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CITY CLERK, FRESNO CA

Agenda Item: 11:00 A.M. ID#14-422

Council Date: 10/23/2014

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Items – Meeting of October 23, 2014

Supplemental Packet Date: October 20, 2014

Item(s)

11:00 A.M. File ID# 14-422 – CONTINUED HEARING to consider a Resolution of Public Use and Necessity for Acquisition of Permanent Utility Easements and Temporary Construction Easements from APNs 580-040-02S owned by Frances M. Ricchiuti and Patrick V. Ricchiuti, Co-Trustees of the Frances M. Ricchiuti Family Trust and Patrick V. Ricchiuti, Trustee, The Ricchiuti GST Nonexempt QTIP Trust; 580-020-20S and 580-020-22S owned by Leonard and Nicholas Verni; 580-050-01S owned by Patrick Vincent Ricchiuti, Trustee of the Patrick Vincent Ricchiuti Family Trust; and 580-020-21 and 580-020-23 owned by George C. Goshgarian, Kathleen A. Goshgarian, Michael Morales, Leonard Verni, Nicholas Verni, Steven G. Fogg Family Partnership, and Christopher T. Lum as Sole Trustee of the Steven C.Y. Lum and Catherine J. Lum Trust

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF PERMANENT EASEMENTS AND RIGHTS OF WAY AND TEMPORARY CONSTRUCTION EASEMENTS FOR PUBLIC PURPOSES OVER, UNDER, THROUGH AND ACROSS REAL PROPERTIES FOR THE CONSTRUCTION OF A RAW WATER PIPELINE AND RELATED PURPOSES AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR PUBLIC USE AND PURPOSE

WHEREAS, the City of Fresno proposes to develop a roughly five-mile long, 60-inch diameter raw water pipeline and conveyance system that will bring the City's existing Central Valley Project (CVP) contract supply raw water directly from the Friant-Kern Canal to the Northeast Surface Water Treatment Facility (NESWTF) for treatment and then delivery to the City's water customers (the "Project"); and

WHEREAS, the proposed Project is necessary to provide a more reliable, uninterrupted service to the NESWTF; reduce severe groundwater overdraft; supply an alternative connection to the Friant-Kern Canal to deliver the City's CVP water allocation to the NESWTF so as to fully utilize the water treatment capacity at that facility; enable the new pipeline to be the primary conveyance for the raw water source and the Enterprise Canal to become the backup conveyance; provide improved raw water quality by protecting the conveyance system from both inadvertent contamination and intentional malicious acts; reduce chemical treatment costs by utilizing improved quality supply water; provide onsite hydropower generation for the NESWTF thereby reducing purchased power costs; and reduce previous power consumption and costs by eliminating the use of Enterprise Canal raw water pumps when using the primary supply

source as well as reducing the need for well pumping throughout the City; and

WHEREAS, the Project was assessed in EA-11-13 under the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration and mitigation monitoring and reporting plan was adopted by the council on June 14, 2012; and

WHEREAS, the Project is being assessed under the National Environmental Policy Act (NEPA) by the US Bureau of Reclamation and a Finding of No Significant Impact (FONSI) is anticipated pursuant to the NEPA regulations and procedures; and

WHEREAS, the easements are located in the unincorporated area of Fresno County and by action of the County Board of Supervisors on March 8, 2011, a copy of which is attached as Exhibit 6, the County has granted the City permission to acquire easements within its jurisdiction by condemnation; and

WHEREAS, the Project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury; it is necessary to acquire easements and use temporary construction easements (TCE) from the subject properties for installation and construction of the pipeline and to provide for ongoing maintenance and operation of the pipeline; the design of the project has been reviewed and some changes have been made to minimize the effects on the individual parcels, but the Project cannot be constructed without acquiring the minimal amount of permanent and temporary easements being sought; and

WHEREAS, it appears necessary and desirable for the City to acquire permanent easements and to obtain temporary construction easements over, under, through and across the real properties (hereinafter called the "Subject Properties") for construction of the Project and related purposes; and

WHEREAS, the general location of the Subject Properties and the current ownership of the Subject Properties is as follows:

Project Parcel Number	APN of Subject Property	Location	Owner(s)
1 (Pipeline and TCE)	580-020-20S & 22S	11990 Auberry Road, Clovis, CA 93611	Leonard Verni, Nicholas Verni
2 (Pipeline and TCE)	580-050-01S	East of Willow Avenue, South of Copper Avenue, Clovis, CA 93611	Patrick Vincent Ricchiuti, Trustee, the Patrick Vincent Ricchiuti Family Trust, under Declaration of Living Trust dated May 17, 1985
3 (Pipeline and TCE)	580-020-21 and 580-020-23	Foothill Lane (Private Road), Clovis, CA 93611	George C. Goshgarian; Kathleen A. Goshgarian (Kathleen A. Gregory); Michael Morales; Leonard Verni; Nicholas Verni; Steven G. Fogg Family Partnership, a Limited Partnership; Christopher T. Lum as sole trustee of the the Steven C.Y. Lum and Catherine J. Lum Trust dated August 12, 1991
4 (TCE)	580-040-02S	East of Willow Avenue, North of Copper Avenue, Clovis, CA 93611	Frances M. Ricchiuti & Patrick V. Ricchiuti, Co-Trustees, The Frances M. Ricchiuti Family Trust, Trust B, UTD dated May 21, 1982; Patrick V. Ricchiuti, Trustee, The Ricchiuti GST Nonexempt QTIP Trust, UTD dated May 21, 1982

WHEREAS, the permanent easements to be acquired and the temporary construction easements and their general location and extent are described and illustrated in the corresponding attached Exhibits 1 through 4; and

WHEREAS, the general location of the Project, and its relation to the Subject Properties and the permanent easements and temporary construction easements to be acquired, is illustrated in the Attached Exhibit 5; and

WHEREAS, the City has the power and authority to acquire easements and rights of way by eminent domain in accordance with the California Constitution, California Eminent Domain Law, Section 200 of the Charter of the City of Fresno, and pursuant to Government Code Sections 37350.5; and

WHEREAS, in accordance with Section 7267.2 of the Government Code and 25 C.C.R. 6182(d), an offer to purchase has been made to the owner or owners of record of the Subject Properties; and

WHEREAS, in accordance with Section 1245.235 of the Code of Civil Procedure, notice and reasonable opportunity to appear and be heard on this matter has been given to the persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last equalized county assessment roll; and

WHEREAS, at such time and place, or as soon thereafter as the matter could be heard, the Council received, heard and considered information pertinent to the matters required by Section 1245.230 of the Code of Civil Procedure to be determined herein; and

WHEREAS, the permanent easements and rights of way will be appropriated to a public use and in accordance with Code of Civil Procedure section 1240.510 the

proposed use will not unreasonably interfere with or impair the continuance of any public use that may now exist or may reasonably be expected to exist in the future.

NOW, THEREFORE, BE IT RESOLVED the Council of the City of Fresno finds, declares, determines, and orders as follows:

1. The public interest and necessity require the proposed Project.
2. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The permanent easements and the temporary construction easements are necessary for the Project.
4. The offer to purchase required by Section 7267.2 of the Government Code and 25 C.C.R. 6182(d) has been made to the owner(s) of record.
5. The permanent easements and the temporary construction easements situated in the County of Fresno, State of California, are more particularly described in Exhibit A and illustrated in Exhibit B.
6. The City Attorney is authorized and directed to institute and conduct to conclusion, in the name of the City, proceedings in eminent domain in accordance with the provisions of the Constitution of the State of California and the California Eminent Domain Law, to acquire easements in the name of the City for public purposes.
7. Project ID WC00038, Fund 40184, has been established to disburse the necessary funds for the acquisition of the easements and to pay for litigation expenses, including staff time.
8. The Controller of the City is authorized to disburse out of the above trust account, as approved by the City Attorney, such amounts as may be required including

costs, witness fees, and attorneys' fees, to acquire possession or title to the permanent and temporary easements.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2014.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2014
Mayor Approval/No Return: _____, 2014
Mayor Veto: _____, 2014
Council Override Vote: _____, 2014

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Katherine B. Doerr, Date
Sup. Deputy City Attorney

Exhibit 1 – Verni

- 1-A legal description/pipeline easement/580-020-20S
- 1-B diagram/pipeline easement/580-020-20S
- 1-C legal description/TCE/580-020-20S
- 1-D diagram/TCE/580-020-20S
- 1-E legal description/pipeline easement/580-020-22S
- 1-F diagram/pipeline easement/580-020-22S
- 1-G legal description/TCE/580-020-22S
- 1-H diagram/TCE/580-020-22S

Exhibit 2 – Ricchiuti

- 2-A legal description/pipeline easement/580-050-01S
- 2-B diagram/pipeline easement/580-050-01S
- 2-C legal description/TCE/580-050-01S
- 2-D diagram/TCE/580-050-01S

Exhibit 3 – Foothill Lane

- 3-A legal description/pipeline easement/580-020-21
- 3-B diagram/pipeline easement/580-020-21
- 3-C legal description/pipeline easement/580-020-23
- 3-D diagram/pipeline easement/580-020-23
- 3-E legal description/TCE/580-020-23
- 3-F diagram/TCE/580-020-23

Exhibit 4 – Ricchiuti

- 4-A legal description/TCE/580-040-02S
- 4-B diagram/TCE/580-040-02S

Exhibit 5 – map of entire project

Exhibit 6 – county authorization

Exhibit 1 – Verni

1-A Legal/Pipeline 580-020-20S

1-B Diagram/Pipeline 580-020-20S

1-C Legal/TCE 580-020-20S

1-D Diagram/TCE 580-020-20S

1-E Legal/Pipeline 580-020-22S

1-F Diagram/Pipeline 580-020-22S

1-G Legal/TCE 580-020-22S

1-H Diagram/TCE 580-020-22S

EXHIBIT "A"

Page 1 of 1

APN: 580-020-20S (Portion)
Pipeline Easement

All that portion of Parcel 1 as described in that Grant Deed recorded August 1, 1997 as Document No. 97097846, Official Records of Fresno County, situated in the southeast quarter of Section 6, Township 12 South, Range 21 East, Mount Diablo Base and Meridian, situated in the County of Fresno, State of California, according to the Official United States Government Township Plat thereof, being more particularly described as follows:

Commencing at the south quarter corner of said Section 6; thence South 87° 32' 07" East, along the south line of said southeast quarter of Section 6, a distance of 1382.18 feet to the point of intersection with the easterly right-of-way line of that portion of Auberry Road previously dedicated for public road purposes by that deed recorded April 8, 1889 in Book 92 of Deeds at Page 433, Official Records of Fresno County, and shown on the County of Fresno Right of Way Maps for Auberry Road, Drawing No. 3465, said point being the True Point of Beginning; thence

- 1) North 00° 11' 47" East, along said easterly right-of-way line, a distance of 417.84 feet to the intersection with the west line of the east half of the southeast quarter of said Section 6; thence
- 2) North 04° 18' 53" East, along said west line, a distance of 265.86 feet to the northwesterly line of said Parcel 1; thence
- 3) North 64° 59' 06" East, along said northwesterly line, a distance of 40.15 feet; thence
- 4) South 04° 18' 53" West, parallel with and 35.00 feet easterly of said west line, a distance of 284.26 feet to a point that is 35.00 feet easterly of, measured at right angles, said easterly right-of-way line; thence
- 5) South 00° 11' 47" West, parallel with and 35.00 feet easterly of said easterly right-of-way line, a distance of 417.97 feet to a point on the south line of said southeast quarter of Section 6; thence
- 6) North 87° 32' 07" West, along said south line, a distance of 35.03 feet to the True Point of Beginning.

Containing an area of 24,254 square feet, more or less.

END OF DESCRIPTION

2010-076
15-A-8777
WJ NO. 5354



Date
Signed 11/15/11

EXHIBIT "B"

W. LINE OF E. 1/2
OF S.E. 1/4 SEC. 6,
12/21

N64°59'06"E
40.15'

EASTERLY
RIGHT-OF-WAY
LINE

FOOTHILL
LANE

PARCEL 3
REC. DOC. No. 97097846 O.R.F.C.
APN: 580-020-21

LEGEND



AREA TO BE DEEDED FOR UNDERGROUND
PIPELINE PURPOSES (24,254 SQ. FT.)

O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY

T.P.O.B. TRUE POINT OF BEGINNING

P.O.C. POINT OF COMMENCEMENT

* PREVIOUSLY DEDICATED FOR PUBLIC ROAD
PURPOSES BY A DEED RECORDED
4/8/1889 IN BOOK 92 OF DEEDS AT
PAGE 433, O.R.F.C. AND SHOWN ON
COUNTY RIGHT OF WAY MAP NO. 3465

AUBERRY ROAD

APN: 580-020-20S



S.E. 1/4
S.E. 1/4 SEC. 6,
12/21

DATE SIGNED: 11/6/11

1" = 100'
SCALE IN FEET



N

P.O.C.
S. 1/4
COR.
SEC. 6,
12/21

S87°32'07"E
1382.18'

S. LINE OF
S.E. 1/4, SEC. 6, 12/21

N87°32'07"W 35.03'
T.P.O.B.

PROVOST &
PRITCHARD
All City/County Deed/Conveyance
is 100% guaranteed
against all errors and
omissions and is the
most accurate and
reliable in the industry

JOB NO. 10000000

REF. & REV.
2010-076

PLAT NO. 0002
WJ 5354

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

PORTION of
S.W. 1/4, SEC. 5 AND S.E. 1/4, SEC. 6, T.12 S., R.21 E.,
M.D.B. & M. To be Deeded for PIPELINE PURPOSES

PROJ. ID. WC000038
FUND NO. 40118
ORG. NO. 411501

DR. BY SJD
CH. BY MDH
DATE 10/25/11
SCALE 1" = 100'

SHEET NO. 1
OF 1 SHEETS
15-A-8777

EXHIBIT "C"

Page 1 of 2

**APN: 580-020-20S (Portion)
Construction Basement**

All of that portion of Parcel 1 as described in that Grant Deed recorded August 1, 1997 as Document No. 97097846, Official Records of Fresno County, situated in the southwest quarter of Section 5 and the southeast quarter of Section 6, Township 12 South, Range 21 East, Mount Diablo Base and Meridian, situate in the County of Fresno, State of California, according to the Official United States Government Township Plat thereof, described as follows

Commencing at the northeast corner of the west half of said southwest quarter of said Section 5; thence South 03° 53' 42" West, along the east line of said west half, a distance of 612.16 feet, to the point of intersection with the northwesterly boundary of said Parcel 1, said point being the True Point of Beginning; thence

- 1) South 64° 59' 06" West, along said northwesterly boundary, a distance of 1519.23 feet to the west line of said southwest quarter; thence continuing along said northwesterly boundary
- 2) South 64° 59' 06" West, a distance of 1481.09 feet to a point that is 35.00 feet easterly of, measured at right angles, the west line of the east half of the southeast quarter of said Section 6; thence
- 3) South 04° 18' 53" West, parallel with and 35.00 feet easterly of said west line, a distance of 284.26 feet to a point that is 35.00 feet easterly of, measured at right angles, the easterly right-of-way line of that portion of Auberry Road previously dedicated for public road purposes by that deed recorded April 8, 1889 in Book 92 of Deeds at Page 433, Official Records of Fresno County, and shown on the County of Fresno Right of Way Maps for Auberry Road, Drawing No. 3465; thence
- 4) South 00° 11' 47" West, parallel with and 35.00 feet easterly of said right-of-way line, a distance of 417.97 feet to the south line of said southeast quarter of Section 6; thence
- 5) South 87° 32' 07" East, along said south line, a distance of 38.03 feet; thence
- 6) North 00° 11' 47" East, parallel with and 73.00 feet easterly of said right-of-way line, a distance of 418.11 feet to a point that is 73.00 feet easterly of, measured at right angles, last said west line; thence
- 7) North 04° 18' 53" East, parallel with and 73.00 feet easterly of last said west line, a distance of 258.37 feet to a point that is 40.00 feet southeasterly of, measured at right angles, the northwesterly boundary of said Parcel 1; thence
- 8) North 64° 59' 06" East, along a line that is parallel with and 40.00 feet southeasterly of, measured at right angles, said northwesterly boundary, a distance of 1437.78 feet to said west line of said southwest quarter of Section 5; thence continuing along last said parallel line

2010-076T
15-A-8777T
WJ No. 5354

EXHIBIT "C"

Page 2 of 2

- 9) North 64° 59' 06" East, a distance of 1519.34 feet to the east line of the west half of said southwest quarter of Section 5; thence
- 10) North 03° 53' 42" East, along said east line, a distance of 45.69 feet to the True Point of Beginning.

Containing an area of 3.34 acres, more or less.

END OF DESCRIPTION



Date
Signed 2/17/14

2010-076T
15-A-8777T
WJ No. 5354



EXHIBIT "D"

(PAGE 1 OF 3)

P.O.C. N.E. COR.
W. 1/2 OF S.W. 1/4
OF SEC. 5, 12/21

DATE SIGNED: 2/7/14

APN: 580-020-28

S.W. 1/4 SEC. 5, 12/21

APN: 580-020-23
PARCEL 2, DOC. No.
97097846, O.R.F.C.

APN: 580-020-24

NORTHWESTERLY
BOUNDARY
PARCEL 1, DOC.
No. 97097846
O.R.F.C.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N03°53'42"E	45.69

APN: 580-020-20S

S.W. 1/4 SEC. 5, 12/21

W. LINE OF S.W. 1/4 OF SEC. 5, 12/21

LEGEND

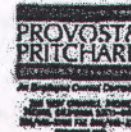
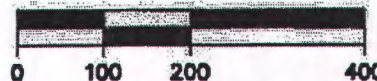
AREA FOR TEMPORARY CONSTRUCTION PURPOSES (3.34 ACRES)

T.P.O.B. TRUE POINT OF BEGINNING

O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY

P.O.C. POINT OF COMMENCEMENT

1" = 200'
SCALE IN FEET



REF. & REV. 2010-0781	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. <u>WC00038</u> FUND. NO. <u>4011B</u> ORG. NO. <u>411601</u>
PLAT NO. 0002 WJ 5334	PORTION of S.W. 1/4, SEC. 5 AND S.E. 1/4, SEC. 8, T.12 S., R.21 E., M.D.B. & M. for TEMPORARY CONSTRUCTION PURPOSES	DR. BY <u>SJD</u> CH. BY <u>MDH</u> DATE <u>10/26/11</u> SCALE <u>1" = 200'</u>
		SHEET NO. <u>1</u> OF <u>3</u> SHEETS <u>15-A-8777T</u>

EXHIBIT "D"

(PAGE 2 OF 3)

N.E. 1/4
S.E. 1/4 SEC. 6, 12/21

APN: 580-020-21
PARCEL 3 DOC. No.
97097846 O.R.F.C.

SEE SHEET 1

APN: 580-020-19

S.E. 1/4
S.E. 1/4 SEC. 6, 12/21

WEST LINE OF
E 1/2 OF SE 1/4
OF SEC. 6, 12/21

NORTHWESTERLY
BOUNDARY
PARCEL 1, DOC.
No. 97097846
O.R.F.C.

W. LINE OF S.W.
1/4 SEC. 5,
12/21

APN: 580-020-20S



DATE SIGNED: 2/7/14

N

AUBERRY ROAD

FOOTHILL

(PRIVATE ROAD)

SEC. 5
SEC. 6

LEGEND



AREA FOR TEMPORARY CONSTRUCTION
PURPOSES (3.34 ACRES)

P.O.B. POINT OF BEGINNING

O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY

1" = 200'
SCALE IN FEET



PROVOST & PRITCHARD
An Engineering & Surveying Company

JOB NO. 1520702

REF. & REV.
2010-076T

PLAT NO. 0002
WJ 5354

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

PORTION of
S.W. 1/4, SEC. 5 AND S.E. 1/4, SEC. 6, T.12 S., R.21 E.,
M.D.B. & M. for TEMPORARY CONSTRUCTION PURPOSES

PROJ. ID. W000038
FUND NO. 40118
ORG. NO. 411501

DR. BY SJD
CH. BY MDH
DATE 10/25/11
SCALE 1" = 200'

SHEET NO. 2
OF 3 SHEETS
15-A-8777T

EXHIBIT "D"

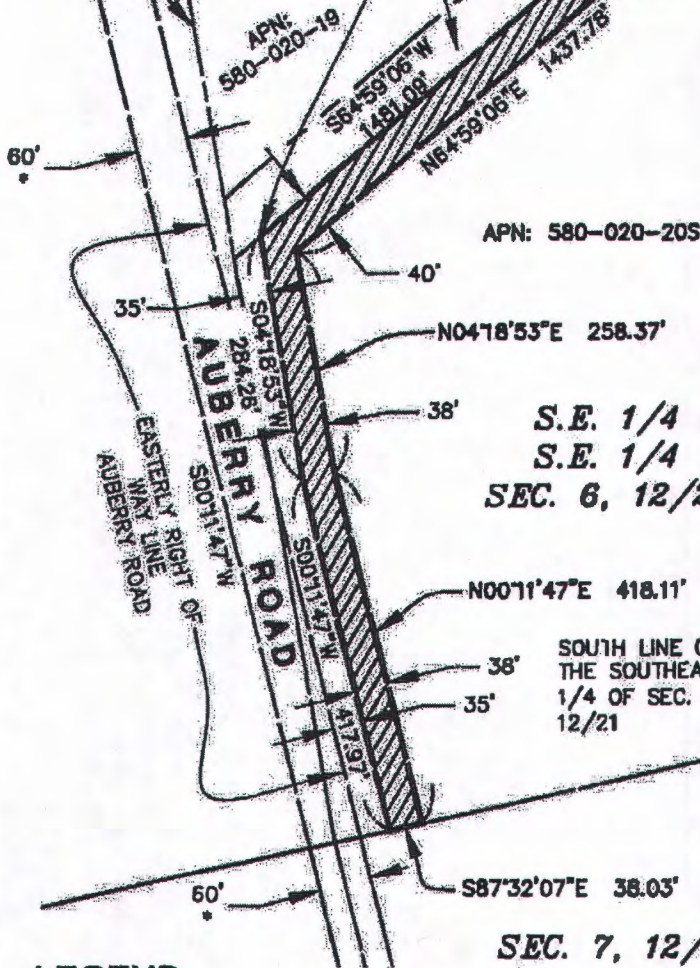
(PAGE 3 OF 3)

WEST LINE OF
E 1/2 OF SE
1/4 OF SEC.
6, 12/21

NORTHWESTERLY
BOUNDARY
PARCEL 1, DOC.
No. 97097846
O.R.F.C.

APN: 580-020-21 PARCEL 3, DOC. No. 97097846, O.R.F.C.
FOOTHILL LANE (PRIVATE ROAD)

SEE SHEET 2



1" = 200'
SCALE IN FEET



LEGEND

AREA FOR TEMPORARY CONSTRUCTION PURPOSES (3.34 ACRES)

P.O.B. POINT OF BEGINNING

O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY

* PREVIOUSLY DEDICATED FOR PUBLIC ROAD PURPOSES BY A DEED
RECORDED 4/8/1889 IN BOOK 92 OF DEEDS AT PAGE 433, O.R.F.C.
AND SHOWN ON COUNTY RIGHT OF WAY MAP NO. 3455

DATE SIGNED: 2/7/14



200 No. 1001002

REF. & REV.
2010-076T

PLAT NO. 0002
WJ 5354

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

PORTION of
S.W. 1/4, SEC. 5 AND S.E. 1/4, SEC. 6, T.12 S., R.21 E.,
M.D.B. & M. for TEMPORARY CONSTRUCTION PURPOSES

PROJ. ID. WC000358
FUND NO. 40118
ORG. NO. 411501

DR. BY S.D.
CH. BY MDH
DATE 10/25/11
SCALE 1" = 200'

SHEET NO. 3
OF 3 SHEETS
15-A-8777T

EXHIBIT "E"

Page 1 of 2

**APN: 580-020-22S (Portion)
Pipeline Easement**

All of that portion of Parcel 1 as described in that Grant Deed recorded August 1, 1997 as Document No. 97097846, Official Records of Fresno County, situated in the west half of Section 5, Township 12 South, Range 21 East, Mount Diablo Base and Meridian, situate in the County of Fresno, State of California, according to the Official United States Government Township Plat thereof, being more particularly described as follows:

Beginning at the southeast corner of the northwest quarter of said Section 5; thence

- 1) North 03° 46' 35" East, along the easterly line of the northwest quarter of said Section 5, a distance of 65.12 feet; thence leaving said easterly line**
- 2) North 89° 39' 38" West, parallel with and 65.00 feet northerly of the north line of the southwest quarter of said Section 5, a distance of 254.67 feet to a point on the northwesterly boundary of said Parcel 1, said point being a point on the arc of a non-tangent curve concave northwesterly and having a radius of 1176.00 feet, a radial to said point bears South 37° 27' 29" East; thence continuing along said northwesterly boundary the following five courses and distances:**
- 3) southwesterly, along the arc of said non-tangent curve, through a central angle of 01° 58' 35", an arc distance of 40.57 feet; thence**
- 4) South 54° 31' 06" West, a distance of 69.54 feet to said north line of the southwest quarter of Section 5; thence continuing**
- 5) South 54° 31' 06" West, a distance of 507.76 feet to the point of beginning of a non-tangent curve concave northwesterly and having a radius of 1176.00 feet, a radial to said point bears South 35° 29' 56" East; thence**
- 6) southwesterly, along the arc of last said non-tangent curve, through a central angle of 10° 29' 02", an arc distance of 215.18 feet; thence**
- 7) South 64° 59' 06" West, a distance of 197.63 feet to the point of cusp of a tangent curve concave southerly and having a radius of 475.00 feet; thence leaving said northwesterly boundary**
- 8) easterly, along the arc of said tangent curve, through a central angle of 21° 08' 39", an arc distance of 175.29 feet to the beginning of a reverse curve concave northerly and having a radius of 525.00 feet; thence**
- 9) easterly, along the arc of said reverse curve, through a central angle of 20° 40' 40", an arc distance of 189.47 feet; thence**
- 10) South 40° 30' 40" East, non-tangent to said reverse curve, a distance of 31.13 feet to the point of beginning of a non-tangent curve concave northwesterly and having a radius of 555.00 feet, a radial to said point bears South 25° 25' 57" East; thence**

EXHIBIT "E"

Page 2 of 2

- 11) northeasterly, along the arc of said non-tangent curve, through a central angle of $10^{\circ} 02' 57''$, an arc distance of 97.34 feet; thence
- 12) North $54^{\circ} 31' 06''$ East, parallel with and 115.00 feet southeasterly of, measured at right angles, said northwesterly boundary, a distance of 547.77 feet to the beginning of a tangent curve concave northwesterly and having a radius of 1291.00 feet; thence
- 13) northeasterly, along the arc of said tangent curve, through a central angle of $03^{\circ} 48' 44''$, an arc distance of 85.90 feet to a point on said north line of the southwest quarter; thence
- 14) South $89^{\circ} 39' 38''$ East, along said north line, a distance of 148.01 feet to the Point Beginning.

Containing an area of 2.45 acres, more or less.

END OF DESCRIPTION



Date
Signed: 8/13/2011

2010-075
15-A-8776
WJ NO. 5354

EXHIBIT "F"

LEGEND



AREA TO BE DEEDED FOR UNDERGROUND
PIPELINE PURPOSES (2.45 ACRES)

O.R.F.C. OFFICIAL RECORD FRESNO COUNTY

P.O.B. POINT OF BEGINNING

N.W. COR. OF E.
1/2 OF S.W. 1/4
SEC. 5, 12/21

1" = 200'
SCALE IN FEET



PARCEL 2
DOC. No.
97097846 O.R.F.C.

N.W. 1/4
SEC. 5, 12/21

NORTH LINE OF SW 1/4 SEC. 5, 12/21

PARCEL 2 DOC. No.
97097846 O.R.F.C.
APN: 580-020-23

NORTHWESTERLY BOUNDARY OF
PARCEL 1 DOC. No. 97097846 O.R.F.C.

WEST LINE OF EAST
1/2 OF SW 1/4 SEC.
5, 12/21

APN: 580-020-22S

S.W. 1/4
SEC. 5, 12/21

BIG DRY CREEK
DIVERSION
CHANNEL

BK. 2566 PG. 301
O.R.F.C.

PARCEL 1
DOC. No.
97097846 O.R.F.C.

P.O.B.
SE COR. OF
NW 1/4
SEC. 5, 12/21

APN:
580-020-22S

LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°39'38"E	148.01
L2	S40°30'40"E	31.13
L4	N89°39'38"W	254.67
L5	N03°46'35"E	65.12
L6	S54°31'08"W	69.54
L7	S64°59'06"W	197.63

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	1291.00	85.90	3°48'44"
C2	555.00	97.34	10°02'57"
C3	525.00	189.47	20°40'40"
C4	475.00	175.29	21°08'39"
C5	1176.00	215.18	10°29'02"
C6	1176.00	40.57	1°58'35"



DATE SIGNED: 8/5/2011

N



REF. & REV.
2010-075

PLAT NO. 0002
WJ 5354

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

PORTION of
W. 1/2, SEC. 5, T.12 S., R.21 E., M.D.B. & M.
To be Deeded for PIPELINE PURPOSES

PROJ. ID. W000038
FUND NO. 40118
ORG. NO. 411501

DR. BY BMG
CH. BY MDH
DATE 07/20/11
SCALE 1" = 200'

SHEET NO. 1
OF 1 SHEETS
15-A-8776

EXHIBIT "G"

Page 1 of 2

**APN: 580-020-22S (Portion)
Construction Easement**

Those portions of Parcel 1 as described in that Grant Deed recorded August 1, 1997 as Document No. 97097846, Official Records of Fresno County, situated in the west half of Section 5, Township 12 South, Range 21 East, Mount Diablo Base and Meridian, situate in the County of Fresno, State of California, according to the Official United States Government Township Plat thereof, being more particularly described as follows:

Parcel "A"

Commencing at the southeast corner of the northwest quarter of said Section 5; thence North 03° 46' 35" East, along the east line of the northwest quarter of said Section 5, a distance of 65.12 feet to the True Point of Beginning of this description; thence

- 1) North 89° 39' 38" West, parallel with and 65.00 feet north of the south line of said northwest quarter, a distance of 254.67 feet to a point on the northwesterly boundary of said Parcel 1, said point also being a point on the arc of a non-tangent curve, concave northwesterly and having a radius of 1176.00 feet; a radial to said point bears South 37° 27' 29" East; thence
- 2) northeasterly, along the arc of said non-tangent curve and along said northwesterly boundary, through a central angle of 01° 56' 43", and an arc distance of 39.93 feet; thence leaving said northwesterly boundary
- 3) South 89° 39' 38" East, parallel with and 90.00 feet north of said south line, a distance of 225.04 feet to said east line; thence
- 4) South 03° 46' 35" West, along said east line, a distance of 25.05 feet, to the True Point of Beginning.

Containing an area of 0.14 acres, more or less.

Parcel "B"

Commencing at the southeast corner of the northwest quarter of said Section 5; thence North 89° 39' 38" West, along the north line of the southwest quarter of said Section 5, a distance of 1329.78 feet to the northwest corner of the east half of the southwest quarter of said Section 5; thence South 03° 53' 42" West, along the west line of said east half of said southwest quarter, a distance of 612.16 feet to a point on the northwesterly boundary of said Parcel 1, said point being the True Point of Beginning of this description; thence

- 1) North 64° 59' 06" East, along said northwesterly boundary of said Parcel 1, a distance of 279.80 feet to the beginning of a tangent curve concave southerly and having a radius of 475.00 feet; thence leaving said northwesterly boundary
- 2) easterly, along the arc of said tangent curve, through a central angle of 21° 08' 39", and an arc distance of 175.29 feet to the beginning of a reverse curve concave northerly and having a radius of 525.00 feet; thence

EXHIBIT "G"

Page 2 of 2

- 3) easterly, along the arc of said reverse curve, through a central angle of $20^{\circ} 40' 40''$, an arc distance of 189.47 feet; thence
- 4) South $40^{\circ} 30' 40''$ East, non-tangent to said reverse curve, a distance of 31.13 feet to the point of beginning of a non-tangent curve concave northwesterly and having a radius of 555.00 feet, a radial to said point bears South $25^{\circ} 25' 57''$ East; thence
- 5) northeasterly, along said non-tangent curve through a central angle of $10^{\circ} 02' 57''$, an arc distance of 97.34 feet; thence
- 6) North $54^{\circ} 31' 06''$ East, parallel with and 115.00 feet southeasterly of, measured at right angles, said northwesterly boundary, a distance of 547.77 feet to the beginning of a tangent curve concave northwesterly and having a radius of 1291.00 feet; thence
- 7) Northeasterly, along said tangent curve through a central angle of $03^{\circ} 48' 44''$, an arc distance of 85.90 feet to the north line of the southwest quarter of said Section 5; thence
- 8) South $89^{\circ} 39' 38''$ East, along said north line, a distance of 115.94 feet to the northeasterly extension of a line parallel with and 180.00 feet southeasterly of, measured at right angles, the northwesterly boundary of said Parcel 1; thence
- 9) South $54^{\circ} 31' 06''$ West, parallel with and 180.00 feet southeasterly of, measured at right angles, said northwesterly boundary and its northeasterly and southwesterly extensions, a distance of 1098.20 feet; thence
- 10) North $25^{\circ} 00' 54''$ West, a distance of 129.33 feet; thence
- 11) North $70^{\circ} 00' 54''$ West, a distance of 70.71 feet; thence
- 12) South $64^{\circ} 59' 06''$ West, parallel with and 40.00 feet southeasterly of, measured at right angles, said northwesterly boundary and its northeasterly extension, a distance of 360.82 feet to the west line of said east half of the southwest quarter; thence
- 13) North $03^{\circ} 53' 42''$ East, along said west line, a distance of 45.69 feet to the True Point of Beginning.

Containing an area of 2.44 acres, more or less.

END OF DESCRIPTION

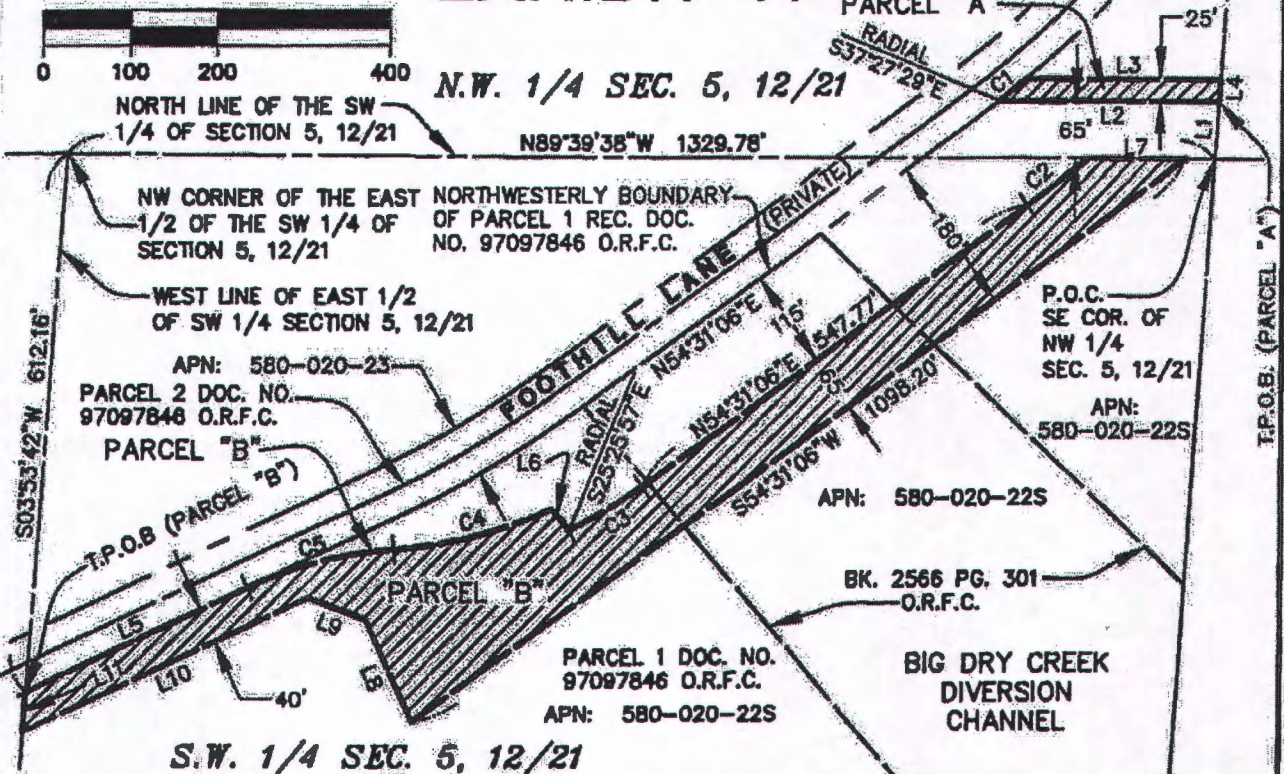
2010-075T
15-A-8776T
WJ NO. 5354



Date
Signed 2/17/14

1" = 200'
SCALE IN FEET

EXHIBIT "H"



LEGEND

AREA FOR TEMPORARY CONSTRUCTION PURPOSES
PARCEL "A" = (0.14 ACRES)
PARCEL "B" = (2.44 ACRES)
TOTAL = (2.58 ACRES)

O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY

P.O.C. POINT OF COMMENCEMENT

T.P.O.B. TRUE POINT OF BEGINNING



DATE SIGNED: 2/7/14

N

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	1176.00	39.93	1°56'43"
C2	1291.00	85.90	3°48'44"
C3	555.00	97.34	10°02'57"
C4	525.00	189.47	20°40'40"
C5	475.00	175.29	21°08'39"

LINE TABLE		
LINE	BEARING	LENGTH
L1	N03°48'35"E	85.12
L2	N89°39'38"W	254.67
L3	S89°39'38"E	225.04
L4	S03°46'35"W	25.05
L5	N84°59'06"E	279.80
L6	S40°30'40"E	31.13
L7	S89°39'38"E	115.94
L8	N25°00'54"W	129.33
L9	N70°00'54"W	70.71
L10	S84°59'06"W	360.82
L11	N03°53'42"E	45.69

PROVOST & PRITCHARD
SURVEYORS
11500 N. 1st St., Suite 100
Fresno, CA 93705
(559) 231-1111

REF. & REV.
2010-075T

PLAT NO. 0002
WJ 5354

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

PORTION of
W. 1/2, SEC. 5, T.12 S., R.21 E., M.D.B. & M.
for TEMPORARY CONSTRUCTION PURPOSES

PROJ. ID. W000038
FUND NO. 40118
ORG. NO. 411501

DR. BY BMG
CH. BY MDH
DATE 07/20/11
SCALE 1" = 200'

SHEET NO. 1
OF 1 SHEETS
15-A-8776T

Exhibit 2 – Ricchiuti

2-A Legal/Pipeline 580-050-01S

2-B Diagram/Pipeline 580-050-01S

2-C Legal/TCE 580-050-01S

2-D Diagram/TCE 580-050-01S

EXHIBIT "A"

Page 1 of 1

APN: 580-050-01S (Portion)

Pipeline Easement

All of that portion of the northwest quarter of Section 18, Township 12 South, Range 21 East, Mount Diablo Base and Meridian, situate in the County of Fresno, State of California, according to the Official United States Government Township Plat thereof, being more particularly described as follows:

Commencing at the southwest corner of the north half of the northwest quarter of the northwest quarter of said Section 18; thence South $88^{\circ}17'59''$ East, along the south line of said north half, a distance of 30.01 feet to a point on the east right-of-way line of that portion of Willow Avenue, previously dedicated for public highway purposes by that deed recorded January 5, 1881 in Book "T" of Deeds at Page 560, Official Records of Fresno County, said point also being the True Point of Beginning; thence

- 1) North $00^{\circ}14'39''$ East, along said east right-of-way line, parallel with and 30.00 feet east of the west line of said northwest quarter of Section 18, a distance of 615.63 feet to the southerly right-of-way line of that portion of Copper Avenue, previously acquired by the County of Fresno by that Grant Deed recorded August 18, 1981 in Book 7771 at Page 476, Official Records of Fresno County; thence
- 2) North $45^{\circ}59'50''$ East, along said southerly right-of-way line, a distance of 27.90 feet to a point 30.00 south of the north line of said northwest quarter; thence
- 3) South $88^{\circ}14'58''$ East, continuing along said southerly right-of-way line, parallel with and 30.00 feet south of said north line a distance of 3.02 feet; thence
- 4) South $00^{\circ}14'39''$ West, parallel with and 53.00 feet east of said west line, a distance of 635.60 feet to said south line of said north half; thence
- 5) North $88^{\circ}17'59''$ West, along said south line, a distance of 23.01 feet to the True Point of Beginning.

Containing an area of 14,419 square feet more or less.

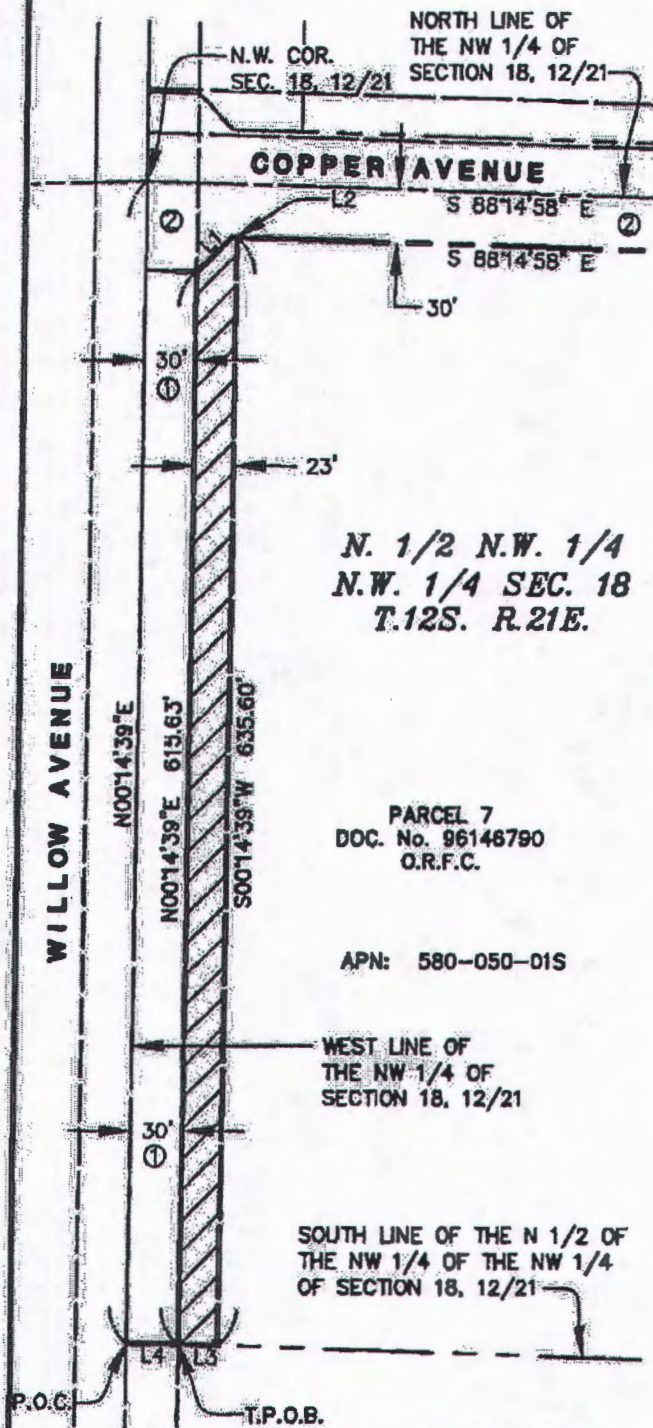
END OF DESCRIPTION



2010-087
15-A-8786
WJ NO 5354

Date
Signed 11/03/11

EXHIBIT "B"



LEGEND



AREA TO BE DEEDED FOR UNDERGROUND PIPELINE PURPOSES (14,419 SQ. FT.)

T.P.O.B. TRUE POINT OF BEGINNING

O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY

P.O.C. POINT OF COMMENCEMENT

①

PREVIOUSLY DEDICATED FOR PUBLIC HIGHWAY PURPOSES BY A DEED RECORDED 01/05/1881 IN BOOK "T" OF DEEDS AT PAGE 560, O.R.F.C.

②

PREVIOUSLY ACQUIRED BY THE COUNTY OF FRESNO BY A GRANT DEED RECORDED 08/18/1881 IN BOOK 7771 AT PAGE 476, O.R.F.C.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N45°59'50"E	27.90
L2	S88°14'58"E	3.02
L3	N88°17'59"W	23.01
L4	S88°17'59"E	30.01

1" = 100'
SCALE IN FEET



N

DATE SIGNED: 11/03/11

JOB NO. 1090701
FILE NO.



REF. & REV.
2010-087

PLAT NO. 0002
WJ 5354

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

PORTION of
N.W. 1/4, SEC. 18, T.12 S., R.21 E., M.D.B. & M.
To be Deeded for PIPELINE PURPOSES

PROJ. ID. W000036
FUND NO. 40118
ORG. NO. 411501

DR. BY BMG
CH. BY MDH
DATE 10/28/11
SCALE 1" = 100'

SHEET NO. 1
OF 1 SHEETS
15-A-8786

EXHIBIT "C"

Page 1 of 1

**APN: 580-050-01S (Portion)
Construction Easement**

All of that portion of the northwest quarter of Section 18, Township 12 South, Range 21 East, Mount Diablo Base and Meridian, situate in the County of Fresno, State of California, according to the Official United States Government Township Plat thereof, being more particularly described as follows:

Commencing at the southwest corner of the north half of the northwest quarter of the northwest quarter of said Section 18; thence South 88° 17' 59" East, along the south line of said north half, a distance of 53.02 feet to the True Point of Beginning; thence

- 1) North 00° 14' 39" East, parallel with and 53.00 feet easterly of the west line of said Section 18, a distance of 635.60 feet to a point on the south right-of-way line of that portion of Copper Avenue, previously acquired by the County of Fresno by a Grant Deed recorded August 18, 1981 in Book 7771 at Page 476, Official Records Fresno County; thence**
- 2) South 88° 14' 58" East, along said southerly right-of-way line, parallel with and 30.00 feet south of the north line of said northwest quarter of Section 18, a distance of 38.01 feet; thence**
- 3) South 00° 14' 39" West, parallel with and 91.00 feet easterly of said west line, a distance of 635.56 feet to said south line of said north half; thence**
- 4) North 88° 17' 59" West, along said south line of said north half, a distance of 38.01 feet to the True Point of Beginning.**

Containing an area of 0.55 acres more or less.

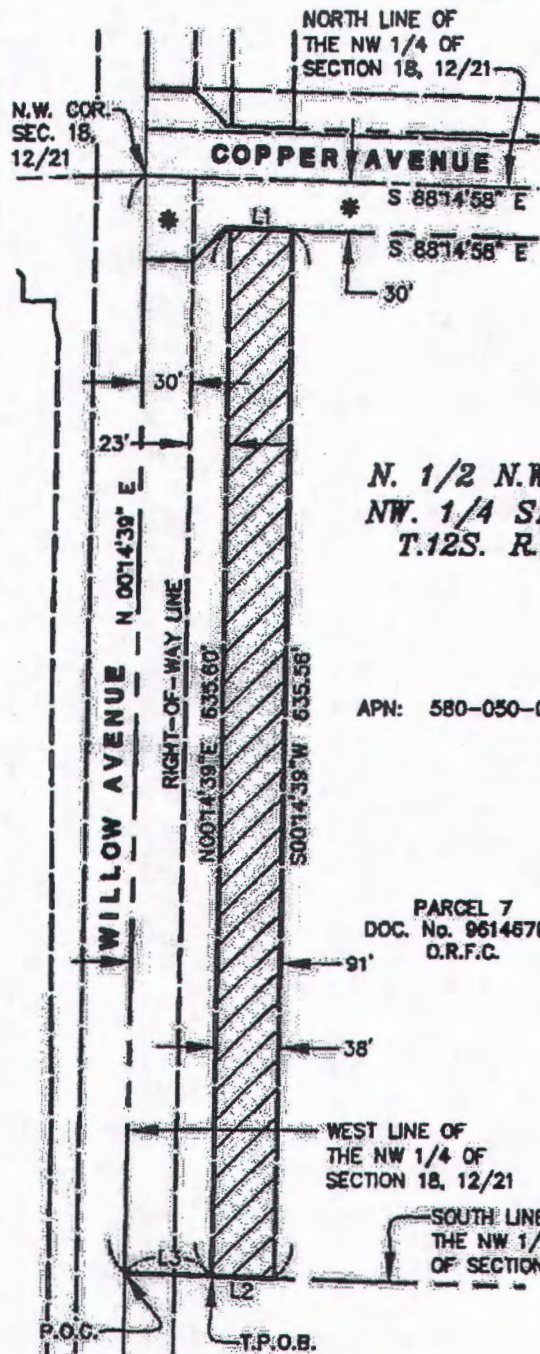
END OF DESCRIPTION



Date
Signed 8/5/2011

**2010-087T
15-A-8786T
WJ NO 5354**

EXHIBIT "D"



N. 1/2 N.W. 1/4
NW. 1/4 SEC. 18
T.12S. R.21E.

APN: 580-050-015

PARCEL 7
DOC. No. 96146790
O.R.F.C.

LEGEND



AREA FOR TEMPORARY CONSTRUCTION PURPOSES (0.55 ACRES)

T.P.O.B. TRUE POINT OF BEGINNING

P.O.C. POINT OF COMMENCEMENT

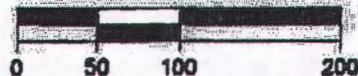
O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY

PREVIOUSLY ACQUIRED BY THE COUNTY OF FRESNO BY A GRANT DEED RECORDED 08/18/1981 IN BOOK 7771 AT PAGE 476, O.R.F.C.



DATE SIGNED: 8/3/2011

1" = 100'
SCALE IN FEET



LINE TABLE		
LINE	BEARING	LENGTH
L1	S88°14'58"E	38.01
L2	N88°17'59"W	38.01
L3	S88°17'59"E	53.02

PROVOST & PRITCHARD
A Professional Surveying Company

REF. & REV.
2010-0877

PLAT NO. 0002
WU 5354

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

PORTION of
N.W. 1/4, SEC. 18, T.12 S., R.21 E., M.D.B. & M.
for TEMPORARY CONSTRUCTION PURPOSES

PROJ. ID. W000258
FUND NO. 40118
ORG. NO. 411501

DR. BY BMG
CH. BY MDH
DATE 07/21/11
SCALE 1" = 100'

SHEET NO. 1
OF 1 SHEETS
15-A-8786T

Exhibit 3 – Road

3-A Legal/Pipeline 580-020-21

3-B Diagram/Pipeline 580-020-21

3-C Legal/Pipeline 580-020-23

3-D Diagram/Pipeline 580-020-23

3-E Legal/TCE 580-020-23

3-F Diagram/TCE 580-020-23

EXHIBIT "A"

Page 1 of 1

APN: 580-020-21 (Portion)
Pipeline Easement

All of that portion of Parcel 2 and Parcel 3 as described in that Grant Deed recorded August 1, 1997 as Document No. 97097846, Official Records of Fresno County, situated in the west half of the southwest quarter of Section 5 and the east half of the southeast quarter of Section 6, Township 12 South, Range 21 East, Mount Diablo Base and Meridian, situated in the County of Fresno, State of California, according to the Official United States Government Township Plat thereof, described as follows:

Commencing at the southwest corner of said east half of the southeast quarter of Section 6; thence North $04^{\circ} 18' 53''$ East, along the west line of said east half, a distance of 683.59 feet to the True Point of Beginning, said point also being the southwest corner of said Parcel 3; thence

- 1) North $64^{\circ} 59' 06''$ East, along the southeasterly boundary of said Parcel 3, a distance of 1521.24 feet to the west line of the southwest quarter of said Section 5, said point also being the southerly common corner of said Parcel 2 and said Parcel 3; thence
- 2) North $64^{\circ} 59' 06''$ East, along the southeasterly boundary of said Parcel 2, a distance of 1519.23 feet to the east line of the west half of the southwest quarter of said Section 5; thence
- 3) North $03^{\circ} 53' 42''$ East, along the last said east line, a distance of 68.54 feet to the northwesterly boundary of said Parcel 2; thence
- 4) South $64^{\circ} 59' 06''$ West, along the northwesterly boundary of said Parcel 2, a distance of 1519.06 feet to the west line of the southwest quarter of said Section 5, said point being the northerly common corner of said Parcel 2 and said Parcel 3; thence
- 5) South $64^{\circ} 59' 06''$ West, along the northwesterly boundary of said Parcel 3, a distance of 1520.83 feet to the west line of said east half of the southeast quarter of Section 6; thence
- 6) South $04^{\circ} 18' 53''$ West, along the last said west line, a distance of 68.82 feet to the True Point of Beginning.

Containing an area of 4.19 acres, more or less.

END OF DESCRIPTION



2010-083
15-A-8782
WJ NO. 5354

Date
Signed 11/03/11

N.E. 1/4 OF THE
S.E. 1/4 SEC. 6, 12/21

EXHIBIT "B"

(PAGE 1 OF 2)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S04°18'53"W	68.82

APN: 580-020-19

60'

WEST LINE OF THE
SW 1/4 OF SEC. 5, 12/21

APN: 580-020-20S

S.E. 1/4 OF THE
S.E. 1/4 SEC. 6, 12/21

PARCEL 1 DOC.
No. 97097846 O.R.F.C.

PARCEL 3 DOC.
No. 97097846 O.R.F.C.
APN: 580-020-21



DATE SIGNED: 11/03/11

1" = 200'
SCALE IN FEET



LEGEND



AREA TO BE DEEDED FOR
UNDERGROUND PIPELINE
PURPOSES (4.19 ACRES)

O.R.F.C. OFFICIAL RECORDS FRESNO
COUNTY

P.O.C. POINT OF COMMENCEMENT

T.P.O.B. TRUE POINT OF BEGINNING

P.O.C.
SW COR. OF THE EAST 1/2 OF
THE SE 1/4 OF SEC. 6, 12/21

AUBERRY ROAD

N04°18'53"E 683.59'

WEST LINE OF THE
EAST 1/2 OF THE SE
1/4 OF SEC. 6, 12/21

T.P.O.B.
SW COR. OF PARCEL 3
DOC. No. 97097846 O.R.F.C.

PROVOST &
PRITCHARD
SURVEYORS
1010 N. MARKET STREET
FRESNO, CALIF. 93703

REF. & REV.
2010-083

PLAT NO. 0002
WJ 5354

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

PORTION of
S.W. 1/4, SEC. 5 & S.E. 1/4 SEC. 6, T.12 S., R.21 E.,
M.D.B. & M. To be Deeded for PIPELINE PURPOSES

PROJ. ID. W000038
FUND NO. 40118
ORG. NO. 411501

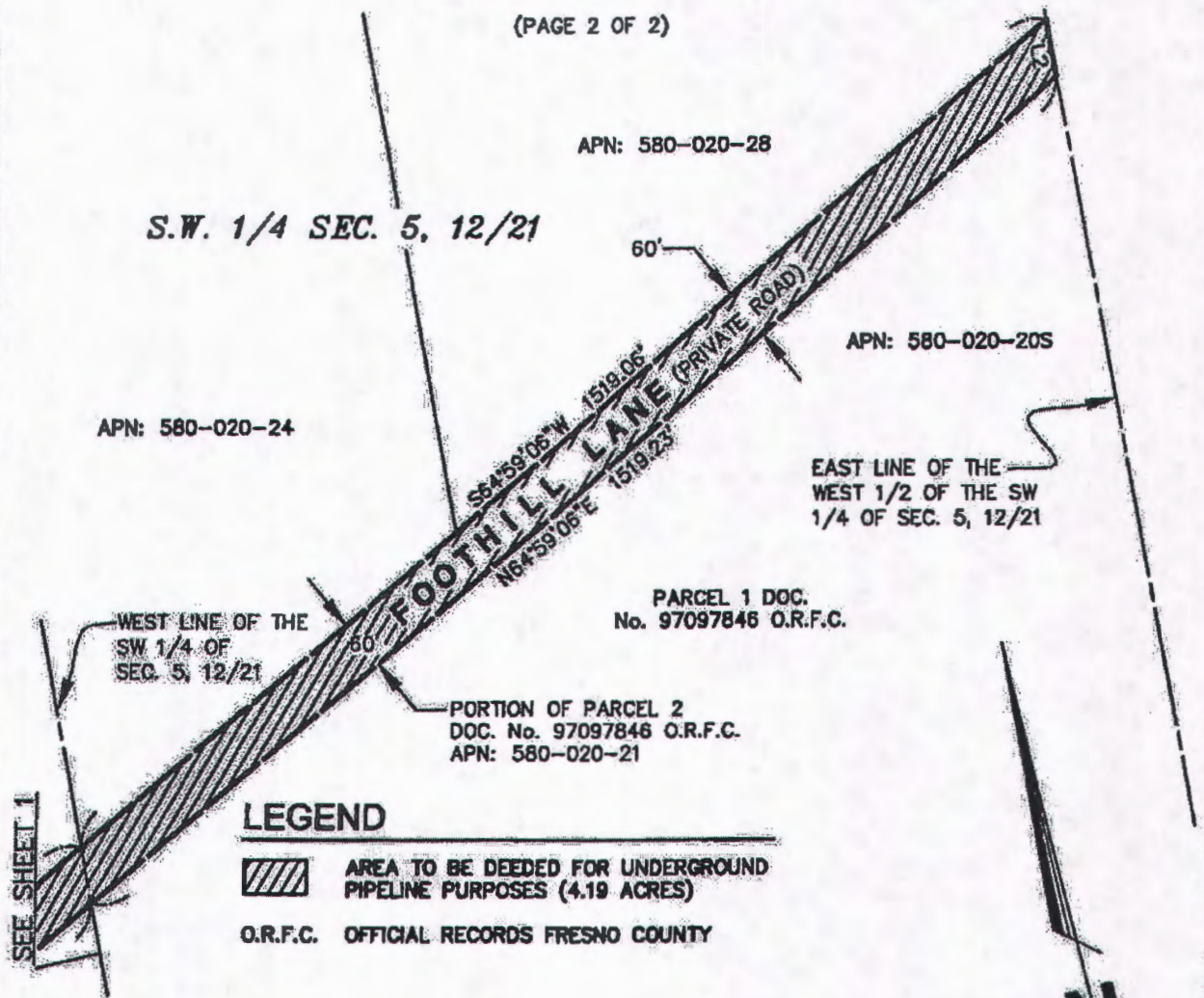
DR. BY SJD
CH. BY MDH
DATE 10/28/11
SCALE 1" = 200'

SHEET NO. 1
OF 2 SHEETS
15-A-B782

SEE SHEET 2

EXHIBIT "B"

(PAGE 2 OF 2)



LEGEND



AREA TO BE DEEDED FOR UNDERGROUND PIPELINE PURPOSES (4.19 ACRES)

O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY



DATE SIGNED: 11/03/11

LINE TABLE		
LINE	BEARING	LENGTH
L2	N03°53'42"E	68.54

1" = 200'
SCALE IN FEET



REF. & REV.
2010-083

PLAT NO. 0002
WJ 5354

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

PORTION of
S.W. 1/4, SEC. 5 & S.E. 1/4 SEC. 6, T.12 S., R.21 E.,
M.D.B. & M. To be Deeded for PIPELINE PURPOSES

PROJ. ID. WC00036
FUND NO. 40118
ORG. NO. 411501

DR. BY SJD
CH. BY MDH
DATE 10/25/11
SCALE 1" = 200'

SHEET NO. 2
OF 2 SHEETS
15-A-8782

EXHIBIT "C"

Page 1 of 2

APN: 580-020-23 (Portion)
Pipeline Easement

All of that portion of Parcel 2 as described in that Grant Deed recorded August 1, 1997 as Document No. 97097846, Official Records of Fresno County, situated in the west half of Section 5, Township 12 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official United States Government Township Plat thereof, being more particularly described as follows:

Commencing at the southeast corner of the northwest quarter of said Section 5; thence North 89° 39' 38" West, along the north line of the southwest quarter of said Section 5, a distance of 339.62 feet to a point on the southeasterly boundary of said Parcel 2, said point being the True Point of Beginning; thence along said southeasterly boundary the following three courses and distances:

- 1) South 54° 31' 06" West, a distance of 507.76 feet to the point of beginning of a non-tangent curve concave northwesterly and having a radius of 1176.00 feet, a radial to said point bears South 35° 29' 56" East; thence
- 2) southwesterly, along the arc of said non-tangent curve, through a central angle of 10° 29' 02", and an arc distance of 215.18 feet; thence
- 3) South 64° 59' 06" West, a distance of 477.42 feet to a point on the west line of the east half of the southwest quarter of said Section 5, said point being South 03° 53' 42" West, a distance of 612.16 feet from the northwest corner of the east half of the southwest quarter of said Section 5; thence leaving said southeasterly boundary
- 4) North 03° 53' 42" East, along said west line, a distance of 68.54 feet to the northwesterly line of said Parcel 2; thence along said northwesterly boundary the following four courses and distances:
- 5) North 64° 59' 06" East, a distance of 444.29 feet to the beginning of a tangent curve concave northwesterly and having a radius of 1116.00 feet; thence
- 6) northeasterly, along said tangent curve, through a central angle of 10° 29' 04", and an arc distance of 204.21 feet; thence
- 7) North 54° 31' 06" East, non-tangent to last said curve, a distance of 424.64 feet to said north line of the southwest quarter; thence continuing
- 8) North 54° 31' 06" East, a distance of 111.06 feet; thence leaving said northwesterly boundary
- 9) South 89° 39' 38" East, parallel with and 65.00 feet north of said north line of said southwest quarter, a distance of 101.32 feet to a point on said southeasterly line of Parcel 2, said point also being the beginning of a non-tangent curve concave northwesterly, and having a radius of 1176.00 feet, a radial to said point bears South 37° 27' 29" East; thence

EXHIBIT "C"

Page 2 of 2

10) southwesterly, along said southeasterly boundary of Parcel 2 and along the arc of said non-tangent curve through a central angle of $01^{\circ} 58' 35''$, and an arc distance of 40.57 feet; thence

11) South $54^{\circ} 31' 06''$ West, along said southeasterly boundary, a distance of 69.54 feet to the True Point of Beginning.

Containing an area of 1.72 acres, more or less.

END OF DESCRIPTION



Date: **01/3/2011**
Signed: **01/3/2011**

2010-082
15-A-8781
W.J. No. 5354

LEGEND

**AREA TO BE DEEDED FOR UNDERGROUND
PIPELINE PURPOSES (1.72 ACRES)**

N.W. 1/4
SEC. 5, 12/21

T.P.O.B. TRUE POINT OF BEGINNING



SHEET NO. 1
OF 1 SHEETS
15-A-8781

EXHIBIT "E"

Page 1 of 1

APN: 580-020-23 (Portion)
Construction Easement

All that portion of Parcel 2 as described in that Grant Deed recorded August 1, 1997 as Document No. 97097846, Official Records of Fresno County, situated in the northwest quarter of Section 5, Township 12 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official United States Government Township Plat thereof, described as follows:

Commencing at the southeast corner of said northwest quarter of said Section 5; thence North 89° 39' 38" West, along the south line of said northwest quarter, a distance of 339.62 feet to the southeasterly boundary of said Parcel 2; thence along said southeasterly boundary the following two courses and distances: North 54° 31' 06" East, a distance of 69.54 feet to the beginning of a tangent curve concave northwesterly, and having a radius of 1176.00 feet; thence northeasterly, along the arc of said tangent curve, through a central angle of 01° 58' 35", and an arc distance of 40.57 feet to the True Point of Beginning; thence continuing along said curve and along said southeasterly boundary

- 1) northeasterly, through a central angle of 01° 56' 43", and an arc distance of 39.93 feet; thence leaving said southeasterly boundary
- 2) North 89° 39' 38" West, non-tangent to last said curve, parallel with and 90.00 feet north of said south line of the northwest quarter, a distance of 97.82 feet to a point on the northwesterly boundary of said Parcel 2, said point also being the beginning of a non-tangent curve concave northwesterly, and having a radius of 1116.00 feet, a radial to said point bears South 35° 32' 20" East; thence
- 3) Southwesterly, along said northwesterly boundary and along the arc of said non-tangent curve, through a central angle of 00° 03' 26", and an arc distance of 1.12 feet; thence
- 4) South 54° 31' 06" West, continuing along said northwesterly boundary, a distance of 41.60 feet; thence
- 5) South 89° 39' 38" East, parallel with and 65.00 feet north of said south line of the northwest quarter, a distance of 101.32 feet to the True Point of Beginning.

Containing an area of 2,494 square feet, more or less.

END OF DESCRIPTION



2010-082T
15-A-8781T
WJ NO. 5354

Date
Signed 2/17/14

EXHIBIT "F"



DATE SIGNED: 2/7/14

NORTHWESTERLY BOUNDARY
PARCEL 2 DOC. No. 97097846
O.R.F.C

N.W. 1/4
SEC. 5, 12/21

PARCEL 2
DOC. No. 97097846 O.F
APN: 580-020-23

APN: 580-020-22S

P.O.C.
SE COR. OF
NW 1/4 OF
SEC. 5, 12/21

SOUTH LINE NW 1/4
OF SEC. 5, 12/21

N89°39'38"W 339.62'

SOUTHEASTERLY BOUNDARY
PARCEL 2 DOC. No. 97097846 O.R.F.C.
APN: 580-020-23

S.W. 1/4
SEC. 5, 12/21

BIG DRY CREEK
DIVERSION CHANNEL
APN: 580-020-22

LEGEND



AREA FOR TEMPORARY
CONSTRUCTION PURPOSES (2,494 SQ. FT.)

T.P.O.B. TRUE POINT OF BEGINNING

P.O.C. POINT OF COMMENCEMENT

O.R.F.C OFFICIAL RECORDS FRESNO COUNTY

1" = 100'

SCALE IN FEET



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	1176.00	40.57	1°58'35"
C2	1176.00	38.83	1°56'43"
C3	1116.00	1.12	0°03'26"

LINE TABLE		
LINE	BEARING	LENGTH
L1	N54°31'06"E	69.54
L2	N89°39'38"W	97.82
L3	S89°39'38"E	101.32
L4	S54°31'06"W	41.60

PROVOST &
PRITCHARD
Civil Engineers
2000 N. G Street, Suite 100
Fresno, CA 93703
(559) 233-1111

REF. & REV.
2010-0621
PLAY NO. 0002
WJ 5354

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

PORTION of
W. 1/2, SEC. 5, T.12 S., R.21 E., M.D.B. & M.
for TEMPORARY CONSTRUCTION PURPOSES

PROJ. ID. W000038
FUND NO. 4011B
ORG. NO. 411501

DR. BY BMG
CH. BY MDH
DATE 11/14/13
SCALE 1" = 200'

SHEET NO. 1
OF 1 SHEETS
15-A-8781T

Exhibit 4 – Ricchiuti TCE

4-A Legal/TCE 580-040-02S

4-B Diagram/TCE 580-040-02S

EXHIBIT "A"
Page 1 of 1

APN: 580-040-02S (Portion)
Construction Easement

All of that portion of that parcel described as Parcel 4 in Document No. 94197346, Official Records Fresno County, situated in the northwest quarter of Section 7, Township 12 South, Range 21 East, Mount Diablo Base and Meridian, situate in the County of Fresno, State of California, according to the Official United States Government Township Plat thereof, described as follows:

The south 10.00 feet of the west 1050.00 feet of the east 1300.00 feet of said northwest quarter.

Containing an area of 10,476 square feet, more or less.

END OF DESCRIPTION



Date
Signed **8/3/2011**

2010-079T
15-A-8780T
WJ NO. 5354

EXHIBIT "B"

(PAGE 1 OF 1)

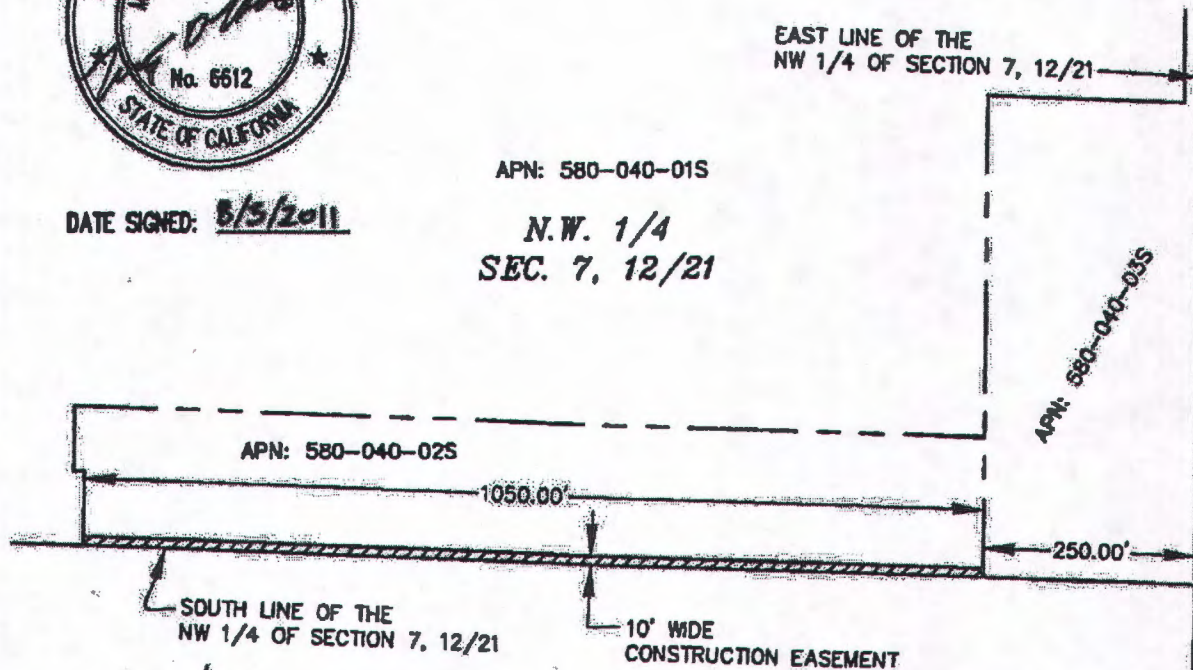


DATE SIGNED: 8/3/2011

APN: 580-040-01S

N.W. 1/4
SEC. 7, 12/21

EAST LINE OF THE
NW 1/4 OF SECTION 7, 12/21



SOUTH LINE OF THE
NW 1/4 OF SECTION 7, 12/21

10' WIDE
CONSTRUCTION EASEMENT

S.W. 1/4
SEC. 7, 12/21

APN: 580-040-07



1" = 200'
SCALE IN FEET



LEGEND



AREA FOR TEMPORARY CONSTRUCTION
PURPOSES (10,476 SQ. FT.)

PROVOST & PRITCHARD
CITY ENGINEER
FRESNO, CALIFORNIA

2011 08 03

REF. & REV.
2010-079T

PLAT NO. 0002
WJ 5354

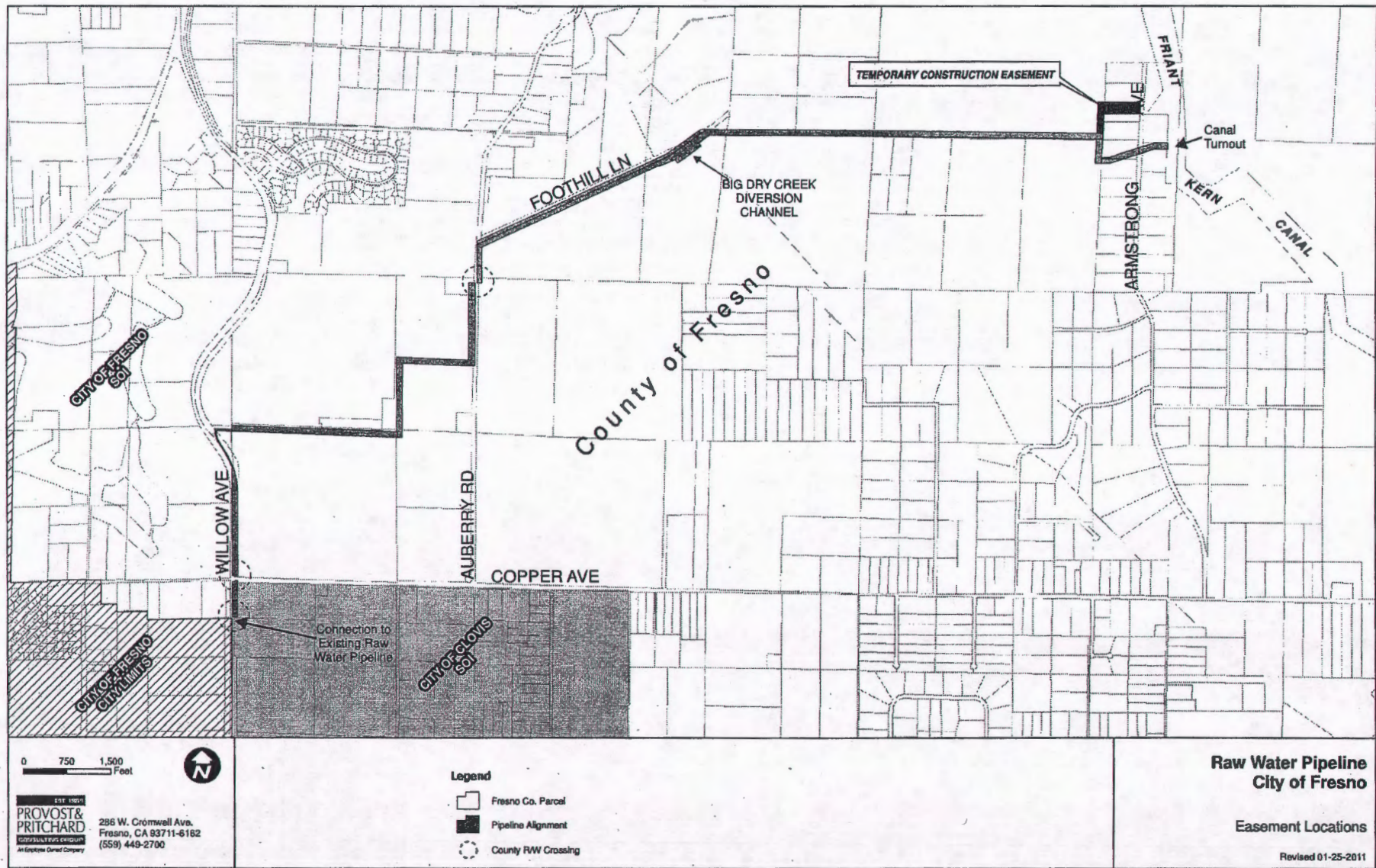
CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

PORTION of
N.W. 1/4, SEC. 7, T.12 S., R.21 E., M.D.B. & M.
for TEMPORARY CONSTRUCTION PURPOSES

PROJ. ID. W000038
FUND NO. 40118
ORG. NO. 411501

DR. BY BMG
CH. BY MDH
DATE 07/21/11
SCALE 1" = 200'

SHEET NO. 1
OF 1 SHEETS
15-A-8780T





Agenda Item

DATE: March 8, 2011

TO: Board of Supervisors

FROM: Alan Weaver, Director
Department of Public Works and Planning

Alan Weaver

SUBJECT: Request by the City of Fresno to Obtain Easements in the County along Auberry Road and Willow Avenue for Installation of a Raw Water Pipeline

RECOMMENDED ACTION:

Approve the City of Fresno's request to acquire variable width easements adjacent to existing road right-of-way in unincorporated areas of the County along both sides of Auberry Road and along the east side of Willow Avenue for installation of a raw water pipeline.

Approval of the recommended action will facilitate the City of Fresno's request to acquire easements in unincorporated areas for installation of public improvements in County areas. The City needs to increase the availability of domestic water to residents by installation of the pipeline from the Friant-Kern Canal to the City's surface water treatment facility located within the City of Fresno.

ALTERNATIVE ACTION:

There is no immediate alternative that is viable for this action. Denial of this action would result in the delay of easement acquisition for the project or necessitate that the City of Fresno pursue alternative alignments through the City of Clovis or pursue a widespread annexation of the area where improvements are proposed within the County.

FISCAL IMPACT:

There will be no net County cost for this recommended action. The City of Fresno has paid \$288.00 for processing of the request in accordance with the Master Schedule of Fees. The City of Fresno will acquire easements for construction of these improvements with no fiscal impact to the County.

ADMINISTRATIVE OFFICE REVIEW

BOARD ACTION: DATE March 8, 2011

APPROVED AS RECOMMENDED

☒

Page 1 of 8

OTHER ☐



Official Action of
Board of Supervisors

UNAPPROVED

ANDERSON

CASE

LARSON

PEREA

POOCHIGIAN

The City of Fresno has indicated in their request (Exhibit "A") that they will maintain the improvements within these easement areas as required under applicable ordinance and code.

IMPACTS ON JOB CREATION:

Construction of the proposed raw water pipeline construction project will provide jobs and procurement of construction related materials within the metropolitan Fresno/Clovis area.

DISCUSSION:

The City of Fresno has requested, per Exhibit "A" attached, to acquire easements within the County. A proposed raw water pipeline project is to be constructed partially within Auberry Road north of Copper Avenue and along the east side of Willow Avenue both north and south of Copper Avenue adjacent to existing road rights-of-way and in areas reserved for future public improvement. The proposed pipeline will provide the community with a more reliable, secure and uninterrupted raw water conveyance system with improved water quality.

Section 1240 of the Code of Civil Procedure states that "...a local public entity may acquire by eminent domain only property within its territorial limits except where the power to acquire by eminent domain property outside its limits is expressly granted by statute or necessarily implied as an incident of one of its other statutory powers..." and "...except as otherwise expressly provided by statute and subject to any limitations imposed by statute, a local public entity may acquire property by eminent domain outside its territorial limits for water, gas, or electric supply purposes or for airports, drainage or sewer purposes if it is authorized to acquire property by eminent domain for the purposes for which the property is to be acquired..."

This action will require acquisition of easements within the County's jurisdiction, as indicated on Exhibits "B" & "C" and is consistent with the project improvement plans provided by the City. The City of Fresno will pay all associated costs for the pipeline construction and they will provide the required engineering and construction administration for the project. Acquisition of private property, outside of the future right-of-way, by the City to accommodate other easements where deemed necessary by their consultant are not part of this action.

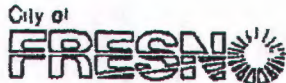
The alignments of the raw water pipe proposed along Auberry Road and Willow Avenue are designed such that no adverse impacts will result if the County determines a need to widen these roads. Further, the depth of the proposed pipe has been set to be of sufficient depth to avoid possible conflict with any road related construction or maintenance operations.

Attached as Exhibit "D" is a letter from the City indicating their commitment to maintain the pipeline and its appurtenances. Any work needed to facilitate the installation of the pipeline within the County's existing right-of-way will be processed through an encroachment permit.

OTHER REVIEWING AGENCIES:

This item has been initiated at the written request of the City of Fresno. A copy of this Agenda Item has been provided to the City of Fresno.

EXHIBIT "A"



Department of Public Utilities

Water Division
1810 East University Avenue
Fresno, California 93703-2927
559-621-5300 - FAX 559-488-1024
www.fresno.gov



October 18, 2010

Mr. Dan Gibbs, P.E.
Supervising Eng/Asst. Div. Mgr.
County of Fresno
2220 Tulare St
Fresno, CA 93721

RE: Notification of Acquiring Right of Way for the City of Fresno Raw Water Pipeline Project

This letter is to serve as notification of acquiring right of way within County of Fresno areas on behalf of the City of Fresno for the City's Raw Water Pipeline Project. Enclosed is a check in the amount of \$288.00 for processing this notification, as required by Exhibit B of the Fresno County Master Schedule of Fees, Charges, and Recovered Costs, Section 2205. Miscellaneous Fees, Item I. Right of Way/ Traffic Control Permission Fee.

Project Summary

The City of Fresno plans to construct a pipeline that will deliver water from the Friant-Kern Canal (FKC) to the City's Surface Water Treatment Facility (SWTF) located in northeast Fresno near the corner of Chestnut and Behymer Avenues. The City completed an alignment alternative analysis and identified the preferred alignment for the project. The project vicinity is shown in the attached exhibit.

Water is currently conveyed to the SWTF from the Friant Kern Canal via the Enterprise Canal which is operated and maintained by Fresno Irrigation District. The Enterprise Canal route meanders through approximately 26 miles of various agricultural and urban land uses before reaching the SWTF. The proposed pipeline will reduce the travel distance from the Friant Kern Canal to the SWTF to approximately 5 miles. Approximately 1 mile of this pipeline was previously constructed within City limits during construction of the Clovis Unified School District and SCCC campuses in 2006. The remaining length of pipeline (approx. 4 miles) will be constructed as part of the Raw Water Pipeline project. The pipeline will be 60-inches in diameter. Where the pipeline crosses private property, a permanent pipeline easement width of 65 feet is required. Along with this permanent easement, a temporary construction easement of 35 feet will be necessary. In areas along road rights-of-way, the pipeline will be constructed within the ultimate planned right-of-way, or landscape area. The easement locations, property owners, and other data are delineated in the attached exhibit.

Project Background

The City of Fresno completed construction of its Surface Water Treatment Facility (SWTF) located in the northeast portion of Fresno in 2004. The SWTF began treating surface water in June 2004 and currently delivers between 15 and 30 percent of the water supply to the City's water distribution system. The City had previously relied solely on groundwater for potable water supply. The SWTF is currently supplied with Kings River and Central Valley Project (CVP) water conveyed by the Fresno Irrigation District's Enterprise Canal.

There are capacity limitations and water quality vulnerability concerns along the Enterprise Canal that require significant improvements for long-term use. The Enterprise Canal is also taken out of operation for approximately one month each year for maintenance, so the SWTF cannot be operated during that time. The proposed pipeline will provide the City with a more secure, uninterrupted conveyance system with improved water quality, and bring supply directly from the FKC to the SWTF.

The pipeline is being constructed to:

- Provide a more reliable supply to the City's SWTF, 365-days per year
- Provide redundancy of supply, by making the new pipeline the primary supply source and the Enterprise Canal the backup supply source
- Provide improved water quality protection, including protection from malicious acts
- Reduce treatment chemical costs utilizing improved quality water
- Reduce power consumption by taking advantage of gravity flow from the FKC to the SWTF, eliminating the use of raw water pumps at the SWTF

Project Schedule and Closing

In regards to project schedule, the project environmental document (CEQA/NEPA) is well underway and we hope to make it available for public review and comment shortly. The easement exhibits are still in the process of being prepared by our consultant and reviewed by City Staff, therefore, they are not yet ready to be made public. We understand there is a lead time for this type of notification to be processed through the County of Fresno; however, we would appreciate the County's prompt consideration and response to this matter.

As you are aware, the County has reviewed the preliminary plans and provided comments. The City's consultants are revising the project plans, and the City of Fresno is planning to submit initial offer letters to landowners to initiate the acquisition process in the next few weeks. If there is anything further needed to process this request, please contact me at (559) 621-5484.

Sincerely,



Cesar Romero, PE
City of Fresno
Department of Public Utilities – Water Division

Attachment – Exhibit: Easement Locations

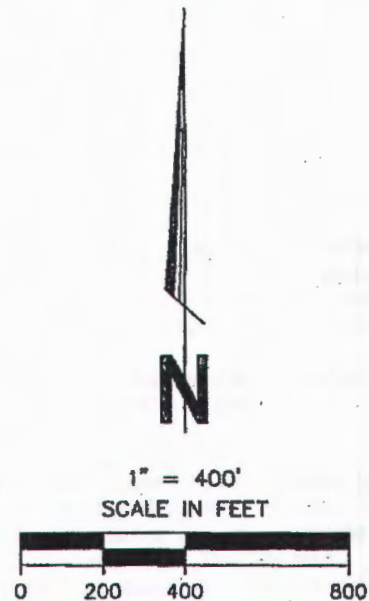
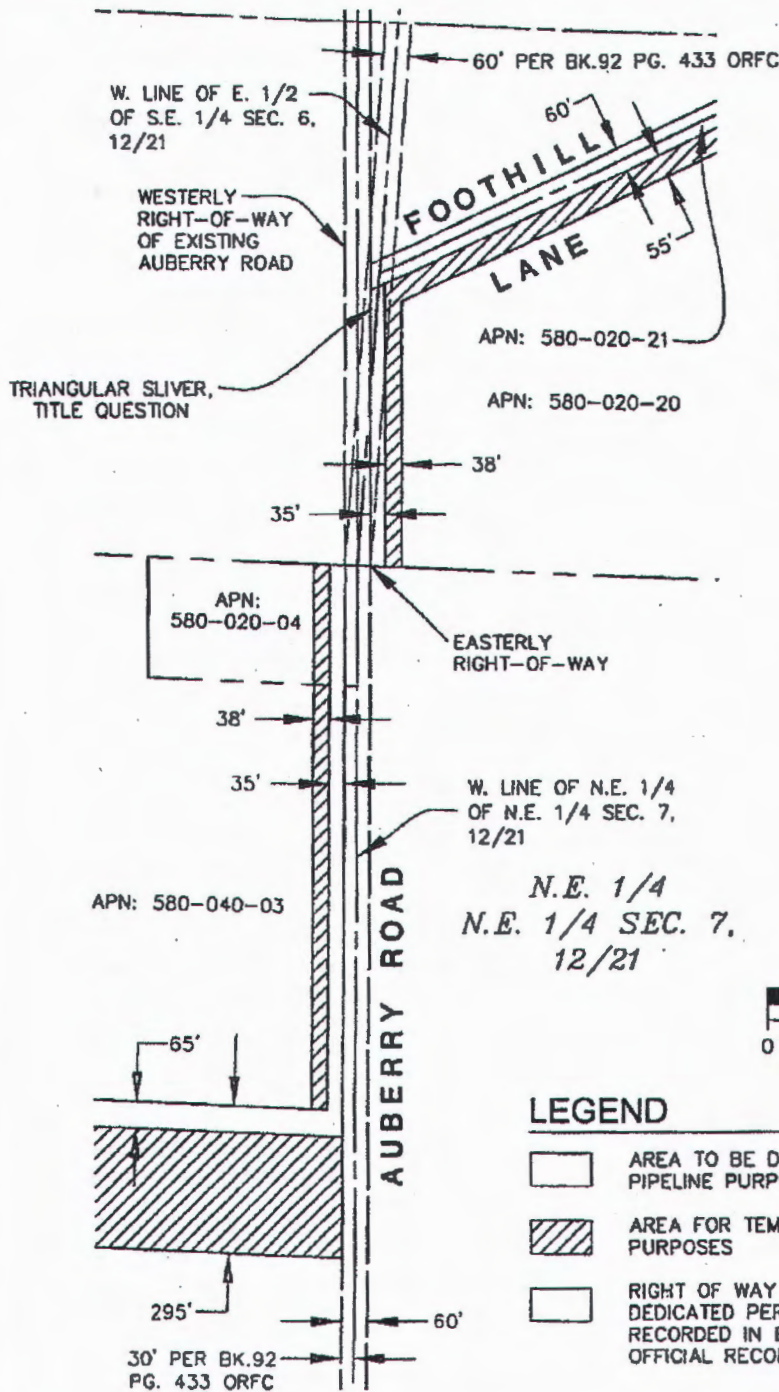
CC: Brock Buche, P.E., City of Fresno Water Division
Ron Samuelian, P.E., Provost & Pritchard

"B"

11

SHEET NO. 1
OF 1 SHEETS

EXHIBIT "C"



LEGEND

- AREA TO BE DEEDED FOR UNDERGROUND PIPELINE PURPOSES
- AREA FOR TEMPORARY CONSTRUCTION PURPOSES
- RIGHT OF WAY FOR PUBLIC ROAD DEDICATED PER DEED DOCUMENT RECORDED IN BOOK 92, PAGE 433, OFFICIAL RECORDS FRESNO COUNTY

PROVOST & PRITCHARD
 CIVIL ENGINEERS
 1015 N. G STREET
 FRESNO, CALIF. 93703
 (209) 441-1111

CITY OF FRESNO
 DEPARTMENT OF PUBLIC WORKS

PORTION
 ALONG AUBERRY ROAD
 To be Deeded for PIPELINE PURPOSES

PROJ. ID. WC00038
 FUND NO. 40118
 ORG. NO. 411501

DR. BY SJD
 CH. BY SFR
 DATE 01/25/11
 SCALE 1" = 400'

SHEET NO. 1
 OF 1 SHEETS

EXHIBIT "D"



Department of Public Utilities

Water Division
1910 East University Avenue
Fresno, California 93703-2927
559-621-5300 – FAX 559-488-1024
www.fresno.gov



Providing Life's Essential Services

January 26, 2011

Mr. Dan Gibbs, P.E.
Supervising Eng/Asst. Div. Mgr.
County of Fresno, Public Works and Planning Department
2220 Tulare St, Annex B
Fresno, CA 93721

SUBJECT: EXHIBIT D - PIPELINE MAINTENANCE LETTER
CITY OF FRESNO RAW WATER PIPELINE PROJECT

The City of Fresno Department of Public Utilities – Water Division (City) previously submitted a notification letter to County of Fresno staff (dated October 18, 2010) regarding right of way acquisition within County of Fresno areas on behalf of the City for the Raw Water Pipeline Project (PROJECT). That notification included exhibits requested by County of Fresno staff as well as payment in the amount of \$288.00 for processing the notification.

During preparation of the County Board of Supervisors Agenda Item report, County staff requested that the City provide a letter indicating the City's commitment to maintain the proposed pipeline and its related appurtenances.

The City agrees that maintenance of the PROJECT improvements can best be performed by one agency, and the City agrees to perform all maintenance for the PROJECT improvements installed along the PROJECT alignment within the PROJECT easements. The City also requests that they be granted sole reviewing and approval authority for improvement projects which occur within the PROJECT easements. The City also requests that all street and utility work permits be issued by the City for work to be done within the area of the PROJECT easements.

It should be noted, the pipeline will be designed, constructed, operated, maintained, and inspected to meet and/or exceed the current industry standard of practice and appropriate factors of safety will be incorporated into the pipeline design to ensure the reliability and service life of the pipeline and its appurtenances.

Please contact Brock Buche, P.E., at 559-621-5325 if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Cesar Romero".

Cesar Romero, PE
City of Fresno
Department of Public Utilities – Water Division

PROVOST & PRICHARD

ATTN: MICHAEL TAYLOR

286 W CROMWELL AVE

FRESNO, CA 937116162

PROOF OF PUBLICATION

COUNTY OF FRESNO STATE OF CALIFORNIA

EXHIBIT A.

PUBLIC NOTICE

#43303

CITY OF FRESNO

NOTICE OF ENVIRONMENTAL FINDING

NOTICE OF PUBLIC HEARING

MITIGATED NEGATIVE DECLARATION:

NOTICE IS HEREBY GIVEN THAT a mitigated negative declaration has been prepared by the City of Fresno Department of Public Utilities resulting from Initial Study and Environmental Assessment (EA) of the projects described below:

EA No. EA-11-013: The Department of Public Utilities, Water Division has filed Environmental Assessment No. EA-11-013 for the Raw Water Pipeline Project. Following consideration of public comments, the City of Fresno, City Council intends to adopt a mitigated negative declaration for the Raw Water Pipeline Project at a future City Council meeting (to be scheduled), at the City of Fresno Council Chambers, 2600 Fresno Street, Fresno, CA. The Project consists of the construction and operation of a 4.6-mile raw water supply pipeline northeast of the City of Fresno, in unincorporated Fresno County, and a hydropower plant at the City's existing Surface Water Treatment Facility (SWTF). The Project would be located between the SWTF near Chestnut and Behymer Avenues and the Friant-Kern Canal to the northeast. The purpose of the Project is to develop a reliable raw water conveyance system with reduced potential for water quality contamination that will bring the City's existing Central Valley Project (CVP) contract supply water directly from the Friant-Kern Canal to the SWTF. Pursuant to the California Environmental Quality Act (CEQA), an Initial Study has been prepared, describing the degree of possible environmental impacts of the Proposed Project. The City of Fresno has assessed the potential environmental impacts of this Project and has determined that they will be less than significant.

Additional information on the proposed project, including copies of the proposed environmental findings, may be obtained from the City of Fresno, Department of Public Utilities, Water Division Office at 1910 East University Avenue, Fresno, CA, or contact Brock Buche at (559) 621-5325.

ANY INTERESTED PERSON may comment on the above proposed environmental finding. Comments must be in writing and must state (1) the commenter's name and address; (2) the commenter's interest in or relationship to the project; (3) the environmental determination being commented upon; and (4) the specific reason(s) why the proposed environmental determination should or should not be made. Any comments may be submitted at any time between the publication date of this notice and on or before September 22, 2011. Your comments are welcomed and will be considered in the final decision. All comments should be sent to address noted above.

(PUB: August 19, 2011)

The undersigned states:

McClatchy Newspapers in and on all dates herein stated was a corporation, and the owner and publisher of The Fresno Bee.

The Fresno Bee is a daily newspaper of general circulation now published, and on all-the-dates herein stated was published in the City of Fresno, County of Fresno, and has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of November 22, 1994, Action No. 520058-9.

The undersigned is and on all dates herein mentioned was a citizen of the United States, over the age of twenty-one years, and is the principal clerk of the printer and publisher of said newspaper; and that the notice, a copy of which is hereto annexed, marked Exhibit A, hereby made a part hereof, was published in The Fresno Bee in each issue thereof (in type not smaller than nonpareil), on the following dates.

August 19, 2011

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated AUGUST 19, 2011

Rutha Velez