



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** COUNTY MANAGER

**File #:** 19-1297

Board Meeting Date: 1/28/2020

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**Special Notice / Hearing:** None

**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Michael P. Callagy, County Manager

**Subject:** Grant of Public Utility Easements Over San Carlos Airport Property

**RECOMMENDATION:**

Adopt a resolution authorizing:

- A) The President of the Board of Supervisors to execute a Memorandum of Understanding between the County of San Mateo and Silicon Valley Clean Water for the County's granting of certain Public Utility Easement Deeds and related Permits over an undeveloped portion of the San Carlos Airport; and
- B) The President of the Board of Supervisors to execute a Public Utility Easement Deed granting to Silicon Valley Clean Water the non-exclusive right to use a subsurface portion of the North of Holly portion of the San Carlos Airport for operation of a sewerage pipeline system; and
- C) The President of the Board of Supervisors to execute a Public Utility Easement Deed granting to Silicon Valley Clean Water the non-exclusive right to use a subsurface portion of the Taxiway portion of the San Carlos Airport for operation of a sewerage pipeline system; and
- D) The President of the Board of Supervisors to execute a Revised Public Utility Easement Deed granting to Silicon Valley Clean Water the non-exclusive right to use a subsurface portion of the Inner Bair Island portion of the San Carlos Airport for operation of a sewerage pipeline system; and
- E) The County Manager, or the County Manager's designee, to accept or execute on behalf of the County any and all notices, consents, approvals, terminations, and other documents in connection with the Memorandum of Understanding and the above-described Public Utility Easement Deeds.

**BACKGROUND:**

Silicon Valley Clean Water (“SVCW”) is a joint powers agency created by the cities of Belmont, San Carlos, and Redwood City; as well as the West Bay Sanitary District. SVCW provides wastewater treatment and disposal services to a significant number of San Mateo County residents. SVCW currently operates a wastewater conveyance system that includes a force main, a portion of which runs under the taxiway of the San Carlos Airport. The aging force main has suffered reliability issues in recent years, and periodic repair of the force main has caused disruption to Airport operations. SVCW is in the process of implementing a significant capital improvement program in part to replace the force main with a new gravity pipeline constructed dozens of feet below the Airport surface using a tunnel boring machine. To construct and operate the new gravity pipeline, SVCW desires to obtain from the County the permanent easements and temporary permits described and set forth as Exhibits A through E in the Memorandum of Understanding (MOU).

#### **DISCUSSION:**

SVCW’s gravity pipeline project will provide substantial public benefits to San Mateo County by increasing the reliability of a wastewater conveyance system serving a significant number of County residents. Replacement of the aging force main will also reduce the long-term risk of disruption to the operations of San Carlos Airport. In addition, SVCW plans to convert the existing force main to a more reliable reclaimed water distribution system. The new gravity pipeline will run the length of the San Carlos Airport, including under undeveloped parcels to the north and south of the runway that lie within the runway protection and/or approach/departure paths.

County staff from Public Works, Airports, and Real Property have been engaged in discussions with SVCW regarding the temporary and permanent property rights that SVCW will require to complete the project. On January 29, 2019, the County executed a public utility easement deed, approved by Resolution No. 076393, and recorded as Instrument No. 2019-015528 in the official records of the County of San Mateo, granting certain surface and subsurface rights to SVCW over the County parcel known as Inner Bair Island (APN: 095-030-230). This allowed SVCW to receive approval for the required permits to initiate construction.

Since that time, County staff and SVCW have coordinated on the conditions of construction and negotiated the terms for the temporary permits and other permanent easements required to complete the project.

The MOU sets forth the terms and conditions of the transfer of the permanent Public Utility Easements which are included herewith for the Board’s consideration and approval. The Bair Island Easement referenced above and granted pursuant to Resolution No. 076391, has been revised to address certain issues identified by the parties since January 2019. The revised easement will replace in its entirety the easement granted by Instrument No. 2019-015528 in January 2019.

County staff and SVCW are still working to finalize the specific terms and conditions of the temporary permits, which will be brought back to the Board at a later date for its consideration and execution. The MOU recognizes that the Airport property is under the jurisdiction of, and regulated by, the Federal Aviation Administration (“FAA”). Provisions are included to ensure compliance with FAA regulations and avoid interruption of airport operations.

County Counsel has reviewed and approved the MOU, the Public Utility Easement Deeds and the Resolution as to form. The Director of Public Works and Airport Manager concur in this recommendation.

**FISCAL IMPACT:**

The County and SVCW agreed to a payment of \$5,000 for each permanent easement. SVCW paid the \$5,000 for the Bair Island Easement previously executed. The \$10,000 paid to the County for the other two public utility easements will be deposited in the Airport Enterprise Fund.