

ITEM RECEIVED TOO LATE TO BE AGENDIZED

AGENDA ITEM SUBMITTAL

Meeting Date: September 16, 2015

To: Board of Directors

From: Mike Markus

Staff Contact: B. Dosier/D. Jackson

Budgeted: N/A

Budgeted Amount: N/A

Revenue Estimate: \$500

Funding Source: N/A

Program/Line Item No.: N/A

General Counsel Approval: Required

Engineers Report: N/A

CEQA Compliance: N/A

Subject: EASEMENT DEED TO MCEB, LLC FOR A STORM WATER DRAIN INTO BURRIS BASIN FOR PROPERTY LOCATED AT 2840 SOUTH STREET

SUMMARY

In 2014, the District sold 3.6 acres of land located at or about 2840 and 2901 East South Street, Anaheim to Family Development Group, Inc. (FDG). At the September 2, 2015 Board meeting, the Board considered authorizing negotiating and issuing an easement deed for a storm water drain facility to FDG. At that time, the Board deferred action on granting the drain easement pending answers to its questions regarding the property ownership and the sales price, if any, had the property been transferred or sold. Staff has confirmed that the property owner of record is MCEB, LLC and that the property transfer price was \$1,000,000.

Attachment(s):

- Preliminary WQMP Site Plan, Tentative Tract No. 17818
- Aerial Map of Storm Water Drain
- Easement Deed

RECOMMENDATION

Approve and execute an Easement Deed to MCEB, LLC for a storm water drain facility from MCEB, LLC's South Street property into Burris Basin with an easement fee of \$500 and easement being assignable to the ultimate project owner or the homeowners association

BACKGROUND/ANALYSIS

On February 5, 2014, the District entered into an Agreement with Family Development Group, Inc. (FDG) for the Purchase and Sale of Real Property and Instructions to Escrow for the purchase of 3.6 acres of land located at or about 2840 and 2901 East South Street, Anaheim, California for \$1,000,000. On August 1, 2014, the District signed the Grant Deed transferring ownership of the land to FDG.

The property is in the process of being entitled for construction of 20 single family homes and development plans are in the process of being approved by the City of Anaheim. The

City is requiring construction of a catch basin on the property shown as Basin -1 on the Preliminary WQMP Site Plan, Tentative Tract Map No. 17819, attached to this Agenda Submittal. As part of the development process, a storm water drain easement over an existing drain is being request, to drain storm and runoff water into Burris Basin from a catch basin on the property designated as Basin-1 on Tract Map 17819. The drain and pipeline run underneath the OCWD Access Road and the Anaheim Coves bike and pedestrian trail. The easement area is 10' by 83' or 830 square feet and is shown on the attached Aerial Map.

Staff has reviewed this use and has no objections. Per the terms of the easement, the District's General Manager or his designee will approve all plans for the storm water drain or any other improvement on District property.

At the September 2, 2015 Board meeting, the Board considered authorizing the General Manager to negotiate an easement deed for a drain facility to FDG. At that time, the Board deferred action on granting the drain easement pending answers to its questions regarding the property ownership and the sales price, if any, had the property been sold.

Staff met with representatives from FDG and MCEB, LLC to discuss the Board's questions and was advised that FDG had transferred the property by Grant Deed to MCEB, LLC for investment purposes on the same day that the Grand Deed was recorded from the District to FDG, which was August 14, 2014. Staff was further advised that the transfer price to MCEB, LLC was \$1million dollars. Furthermore, FDG advised that FDG continues to be involved in the project. Staff verified with County records that MCEB, LLC is the property owner of record, and confirmed with State records that MCEB, LLC is registered with the California Secretary of State.

MCEB, LLC is requesting that the Board consider this item at its September 16 meeting as they have encountered several unforeseen delays and escalating construction costs and this is the last item they need in order to move forward with construction. MCEB has advised that the timing for demolition and grading is critical as the bird nesting period has just ended and they need to mobilize on the project site and begin demolition.

Staff has been advised that, at a future date, the development may be transferred to a single purpose entity to build the development and that this entity would transfer maintenance responsibilities to the eventual Homeowners Association (HOA) and at that point, the easement would likely be assigned to the HOA.

PRIOR RELEVANT BOARD ACTION(S)

- 02/5/14, R14-2-12 Approve and authorize execution of property Purchase Agreement and Escrow Instructions for a purchase price of \$1,000,000;
- 11/2/11, R11-11-165 Approve Amendment One to Exclusive Due Diligence Agreement and License Agreement with Family Development Group for a 180 day extension; and return to November 17 Property Management Committee meeting with a proposed property value.

- 05/04/11, R11-05-63 Execute Exclusive Due Diligence Agreement and License Agreement with Family Development Group, Inc. for a six month period.
- 03/03/10, R10-03-38 Find that the 2.578 acre portions of property located on South Street adjacent to Burris and Lincoln Basins, Anaheim CA are no longer necessary to be retained for immediate uses and purposes of the District and declare the property surplus
- Authorize filing of Notice of Exemption pursuant to CEQA
- 8/15/07, M07-113 Authorize staff to survey the property; perform the necessary lot line adjustments and rezoning; perform preliminary title search; establish project budget not to exceed \$25,000; and direct staff to return to Committee with a property appraisal and a recommendation for surplusing the property
- 7/18/07, M07-104 Initiate Surplus Process for South Street Property in Anaheim and directing staff to review proposed Site Plans for Engineering and Hydrogeological issues and prepare an RFP for consultant services.

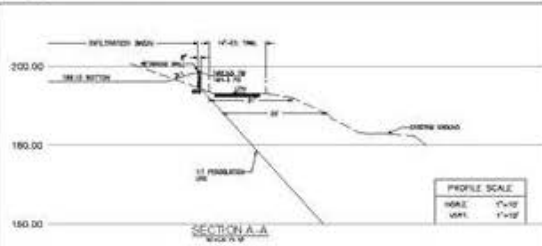
LOCATION MAP



PRELIMINARY WQMP SITE PLAN TENTATIVE TRACT NO. 17819

LEGEND

- PROPOSED STORM DRAINAGE
- PROPOSED SEWER LINE
- PROPOSED EASEMENT
- PROPOSED RIGHT-OF-WAY
- PROPOSED STREET
- PROPOSED LOT
- PROPOSED BUILDING FOOTPRINT
- PROPOSED PARKING AREA
- PROPOSED LANDSCAPE AREA
- PROPOSED UTILITY LINE
- PROPOSED STORM DRAINAGE
- PROPOSED SEWER LINE
- PROPOSED EASEMENT
- PROPOSED RIGHT-OF-WAY
- PROPOSED STREET
- PROPOSED LOT
- PROPOSED BUILDING FOOTPRINT
- PROPOSED PARKING AREA
- PROPOSED LANDSCAPE AREA
- PROPOSED UTILITY LINE



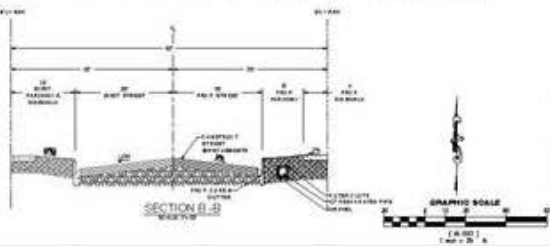
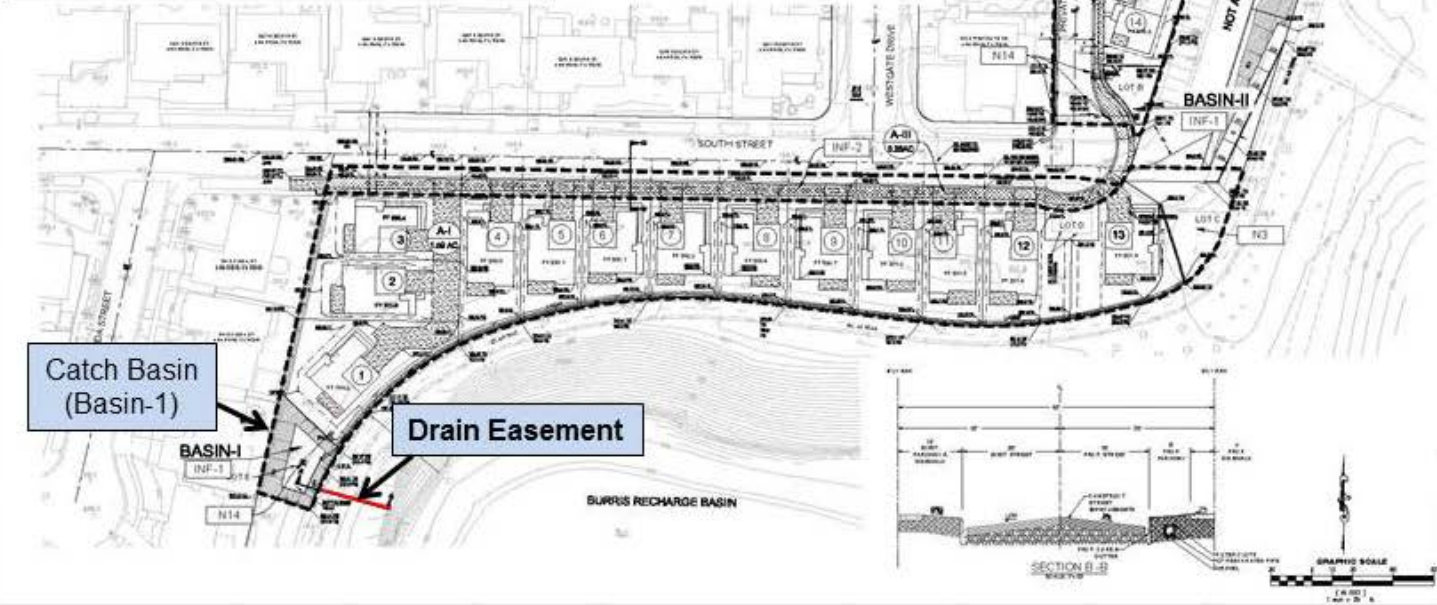
BMPs (Structural) Proposed

- N1-1 Infiltration Basin
- N1-2 24" x 24" Infiltration Trench (150 LINEAR FEET)

BMPs (Non-structural) Proposed

- N3 Common Area Landscape Management
- N14 Common Area Catch Basin Inspection
- N15 Street Sweeping Private Streets

NO.	AREA	DCV	ACTUAL	IMPER.
	(Square Feet)	(Inches Year)	(Cubic Feet)	(%)
AREA 1	63,204	2,632	2,791	80%
AREA 2	45,144	2,088	2,155	81%
AREA 3	12,263	850	730	76%



IDS GROUP

1 PETER GARDNER AVENUE, SUITE 100
IRVINE, CA 92618
TEL: 949.261.8800 FAX: 949.261.8801

NO.	DESCRIPTION	DATE

BENCHMARKS

1. THE LAKE HOUSE SOUTH STREET INFILL (ANAHIM, CA 92606)

2. THE LAKE HOUSE SOUTH STREET INFILL (ANAHIM, CA 92606)

PROJECT NO. 17819

PROJECT WQMP SITE PLAN

DATE 10/20/23

SCALE 1"=10'

PROJECT NO. 17819

PROJECT WQMP SITE PLAN

DATE 10/20/23

SCALE 1"=10'

PRELIMINARY WQMP SITE PLAN
Tentative Tract No. 17819

Catch Basin (Basin-1)

Drain Easement

NOT FOR CONSTRUCTION

AERIAL MAP OF STORM WATER DRAIN

