

Meeting Date: March 9, 2010
Tab No.

Subject: Easement and Improvement Agreement between Circle Bar Investments, LLC., a Delaware Limited Liability Company and the Modesto Irrigation District for Easements and Improvement conditions associated with the realignment of Graphics Drive for the Woodland 3 Reciprocating Engine Generation Project

Recommended Action: Resolution approving and authorizing the General Manager to execute an Easement and Improvement Agreement between Circle Bar Investments, LLC., a Delaware Limited Liability Company and the Modesto Irrigation District for Easements and Improvement conditions associated with the realignment of Graphics Drive for the Woodland 3 Reciprocating Engine Generation Project

Background and Discussion

On file in the Secretary's office is the Easement and Improvement Agreement for review and execution. This agreement authenticates the terms and conditions between the District and Circle Bar Investments, LLC. (Circle Bar), for the construction and long-term maintenance of the improvements within the access easement situated at the property owned by Circle Bar. The re-alignment of Graphics Drive for the Woodland 3 Project impacted the access to Circle Bar's property. To minimize the impact, the District agreed to grant an access easement via District's property which is located immediately adjacent to the Circle Bar parcel. The road re-alignment also required granting of an easement to the City of Modesto by Circle Bar which has been executed and recorded. This agreement is required to formalize the conditions associated with the impact to the Circle Bar parcel as a result of the re-alignment of Graphics Drive for the Woodland 3 Project.

Alternatives/Pros and Cons of Each Alternative

N/a

Concurrence

- MID staff has reviewed and approved this request.
- Legal counsel concurs with the terms and conditions.

Fiscal Impact

N/A

Recommendation

Resolution approving and authorizing the General Manager to execute an Easement and

Improvement Agreement between Circle Bar Investments, LLC., a Delaware Limited Liability Company and the Modesto Irrigation District for Easements and Improvement conditions associated with the realignment of Graphics Drive for the Woodland 3 Reciprocating Engine Generation Project

Attachments

Original Agreement on file at Board Secretary's office.

Presenter

Asst. General Manager

General Manager

Celia Aceves

Lou Hampel

Allen Short

D R A F T
RESOLUTION NO. 2010-

RESOLUTION APPROVING AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN EASEMENT AND IMPROVEMENT AGREEMENT BETWEEN CIRCLE BAR INVESTMENTS, LLC., A DELAWARE LIMITED LIABILITY COMPANY AND THE MODESTO IRRIGATION DISTRICT FOR EASEMENTS AND IMPROVEMENT CONDITIONS ASSOCIATED WITH THE REALIGNMENT OF GRAPHICS DRIVE FOR THE WOODLAND 3 RECIPROCATING ENGINE GENERATION PROJECT

BE IT RESOLVED, that the Board of Directors of the Modesto Irrigation District does hereby approve and authorize the General Manager to execute the Easement and Improvement Agreement between Circle Bar Investments, LLC., a Delaware limited liability company, and the Modesto Irrigation District which specifies the terms and conditions for the construction and long term maintenance of the access easement.