



BOARD MEETING AGENDA SUBMITTAL

TO: CVCS Board of Directors

FROM: Peter Kampa, General Manager

DATE: December 15, 2020

SUBJECT: Item 7 a) Adoption of a Resolution abandoning interest in an Open Space Wildlife Habitat Easement within Lot 396, Saddle Creek Unity 4A, Tract No. 94-545

RECOMMENDED ACTION

I move to adopt a Resolution abandoning interest in an Open Space Wildlife Habitat Easement within Lot 396, Saddle Creek Unity 4A, Tract No. 94-545

BACKGROUND

The homeowners at 212 Falling Leaf Court, Chad Struer and Kathleen Fink, purchased a home that was inadvertently built into the wildlife easement. The property owners attended several Board Meetings and obtained unanimous support at the February 2020 District Board Meeting to partially adjust the line of the wildlife easement.

The County Planning Department recommends that the District abandon its interest in the section of the easement by formal resolution of the Board. A draft resolution, along with Exhibit's A and B are included in this agenda material.

RESOLUTION 2020-XX

A RESOLUTION OF THE BOARD OF DIRECTORS OF COPPER VALLEY COMMUNITY SERVICES DISTRICT ABANDONING EASEMENT WITHIN LOT 396, SADDLE CREEK UNIT 4A, TRACT NO. 94-545. ABANDONING A PORTION OF OPEN SPACE WILDLIFE HABITAT EASEMENT

WHEREAS, Chad Struer and Kathleen Fink, the owners of Lot 396, Saddle Creek Unit 4A, Tract No. 94-545 (hereinafter known as “Owners”); and

WHEREAS, the Owners have requested and the District concurs, that the “Open Space Wildlife Habitat Easement on Lot 396 of Saddle Creek Unit 4A, Tract No. 94-545 and more particularly described and delineated in attached Exhibits “A” and “B” are no longer necessary for the purposes they were created; and

WHEREAS, The District finds that it is in the public interest to abandon this easement in favor of the owner of said lot; and

WHEREAS, the Board of Directors finds:

1. The foregoing recitals are true and correct.
2. The purpose for which this easement was created no longer serves the public interest.
3. There is no foreseeable future public interest served in the District retaining this easement.

NOW THEREFORE BE IT RESOLVED, that the District hereby; abandons in favor of the Owner that easement (“Open Space Wildlife Habitat”) located on Lot 396 of Saddle Creek Unit 4A, Tract No. 94-545, more particularly described and delineated in attached Exhibits “A” and “B” and hereby authorizes the Board President to execute all appropriate documentation on behalf of the District.

THE FOREGOING RESOLUTION was introduced at the regular meeting of the Copper Valley Community Services District held on December 15, 2020. The Resolution was adopted by the following vote:

AYES: ____

NOES: ____

ABSTAIN: ____

ABSENT: ____

Roger Golden, Board President

Peter Kampa, General Manager

CERTIFICATE OF SECRETARY

I, Peter Kampa, the duly appointed and acting Secretary of the Board of Directors of the Copper Valley Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Copper Valley Community Services District, duly called and held on December 15, 2020.

DATED: _____

EXHIBIT 'A'
LEGAL DESCRIPTION
OF
ABANDONMENT OF A PORTION OF
OPEN SPACE & WILDLIFE HABITAT EASEMENT

All that portion of that certain Open Space & Wildlife Habitat Easement to be abandoned on Lot 396 of Saddle Creek Subdivision Unit 4A, filed for record on October 21, 2004 in Book 8 of Subdivisions, at Page 22, Calaveras County Records. Being a portion of Section 22, Township 1 North, Range 12 East, M.D.M., in the County of Calaveras, State of California, and being more particularly described as follows:

Commencing at 5/8 inch diameter iron pin tagged L.S. 4626 marking the most southerly corner of said Lot 396, thence N 40°13'37" W, along the southwest line of said Lot 396, 34.26 feet to the most westerly corner of said Open Space & Wildlife Habitat Easement and the True Point of BEGINNING of the herein described Open Space & Wildlife Habitat Easement Abandonment; thence, along the northwest line of said easement the following Two (2) courses; 1.) N 29°15'42" E, 25.45 feet; 2.) N 33°40'00" E, 101.65 feet to the northeast line of said Lot 396; thence, along the northeast line of said Lot 396, S 46°00'00" E, 39.23 feet; thence, leaving said northeast line, S 50°38'43" W, 125.44 feet to the point of BEGINNING and containing 2,543 Square Feet.

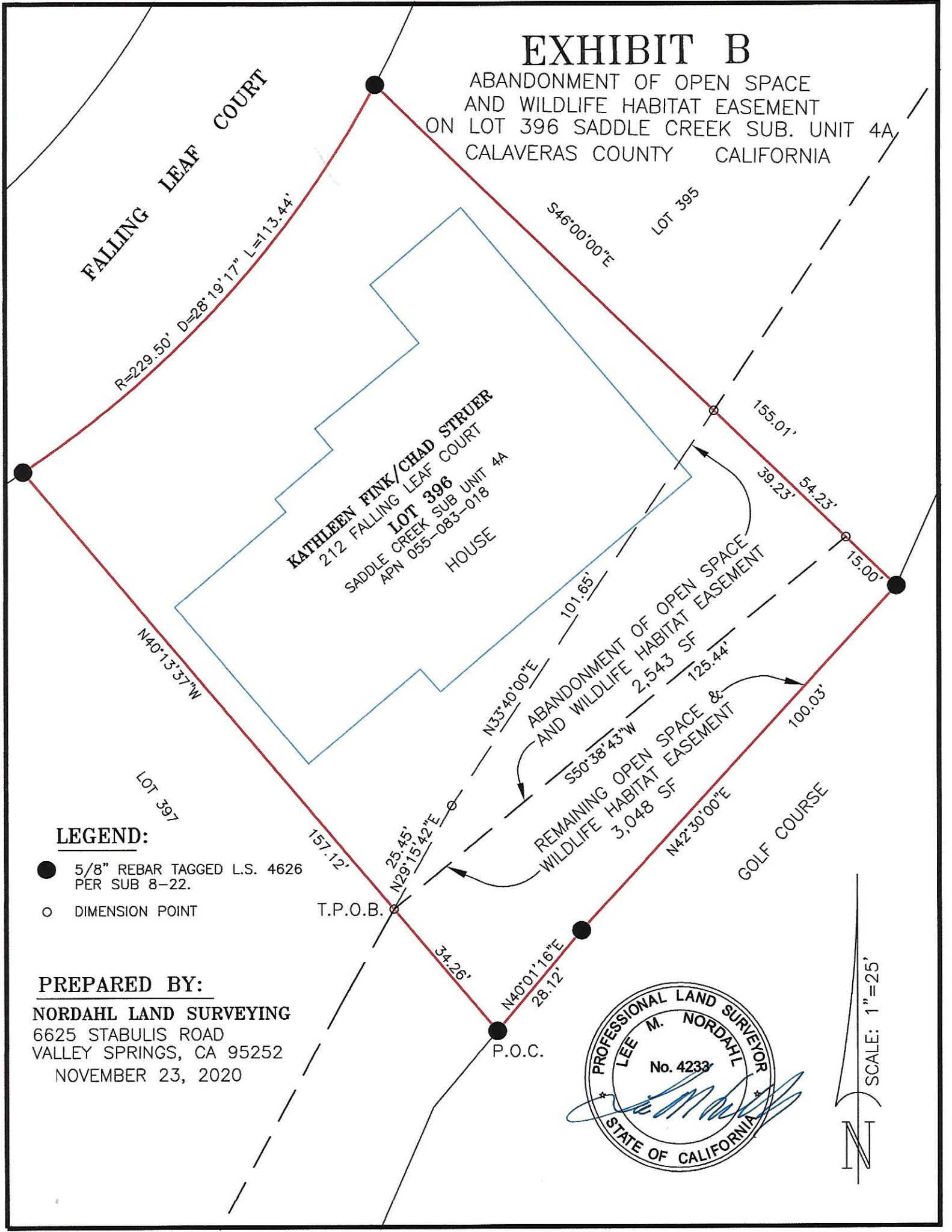
*** END OF DESCRIPTION ***

Prepared By: 
Lee M. Nordahl, P.L.S. 4233



EXHIBIT B

ABANDONMENT OF OPEN SPACE
AND WILDLIFE HABITAT EASEMENT
ON LOT 396 SADDLE CREEK SUB. UNIT 4A,
CALAVERAS COUNTY CALIFORNIA



FALLING LEAF COURT

R=229.50' D=28°19'17" L=113.44'

S46°00'00"E

LOT 395

KATHLEEN FINK/CHAD STRUER
212 FALLING LEAF COURT
LOT 396
SADDLE CREEK SUB UNIT 4A
APN 055-083-018
HOUSE

155.01'

39.23'

54.23'

15.00'

N40°13'37"W

LOT 397

N33°40'00"E 101.65'

ABANDONMENT OF OPEN SPACE
AND WILDLIFE HABITAT EASEMENT
2,543 SF

REMAINING OPEN SPACE &
WILDLIFE HABITAT EASEMENT
3,048 SF

S50°38'43"W 125.44'

100.03'

GOLF COURSE

LEGEND:

- 5/8" REBAR TAGGED L.S. 4626 PER SUB 8-22.
- DIMENSION POINT

157.12'

25.45'

N29°15'42"E

T.P.O.B.

34.26'

N40°01'16"E

28.12'

P.O.C.

PREPARED BY:

NORDAHL LAND SURVEYING
6625 STABILIS ROAD
VALLEY SPRINGS, CA 95252
NOVEMBER 23, 2020

