



BELLA VISTA WATER DISTRICT

**11368 E. STILLWATER WAY • REDDING, CALIFORNIA 96003-9510
TELEPHONE (530) 241-1085 • FAX (530) 241-8354**

FACT SHEET – EASEMENTS

This information provides basic guidelines for preparation of Public Service Easements which are intended to be granted to the Bella Vista Water District as a condition of property development. District utilities and other facilities must be contained within District property, public thoroughfares, or dedicated easements for the purpose of operating and maintaining the water system facilities. An easement provides the legal basis for the District's facilities to occupy the land upon which it is to be placed. In general, each easement document should be prepared by a land surveyor or registered civil engineer currently licensed in California to practice land surveying.

Prior to obtaining signatures on Easement Deeds, all documents are to be submitted to the Bella Vista Water District to check their form and content. After all corrections have been made and signatures obtained, the District will record documents with the District's Acceptance Certificate.

Sample 1 is an Easement for a water line. This sample depicts the format currently acceptable to the Bella Vista Water District. Please follow the examples as closely as possible to assure an acceptable document on first submittal. Areas of the text appearing in bold italics indicate the data and text which would necessarily be different with regard to other parties/properties. For any other easement, please contact the District Engineer at 241-1085 for instructions.

The District also requires:

1. A Preliminary Title Report, no older than 90 days, for each property affected by the easement. (This report assures that the person(s) conveying the easement are the owner(s) of record and demonstrates any additional party interest in the property to be affected by the easement.)
2. Consents to Easement (Sample 2) must be provided for each Deed of Trust or lien holder of record indicated in the submitted preliminary title report. (Note: each consent and easement document must be properly signed and notarized.)
3. The current Shasta County Assessor's parcel number (APN) must be noted on each sheet of the easement document.
4. A legal description (Exhibit A) of the property.
5. A well drafted, original sketch (Exhibit B) must be included as part of the easement document. The sketch shall:

- a. Be on 8 ½ x 11 white bond paper with a 1-inch border on the top edge, and ½-inch borders on the other three edges. All lettering to be 1/8-inch or larger.
- b. Have a north arrow and indication of the engineer's scale used to draw the sketch.
- c. Show the date of easement (month/year).
- d. Depict the easement area by crosshatching.
- e. Show the property ownership name(s) making conveyance. (Note: the names must match the submitted title report ownership vesting information.)
- f. Show sufficient information to accurately locate the easement including ties to section corners, subdivision names (if applicable), recording information, street names, bearings and distances relevant to the location of the easement.
- g. Include the seal and signature of the land surveyor or registered civil engineer authorized to practice land surveying in California.

It is understood that not all public service easements offered to the District will neatly fit all of the foregoing criteria and that subtle variance, from that described above, may be necessary. This information is provided to give the author insight into how best to satisfy the District's easement provision criteria. This should assist in minimizing both time and cost to all parties.

Questions or concerns regarding the easement process may be directed to the District Engineer at 241-1085.

Recording Requested By:
Bella Vista Water District |

When recorded, mail to: |
Bella Vista Water District |
11368 E. Stillwater Way |
Redding, California 96003 |

(Space above this line for Recorder's Use Only)

GRANT OF EASEMENT FOR WATER LINE

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the undersigned,

_____ *[use exact name(s) exactly as they appear on the title]*

hereinafter designated **GRANTOR**, hereby grants to the **BELLA VISTA WATER DISTRICT**, a California Water District organized and existing under and by virtue of the laws of the State of California as **GRANTEE**, its successors or assigns, a exclusive and permanent easement and right-of-way in, upon, over and across the lands hereinafter described, for the purposes of locating, relocating, constructing, reconstructing, maintaining, operating, inspecting and repairing a pipeline or pipelines, and all fixtures and appurtenances incidental thereto for use in connection therewith, the transmission and distribution of water and all uses and purposes incidental thereto. The easement rights granted herein included the following: (a) the right to ingress and egress, from the easement herein described, across the lands of Grantor for all purposes useful or convenient in connection with or incidental to the exercise of the rights herein granted at locations which shall not interfere with grantor’s reasonable use of its remainder property; (b) the right to construct, reconstruct, repair, replace, operate and maintain said facilities and the right to enter upon, pass and re-pass over, along, and beside said easement and right-of-way; and (c) the right to deposit tools, implements and materials thereon, by Bella Vista Water District, its officers, agents, employees, successors or assigns, or by any contractor, its agents or employees, engaged by said District, its successors or assigns, whenever and wherever necessary for the purposes above set forth.

The lands in which such easement of right-of-way is hereby granted are situated in the Bella Vista Water District *[delete if not in the District]*, County of Shasta, State of California, described in “Exhibit A” and shown on “Exhibit B” attached and made a part hereof by reference.

It is expressly agreed that the Grantor shall have the right, at his own risk, to use the surface of the right-of-way hereby granted, for agricultural uses except for the planting and growing of trees; and the right to cross or make use of the surface in a manner not detrimental to the installation, construction, operation, inspection, repair, maintenance and replacement of a pipeline or pipelines, or to any other purposes and used as are or may be necessary or incidental to the construction, maintenance and operation of the Grantee’s proposed pipeline or pipelines.

Grantor hereby agrees for himself, his successors or assigns, that he will not plant any trees or construct or cause to be constructed and maintained any buildings or structures of any nature or kind over, across or upon said easement and right-of-way without first obtaining written permission from Grantee, which

shall not be unreasonably withheld.

The conveyance of said easement and right-of-way is made for the benefit of all parties who have or may acquire any right title, or interest in any part of the above described real property. This conveyance is binding on the Grantor, its heirs, assigns or successors in interest.

DATED: _____, 20__.

Executed on _____, _____ at _____, California.

Customers _____

By: _____

(Notarial Acknowledgment Required)

State of California County of _____

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

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(Space above this line for Recorder's Use Only)

CONSENT TO EASEMENT

WHEREAS, _____ is the Trustee, and _____ is the Beneficiary, under that certain Deed of Trust dated _____ and recorded on _____ as Instrument No. _____, Official Records of Shasta County (“Deed of Trust”); and

WHEREAS, the owner of the property as described in the Deed of Trust, _____ has executed an Easement Deed conveying a portion of the property covered by the Deed of Trust to the Bella Vista Water District for an easement for public service purposes, and all necessary appurtenances thereto, as may be required over, along upon, under and across the parcel of real property described in Exhibit A and shown on Exhibit B attached hereto and made a part hereof by this reference (the “Easement”).

NOW THEREFORE, the Beneficiary under the Deed of Trust hereby consents to the Easement and to the payment to Grantor thereunder of all money payable under the terms thereof, if any; and subordinates its right under the Deed of Trust as and to the rights granted to the Bella Vista Water District under the Easement.

IN WITNESS WHEREOF, the Trustee **OR** the Beneficiary of the Deed of Trust hereby executes this Consent to Easement this ____ day of _____, 20__.

_____, Trustee, Beneficiary

Executed on _____, _____ at _____, California.

Customers _____

By: _____

(Notarial Acknowledgment Required)

State of California County of _____

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)