

DATE SUBMITTED 10/25/2023
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR
 DATE ACTION REQUIRED 11/01/2023

COUNCIL ACTION (x)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS ()

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION:
 ACCEPTANCE OF EASEMENTS ALONG N IMPERIAL AVENUE FOR PUBLIC UTILITIES AT NORTHPOINT-CAMBRIA HOTEL PROJECT SITE.
 1. **ACCEPTANCE OF TWO (2) 10-FT WIDE, 1271-FT LONG GRANT OF PUBLIC UTILITIES EASEMENTS OVER APNS 063-010-023, 063-010-065 & 063-010-066**

DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT

BACKGROUND/SUMMARY:

An easement over the following parcels is needed for public utilities such as, but not limited to Gas, Electricity, Telephone and Cable TV:

- APN 063-010-066 as described on Exhibits C1 & C2
- APN 063-010-023 & 063-010-065 as described on Exhibits D1 & D2

See attachments for details

The owners of the parcels related to these easements, Imperial Hotel Acquisitions LLC and Imperial JV Holdings LLC are prepared to grant, convey, and offer to dedicate, to the City of Imperial the land as described and illustrated on the above-referenced Exhibits.

FISCAL IMPACT:
 NO FISCAL IMPACT

ADMIN SERVICES SIGN INITIALS DP

STAFF RECOMMENDATION:
 STAFF RECOMMENDS ACCEPTANCE OF TWO (2) 10-FT WIDE, 1271-FT LONG GRANT OF PUBLIC UTILITIES EASEMENTS OVER APNS 063-010-023, 063-010-065 & 063-010-066 AS DESCRIBED AND ILLUSTRATED ON THE ABOVE-REFERENCED EXHIBITS.

DEPT. INITIALS DM

MANAGER'S RECOMMENDATION: approve

CITY MANAGER'S INITIALS DM

MOTION:

SECONDED: APPROVED () REJECTED ()
 AYES: DISAPPROVED () DEFERRED ()
 NAYES:
 ABSENT: REFERRED TO:

Exhibits C1 & C2

RECORDING REQUESTED BY:

City of Imperial
Public Works Department
420 South Imperial Avenue
Imperial, CA. 92251

WHEN RECORDED MAIL TO:

City of Imperial
Public Works Department
420 South Imperial Avenue
Imperial, CA. 92251

GRANT OF PUBLIC UTILITIES EASEMENT

APN: 063-010-066

DOCUMENTARY TRANSFER TAX: Exempt (R&T Code Section 1192)
RECORDING FEE: Exempt (Government Code 11922)

Imperial JV Holdings, LLC (**GRANTOR**), does(do) hereby grant, convey, and offers to dedicate to the City of Imperial (**GRANTEE**), an easement and incidents thereto for Public Utilities upon, over and across that certain real property in the City of Imperial, County of Imperial, Ste of California, described as:

See Attached Exhibit "C1" – Legal Description
See Attached Exhibit "C2"- Plat

The Grantor(s), for himself (herself)(themselves), his(her)(their) successors and assign hereby waive(s) any claim for any or all damages to grantors remaining property contiguous to the easement hereby conveyed by reason of the location, construction, landscaping, or maintenance of said Public Utilities.

IN WITNESS WHEREOF, said Grantor has caused Bryan Benso's name to be hereunto subscribed this 27th day of March, 2023.

BY: Bryan Benso

SIGNATURE: 

For: **Imperial JV Holdings, LLC, a Delaware limited liability company.**

(Attach appropriate Notary Acknowledgement)

See Attached Certificate

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

County of San Diego

On **March 27, 2023**, before me, Casey Pamela Sanfilippo, a notary public, personally appeared **Bryan Michael Benso**, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that **he** executed the same in **his** authorized capacity, and that by **his** signature on the instrument the person, or the entity upon behalf of which the person 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.



Casey Pamela Sanfilippo, Notary Public



Exhibit "C1"

LEGAL DESCRIPTION

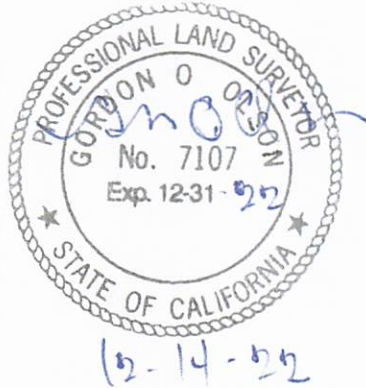
PUBLIC UTILITIES EASEMENTS TO CITY OF IMPERIAL:

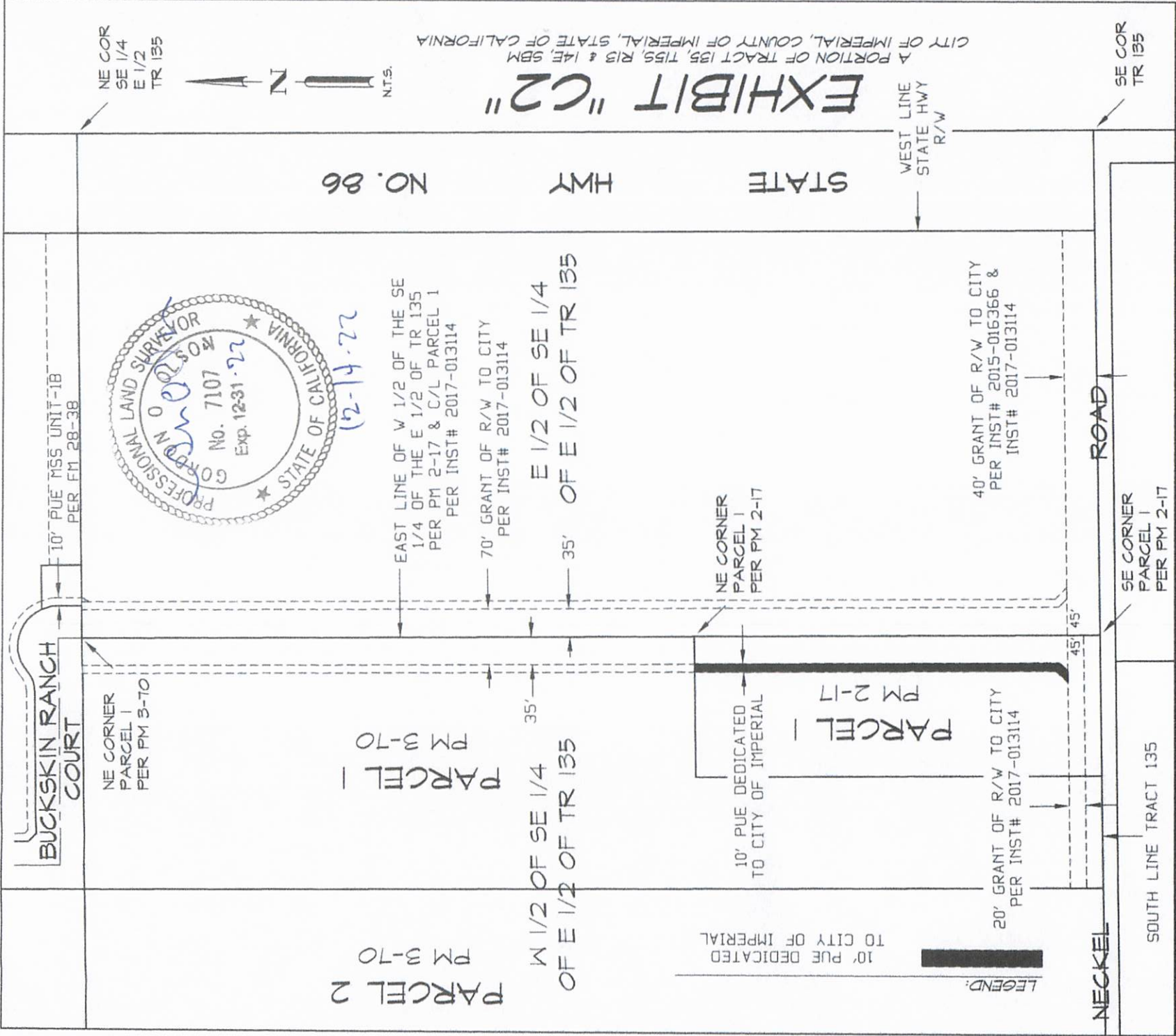
THAT 10' WIDE STRIP OF LAND, LYING WITHIN THE EAST HALF OF TRACT 135, TOWNSHIP 15 SOUTH, RANGES 13 AND 14 EAST, S.B.M., IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, SHOWN AS PARCEL 1 ON PARCEL MAP M-661 ON FILE IN BOOK 2, PAGE 17 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY., LYING WEST OF AND ADJOINING THE WEST LINE THAT RIGHT OF WAY GRANTED TO THE CITY OF IMPERIAL BY INSTRUMENT NO. 2017-013114 AS RECORDED ON 06-12-2017 IN THE OFFICE OF THE COUNTY RECORDER.

SUBJECT TO ALL COVENANTS, EASEMENTS AND AGREEMENTS OF RECORD.

SAID AREA CONTAINING 0.107 ACRES MORE OR LESS.

AS SHOWN ON EXHIBIT "C2", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.






12-14-22

EXHIBIT "C2"

A PORTION OF TRACT 135, T15S, R13 & 14E, SBM CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA



	Arizona, California and New Mexico Land Surveyors and Civil Engineers		EXHIBIT "C2"	
	670 East 32nd Street - Suite #2 - Yuma, AZ 85408 Email: info@robertsurvaning.com Yuma Phone: 928-818-2244		A PORTION OF TRACT 135 T15S, R13 & 14E, SBM IN THE CITY OF IMPERIAL	
LOCATION: IMPERIAL, CALIFORNIA CLIENT: CITY OF IMPERIAL		FILE NAME: 10' PUE EXH C2.DWG	DATE: 12-14-22	BY: G.O. JOB NUMBER: 22083.01
070 East 32nd Street - Suite #2 - Yuma, AZ 85408 Email: info@robertsurvaning.com Yuma Phone: 928-818-2244		PAGE: 1		OF: 1

Exhibits D1 & D2

RECORDING REQUESTED BY:

City of Imperial
Public Works Department
420 South Imperial Avenue
Imperial, CA. 92251

WHEN RECORDED MAIL TO:

City of Imperial
Public Works Department
420 South Imperial Avenue
Imperial, CA. 92251

GRANT OF PUBLIC UTILITIES EASEMENT

APN: 063-010-023 & 063-010-065

DOCUMENTARY TRANSFER TAX: Exempt (R&T Code Section 11922)
RECORDING FEE: Exempt (Government Code 11922)

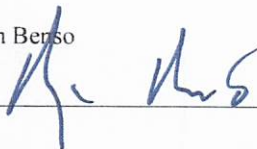
Imperial Hotel Acquisitions LLC, a Delaware Limited Liability Company (**GRANTOR**), does(do) hereby grant, convey, and offers to dedicate to the City of Imperial (**GRANTEE**), an easement and incidents thereto for Public Utilities upon, over and across that certain real property in the City of Imperial, County of Imperial, Ste of California, described as:

**See Attached Exhibit "D1" – Legal Description
See Attached Exhibit "D2"- Plat**

The Grantor(s), for himself (herself)(themselves), his(her)(their) successors and assign hereby waive(s) any claim for any or all damages to grantors remaining property contiguous to the easement hereby conveyed by reason of the location, construction, landscaping, or maintenance of said Public Utilities.

IN WITNESS WHEREOF, said Grantor has caused Bryan Benso's name to be hereunto subscribed this 17th day of January, 2023.

BY: (Print Name) Bryan Benso

SIGNATURE: 

For: **Imperial Hotel Acquisitions, LLC, a Delaware Limited Liability Company**

(Attach appropriate Notary Acknowledgement)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

Civil Code §1189

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.

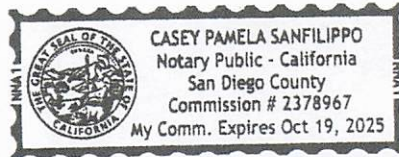
State of California)
) ss.
County of San Diego)

On January 17, 2023 before me, Casey Pamela Sanfilippo, Notary Public, personally appeared Bryan Benso, who proved to me on the basis of satisfactory evidence to be the person whose name is 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, 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]
Signature



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

Civil Code §1189

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, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person whose name is 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, 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

Exhibit "D1"

LEGAL DESCRIPTION

PUBLIC UTILITIES EASEMENTS TO CITY OF IMPERIAL:

EASEMENT NO.1:

THAT 10' WIDE STRIP OF LAND, LYING WITHIN THE EAST HALF OF THE SOUTHEAST QUARTER OF THE EAST HALF OF TRACT 135, TOWNSHIP 15 SOUTH, RANGE 13 AND 14 EAST, S.B.M., COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING EAST OF AND ADJOINING THE EAST LINE OF THAT RIGHT OF WAY GRANTED TO THE CITY OF IMPERIAL BY INSTRUMENT NO. 2017-013114 AS RECORDED ON 06-12-2017 IN THE OFFICE OF THE COUNTY RECORDER.

SAID AREA CONTAINING 0.292 ACRES MORE OR LESS.

EASEMENT NO.2:

THAT 10' WIDE STRIP OF LAND, LYING WITHIN PARCEL 1 ON PARCEL MAP M-920, IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ON FILE IN BOOK 3, PAGE 70 OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, LYING WEST OF AND ADJOINING THE WEST LINE THAT RIGHT OF WAY GRANTED TO THE CITY OF IMPERIAL BY INSTRUMENT NO. 2017-013114 AS RECORDED ON 06-12-2017 IN THE OFFICE OF THE COUNTY RECORDER.

SAID AREA CONTAINING 0.185 ACRES MORE OR LESS.

EASEMENT NO.3:

THAT PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE EAST HALF OF TRACT 135, TOWNSHIP 15 SOUTH, RANGE 13 AND 14 EAST, S.B.M., COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF TERMINATION OF THE WEST LINE OF THE 10' PUE DEDICATED TO THE CITY OF IMPERIAL FOR BUCKSKIN RANCH COURT, ACCORDING TO MAP OF MORNING STAR SUBDIVISION NO. 1, AS PER FM 28-38; THENCE SOUTHWESTERLY TO A POINT ON A LINE LYING 10' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF EAST 1/2 OF THE SE 1/4 OF THE E 1/2 OF TRACT 135, AND WHICH POINT ALSO LIES ON A LINE LYING 10' EAST OF THE EAST LINE OF THAT RIGHT OF WAY GRANTED TO THE CITY OF IMPERIAL BY INSTRUMENT NO. 2017-013114 AS RECORDED ON 06-12-2017 IN THE OFFICE OF THE COUNTY RECORDER; THENCE NORTHERLY ALONG LAST SAID EAST LINE TO A POINT ON THE SOUTH LINE OF SAID BUCKSKIN RANCH COURT; THENCE EASTERLY TO **THE POINT OF BEGINNING.**

SAID AREA CONTAINING 62.50 S.F. MORE OR LESS.

SUBJECT TO ALL COVENANTS, EASEMENTS AND AGREEMENTS OF RECORD.

AS SHOWN ON EXHIBIT "D2", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF



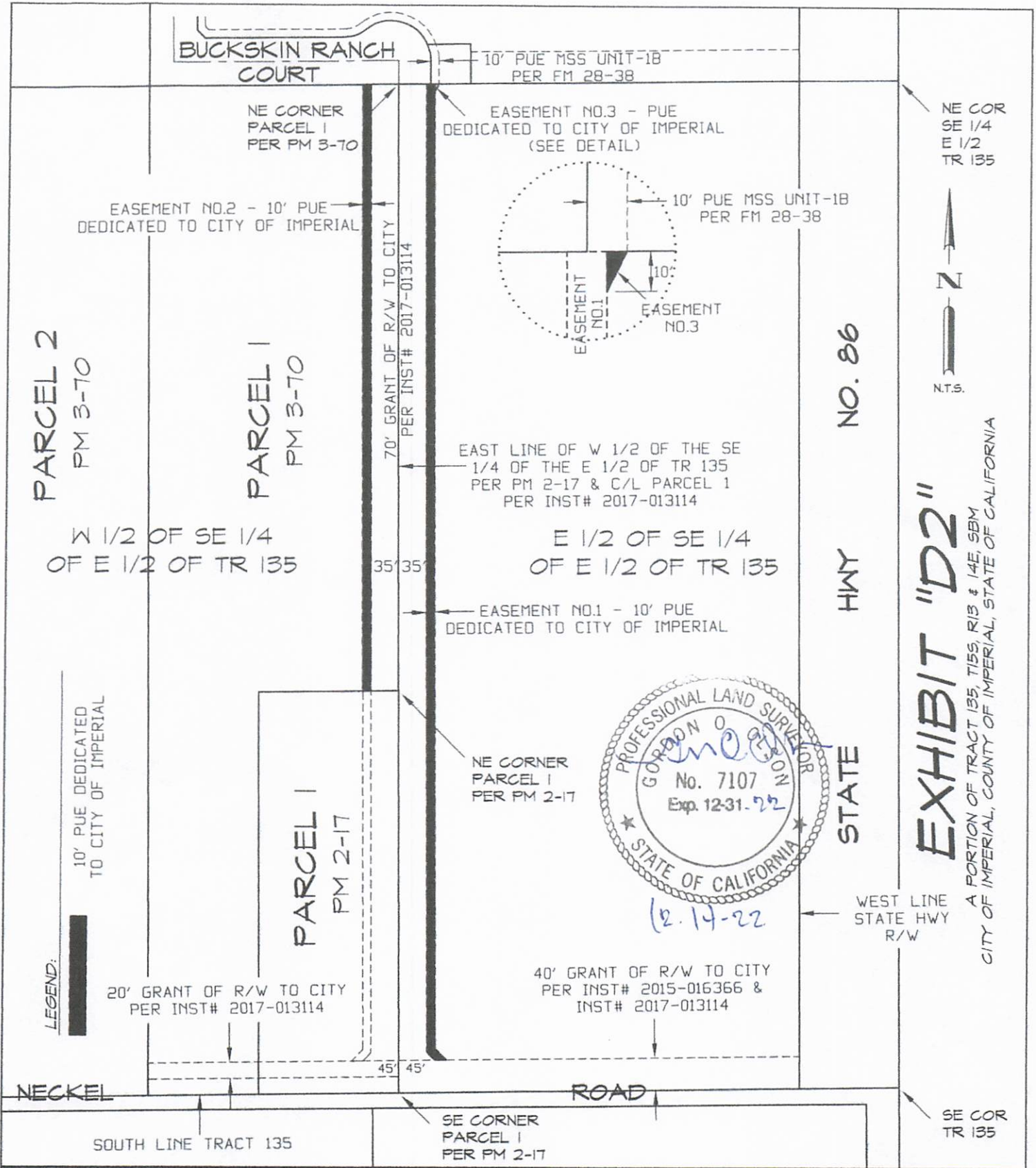
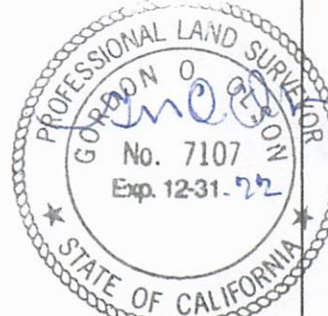



EXHIBIT "D2"

A PORTION OF TRACT 135, T15S, R13 & 14E, SBM
CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA



 Desert Surveying & Engineering Arizona, California and New Mexico Land Surveyors and Civil Engineers		EXHIBIT "D2" A PORTION OF TRACT 135 T15S, R13 & 14E, SBM IN THE CITY OF IMPERIAL		PAGE 1
670 East 32nd Street - Suite #2 - Yuma, AZ 85404 Email: DSE@desertsurveying.com Yuma Phone: 928-518-2045		LOCATION: IMPERIAL, CALIFORNIA	DATE: 12-14-2022	BY: G.O.
		CLIENT: CITY OF IMPERIAL	FILE NAME: 10' PUE EXH D2.DWG	JOB NUMBER: 22083.01