

**COUNTY OF SONOMA
AGENDA ITEM
SUMMARY REPORT**

Clerk of the Board Use Only
Meeting Date **Held Until**

Agenda Item No: **Agenda Item No:**

Department:
 Sonoma County Water Agency

() 4/5 Vote Required

Contact:
 Kevin Campbell

Phone:
 (707) 547-1921

Board Date:
 06-02-09

Deadline for Board Action:

AGENDA SHORT TITLE:
 Consent Agreement with Liquid Investments, Inc., for the Santa Rosa Aqueduct

REQUESTED BOARD ACTION(S):

1. Resolution finding and determining that executing a Consent Agreement for work and improvements within Sonoma County Water Agency's easement by Liquid Investments, Inc., which would otherwise violate provisions of the Agency's easement for the Santa Rosa Aqueduct, will not adversely affect the Agency in any respect and will not have a significant adverse effect on the environment, and
2. Authorizing the Chairman to execute a Consent Agreement Regarding Use of Easement between the Sonoma County Water Agency and Liquid Investments, Inc., and
3. Authorizing the General Manager/Chief Engineer to file a Notice of Determination in accordance with the California Environmental Quality Act.

CURRENT FISCAL YEAR FINANCIAL IMPACT

<u>EXPENDITURES</u>		<u>ADD'L FUNDS REQUIRING BOARD APPROVAL</u>	
Estimated Cost	\$ -0-	Contingencies	\$
		(Fund Name:)	
Amount Budgeted	\$ -0-	Unanticipated Revenue	\$
		(Source:)	
Other Avail Approp (Explain below)	\$	Other Transfer(s)	\$
		(Source:)	
Additional Requested:	\$ -0-	Add'l Funds Requested:	\$ -0-

Explanation (if required):

Prior Board Action(s):

Alternatives - Results of Non-Approval:

Liquid Investments, Inc. will not be able to construct improvements permitted by the County of Sonoma Permit and Resource Management Department in connection with the Mesa Beverages Development.

Background: Consent Agreement and Notice of Determination on file with the Clerk.

Liquid Investments, Inc. owns property over which the Sonoma County Water Agency (Agency) possesses an easement for the Santa Rosa Aqueduct Project. Liquid Investments, Inc., is in the process of developing a warehouse/distribution facility on its property (Mesa Beverage Facility).

In March 2009, it came to the attention of Agency staff that underground utilities connected to the development were proposed within the Agency's easement. Under the provisions of the easement within which the Agency owns and operates the Santa Rosa Aqueduct, "No permanent building or concrete structure or paving shall be placed within the said easement without the prior written approval of the Chief Engineer or the Directors of the Grantee (Agency). No tilling, plowing or excavation of any kind shall be done below one (1) foot from the surface within the said easement nor within two (2) feet of a pipe or other improvement installed by Agency within said easement without the prior written approval thereof the Chief Engineer or the Directors of the Grantee (Agency)."

Agency staff intervened in the construction, temporarily delaying construction of the development until appropriate actions could be taken to safeguard the Santa Rosa Aqueduct and ensure that the Agency can maintain control of the easement premises as necessary to safeguard the aqueduct.

Liquid Investments, Inc. has now formally requested the Agency's consent to the work and to improvements proposed within the easement that would otherwise violate provisions of the Agency's easement.

Staff of the Agency reviewed and commented on plans for the development. Liquid Investments, Inc., and their Consultants/Contractors made appropriate changes required to address the comments and concerns raised by Agency staff.

Staff has prepared a Consent Agreement which would allow the Agency to review and approve the plans for improvements within the Easement Area; require Liquid Investments, Inc., to indemnify, defend, hold harmless, and release the Agency from and against any and all actions, claims, damages, liabilities, or expenses relating to the use of the Agency's easement; and require Liquid Investments, Inc., to maintain all Liquid Investments, Inc., related improvements within the Easement Area at the sole cost and expense of Liquid Investments, Inc. Agency staff has determined that the Consent Agreement would not interfere with the Agency's use of the property and will not adversely affect the Agency in any respect.

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Attachments: Resolution (R1)

On File With Clerk: Consent Agreement (4 Copies); Notice of Determination

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote:

Background (continued):

PRMD prepared an Initial Study and Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) for the Mesa Beverage Distribution Center that addresses the environmental impacts of the construction of a new 155,294 square foot distribution facility and a detached 8,400 square foot repair shop. The Sonoma County Board of Supervisors approved the Mitigated Negative Declaration and the project on October 21, 2008 by Resolution No. 08-0904. A Notice of Determination for the project was filed on October 21, 2008. With the incorporation of the mitigation measures established by PRMD, the project would not have an adverse impact upon the environment.

The Agency has prepared a Notice of Determination in accordance with CEQA, the State CEQA Guidelines, and the Agency's Procedures for the Implementation of CEQA stating that, based on the Mitigated Negative Declaration prepared by PRMD, the Agreement consenting to work and improvements within the Agency's Easement for the Mesa Beverage Distribution Center will not have a significant adverse impact on the environment.

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