

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT  
SEPTEMBER 9, 2013**

**1. CALL TO ORDER**

President Lathi called the Board to Order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**PRESENT:** Manny Fernandez, Vice President  
Tom Handley, Director  
Pat Kite, Director  
Anjali Lathi, President  
Jennifer Toy, Treasurer

**ABSENT:** None

**STAFF:** Rich Currie, General Manager  
Rich Cortes, Manager, Business Services  
Sami Ghossain, Coach, CIP Team  
Jesse Gill, Manager, Technical Support & Customer Service  
Tim Grillo, Coach, R&S Team  
Dave Livingston, Manager, Treatment & Disposal Services  
Ed McCormick, Deputy General Manager  
Andy Morrison, Manager, Collection Services  
David O'Hara, Legal Counsel  
Robert Simonich, Manager, Fabrication, Maintenance & Construction  
Donna Wies, Quality Coordinator  
Tom Graves, Assistant to the General Manager/Board Secretary

**CONSULTANTS:** Jeremy Lowe, Sr. Coastal Morphologist  
Environmental Science Associates/  
Philip Williams & Associates

**VISITORS:** None

4. **APPROVAL OF THE MINUTES OF AUGUST 26, 2013**

Action

On a motion made by Director Kite and seconded by Director Fernandez, the Minutes of the Board of Directors Meeting of August 26, 2013 were approved. The motion carried unanimously (Director Handley abstaining).

Director Kite asked about the type of pipe being used on Jarvis Avenue. Sami Ghossain indicated it is PVC pipe.

5. **WRITTEN COMMUNICATIONS**

There were no official written communications.

6. **ORAL COMMUNICATIONS**

There were no oral communications.

7. **RESOLUTION NO. 2715, ACCEPTING ONE SANITARY SEWER EASEMENT AND QUITCLAIMING AN EXISTING SANITARY SEWER EASEMENT LOCATED AT 1555 ATLANTIC STREET IN THE CITY OF UNION CITY.**

Action

On a motion made by Director Toy and seconded by Director Fernandez, the Board adopted Resolution 2715, accepting one sanitary sewer easement and quitclaiming an existing sanitary sewer easement located at 1555 Atlantic Street in the City of Union City. The motion carried unanimously.

**INFORMATION ITEMS**

8. **REPORT FROM CASA CONFERENCE.**

Rich Currie said that three individuals from the District attended this conference; Ed McCormick, Michelle Powell, and himself. The theme was on wastewater as the utility of the future, in that wastewater is losing its stigma and becoming more of a resource for water and energy, etc.

On legislation, there is serious consideration by some to severely reduce or eliminate federal tax exempt municipal bonds. This would be a loss to local governments and investors, but would generate billions for the federal government.

CASA dues will be increasing by 4%. It is the first increase since 2009. And, finally, Steve Hogg is slated to be the new president of CASA.

9. **SEA LEVEL RISE VULNERABILITY AND ADAPTATION STUDY.**

Note:

This item was taken out of agenda order after Item 6.

Jeremy Lowe, Sr. Coastal Morphologist with ESA PWA, presented a PowerPoint presentation on sea level rise and the District's vulnerability, given certain scenarios over the next century. The PowerPoint is an accompaniment to his report on Sea Level Rise and Vulnerability.

Director Kite asked about cities and how they continue to build along shorelines.

The Board requested copies of the report, and Donna Wies said she would send it.

10. **CHECK REGISTER.**

There were questions from Directors Handley (single line telephones, underground fuel storage); Fernandez (Vactor truck rental); and Kite (airport parking).

11. **COMMITTEE MEETING REPORTS**

The following committees met: Construction, Legal/Community Affairs and Legislative.

12. **GENERAL MANAGER'S REPORT**

Rich Currie reported that the CWEA Conference that is slated for April of next year has requested us to be one of the sites for tours for conference attendees, and we have accepted. Conferees will arrive here on busses from the conference site in Santa Clara.

Regarding the effluent leak at Hayward Marsh, the Board will recall that temporary measures were taken to stop the leak until permanent repairs could be made. We will now begin making those permanent repairs next week.

The EBDA Operations Maintenance Committee will be meeting here next Monday at 9:00 a.m., and then will tour the EBDA Pump Station.

Tom Graves has been advising Fairfield-Suisun Sewer District on their paperless agenda initiative.

**12. GENERAL MANAGER'S REPORT (continued)**

Mr. Currie asked Mr. Ghossain or Mr. Gill to report on the I-680 at Sabercat tunneling project. Mr. Ghossain said that during the past couple of weeks, the tunnel machine has been hitting concrete, which has slowed the project down significantly. The concrete has to be jackhammered out, and it all must be done by hand. The good news is that the tunnel is now fifty feet past the edge of the freeway and the concrete seems not to be an issue now. The tunnel is on grade, and conditions are favorable.

Director Fernandez asked if the concrete difficulties would contribute to higher costs, and Mr. Ghossain said that costs would definitely go up because of it.

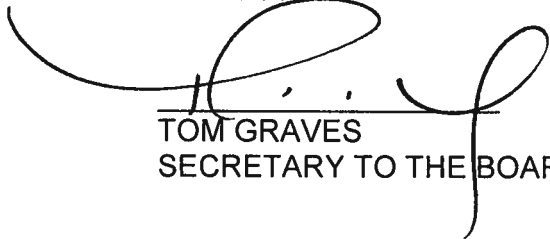
**13. OTHER BUSINESS**

There was no other business.

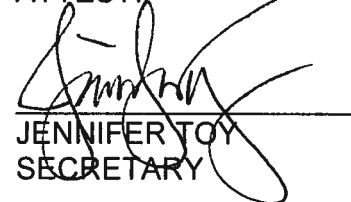
**14. ADJOURNMENT**

At 8:05 p.m., the Board adjourned to the next Regular Board Meeting on Monday, September 23, 2013 at 7:00 p.m. in the Boardroom.


SUBMITTED:

  
\_\_\_\_\_  
TOM GRAVES  
SECRETARY TO THE BOARD

ATTEST:

  
\_\_\_\_\_  
JENNIFER TOY  
SECRETARY

APPROVED:

  
\_\_\_\_\_  
ANJALI LATHI  
PRESIDENT

**RESOLUTION NO. 2715**

**ACCEPTING ONE SANITARY SEWER EASEMENT AND QUITCLAIMING AN  
EXISTING SANITARY SEWER EASEMENT LOCATED AT 1555 ATLANTIC  
STREET IN THE CITY OF UNION CITY**

**BE IT RESOLVED**, by the Board of Directors of UNION SANITARY DISTRICT that,

**WHEREAS**, it hereby accepts the Grant of Easement for Sanitary Sewer Purposes from Southern Wine and Spirits dated March 14, 2013, and described by the legal description attached as Exhibit "A" – Legal Description 15.0' Sanitary Sewer Easement and Exhibit "B" 15.0' Feet Sanitary Sewer Easement; and

**WHEREAS**, it hereby quitclaims its interest on a 6-foot wide sanitary sewer easement located at 1555 Atlantic Street, Union City as described by the legal description attached as Exhibit "C" – Legal Description 6-foot Sanitary Sewer Easement To Be Abandoned and Exhibit "D" – Abandonment of Sanitary Sewer Easement.

On motion duly made and seconded, this Resolution was adopted by the following vote on September 9, 2013:

AYES:        Fernandez, Handley, Kite, Lathi, Toy

NOES:        ----

ABSENT:     ----

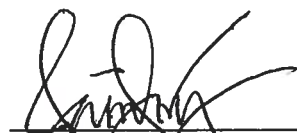
ABSTAIN:    ----



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ANJALI LATHI  
President, Board of Directors  
Union Sanitary District

Attest:



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JENNIFER TOY  
Secretary, Board of Directors  
Union Sanitary District

GRANT OF EASEMENT FOR SANITARY SEWER

PURPOSES

THIS INDENTURE, made this 14 day of March, 2013, by and between Union LLC, a California Limited Liability Company, the Party/Parties of the First Part, and Union Sanitary District, the Party/Parties of the Second Part,

WITNESSETH:

That said Party/Parties of the First Part does hereby grant to the Party of the Second Part and to its successors and assigns forever, for the use and purposes herein stated, the non-exclusive rights of way and non-exclusive easements hereinafter described, located in the City of Union City, County of Alameda, State of California:

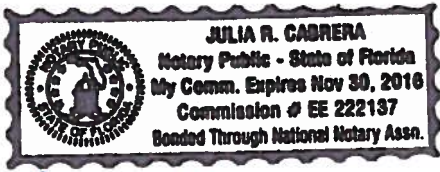
**See Exhibit "A" and Exhibit "B"**

together with the right and privilege of constructing, reconstructing, cleaning, repairing and maintaining at any time, a sanitary sewer and appurtenances along, upon, over, in, through and across the above described property; together with free ingress and egress to and for the said Party of the Second Part, its successors and assigns, its agents and employees, workmen, contractors, equipment, vehicles and tools, along, upon, over, in, through and across said right of way; together with the right of access by its successors and assigns, its agents and employees, workmen, contractors, equipment, vehicles and tools to said right of way from the nearest public street, over and across the adjoining property, if such there be; otherwise by such route or routes across said adjoining property as shall occasion the least practicable damage and inconvenience to the Party of the First Part, for constructing, cleaning, repairing and maintaining said sanitary sewer and appurtenances; together with free ingress and egress over the land immediately adjoining for maintenance, repair and replacement as well as the initial construction of said sewer.

The Part of the Second Part shall be responsible for the operations and maintenance of the sanitary sewer and appurtenances and has the duty to restore any land or features disturbed in the course of its work under this Grant of Easement to the condition existing prior to commencement of said work.

The Party of the Second Part shall defend, indemnify and hold harmless Party of the First Part against any claims, expenses (including reasonable attorneys' fees), loss, damage, liabilities, and judgments which shall be caused by any wrongful or neglectful act or omission of the Party of the Second Part or its agents or employees in their use of the easement area and right of way, provided, however, this indemnity shall not extend to that portion of such loss or damage that shall have been caused by Party of the First Part's comparative negligence or willful misconduct. Party of the Second Part shall also defend, indemnify and hold harmless Party of the First Part against any damage it shall do to Party of the First Part's land, including private roads or lands, in the exercise of its right of ingress and egress and/or resulting from its use of the easement area.

IN WITNESS WHEREOF the said Party/Parties of the First Part and Parties of the Second Part have executed this indenture the day and year first above written.



*Julia R. Cabrera*

(Notarize)

*[Signature]*  
\_\_\_\_\_  
Signature

By: *Steven Becker Manager*  
\_\_\_\_\_  
(Print or type name and title of signatory)

*Union, LLC*  
\_\_\_\_\_  
Party/Parties of the First Part

\_\_\_\_\_  
Signature

By: \_\_\_\_\_  
(Print or type name and title of signatory)

\_\_\_\_\_  
Party/Parties of the Second Part

(Notarize)

**EXHIBIT "A"**

**LEGAL DESCRIPTION  
15.0' SANITARY SEWER EASEMENT**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF UNION CITY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

A STRIP OF LAND 15.00 FEET IN WIDTH SITUATE IN A PORTION OF THE LAND AS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED ON SEPTEMBER 8, 1995 AS INSTRUMENT NO. 95-207693, ALAMEDA COUNTY RECORDS, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE GENERAL NORTHERLY LINE OF SAID DEED (95-207693), SAID POINT ALSO BEING THE NORTHEAST CORNER OF PARCEL 2, AS SAID PARCEL IS SHOWN ON THAT CERTAIN PARCEL MAP 1436 FILED FOR RECORD ON JUNE 19, 1974 IN BOOK 83 OF MAPS AT PAGE 95, ALAMEDA COUNTY RECORDS.

THENCE ALONG SAID GENERAL NORTHERLY LINE, THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 0° 16' 13" WEST, 27.41 FEET;
- 2) SOUTH 89° 43' 07" EAST, 3.00 FEET TO THE POINT OF BEGINNING OF THIS CENTERLINE DESCRIPTION.

THENCE FROM SAID POINT OF BEGINNING, THE FOLLOWING THREE (3) COURSES:

- 1) SOUTH 0° 16' 13" WEST, 65.59 FEET TO A POINT DISTANT THEREON 93.00 FEET FROM, MEASURED AT RIGHT ANGLES TO, THE EASTERLY EXTENSION OF THE MOST NORTHERLY LINE OF SAID DEED;
- 2) PARALLEL TO SAID LINE, NORTH 89° 43' 07" WEST, 637.45 FEET;
- 3) SOUTH 0° 16' 53" WEST, 576.92 FEET TO A POINT OF TERMINATION ON THE SOUTHERLY LINE OF SAID DEED (95-207693).

THE SIDELINES OF SAID STRIP SHALL BE LENGTHENED OR SHORTENED AS TO COMMENCE AND TERMINATE AT THE GENERAL NORTHERLY AND SOUTHERLY LINES OF SAID DEED (95-207693).

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.

  
ANTHONY C. McCANTS, L.S. 5944  
LICENSE EXPIRES: 12-31-2014

3-14-13  
DATE







0 50' 100' 200'  
Scale 1" = 100 ft

GENERAL NORTHERLY LINE 95-207693 O.R.

P.O.C.

SEE DETAIL 'A' BELOW

N89°43'07"W  
637.45'

S0°16'13"W  
65.59'

93.00'

15.0' SANITARY  
SEWER EASEMENT

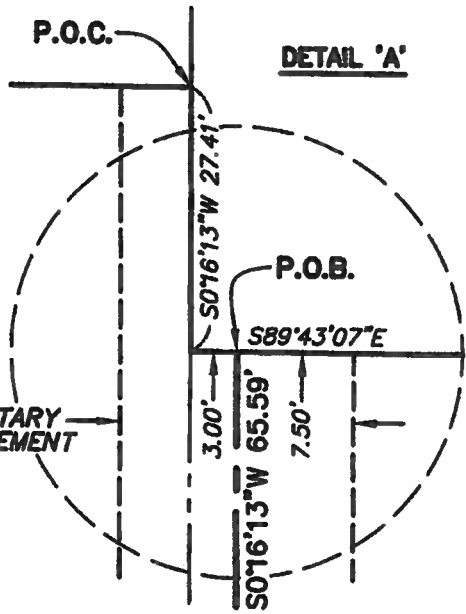
P.O.C.

DETAIL 'A'

GRANT DEED  
95-207693 O.R.

S0°16'53"W  
576.92'

15.0' SANITARY  
SEWER EASEMENT



LEGEND:

- SANITARY SEWER EASEMENT CENTERLINE
- - - - SANITARY SEWER EASEMENT
- PROPERTY LINE
- - - - ADJOINING PROPERTY LINE

SOUTHERLY LINE 95-207693 O.R.

ATLANTIC STREET

DOME  
AVENUE

Z:\2008\A08502\survey\A08502-2-PD-SSE.dwg 1/4/2013 7:26:19 AM PST



**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
1233 Quarry Lane, Suite 145 (925) 249-6555  
Pleasanton, California 94588 Fax (925) 249-6563

**EXHIBIT "B"**  
**15.0' SANITARY  
SEWER EASEMENT**  
UNION CITY, ALAMEDA COUNTY, CALIFORNIA

SCALE	1" = 100'
DATE	FEB. 2010
BY	KJM/CH
JOB NO.	A08502-2
SHEET	1 OF 1

MAIL TAX STATEMENTS TO:

Same as above

DOCUMENTARY TRANSFER TAX: \$ \_\_\_\_\_

\_\_\_ computed on the consideration or value of  
property OR

\_\_\_ computed on the consideration or value less  
liens or encumbrances remaining at sale

AS SO DECLARED BY THE UNDERSIGNED

**QUITCLAIM DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, do hereby  
REMISE, RELEASE AND QUITCLAIM TO SOUTHERN WINE AND SPIRITS its successors  
and assigns the real property in the City of Union City, County of Alameda, State of  
CALIFORNIA, described as follows:

Exhibit "C" – Legal Description 6 feet Sanitary Sewer Easement To Be  
Abandoned and Exhibit "D" – Abandonment of Sanitary Sewer Easement.

attached hereto and made a part hereof.

Dated this 9th day of September 2013.

\_\_\_\_\_  
ANJALI LATHI  
Chairperson, Board of Directors  
Union Sanitary District

**ACKNOWLEDGMENT**

State of California     )  
County of \_\_\_\_\_ )

**EXHIBIT "C"**

**LEGAL DESCRIPTION  
6.0' SANITARY SEWER EASEMENT  
TO BE ABANDONED**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF UNION CITY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THE EASEMENT DESCRIBED IN THAT CERTAIN GRANT OF EASEMENT FOR SEWER PURPOSES RECORDED ON JUNE 14, 1957 IN BOOK 8390 AT PAGE 138, LYING WITHIN THE LAND DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 8, 1995 AS INSTRUMENT NO. 95-207693, ALL ALAMEDA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND 6.00 FEET IN WIDTH, BEING THE WESTERN SIX FEET OF THAT PARCEL OF LAND CONVEYED TO EDITH HARMON WHIPPLE BY THAT CERTAIN DEED RECORDED DECEMBER 4, 1924 IN BOOK 890, AT PAGE 143, ALAMEDA COUNTY RECORDS.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.

  
\_\_\_\_\_  
KEVIN J. MARTIN, L.S. 8345  
LICENSE EXPIRATION DATE: 12-31-11

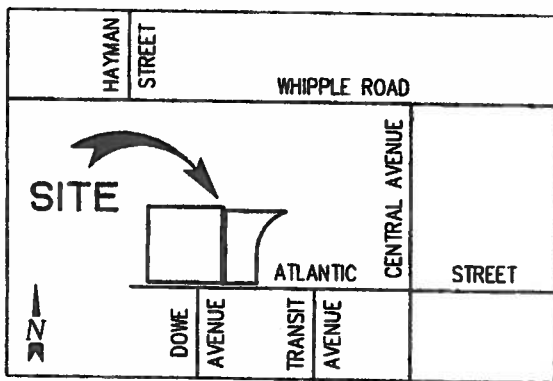
4-14-2010  
DATE





0 50' 100' 200'  
Scale 1" = 100 ft

WESTERN LINE OF  
890 O.R. 143



VICINITY MAP

NOT TO SCALE

6.0' SANITARY SEWER  
EASEMENT PER  
8390 O.R. 138  
TO BE ABANDONED

GRANT DEED 95-207693 O.R.

LEGEND:

- SANITARY SEWER EASEMENT TO BE ABANDONED
- PROPERTY LINE
- ADJOINING PROPERTY LINE



ATLANTIC STREET

DOME AVENUE

Z:\2008\A08502\survey\A08502-2-PD-SSE.dwg 4/14/2010 10:11:49 AM PDT



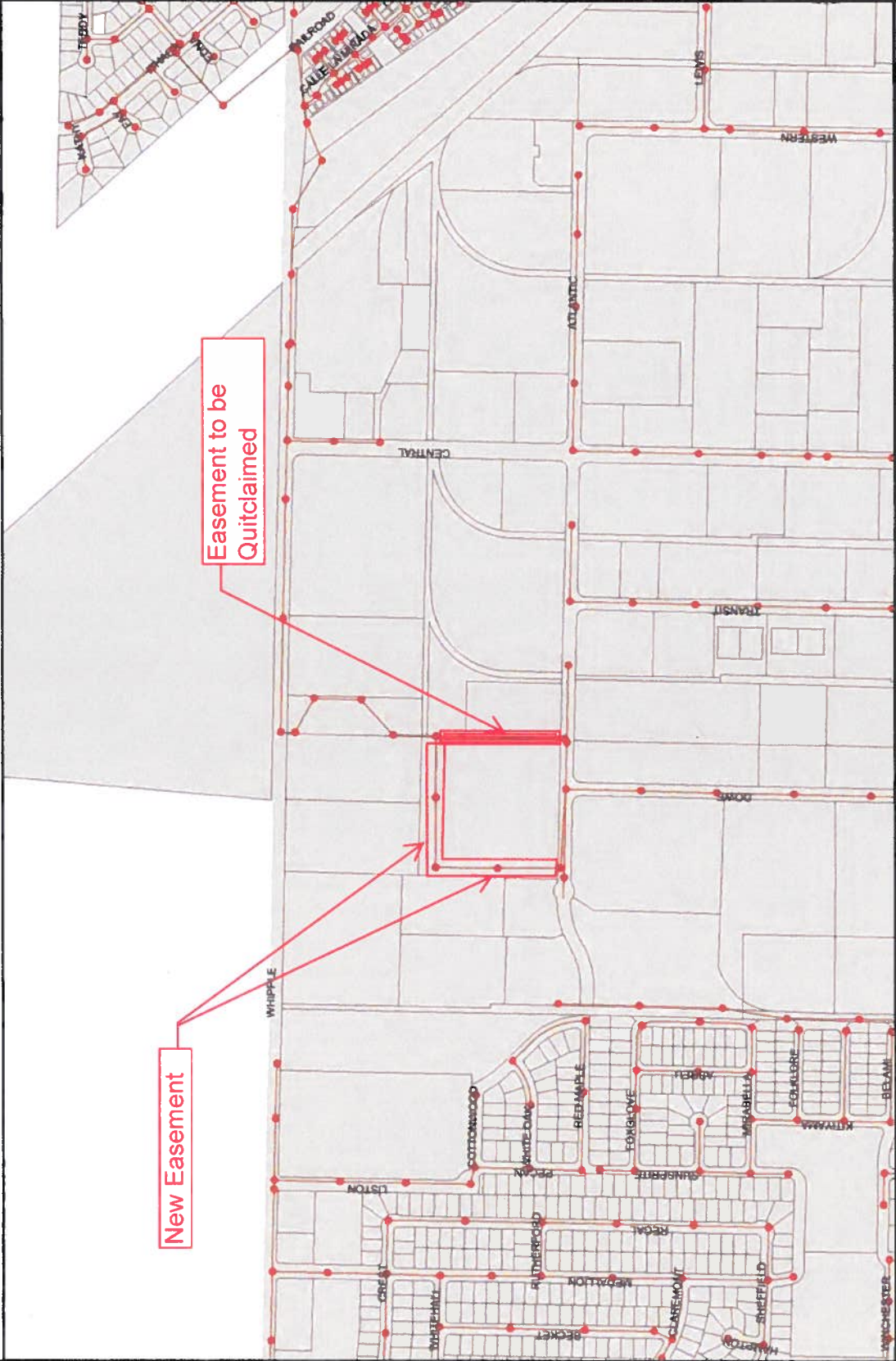
**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
1233 Quarry Lane, Suite 145 (925) 249-6555  
Pleasanton, California 94566 Fax (925) 249-6563

**EXHIBIT "D"**  
**ABANDONMENT OF**  
**SANITARY SEWER EASEMENT**  
UNION CITY, ALAMEDA COUNTY, CALIFORNIA

SCALE	1" = 100'
DATE	FEB. 2010
BY	KJM/CH
JOB NO.	A08502-2
SHEET	1 OF 1

# Southern Wines Grant of Easement and Quitclaim

## Vicinity Map



### Legend

- Sewer Mains
- Sewer Sheet Pile History
- Sewer Manholes
- Manhole Riser
- Cap
- Lamphole
- Other types
- Sewer Mains Historical
- Sewer Manholes Historical
- Streets
- Parcels
- Lakes
- Jurisdiction
- Fremont
- Newark
- Union City

**For USD use only**



**Disclaimer:**  
 The information on this map is provided by Union Sanitary District (USD) for internal use only. Such information is derived from multiple sources which may not be current, be outside the control of USD, and may be of indeterminate accuracy. The information provided herein may be inaccurate or out of date and any person or entity who relies on said information for any purpose whatsoever does so solely at their own risk.

