

Staff Report

for the Board of Directors' Meeting of March 10, 2021

TO: Board of Directors

FROM: Doug Roderick, P.E., Interim Engineering Manager
Matthew Crowe, Senior Right of Way Agent

DATE: March 2, 2021

SUBJECT: **Abandonment of a Portion of Newtown Canal and Quitclaim of Easements**

ENGINEERING

RECOMMENDATION:

Adopt Resolution 2021-06 - Resolution of Abandonment of a Portion of the Newtown Canal.

BACKGROUND:

The Newtown Canal project began in 2005 and is related to an approximate 1,900-foot length of the canal between Justine Way and west of Beckville Road (see attached Exhibit 1). This section of the canal was difficult to maintain, was at capacity with low freeboard, and included numerous sources of potential water quality degradation (septic related). In 2009 the District and local stakeholders reached an agreement to rehab the existing canal, as opposed to relocating it within the road. Between 2010 and 2013, the project was placed on hold due to budget constraints. When budget funds subsequently became available, the District acquired all but one of the required easements, as set forth below:

Property APN	Easement Compensation
004-490-008	\$1,500
004-490-009	\$4,200
004-131-075	\$2,100
004-131-019	\$2,500
004-131-031	\$5,600
004-131-042	*
004-131-046	\$5,200
<hr/>	
Total value for project easements	\$21,100

*The property owner of APN 04-131-42 did not accept the District's offer to acquire the final easement for the project to proceed.

On September 10, 2014, the Board of Directors abandoned the attempt to rehabilitate the canal in-situ in favor of a plan to relocate and encase the canal in a pipe within Nevada County's Newtown Road right of way.

In the spring of 2017, the District completed the canal encasement and realignment project, which consisted of a 1,470-foot long, 36-inch diameter pipe that carries canal flows from just west of Justine Way downstream to approximately 425 feet west of Beckville Road and eliminated the District's need for a 1,900-foot portion of the existing Newtown Canal.

On May 24, 2017, the District Board adopted Resolution No. 2017-12, declaring the District's "Intention to Abandon" a portion of the canal (1,900-foot section). Resolution No. 2017-12 required the District to comply with all CEQA EIR Requirements and further offered landowners the option to have the canal abandoned "as-is" or to have the District "fill-in" the abandoned section of the canal at District expense for grading design and surface grading. Landowners were required to make an election within 60 days of the Resolution of whether abandonment would be "as-is" or "filled in." The Resolution also outlined terms for raw water connections available to specific properties affected by the encasement project and abandonment of the canal.

Between 2017 and 2019, the District complied with its obligations under Resolution No. 2012-17, including completing the design and construction (grading) of the abandoned canal section on all properties which elected that option. One property owner requested that the ditch be left as-is. Existing water services were re-plumbed to the new pipeline, and existing NID structures and services to be abandoned were removed, or left in place, as requested by the individual property owners.

On September 27, 2019, the Newtown Canal Grading project was completed.

Current Status: Per District rules and regulations 13.09.03, a Resolution of Abandonment (RFA) has been prepared for the Board's consideration and potential adoption. The RFA declares the abandonment of the Newtown Canal portion that has been relocated and encased and all related unneeded easement interests. The Resolution specifies the extent of District interests to be relinquished, e.g., with a map or written description of the segment of the Newtown Canal and the easements, or portions of easements to be quitclaimed. The RFA also identifies those easement interest reservations the District does not intend to release.

Abandonment of this segment of the Newtown Canal will allow the District to quitclaim easements on these seven Nevada County Assessor Parcel Numbers: 004-490-008; 004-490-009; 004-131-019; 004-131-031; 004-131-032; 004-131-042; 004-131-075.

Staff does not see any current or future useful District purpose for these easements and recommends that the District quitclaim its easement interests to the respective property owners. Therefore, staff recommends the adoption of Resolution 2021-06.

BUDGETARY IMPACT:

None.

Attachments: (1)

- Resolution No. 2021-06 Resolution of Abandonment of a Portion of the Newtown Canal
 - Exhibit 1: Map of Newtown Canal Encasement Project
 - Exhibits 2-8: Easement Quitclaim Deeds



RESOLUTION NO. 2021-06
OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT

ABANDONMENT OF A PORTION OF THE NEWTOWN CANAL

WHEREAS, the Nevada Irrigation District ("District") owns and operates the Newtown Canal raw water facility.

WHEREAS, in approximately 2017, the District relocated and encased a portion of the Newtown Canal within the right-of-way of the County of Nevada, as further described and depicted in Exhibit 1 hereto; and

WHEREAS, in Resolution No. 2017-12, the District's Board of Directors adopted a Resolution of Intention to Abandon Portion of Newtown Canal, pursuant to which the District indicated its intent to abandon that portion of the Newtown Canal which had been relocated and encased; and

WHEREAS, Resolution No. 2017-12 committed the District to abandon the identified portion of the Newtown Canal in accordance with the mitigations, outlines, and standards listed in the California Environmental Quality Act ("CEQA") Environmental Impact Report issued for the Newtown Canal Encasement Project; and

WHEREAS, Resolution No. 2017-12 offered identified property owners the option to either have the District fill-in the abandoned portions of the Canal, or to leave the abandoned portion of the Canal as-is, and required landowners to make such election within 60 days of the date of the Resolution; and

WHEREAS, the 60 day period described in Resolution No. 2017-12 has since expired, and the District has complied with all of its obligations under Resolution No. 2017-12.

NOW, THEREFORE, BE IT RESOLVED that:

1. The District has satisfied its obligations to identified landowners pursuant to Resolution No. 2017-12.

2. The portion of the Newtown Canal identified in Resolution No. 2017-12, which was relocated and encased pursuant to the Newtown Canal Encasement Project and identified in Exhibit 1 hereto, together with the District's interests in land and rights of way related thereto, are no longer used or useful to the District in the fulfillment of its duties or obligations.

3. The President and Secretary of the Board of Directors are hereby authorized to grant Easement Quitclaim Deeds transferring, quitclaiming, and conveying all of Nevada Irrigation District's right, title, and interest in and to said lands to the respective property owners of Nevada County Assessor Parcel Numbers: 004-490-008, 004-490-009, 004-131-019, 004-131-031, 004-131-032, 004-131-042, and 004-131-075. Drafts of said Quitclaim Deeds are attached hereto as Exhibits 2 - 8.

4. District Staff shall be authorized and directed to take all actions consistent with the direction provided herein to implement this Resolution, including without limitation, recording fully executed copies of said Quitclaim Deeds in the Official Records of Nevada County.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Nevada Irrigation District at a regular meeting held on the 10th day of March, 2021, by the following vote:

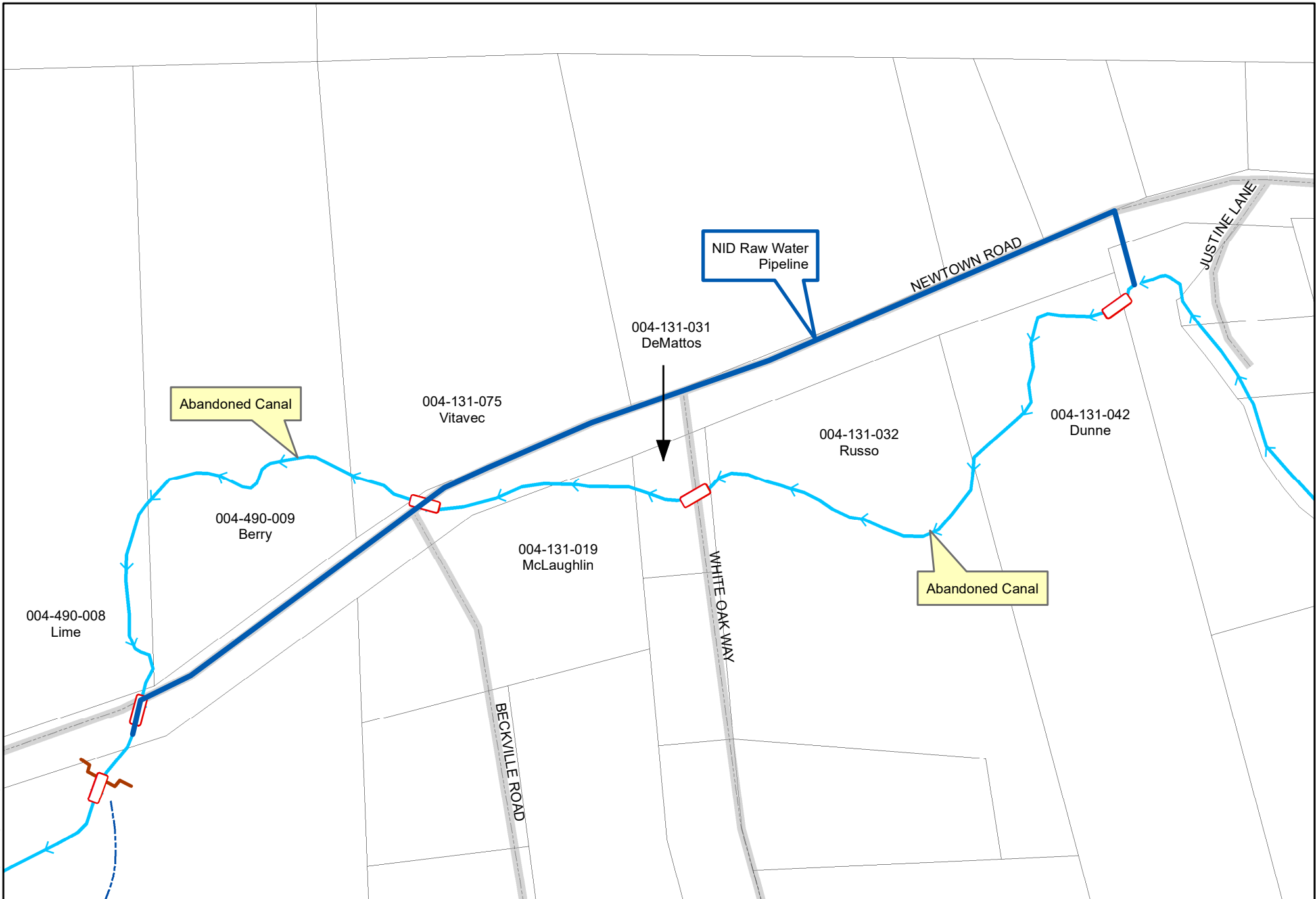
AYES:	Directors:
NOES:	Directors:
ABSENT:	Directors:
ABSTAINS:	Directors:

President of the Board of Directors

Attest:

Secretary to the Board of Directors

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NEVADA IRRIGATION DISTRICT

NEVADA COUNTY -- PLACER COUNTY
GRASS VALLEY, CALIFORNIA

**EXHIBIT 1 - RESOLUTION NO. 2021-06
ABANDONMENT OF PORTION OF NEWTOWN CANAL**

Drawn By: D. HUNT

Date: 3/1/2021

Scale: NO SCALE

Sheet: 1 of 1

EXHIBITS 2 - 8
Easement Quitclaim Deeds

RECORDING REQUESTED BY:

NEVADA IRRIGATION DISTRICT

WHEN RECORDED MAIL TO:

**Nevada Irrigation District
1036 W. Main Street
Grass Valley CA 95945-5424**

Nevada County APN: 004-131-019

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary Transfer Tax: \$_____

() Computed on full value of property conveyed

() Unincorporated area () City of _____

Signature of Agent Determining Tax

EASEMENT QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged the **NEVADA IRRIGATION DISTRICT**, an irrigation district duly organized and existing under and by virtue of the laws of the State of California does hereby remise, release and forever Quitclaim to

MICHAEL W. MC LAUGHLIN and HEATHER A. MC LAUGHLIN, husband and wife as joint tenants

the following described easement in the unincorporated area, County of Nevada, State of California:

All right, title, and interest in and to those certain easements recorded on December 9, 2013 in Document Numbers 2013-0032162 and 2013-0032163, Nevada County Records.

CERTIFICATION BY NEVADA IRRIGATION DISTRICT

This is to certify that the Quitclaim of interest conveyed by this document is hereby executed pursuant to Resolution No. 2021-06 of the Board of Directors of the Nevada Irrigation District adopted on March 10, 2021.

Date: _____

Chris Bierwagen, Board President

Date: _____

Kris Stepanian, Board Secretary

RECORDING REQUESTED BY:

NEVADA IRRIGATION DISTRICT

WHEN RECORDED MAIL TO:

**Nevada Irrigation District
1036 W. Main Street
Grass Valley CA 95945-5424**

Nevada County APN: 004-131-031

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary Transfer Tax: \$_____

() Computed on full value of property conveyed

() Unincorporated area () City of _____

Signature of Agent Determining Tax

EASEMENT QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged the **NEVADA IRRIGATION DISTRICT**, an irrigation district duly organized and existing under and by virtue of the laws of the State of California does hereby remise, release and forever Quitclaim to

SHARON J. DE MATTOS, an unmarried woman

the following described easement in the unincorporated area, County of Nevada, State of California:

All right, title, and interest in and to those certain easements recorded on April 3, 2014 in Document Numbers 2014-0006067 and 2014-0006068, Nevada County Records.

CERTIFICATION BY NEVADA IRRIGATION DISTRICT

This is to certify that the Quitclaim of interest conveyed by this document is hereby executed pursuant to Resolution No. 2021-06 of the Board of Directors of the Nevada Irrigation District adopted on March 10, 2021.

Date: _____

Chris Bierwagen, Board President

Date: _____

Kris Stepanian, Board Secretary

RECORDING REQUESTED BY:

NEVADA IRRIGATION DISTRICT

WHEN RECORDED MAIL TO:

**Nevada Irrigation District
1036 W. Main Street
Grass Valley CA 95945-5424**

Nevada County APN: 004-131-032

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary Transfer Tax: \$_____

() Computed on full value of property conveyed

() Unincorporated area () City of _____

Signature of Agent Determining Tax

EASEMENT QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged the **NEVADA IRRIGATION DISTRICT**, an irrigation district duly organized and existing under and by virtue of the laws of the State of California does hereby remise, release and forever Quitclaim to

DAVID P. RUSSO and KELLY J. RUSSO, Trustees of the David and Kelly Russo 2017 Trust dated November 7, 2017

the following described easement in the unincorporated area, County of Nevada, State of California:

All right, title, and interest in and to that certain easement recorded on February 24, 1984 in Document Number 84-04370, Nevada County Records.

CERTIFICATION BY NEVADA IRRIGATION DISTRICT

This is to certify that the Quitclaim of interest conveyed by this document is hereby executed pursuant to Resolution No. 2021-06 of the Board of Directors of the Nevada Irrigation District adopted on March 10, 2021.

Date: _____

Chris Bierwagen, Board President

Date: _____

Kris Stepanian, Board Secretary

RECORDING REQUESTED BY:

NEVADA IRRIGATION DISTRICT

WHEN RECORDED MAIL TO:

**Nevada Irrigation District
1036 W. Main Street
Grass Valley CA 95945-5424**

Nevada County APN: 004-131-042

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary Transfer Tax: \$_____

() Computed on full value of property conveyed

() Unincorporated area () City of _____

Signature of Agent Determining Tax

EASEMENT QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged the **NEVADA IRRIGATION DISTRICT**, an irrigation district duly organized and existing under and by virtue of the laws of the State of California does hereby remise, release and forever Quitclaim to

PATRICIA DUNNE as Trustee of the Patricia Dunne Living Trust dated January 12, 2011

the following described easement in the unincorporated area, County of Nevada, State of California:

All right, title, and interest in and to Nevada Irrigation District's easement interests related to operation, maintenance, and access for the Newtown Canal on, over and across the property described in the Grant Deed recorded on October 28, 2011 in Document Number 2011-0025741, Nevada County Records.

CERTIFICATION BY NEVADA IRRIGATION DISTRICT

This is to certify that the Quitclaim of interest conveyed by this document is hereby executed pursuant to Resolution No. 2021-06 of the Board of Directors of the Nevada Irrigation District adopted on March 10, 2021.

Date: _____

Chris Bierwagen, Board President

Date: _____

Kris Stepanian, Board Secretary

RECORDING REQUESTED BY:

NEVADA IRRIGATION DISTRICT

WHEN RECORDED MAIL TO:

**Nevada Irrigation District
1036 W. Main Street
Grass Valley CA 95945-5424**

Nevada County APN: 004-131-075

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary Transfer Tax: \$_____

() Computed on full value of property conveyed

() Unincorporated area () City of _____

Signature of Agent Determining Tax

EASEMENT QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged the **NEVADA IRRIGATION DISTRICT**, an irrigation district duly organized and existing under and by virtue of the laws of the State of California does hereby remise, release and forever Quitclaim to

ROBERT T. VITAVEC, Trustee of the ROBERT T. VITAVEC LIVING TRUST Dated October 24, 2016

the following described easements in the unincorporated area, County of Nevada, State of California:

All right, title, and interest in and to those certain easements recorded on November 17, 1992 in Document Number 92-40434, Nevada County Records, on January 21, 2014 in Document Numbers 2014-0001089 and 2014-0001090, Nevada County Records.

CERTIFICATION BY NEVADA IRRIGATION DISTRICT

This is to certify that the Quitclaim of interest conveyed by this document is hereby executed pursuant to Resolution No. 2021-06 of the Board of Directors of the Nevada Irrigation District adopted on March 10, 2021.

Date: _____

Chris Bierwagen, Board President

Date: _____

Kris Stepanian, Board Secretary

RECORDING REQUESTED BY:

NEVADA IRRIGATION DISTRICT

WHEN RECORDED MAIL TO:

**Nevada Irrigation District
1036 W. Main Street
Grass Valley CA 95945-5424**

Nevada County APN: 004-490-008

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary Transfer Tax: \$_____

() Computed on full value of property conveyed

() Unincorporated area () City of _____

Signature of Agent Determining Tax

EASEMENT QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged the **NEVADA IRRIGATION DISTRICT**, an irrigation district duly organized and existing under and by virtue of the laws of the State of California does hereby remise, release and forever Quitclaim to

STEVEN J. LIME and JESSICA M. LIME, husband and wife, as community property with right of survivorship

the following described easement in the unincorporated area, County of Nevada, State of California:

All right, title, and interest in and to that certain easement recorded on September 27, 2013 in Document Number 2013-0026962, Nevada County Records.

CERTIFICATION BY NEVADA IRRIGATION DISTRICT

This is to certify that the Quitclaim of interest conveyed by this document is hereby executed pursuant to Resolution No. 2021-06 of the Board of Directors of the Nevada Irrigation District adopted on March 10, 2021.

Date: _____

Chris Bierwagen, Board President

Date: _____

Kris Stepanian, Board Secretary

RECORDING REQUESTED BY:

NEVADA IRRIGATION DISTRICT

WHEN RECORDED MAIL TO:

**Nevada Irrigation District
1036 W. Main Street
Grass Valley CA 95945-5424**

Nevada County APN: 004-490-009

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary Transfer Tax: \$_____

() Computed on full value of property conveyed

() Unincorporated area () City of _____

Signature of Agent Determining Tax

EASEMENT QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged the **NEVADA IRRIGATION DISTRICT**, an irrigation district duly organized and existing under and by virtue of the laws of the State of California does hereby remise, release and forever Quitclaim to

MATTHEW BERRY and RACHEL BERRY, husband and wife, as joint tenants

the following described easement in the unincorporated area, County of Nevada, State of California:

All right, title, and interest in and to that certain easement recorded on April 18, 2014 in Document Number 2014-0007083, Nevada County Records.

CERTIFICATION BY NEVADA IRRIGATION DISTRICT

This is to certify that the Quitclaim of interest conveyed by this document is hereby executed pursuant to Resolution No. 2021-06 of the Board of Directors of the Nevada Irrigation District adopted on March 10, 2021.

Date: _____

Chris Bierwagen, Board President

Date: _____

Kris Stepanian, Board Secretary