

From: [Tom Frare](#)
To: [Bill Neal](#)
Cc: [Mike Johnson](#); [Jack McCarty NBWD](#)
Subject: Re: Emond Easements
Date: Thursday, July 14, 2016 7:51:08 PM

I look forward to seeing the design and hope it is something Ray can live with.

On 7/14/2016 5:27 PM, Bill Neal wrote:

Tom,

I met with Mike Johnson, Gray and Osborne, today on other business. We discussed the Emond easement issue. Mike informed me that his surveyors had enough data on the Emond south property line from the survey they did several months ago to design a single lane road using ecology blocks along the bank to minimize the slope easement. He also recommended I shed the road to the south, not crown the road with a ditch on both sides. I asked him to use the smallest footprint he could to get us a road, ditch, ecology blocks, and fence. I should have that drawing soon.

One of the issues I would like to comment on is Mr. Emond's suggestion that we attempt to get an easement form Mr. Hill for 10'. Although that may seem practical, it would place the center line of our road south of the centerline of the existing road we are trying to match up to. From a practical standpoint. That suggestion does not work very well.

William "Bill" Neal
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From: Tom Frare [<mailto:cetjf@comcast.net>]
Sent: Wednesday, July 13, 2016 6:40 PM
To: Ray Emond <ryemond2000@yahoo.com>; Bill Neal <bneal@northbeachwater.com>
Subject: Emond Easements

Ray/Neal

The purpose of this email is to memorialize the discussion had in regards to placement of a water line and possible granting of an easement on the Emond Property. These discussions took place July 12, 2016 in Ocean Park between Tom Frare (Frare) and Ray Emond (Emond) and Frare and Bill Neal of North Beach Water (Neal). Neal and Emond did not meet on July 12.

The first issue is placement of an 8 inch water line on the West boundary of the Emond Property. Original request from the Water District was for a 26 foot easement. Emond was opposed to an easement of that size because he believed it was a negative impact to his property.

Frare and Neal walked the proposed easement on the West Boundary and it appeared that 26 feet was not required. Frare proposed that a workable solution would be to have the property line surveyed and Frare and the District's Engineer could meet on site to determine the necessary size of the water line easement.

Emond would be agreeable to such an arrangement. Emond would prefer that the permanent easement be 10 feet but **no** greater than 15 feet. Neal was agreeable to the above arrangement as long as there was a binding agreement in place prior to the survey and effort by the District's Engineer. Emond and Neal understood that a temporary construction easement would be needed beyond the 10 or 15 foot permanent easement. Easement would be subject to standard language in regards to restoration and cleanup.

The second issue is granting of an easement for ingress/egress on the South Boundary of the Emond Property. Original request from the Water District was for a 26 foot easement for ingress/egress where Emond abuts the Hill property to the South and widening to 50 in the vicinity of the original well and pump house. Emond was opposed to that large of an easement because of the negative impact to his property. Visualizing this easement in the field is difficult because the property line is not staked.

Neal and Frare walked the proposed easement. Neal agreed that the impact could be decreased by placing ecology blocks, two high, on the slope side of the easement. Neal now is requesting a 15 foot wide road easement with a slope easement for any necessary relief above the height of the ecology blocks. Neal cites the need for a drainage ditch, fence, room for the ecology blocks and the actual roadway as the reasoning for needing 15 feet. Neal also is only requesting a 10 foot easement around the foot print of the well and pump house and 10 foot easement centered on the water lines. Frare suggested that it would be helpful to negotiations if the District had Emond's South Boundary line surveyed

with permanent markers at sufficient frequency to provide line of sight from point to point. This survey work was previously performed to locate the 12 inch water line on the Hill property. The roadway section proposed by the District is attached. It should be noted that the section shows a crown roadway.

Emond is opposed to granting any more than a 10 foot easement for ingress/egress citing the impact to his property. This issue is complicated by not having a surveyed property line. Emond also believes that the District should share this burden of the easement with the property owner to the south. In other words take 10 feet from both properties. Emond believes that the District is singling his property because the property owner to the South is too difficult and adversarial. Emond's current position is that if a 10 foot easement is not acceptable Emond is willing to have this settled by the court. Emond is okay with the 10 foot easement around the foot print of the well and pump house and 10 foot easement centered on the water lines. Emond would like to have the balance of his property surveyed under separate contract at the time the District has survey work performed.

Compensation and settlement for granting the easements, which I do not believe is in dispute, is as follows:

1. A water meter will be installed on the new 8 inch water line for the existing "Duplex" at no cost to Emond. Emond will make actual connection to the "Duplex".
2. No hookup fees will be charged for connecting of the "Duplex".
3. Fees for future development of the Emond's property will be waved up to the level of current fees. Any increase in fees will be assessed. This will be granted to the property not just Emond.
4. Any construction costs (physical plant) required for future development will be the developers expense.
5. All existing water lines on Emond's property will be disconnected and abandon in place. New water services for properties currently being served by the existing line will be so situated so that Emond's property will not be impacted by the connection.
6. The well protect radius impacting Emond's property will be abandon.

7. At such time as the District's Water System plan calls for abandonment of Well #1 and pump house the land acquired by use will revert to Emond.

I believe the above is a clear picture of what was discussed and the position of both Neal and Emond. If I have misspoke please respond with your interpretation of the discussion.

As an editorial comment I offer the following. I believe negotiation is in everyone's best interest. Once something goes to court there is always a winner and a loser or a split the baby. But bottom line involving the court system is expensive. So let's keep talking and try to find a acceptable solution. I will follow up with both of you as I indicated on Tuesday. Please acknowledge receipt.

Tom Frare
TJF & Associates