel “B” of Parcel Map 23561-2 (APNs 910-262-060 and 910-262-061)

PREPARED BY: Anissa Sharp, Management Assistant
Ron Moreno, Assistant Director of Public Works

RECOMMENDATION: That the City Council adopt a resolution entitled:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA APPROVING THAT CERTAIN EASEMENT AGREEMENT THAT GRANTS A PUBLIC-SERVICE EASEMENT IN FAVOR OF EASTERN MUNICIPAL WATER DISTRICT ON THE CITY-OWNED PROPERTY IDENTIFIED AS PORTIONS OF PARCEL “A” AND PARCEL “B” OF PARCEL MAP 23561-2 (APNS 910-262-060 AND 910-262-061)

BACKGROUND: On August 1, 2022, the City approved a development plan (PA21-1454) for a 260-unit apartment community. The project, known as Temecula 260, will offer market-rate apartments at the intersection of Buecking Drive (“development project”).

In approving the development project, the City found that the development project meets the objectives and applicable provisions of the Uptown Temecula Specific Plan because the project meets the goal of expanding land use options (Recommendation 2; pg.1-11) and identifies high quality urban-residential housing development within the Uptown Temecula Specific Plan.

The City also found that the development project is consistent with both the General Plan and Uptown Temecula Specific Plan. Benefits of the development project include recycling and revitalization of older retail/commercial corridors within the City, including Jefferson Avenue, and potential increases in mixed-use residential and commercial projects satisfying economic development objectives. The development project includes the extension of McCabe Court, which will be a publicly dedicated road with public utilities.

Eastern Municipal Water District (“EMWD”) has requested an approximate 480 square foot non-exclusive public service easement (“Subject Easement”) on portions of the City-owned property identified as a portion of Parcel “A” and “B” of Parcel Map 23561-2 (APNs 910-262-060 and 910-262-061) (“City Property”) for sewer purposes, including the construction and installation of sewer pipeline facilities and related appurtenances. The City Property is located adjacent to the development project. The Subject Easement in favor of EMWD is required for EMWD to maintain infrastructure in connection with the facilities needed to support the development project. The Subject Easement is located on the portions of the City Property described in EXHIBIT “A” and depicted in EXHIBIT “B” of ATTACHMENT “2” to the Easement Agreement.

The Subject Easement is a non-exclusive easement. Under the Easement Agreement, the City reserves for itself the right to use the Easement Area in a manner that does not materially interfere with EMWD’s use of the Easement Area. Further the Easement Agreement imposes certain repair obligations on EMWD. Specifically, the Easement Agreement recognizes although no improvements are currently located in the Easement Area, the City may cause certain improvements to be constructed in the Easement Area in the future, including but not limited to decorative/architectural features, pervious concrete, porous concrete, permeable concrete, porous pavement, stamped concrete, brick, tile, stone, pavers, cobblestone, rock, slate, turf block, walls, monuments or other decorative/architectural material. EMWD will be responsible, at its sole cost and expense, for repairing and/or restoring any improvements that are located in the Easement Area at such time as the Easement Area is used by EMWD and such use by EMWD results in damage to said improvements located in the Easement Area.

Further, the Easement Agreement recognizes the City’s prior rights to the rights of EMWD in the Easement Area. Accordingly, if the City needs to use the Easement Area in the future for public use and said use conflicts with the rights of EMWD under this Easement Agreement, EMWD agrees that it will relocate, at its sole cost and expense, EMWD’s facilities, pipelines, equipment, structures and/or appurtenances installed by EMWD in said Easement Area to another public service easement provided by the City to EMWD in the vicinity of the Easement Area.

City Staff recommends that the City Council adopt the Resolution approving the Easement Agreement, which grants to EMWD the Subject Easement

FISCAL IMPACT: None

ATTACHMENTS: 1. Resolution
2. Easement Agreement