

CITY OF COLFAX WASTEWATER PLANT COMPLAINT 99A-14

Summary

The City of Colfax, in May 1978, initiated an easement acquisition for a proposed roadway to construct a wastewater treatment facility and the installation of underground wastewater lines.

A citizen's complaint was received by the 1999-2000 Placer County Grand Jury alleging that "temporary easements granted" to the City have not, as required by law, been abandoned, subsequently clouding the land titles of affected land parcels. The citizen also claimed that Grandview Road, utilized by the City, was not being maintained.

The Grand Jury interviewed the Colfax City Manager and City Attorney, and examined court records, contracts and other written documentation applicable to the complaint.

The Grand Jury found the property easement issue has been resolved, but not the matter of roadway maintenance. The Grand Jury recommends that the City of Colfax work with those who utilize Grandview Road to enter into a joint agreement mutually beneficial to all parties.

Discussion

The City of Colfax filed an Eminent Domain action in May 1978 against the owners of 17 parcels of land to acquire rights for 20-foot permanent easements and 30-foot temporary easements for the construction of a wastewater pipeline for a proposed wastewater treatment plant. Granted rights-of-way from the 17 parcel owners were accepted by the City in 1979. Later that year, the City abandoned the 30-foot temporary easements with issuance of an inclusive quitclaim deed naming 14 parcel owners. Neither City officials nor the Grand Jury can explain the number difference other than to assume property sales, transfers or other abandonment arrangements occurred.

The City, in May of 1978, entered into a property sales agreement with the owner of a parcel of land, which would become the plant site. Since the acquisition would result in a portion of seller's land, not sold to the City, becoming landlocked, the agreement provided that the City was to acquire an easement for non-exclusive ingress and egress. Subsequent easement acquisition was contested but ultimately resolved in favor of the City. The easement rights were then granted by the City to the seller in 1981 but were quitclaimed back to the City in 1984.

A roadway for the easement, Grandview Road, provides access to the City's wastewater plant, but is also used by persons having adjacent residences. Demands by complainant that the City repair and maintain Grandview Road have not been agreed to by the City Council. The City did, however, direct its Planning Department to determine the approximate percentage of usage by City vehicles and concluded it to be about 6%, considerably less than the 60% or more as contended by complainant. The City Council indicated it is prepared to pay up to 20% of present and future repair costs, but no offer has been officially communicated to the identified owners of Grandview Road residences.

Finding 1

The Grand Jury's review of relevant documentation indicated that the 1979-1980 disagreement over the property access easement was eliminated with the quitclaim of a "non-exclusive right of way" given back to the City by the original owner in 1984.

Recommendation 1

None

Finding 2

The City was obligated under the provisions of the 1978 Eminent Domain action to abandon the temporary easement upon completion of the waste line construction, and did so in 1979.

Recommendation 2

None

Finding 3

The Colfax City Council indicated a willingness to meet with all parties who live adjacent to and share Grandview Road. The City Council, however, has failed to effectively communicate this willingness to all of the affected parties.

Recommendation 3

The City should make its offer known officially to all Grandview Road residents to determine the acceptability of the City's proposal and obtain an agreement or enter into meaningful negotiations to resolve the mutual problem.

Respondents

Colfax City Council
Colfax City Manager

RESPONSE REQUIRED WITHIN 90 DAYS TO:

The Honorable Larry D. Gaddis
Presiding Judge, Superior Court
County of Placer
Historic Courthouse
101 Maple Street
Auburn, CA 95603