

## TUOLUMNE CITY SANITARY DISTRICT

TCS  
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TUOLUMNE, CA 95379

### REGULAR MEETING STAFF REPORT JUNE 7, 2023

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#### Agenda Item No. 7

To: Board of Directors

From: Dave Andres, General Manager

Subject: Proposed Easements and Maintenance Agreement

Date: May 31, 2023

Background: The *Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria* (Tribe) have undertaken the *Tuolumne Log Pond Dam Spillway Upgrade Project - State Dam No. 558* (Spillway Project). As a result, the State Department of Water Resources (DWR) has requested that the sewer pipeline that is currently located on the Dam be relocated. In order to accommodate the change a new bridge structure is being constructed and the existing sewer main is being relocated. Consequently, the District and the Tribe need to enter into an agreement for the maintenance of these facilities and new easements for our pipelines need to be recorded. In addition, District staff has uncovered the fact that certain easements in respect to the Cherry Valley Subdivision were never recorded. It is proposed that we clean up these issues on and near the Spillway Project at the same time.

Discussion: The tribe wants to maintain ownership of the bridge structure, while the District will own and operate the pipeline. The agreement requires the Tribe to grant the appropriate easements and maintain both the bridge structure and easement area. In respect to the easement area the Tribe would be required to keep this area clear of brush and combustible materials. The various easements have different widths. The largest being 60-feet wide along the bridge structure. This is necessary because the District may be required to replace portions of the pipeline and may need to install scaffolding and other equipment to undertake construction due to the elevated nature of the bridge. Annual inspections are included, and the Tribe would be required to have a structural engineer evaluate the bridge structure at least every fifteen (15) years.

Staff would like to hear from your Board on the proposed draft agreement. After your review we plan to send the draft to the Tribe for their review. Once the Tribe signs off on this agreement we will bring it back to your Board for approval and recording at the County. In addition, we are working on an expanded easement

for our Apple Colony Lift Station and an area near the entrance bridge to the Wastewater Treatment Plant (WWTP) for creek/tree/brush maintenance. Once that easement is approved by the Tribe I will bring it back to your Board for approval and recording.

Fiscal Impact: Staff, legal counsel and surveying costs should not exceed \$18,000. The agreement provides for a 50/50 cost share for survey and legal description costs.

Attachment(s): Draft Easement and Maintenance Agreement.

Recommendation: Review and discuss.

Recommended Motion: None required.

**BOARD ACTION:**

<input type="checkbox"/> Resolution No ____	Moved by: _____	Second by: _____
_____ AYES	_____ NOES	_____ ABSTAINED
_____ ABSENT	<input type="checkbox"/> No Action Taken	