



CITY OF CALISTOGA

STAFF REPORT

TO: Honorable Mayor and City Council
FROM: Michael Kirn, City Manager
DATE: September 3, 2019
SUBJECT: Resolution that Authorizes the City Manager to grant a non-exclusive water line easement to Craig Battuello, et al. across APN 022-100-015, Ehlers Lane.

Approved by

Michael Kirn, City Manager

DESCRIPTION:

Consideration of a Resolution Authorizing the City Manager to Grant a Non-Exclusive Water Line Easement to Craig Battuello, et al. Across APN 022-100-015, Ehlers Lane.

RECOMMENDATION:

Consider adopting the resolution.

BACKGROUND:

In early 1980 the City began the process of acquiring easements for construction and operation of the North Bay Aqueduct water transmission main to serve Calistoga. Around 1985 approximately 12 acres were subsequently purchased from the Union Pacific Railroad by the city. The parcels acquired vary in width from 50' to 200' and typically bisect vineyards of which some are leased to adjacent landowners.

DISCUSSION:

Craig Battuello owns vineyards off Ehlers Lane on both sides of a city parcel and has asked for an easement to convey water from his private well on one side to a proposed winery on the other. The proposed easement would be a non-exclusive water line easement only, approximately twenty feet in width and encumber approximately 1,000 square feet of city property. City staff has reviewed the request and determined that granting it would not materially impair the city's ability to maintain and operate our NBA transmission main. The fair market value of the easement has been determined to be \$5,000 and the Battuello's have agreed to pay this amount. In addition to the payment the Battuello's will be required to pay for or reimburse the City all costs associated with preparation of the easement deed and its recordation.

FINANCIAL IMPACT:

The recommended resolution would result in \$5,000 in special revenue generated for the Water Enterprise Fund and ultimately used for future capital projects.

CEQA REVIEW:

The proposed grant of easement has been reviewed in accordance with the California Environmental Quality Act and Staff has determined that the proposed grant itself will not have an impact on the environment and is therefore exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), the “general rule” exemption, which states that, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA. The proposed action would only grant the easement and any construction activities would fall under the County’s jurisdiction and would be subject to the appropriate level of CEQA analysis at the then time.

CONSISTENCY WITH CITY COUNCIL GOALS AND OBJECTIVES:

The grant of the easement and associated revenue supports Council Goal 3: Establish, improve and maintain City infrastructure.

ALTERNATIVES:

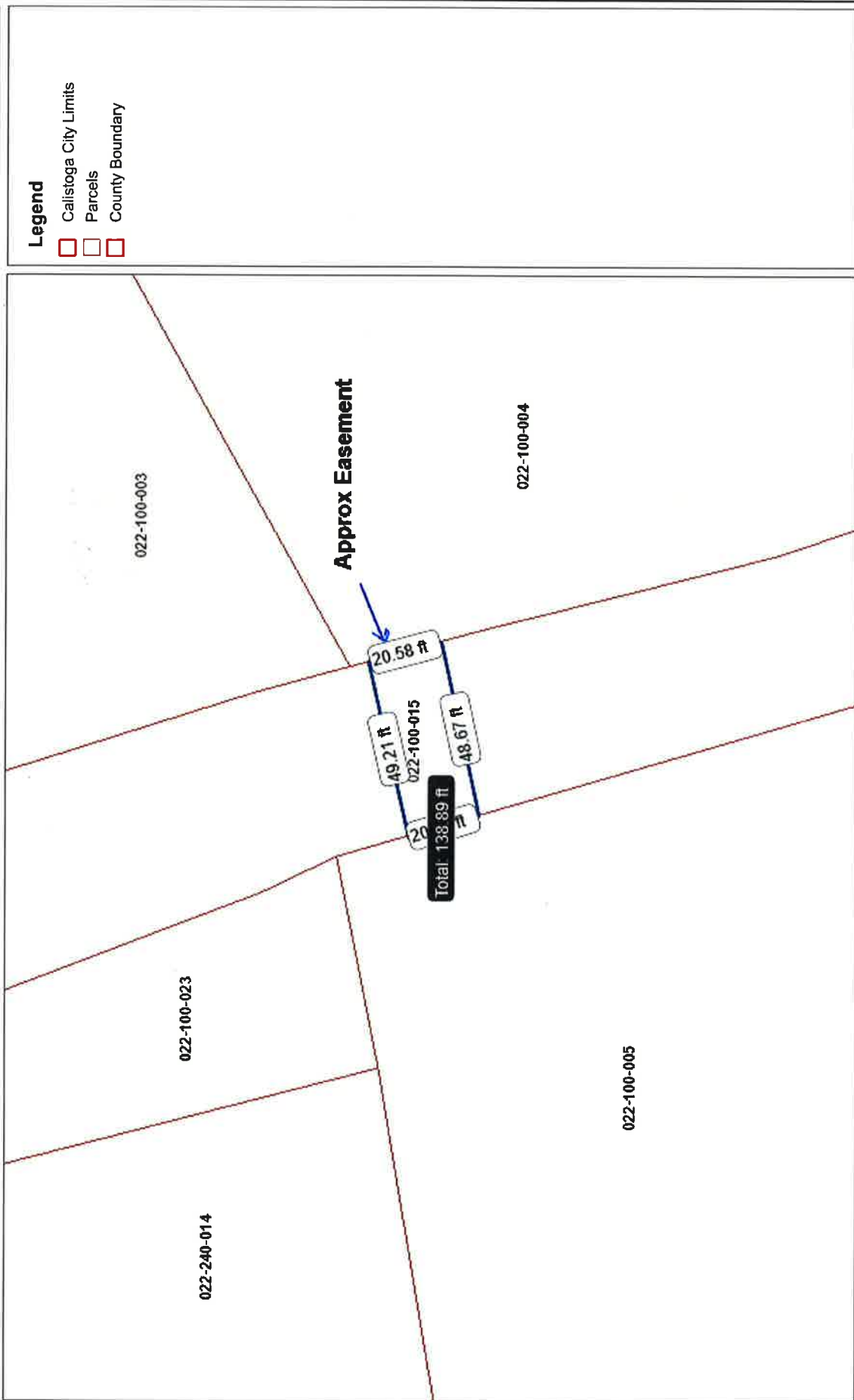
The City Council could choose to not approve the resolution granting the water line easement and the Battuello’s would need to find an alternate water supply for their proposed winery.

ATTACHMENTS:

1. Location Map
2. Resolution

City of Calistoga
Approximate Location Waterline Easement
APN 022-100-015

APN 022-100-015



Notes

Disclaimer: This map was prepared for informational purposes only. No liability is assumed for the accuracy of the data delineated hereon.

This map was printed on 8/27/2019



RESOLUTION NO. 2019-XXXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA
AUTHORIZING THE CITY MANAGER TO GRANT A NON-EXCLUSIVE
WATER LINE EASEMENT TO CRAIG BATTUELLO, ET AL. ACROSS
APN 022-100-015, EHLERS LANE**

WHEREAS, in early 1980 the City began acquiring easements for construction and operation of the North Bay Aqueduct water transmission main to serve Calistoga; and

WHEREAS, in 1985 approximately 12 acres of the easements were subsequently purchased from the Union Pacific Railroad by the city with the acquired parcels varying in width from 50' to 200' and typically bisecting vineyards; and

WHEREAS, Craig Battuello et al. owns vineyards off Ehlers Lane on both sides of a city parcel (APN 022-100-015) and has offered to purchase a non-exclusive water line easement containing approximately 1,000 square feet to convey water from his private well to a proposed winery; and

WHEREAS, City staff has reviewed the request and determined that granting it would not materially impair the city's ability to maintain and operate the NBA transmission main; and

WHEREAS, the parties have agreed that the fair market value of the easement is \$5,000 and the Battuello's have agreed to pay this amount; and

WHEREAS, in addition to the easement payment the Battuello's have agreed to pay for or reimburse the City all costs associated with preparation of the easement deed and its recordation; and

WHEREAS, The proposed grant of easement has been reviewed in accordance with the California Environmental Quality Act and Staff has determined that the proposed grant itself will not have an impact on the environment and is therefore exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), the "general rule" exemption, which states that, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA. The proposed action would only grant the easement and any construction activities would fall under the County's jurisdiction and would be subject to the appropriate level of CEQA analysis at the then time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Calistoga that the City Council does hereby resolve, determine and find as follows:

1. The above referenced recitals are true and correct and are incorporated into and form a material part of this Resolution.

2. Upon receipt of the purchase price of \$5,000, and restitution for any costs associated with preparing the grant deed, from Battuello et al. the City Manager is hereby authorized to execute the grant deed for a non-exclusive water line easement across APN 022-100-015, approximately twenty feet in width containing approximately one-thousand square feet, and record the same with the County Recorder.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Calistoga at a regular meeting thereof held this 3rd day of September 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

MICHAEL DUNSFORD, Vice Mayor

ATTEST:

IRENE CAMACHO-WERBY, City Clerk