



Council Agenda Report

From: Leslie Frazier, City Engineer/Deputy Community Development Director

Subject: Approval to Amend Resolution No. 21-002 Modifying Authorization of Easement Acceptance on Behalf of the City Council

CEQA Determination: The City finds that this action is not a project under the California Environmental Quality Act pursuant to State CEQA Guidelines, §§ 15060, subd. (c)(2)-(3), 15378.

Date: September 16, 2025

Facts

1. On January 19, 2021, City Council adopted Resolution No. 21-002 authorizing the City Manager to accept easements after review by the City Engineer (or Capital Project Engineer) and City Attorney.
2. Under the resolution, easements can be accepted by the City Manager unless they create a significant maintenance burden or require City funds to acquire.
3. As part of the on-going development within the City, temporary and permanent easements to implement master planned roads, water and sewer systems are required. The easements include right of way, slope, sewer, water, trail, slope maintenance and pedestrian access.
4. The easement acceptance process takes time and can delay a private project from obtaining permits and a certificate of occupancy. In addition, formal easement acceptance uses valuable staff time for staff report preparation.
5. To expedite easement acceptance, City staff is proposing an amendment to Resolution No. 21-002 to expand the City Manager's authorization to accept easements that require City funds to acquire up to an amount equal to the City Manager's spending authority.
6. Currently, the City's Purchasing Policy and Procedures states that the City Council concurrence is required for purchases greater than \$100,000.
7. Under the amended Resolution, easements that create a significant maintenance burden or requires City funds to acquire above the City Manager's spending authority would be brought to City Council for formal acceptance.

Options

1. Take no action;
2. Amend Resolution No. 21-002 expanding the City Manager's authorization, or his authorized designee, to accept easements that require City funds to acquire, up to an amount equal to the City Manager's spending authority; or
3. Provide alternative direction to staff.

Analysis and Conclusions

City staff is seeking Council approval to amend Resolution No. 21-002 to delegate additional easement acceptance authority to the City Manager or their authorized designee for easements requiring City funds, provided the cost does not exceed the City Manager's current spending authority.

Under the current resolution, only easements that are donated or involve no fiscal consideration can be accepted administratively by the City Manager. However, in practice, most easements offered to the City require some form of fiscal considerations to acquire, whether for permanent property rights, temporary construction access, or infrastructure placement. As a result, the well-intended original resolution is often not applicable in the majority of real-world cases, which must still be brought to the City Council for acceptance. This can result in procedural inefficiencies and delays in delivering time-sensitive public improvements, issues the original resolution was intended to resolve.

Easements are a critical component of implementing Council-approved plans such as the City's Circulation Element, Bicycle and Pedestrian Plan, and Water and Wastewater Master Plans. They are commonly required for projects including road widening, sidewalk gaps, utility installations, drainage improvements, and public infrastructure related to new development. Even minor easements, such as a sidewalk behind a driveway or a small sliver of right-of-way, can be subject to delay if Council action is required for acceptance.

A Grant of Easement provides the City with the legal right, either temporary or perpetual, to access or use private property for public benefit. These easements are typically needed to move projects forward efficiently and in alignment with the City's long-term infrastructure goals.

To reduce delays and improve project delivery timelines, staff recommends amending the resolution to authorize the City Manager (or designee) to accept easements requiring payment or other consideration, provided the cost does not exceed their existing spending authority. Examples of eligible easements include:

- Right-of-way dedications for new or widened roads that support the City's circulation system
- Right-of-way easements to complete existing street segments
- Pedestrian and equestrian easements identified in the Bicycle and Pedestrian Plan
- Temporary Construction Easements for public infrastructure projects
- Access easements for maintenance of City-owned facilities
- Utility easements for water, wastewater, recycled water, and communications infrastructure
- Avigation easements supporting Airport operations
- Drainage and stormwater infrastructure easements
- Parking easements that do not create new maintenance responsibilities
- Easements required as part of a Planning Commission or Council-approved development project

Easements that exceed the City Manager's spending authority or impose significant ongoing maintenance costs would continue to require City Council approval.

Delegating additional easement acceptance authority will result in more efficient project delivery, reduced administrative workload, and faster implementation of public improvements. By addressing a procedural gap in the original resolution, namely, its inapplicability to most easements that involve consideration, this update will better align the City's practices with real-world project needs. Ultimately, this change will accelerate the construction of public infrastructure that directly benefits residents, businesses, and the broader community.

Fiscal Impact

There is no fiscal impact resulting from the acceptance of most easements. Some maintenance costs are associated with the improvements existing or constructed in the easements; however, these costs are already planned for as part of the City's master plans for transportation and utilities. Easements that present new maintenance burdens or must be purchased in an amount above the City Manager's spending authority, will be brought individually to Council for review.

CEQA

The City finds that this action is not a project under the California Environmental Quality Act pursuant to State CEQA Guidelines, §§ 15060, subd. (c)(2)-(3), 15378.

Recommendation (Option 2)

Approve Resolution 25-XXX, amending Resolution 21-002 to expand the City Manager's authorization or his authorized designee, to accept easements that require City funds to acquire, up to an amount equal to the City Manager's spending authority.

Attachments

1. Resolution 25-XXX – Amending Resolution 21-002 to Expanding Authorization of Easement Acceptance
 - a. Exhibit A - Grant of Easement Acceptance
 - b. Exhibit B - Resolution 21-002