

STAFF REPORT

To: Board of Directors
From: Rachél Lather, Principal Engineer
Date: February 23, 2023
Subject: Acceptance of Sewer Installation Agreement, Easements Agreement, and Approval for General Manager to Enter into Contract with MNS Engineers for Construction Inspection Services for the September Ranch Sewer Project #18-29



RECOMMENDATION

The Board takes the following actions:

- Adopt Resolution 2023-10 approving the sewer installation agreement with CARMEL RESERVE LLC, a Delaware Limited liability company (CARMEL RESERVE) to construct sewer improvements and connect to the District's sewer system;
- Adopt Resolution 2023-11 approving easement agreements with CARMEL RESERVE for the sewer improvements to be constructed and authorizing the General Manager to sign the agreements in substantially the form presented, subject to such modifications as are necessary, and as are approved by the General Manger, the District Engineer and the District's legal counsel.
- Adopt Resolution 2023-12 authorizing the General Manager to Enter into a contract with MNS Engineers to Provide Construction Inspection Services for the September Ranch Sewer Project #18-29 in an amount not to exceed \$299,662.

DISCUSSION

CARMEL RESERVE has completed permitting and design of the Sewer Extension Project. The District's Principal Engineer has reviewed and approved the project plans and Don Chapin is in the process of being awarded the construction contract. In order to move forward with construction of facilities that will be accepted in the future by the District, CARMEL RESERVE needs to provide easements for the facilities to the District, provide a deposit of \$319,662 to pay for engineering inspection and District staff costs and sign a sewer installation agreement with the District.

The Principal Engineer, General Manager and the District's attorney have been working with CARMEL RESERVE for the past few years in order to provide the easement and sewer installation agreements needed for the sewer facilities to ultimately be accepted for operation and maintenance by the District. Attachment 1 is a drawing of the facilities to be constructed and later accepted by the District.

The Sewer Installation Agreement (Attachment 2) summarizes the work to be done, insurance requirements and what is required for the District to accept the constructed sewer improvements. As part of this agreement, any District costs due to construction inspections and meetings with District staff are required to be reimbursed and a deposit of \$20,000 will be provided by CARMEL RESERVE for this.

In addition, CARMEL RESERVE has agreed to pay for construction inspection services by MNS Engineers, Inc. in the amount of \$299,662 for a total deposit of \$319,662 be provided to the District to pay for these services on a time and materials basis. (see Attachments 6 for MNS proposal dated October 7, 2022). Easement deeds and the agreement by CARMEL RESERVE for the pump station site and pipeline alignments are Exhibits to the Sewer Installation agreement. (Attachment 3).

In order to move forward with the construction of the CARMEL RESERVE sewer improvements, it is required that the Board adopt resolutions 2023-10, 2023-11 and 2023-12 approving the sewer installation agreement, the pump lot and pipeline easement agreement and the consulting services agreement (Attachment 7) with MNS Engineers. The attached agreements will be signed after the Board approval of the basic form of the agreements and all deposits and easements have been received by the District.

FUNDING: CARMEL RESERVE is funding the project and the District's costs for inspections of the construction with total deposit of \$319,662 to the District

ATTACHMENTS:

1. Plans showing future CAWD Facilities and Pipelines
2. Sewer Installation Agreement between CARMEL RESERVE and Carmel Area Wastewater District
3. Pump Lot and Pipeline Easement deed Agreement by CARMEL RESERVE
4. Resolution 2023-10 Approving Sewer Installation Agreement with CARMEL RESERVE
5. Resolution 2023-11 Approving the Easement Agreement with CARMEL RESERVE
6. MNS Construction Inspection Services Proposal dated 10-7-2022
7. MNS Consulting Services Agreement Inspection Services
8. Resolution 2023-12 Authorizing the General Manager to Sign Consulting Services Agreement with MNS Engineers

RESOLUTION NO. 2023-10

RESOLUTION TO APPROVE THE SEPTEMBER RANCH SEWER EXTENSION PIPELINE INSTALLATION AGREEMENT WITH CARMEL RESERVE, PROJECT

#18-29

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WHEREAS, CARMEL RESERVE, Inc., (CARMEL RESERVE) is willing to grant an easement to the District to provide access to real property (“the Property”) owned by CARMEL RESERVE, for the purposes of maintaining and operating an underground pump station contained within an underground wet well and an above ground enclosed control panel and generator (“the Pump Station Facility”); the installation of a gravity sewer line on and adjacent to the Property and a sewer line within Carmel Valley Road; and

WHEREAS, Contingent on District receiving funds from CARMEL RESERVE in the amount of \$319,662.

WHEREAS, construction of the Pump Station Facility on the Property for and on behalf of the District is necessary for the development of the September Ranch Subdivision; and

WHEREAS, an Access Pump Lot and Pipeline Easement Agreement (see Resolution 2023-11) is needed to be signed by CARMEL RESERVE and the District to summarize the understanding and the agreements associated with the facilities within the easement.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Carmel Area Wastewater District, hereby authorizes the General Manager to sign the Sewer Extension Pipeline Installation Agreement in substantially the form presented, subject to such modifications as are necessary, and as are approved by the General Manager, the District Engineer and the District’s legal counsel.

PASSED AND ADOPTED by the Board of Directors of the Carmel Area Wastewater District on February 23, 2023 by the following vote:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

Ken White, President of the Board

ATTEST:

Domine Barringer, Secretary to the Board

RESOLUTION NO. 2023-11

RESOLUTION TO
APPROVE THE SEPTEMBER RANCH SEWER EXTENSION PROJECT EASEMENT
AGREEMENT FOR SEWER IMPROVEMENTS, PROJECT #18-29

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WHEREAS, the CARMEL RESERVE, LLC., (CARMEL RESERVE) is required to provide easements to the Carmel Area Wastewater District (“District”) for the purposes of operating and maintaining an underground pump station contained within an underground wet well and an above ground enclosed control panel and generator (“the Pump Station Facility”) for the September Ranch Sewer Extension (“the Project”) and the sewer line on the property, including beneath private roads within the subdivision; and

WHEREAS, Contingent on District receiving funds from CARMEL RESERVE in the amount of \$319,662.

WHEREAS, construction of the Pump Station Facility and pipelines on the Property for and on behalf of the District is necessary; and

WHEREAS, a Pump Lot and Pipeline Easement Agreement is needed to be signed by CARMEL RESERVE and the District to summarize the understanding and the agreements associated with the facilities within the easement on the property.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Carmel Area Wastewater District, hereby authorizes the General Manager to sign the Pump Lot and Pipeline Easement Agreement.

PASSED AND ADOPTED by the Board of Directors of the Carmel Area Wastewater District on February 23, 2023 by the following vote:

AYES: BOARD MEMBERS:
NOES: BOARD MEMBERS:
ABSENT: BOARD MEMBERS:
ABSTAIN: BOARD MEMBERS:

Ken White, President of the Board

ATTEST:

Domine Barringer, Secretary to the Board

RESOLUTION 2023-12

A RESOLUTION AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A CONTRACT WITH MNS ENGINEERS TO PROVIDE CONSTRUCTION INSPECTION SERVICES FOR THE SEPTEMBER RANCH SEWER PROJECT #18-29, IN AN AMOUNT NOT TO EXCEED \$299,662

WHEREAS, contingent on the District receiving funds from CARMEL RESERVE in the amount of \$299,662 for inspection services by MNS Engineering for the September Ranch Sewer Project (Project);

WHEREAS, the District received a proposal from MNS Engineers for professional engineering services to provide construction inspection services for the Project;

WHEREAS, in order to proceed with construction of the Project, the District must execute a contract with MNS Engineers to provide construction inspection services for the project as summarized in their proposal dated October 7, 2022 in the amount of \$299,662.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Carmel Area Wastewater District, hereby authorizes the General Manager to enter into a contract with MNS Engineers to provide construction inspection services of a sewer pipeline and pump station as part of the September Ranch Sewer Project.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Carmel Area Wastewater District duly held on February 23, 2023 by the following vote:

AYES:	BOARD MEMBERS:
NOES:	BOARD MEMBERS:
ABSENT:	BOARD MEMBERS:
ABSTAIN:	BOARD MEMBERS:

Ken White, President of the Board

ATTEST:

Domine Barringer, Secretary to the Board