



# TRIUNFO SANITATION DISTRICT

A PUBLIC AGENCY

April 12, 2011

Board of Directors  
Triunfo Sanitation District  
Ventura County, California

## HILLCREST HOMEOWNER'S ASSOCIATION EASEMENT AGREEMENT

### Summary

The construction of the Oak Canyon Reservoir in Oak Park requires an easement agreement with the Hillcrest Homeowner's Association (HOA) to provide access to the tank site both during and following construction activities. Discussions with Hillcrest HOA indicated their willingness to approve the agreements providing a request of services be completed at TSD's expense. Your Board previously approved these requests at an estimated cost of \$7,500 and Hillcrest HOA has signed the agreements. Staff recommends the Board sign the easement agreements with Hillcrest HOA to acquire the rights necessary for the construction and maintenance of the new water reservoir.

### Background

The location of the to-be-constructed Oak Canyon Reservoir (Site A7B) requires access through parcels owned by Hillcrest HOA. As was presented to your Board at the April 26, 2010 meeting, the Hillcrest HOA requested several items be guaranteed prior to their acceptance of the temporary and permanent easements needed for access to the site. Hillcrest requested the following:

1. Hillcrest HOA of Ventura is to be named as additionally insured with the HOA indemnified and held harmless on the easements.
2. Triunfo Sanitation District will replace the landscaping on the easements once the project is completed. Prior to work being done at the site, a landscape plan will be approved by both parties.
3. Hillcrest HOA would like a termination date on the temporary easements in writing.
4. Triunfo Sanitation District is to provide a cost and appraisal on the land in which it is requesting a permanent easement.

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5. Provide, in writing, confirmation that Hillcrest HOA of Ventura will be granted a connection to a reclaimed water source as previously discussed.
6. Triunfo Sanitation District is required to pay the cost of legal fees associated with review of the easements by the HOA's legal counsel.

Staff had estimated that the cost for these six activities would be less than \$5,000. The costs associated with the purchase of the permanent easement were not included at that time. Your Board approved this amount at the April 26, 2010 meeting and directed staff to continue discussions with the HOA. Following further conversations, an appraisal report was generated. At the January 24, 2011 meeting, your Board reviewed this report and instructed staff to present a cash offer of \$2,500 to the Hillcrest HOA Board for the purchase of the permanent easement. Hillcrest's HOA Board approved the offer on February 8, 2011. Hillcrest HOA was then given the easement agreements for their approval and the signed documents were returned to General Counsel on April 11, 2011. The agreements are now ready for Board review and approval.

Legal Counsel has reviewed and approved the agreements with the Hillcrest HOA which includes these requirements.

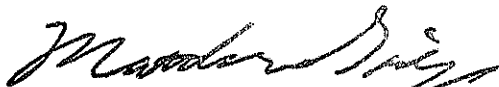
If you have any questions or need additional information, please contact me at 805-658-4628.

**Fiscal Impact**

Appropriations for these expenses are included in the adopted Fiscal Year 2010-2011 budget for the Hillcrest HOA easement agreement costs and therefore do not require a budget adjustment of \$7,500 to fund this effort.

**Recommendation**

It is recommended the Board authorize the Chair to sign the easement agreement documents and direct staff to satisfy the requested actions by Hillcrest Homeowner's Association with a cost not-to-exceed \$7,500.



MATT GRIEGER – PROJECT ENGINEER

Enc.

APPROVED FOR APRIL 25, 2011 AGENDA



Doug Anders – Acting District Manager

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April 11, 2011

Doug Anders  
Triunfo Sanitation District  
1001 Partridge Dr.  
Ventura, CA 93003

**Re: Hillcrest HOA Documents**

Dear Doug:

Enclosed please find triplicate original copies of each of the documents recently executed by Hillcrest HOA. These include:

1. Three original copies of the Agreement;
2. Three original copies of the Permanent Easement for Parcel 101;
3. Three original copies of the Temporary Easement for Parcel 201; and,
4. Three original copies of the Temporary Easement for Parcel 206.

Please arrange for Mr. Paule and John Mathews to execute where indicated. Mr. Paule's signature will have to be notarized in several places.

After execution, please return all the documents to our offices, along with a check made payable for \$2,500.00 to the Hillcrest Homeowners Association. (Eventually, Hillcrest HOA will submit a separate invoice for attorney services, which I will forward to Triunfo for direct payment to Hillcrest HOA.)

Once received, we will forward the \$2,500.00 payment along with one original copy of each document to Hillcrest HOA for their records. We will keep a copy of each original document in our offices for Triunfo's records. Finally, we will record a copy of each of the easements with the Ventura County Recorder. Once recorded, the documents will be returned to

TSD/ Guzman Ltr 01

\* Certified Specialist, Estate Planning, Trust and Probate Law State Bar of California Board of Legal Specialization

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Josie Guzman  
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Triunfo. When you receive the recorded documents, please make a copy for Triunfo, and return the original to our offices for safe-keeping.

Pursuant to the Agreement, Triunfo must install the facilities necessary to deliver reclaimed water to Hillcrest HOA within ninety (90) **working days** from the date that Triunfo executes the Agreement.

Let me know if you have any questions or concerns.

Regards,



Bob Krimmer

RK: hp