



# Orange County Sanitation District

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## Agenda Report Details (With Text)

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**Title:** APPROVE EASEMENT MODIFICATION WITH THE NAVY, PROJECT NO. 3-67

**Sponsors:** Mike Dorman

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**Attachments:** 1. Agenda Report, 2. DRAFT First Amendment to Grant of Easement NF(R) - 13956, 3. Original Grant of Easement - US Department of the Navy, 1971

Date	Ver.	Action By	Action	Result
5/3/2023	1	OPERATIONS COMMITTEE		

**FROM:** Robert Thompson, General Manager  
Originator: Mike Dorman, Acting Director of Engineering

### SUBJECT:

### APPROVE EASEMENT MODIFICATION WITH THE NAVY, PROJECT NO. 3-67

### GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Approve the First Amendment to Grant of Easement NF(R) - 13956 between the Orange County Sanitation District and the United States of America, Department of the Navy for the construction of Seal Beach Pump Station Replacement, Project No. 3-67, offset by improvements to other Department of the Navy facilities at the Naval Weapons Station, Seal Beach not to exceed \$290,000 in a form approved by Special Counsel; and
- B. Direct the Clerk of the Board to accept and record the First Amendment to Grant of Easement NF(R) - 13956 with the Orange County Recorder's Office.

### BACKGROUND

Orange County Sanitation District's (OC San) Seal Beach Pump Station was originally built in 1970, expanded in 1973, and expanded again in 1980. The Seal Beach Pump Station Replacement, Project No. 3-67, will replace the existing pump station on the same site at the corner of Seal Beach Blvd. and Westminster Ave. in the City of Seal Beach.

The new pump station will include upstream and downstream odor treatment systems, a standby generator, and a deeper wet well. The project is in the final stages of design.

A Grant of Easement was given to OC San by the Department of the Navy in 1971 to construct, install, maintain, operate, repair, and replace the current pump station and pipelines coming into and out of the pump station while being subject to rules and regulations of the Department of the Navy.

To properly phase construction, the new pump station will need to utilize the entire pump station easement. In coordinating with the Department of the Navy, OC San learned there are updates to federal design criteria dealing with security at the adjacent Naval Weapons Station that require a 20-foot setback from all structures.

## **RELEVANT STANDARDS**

- Maintain collaborative and cooperative relationships with regulators, stakeholders, and neighboring communities
- Ensure the public's money is wisely spent

## **PROBLEM**

The pump station is near the end of its useful life and needs to be replaced. In order to build the new pump station at the same location, a 20-foot setback with a 7,963.62 sq. ft. security zone between a security fence and the nearest structure must be constructed to meet the current Anti-Terrorism Force Protection and Unified Facilities Criteria requirements of the Department of the Navy.

## **PROPOSED SOLUTION**

Approve the First Amendment to Grant of Easement NF(R) -13956 with the Department of the Navy for an amended, permanent easement that will allow for the pump station to be built that also meets the Anti-Terrorism Force Protection and Unified Facilities Criteria requirements. The terms within the amendment allow OC San to construct, operate, and maintain the pump station at this new location while meeting the Department of the Navy security requirements. The cost of this agreement has been substantiated by appraisals by both OC San and the Department of the Navy and will be offset by improvements to Department of the Navy facilities at the adjacent Naval Weapons Station.

## **TIMING CONCERNS**

Not amending the current easement would delay the construction of the new pump station. Delaying the project could further increase construction costs due to escalation. The pump station is at the end of its useful life and may require emergency or urgent repairs if construction is delayed.

## **RAMIFICATIONS OF NOT TAKING ACTION**

Without this amended easement, the new pump station cannot be constructed at the same location.

## **PRIOR COMMITTEE/BOARD ACTIONS**

December 1971 - Accepted a Grant of Easement from the Department of the Navy for a permanent easement in connection with the construction and operation of the Seal Beach Boulevard Pump

Station.

## **ADDITIONAL INFORMATION**

The most cost-effective, lowest spill-risk way to replace the existing pump station is to build the new pump station while keeping the existing pump station in service. In order to keep the existing pump station in service and keep appropriate access for operations and maintenance, the new pump station must be located at the very edge of the existing easement. This location puts the new pump station within the 20-foot setback required by new federal design criteria enforced by the Department of the Navy. During the design process, the Department of the Navy agreed in principle to locate the new pump station at the edge of the current easement boundary and amend the grant of easement to include an additional 7,963.62 sq ft between the new pump station building and a relocated security fence to meet the 20-foot setback requirement.

OC San staff performed an internal, independent appraisal of the additional easement and determined the value to be between \$277,000-\$312,000. The Department of the Navy performed an internal, independent appraisal and determined the value to be \$290,000, which is within the range of OC San staff's appraisal.

In further discussion with the Department of the Navy, they are requiring, in lieu of direct compensation, that OC San perform an in-kind consideration (maintenance type) project on the Naval Weapons Station with a construction contract value not to exceed the Department of the Navy's easement value. Each agency will pay its own administrative costs.

## **CEQA**

The project is included in the Facilities Master Plan 2020 Program Environmental Impact Report, State Clearinghouse No. 2019070998.

## **FINANCIAL CONSIDERATIONS**

This request complies with the authority levels of OC San's Purchasing Ordinance. This project was budgeted (Adopted Budget, Fiscal Years 2022-2023 and 2023-24, Section 8, Page 24, Seal Beach Pump Station Replacement, Project No. 3-67).

## **ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- DRAFT First Amendment to Grant of Easement NF(R) - 13956
- Original Grant of Easement - US Department of the Navy, 1971