



Legislation Text

File #: 15-1413, Version: 2

Surveyor's Office recommending the Board:

- 1) Consent to and accept a Grant Deed of real property and authorize the Chair to sign a Certificate of Acceptance of Real Property. Property is described in Exhibit A1 and delineated on Exhibit A2; and
- 2) Consent to and accept an Irrevocable Offer of Dedication (IOD 16-014), for a Pipeline Easement and authorize the Chair to sign a Consent to Offer of Dedication and Acceptance of Offer. Easement is described in Exhibit B1 and delineated on B2 . Both offers are made by Claudia R. Wade and Bruce A. Wade and located on Assessor's Parcel Numbers 089-180-15 of which they have ownership

FUNDING: N/A

DEPARTMENT RECOMMENDATION

Surveyor's Office recommending the Board:

- 1)) Consent to and accept a Grant Deed of real property and authorize the Chair to sign a *Certificate of Acceptance of Real Property*. Property is described in Exhibit A1 and delineated on Exhibit A2.
- 2) Consent to and accept an Irrevocable Offer of Dedication (IOD 16-014), for a Pipeline Easement and authorize the Chair to sign a *Consent to Offer of Dedication and Acceptance of Offer*. Easement is described in Exhibit B1 and delineated on B2 .

These offers are made by the owners of the subject parcel, Claudia R. Wade and Bruce A. Wade. The granting of the real property is in response to a settlement agreement between the Wades and the County of El Dorado. The IOD offered is necessary to support County infrastructure.

DISCUSSION / BACKGROUND

On May 8, 2012, Bruce & Claudia Wade filed a Complaint for public nuisance, private nuisance, trespass, intentional infliction of emotional distress, defamation per se, invasion of privacy, inverse condemnation, preliminary and permanent injunctions, and slander of title against the County of El Dorado & American River Conservancy (ARC), et al., in the Superior Court of California, County of El Dorado, Case No. PC20120264. The primary issue in question related to previously litigated easements between the County and Wade properties at Chili Bar. The County filed a Cross-Complaint in the above-described action on July 12, 2012.

The Complaint was resolved on November 11, 2015, when the Wades agreed to release and forever discharge all claims against the County, in exchange for a mutual waiver of costs and fees related to the litigation of the Complaint. The Wades have dismissed both the County and ARC with prejudice.

As part of the agreement, the Wades agreed to sever the subject real property from their parcel and convey it to the County in fee. The full terms of the settlement are set forth in the attachment, "*Executed Settlement Agreement 12-8-15*".

The necessity for the pipeline easement became apparent during the settlement process and was agreed to by Claudia and Bruce Wade.

ALTERNATIVES

An alternative would be to:

- 1) Not adopt and accept the Grant Deed for the real property, but by utilizing this alternative the County would be in conflict with the settlement agreement.
- 2) Not acknowledge and accept the IOD for the pipeline easement, but by utilizing this alternative the County would have no deeded right to a portion of the pipeline and it could interfere with future maintenance needs.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

The County Surveyor is preparing this item at the request of County Counsel.

CAO RECOMMENDATION

It is recommended that the Board approve this item.

FINANCIAL IMPACT

N/A

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk will obtain the Chair's signature on the, *Certificate of Acceptance of Real Property*, attached to the Grant Deed.
- 2) The Clerk will obtain the Chair's signature on the, *Consent to Offer of Dedication and Acceptance of Offer*, attached to the IOD.
- 3) The Clerk will record the Grant Deed with the, *Certificate of Acceptance of Real Property*, attached to the back of the document.
- 4) The Clerk will record the IOD with the *Consent to Offer of Dedication and Acceptance of Offer*, attached to the back of the document.
- 5) The Clerk will return a copy of both recorded documents to the County Surveyor's Office.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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