

Amador Water Agency

Easement Acquisition, Acceptance and Abandonment Policy

Reviewed and Adopted:
04-23-2020

100.00 Purpose of the Policy

The primary purpose of this policy is to authorize the General Manager to acquire, accept, and abandon easements on behalf of the Amador Water Agency.

200.00 Authority

The Board has the authority to acquire interests in real property pursuant to Section 95-3.5 of the Agency Act. In furtherance of this authority, the Board adopted Resolution No. 2007-35 on September 13, 2007, authorizing its General Manager to accept easements on behalf of the Agency and to consent to the recordation of such accepted easements pursuant to certificates of acceptance executed by the General Manager.

300.00 Policy

300.10 Easement Acquisition. The General Manager shall negotiate for easements with landowners on behalf of the Agency and may propose to acquire easements through donation, negotiation or other authorized methods. Easements acquired by negotiation must be based on an appropriate percentage of fair market value of the underlying land and reflect the uses of the easement and its burden on the underlying property. For easements acquired by negotiation, the General Manager should generally obtain an appraisal to determine the fair market value of the underlying land and the appropriate valuation for the easement taken. In cases when the value of the easement is estimated to be less than \$5,000, the General Manager may obtain an informal appraisal of value if the easement will be acquired by informal negotiations. All easements, the acquisition of which are already approved by the Board in the Agency's annual budget or in a project budget, may be acquired by the General Manager without additional Board approval.

300.20 Easement Acceptance. Subject to his or her authority and any required Board approval, the General Manager shall accept all easements in accordance with Resolution No. 2007-35. Commitments to accept easements, or assurances that easements will be accepted, may be provided by Agency staff only after approval of same by the General Manager or the Board.

300.30 Easement Abandonment. Abandonment of interests in easements dedicated to the Agency for its facilities and operations shall require approval of the Board. Any staff proposal for abandoning an easement will be documented in a staff report justifying the basis for relinquishing the easement. Commitments to abandon easements or assurances that easements will be abandoned may be provided by Agency staff only after approval of same

by the Board. If the Board approves a proposal to abandon an easement, the General Manager shall prepare and record a quitclaim deed to relinquish the Agency's interest.

400.00 Policy Review

This Policy shall be reviewed at least every two years.