

Article 200 Easements

Sec. 200.1 Purpose. To establish uniform practice controlling width, location, and acquisition of easements other than for streets and alleys in conformance with the general policies of the Valley Center Municipal Water District (District).

District's Administrative Code Article 190, Developer Project Requirements, provides that all required easements that will not be dedicated by the map shall be conveyed prior to plan approval by the District. Easements for District facilities can be dedicated for private roads and access easements in accordance with the County of San Diego=s Map Processing Manual.

It is the desire of the District, in the long-term interest of providing the most efficient utility service at the lowest possible cost, to acquire or be provided the most secure form of easement for all uses. However, it is also recognized the acceptable levels of easement security may vary with the use; i.e., pipeline, vehicle access, etc. The following sets forth the specifics to be used in determining what is a satisfactory easement for the District.

Sec. 200.2 Easement Application Matrix. Table I of this article is the "Easement Application Matrix" setting forth the hierarchy of easements desired by the District and which use applications are acceptable for the various forms of easements.

Sec. 200.3 Easement Dedication Requirements and District Assisted Acquisition Requirements. The following sections set forth the easement dedication requirements and procedures to be followed in meeting the standards established by the District:

- (a) On Map Dedication of Easements. Easements to Valley Center Municipal Water District can be dedicated on subdivision and parcel maps when they are coincident with private roads and access easements. VCMWD only easements, other offsite easements, and any easement condition that might compromise the District=s prior right status must be transferred by separate document prior to the approval of improvement plans. On Map Dedication is to be in accordance with the County of San Diego=s Map Processing Manual.
- (b) On-Site Easements in Private Roads for Parcel Maps and Subdivisions. Project proponents shall be required to provide easements separately prior to map recordation as follows whether a District waterline is installed or not:
 1. Interior Private Roads. All interior roads shown as ingress/egress and utility easements shall also be dedicated to VCMWD for their full width and length.

Per Ordinance No. 247 Adopted 12/21/92 [Article 200]

Per Ordinance No. 2001-03 Adopted 2/20/01 [Sec. 200.1]

Per Ordinance No. 2001-03 Adopted 2/20/01 [Sec. 200.3(a)]

Sec. 200.3 Easement Dedication Requirements and District Assisted Acquisition Requirements (Cont=d.)

(b) On-Site Easements in Private Roads for Parcel Maps and Subdivisions (Cont'd.)

2. Exterior Private Roads. Roads and portions of roads at the boundaries that are shown as ingress/egress or utility easements shall be dedicated to District for the full length and width under the ownership of the project proponent. Where the portion under the project proponent's ownership does not include the full length and width of the required road improvements, the project proponent will grant the appurtenant easement to District for the full length and width of any improvements.

(c) Onsite Easements where Water Service is Being Requested. Where a water service is being requested to a property that is adjacent to a road where VCMWD does not have a specific easement, the property owner shall dedicate the full length and width of all boundary roads as a specific easement to VCMWD.

(d) Offsite Easements

1. Properties requiring an offsite line extension will acquire an adequate District easement according to Table I.

2. Properties requiring an offsite line extension that do not have adequate easements to extend water lines may petition the VCMWD Board of Directors to initiate proceedings to acquire the easements through eminent domain. The project proponent must make an initial deposit of \$1,000 with the request and, subject to Board approval, an estimate will be made of the cost of the acquisition. The Board shall, in its sole discretion, determine whether to exercise the power of eminent domain to acquire such easement. The project proponent will be required to pay the full cost of the procedure.

(e) Granting or assigning property owner must document right to grant with one of the following:

1. Title report.
2. Litigation guarantee.

Article 200 Easements (Cont'd.)

Sec. 200.4 Location. Under normal circumstances, sewer and water lines shall be located in the road or normal access to the property to be served. If the project proponent demonstrates this is impractical, then other locations may be considered in the following order, 1) along property lines, on one side or the other, not usually straddling the line; 2) across property - in a maintained roadway or in an open space area such as a golf course - where vehicle access is not impeded. Services and appurtenances shall be minimized where utility lines are not in roadways.

Water lines shall be placed on the south and east side of the centerline of the easements where possible. Gravity sewer lines shall be placed at the centerlines where possible. Separation between sewer, reclaimed water and water lines shall be in accordance with current state guidelines, currently 10 feet minimum, with the water above the sewer in elevation, and in no case being in the same trench.

Sec 200.5 Width. Easements for sewer, reclaimed water, and water shall have a minimum width of 20 feet and access. Easement widths in roads must be wide enough for appurtenances to be installed outside of road improvements. Additional width may be required for larger or deeper facilities or for other circumstances that may occur.

Table I

**EASEMENT AND RIGHT OF WAY APPLICATION MATRIX
FOR WATER, SEWER, AND RECLAIMED WATER FACILITIES**

TYPE OF USE	FEE OWNERSHIP	DEDICATED PUBLIC R/W	SPECIFIC VCMWD EASEMENT	PRIVATE RD. AND <u>PUBLIC</u> UTILITY EASEMENT	PRIVATE RD. AND UTILITY EASEMENT	PRIVATE ROAD EASEMENT
Reservoir, Pump Sta., Permanent Structure	X ⁴					
Specific Veh. Access to Res., Pump Sta., etc.	X	X	X			
Transmission Pipes ¹	X	X	X	X ⁵		
Distribution Pipes ²	X	X	X	X ⁵	X ⁵	
Appurtenances ³	X	X	X	X ⁵	X ⁵	
General Vehicle Access	X	X	X	X	X	X

NOTES:

1. Transmission pipes are larger than the minimum size and generally serve a substantial area.
2. Distribution pipes are the minimum size and serve a local area.
3. Appurtenances include water meters, blowoffs, air vacs, fire hydrants, sewer service laterals, etc.
4. VCMWD facilities in the San Diego CWA's rights of way excepted.
5. Accepted for use with a recorded transfer of rights to VCMWD along with a hold harmless clause to the benefit of VCMWD.