



Board Agenda Item 46

DATE: January 27, 2026

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Execute a Common Use Agreement with Garfield Water District

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute an Agreement with the Garfield Water District to establish an Area of Common Use near the intersection of Copper Avenue and Auberry Road.

Approval of the recommended action would authorize the Chairman to execute an Agreement with the Garfield Water District (District) to establish an Area of Common Use between the County and the District which will define easement priorities, access rights and responsibilities for maintenance of facilities within the joint-use right of way. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the County and District will continue to have conflicting and overlapping rights and responsibilities within the proposed Area of Common Use.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the action. The District will pay all costs associated with the maintenance of their facilities within the Area of Common Use.

DISCUSSION:

The recommended Agreement is borne from the County signalization project at the intersection of Copper Avenue and Auberry Road. During construction, the project encroached into an area of multiple overlapping easements. This required the District to relocate pipeline facilities to eliminate conflict with the signalization improvements, and triggered examination of the agencies' overlapping right of way easements in the area. Under the current set of existing easements and basic legal framework, there are currently varying conflicting priority sets within the proposed Area of Common Use, depending upon the date of easement recordation.

By entering into the Agreement, the rights and responsibilities of each agency's overlapping rights will be clarified, consolidated and prioritized. Each agency will consent to the use of the Area of Common Use by the other for purposes of operations, maintenance, repair and replacement of their respective facilities. Ownership of each agency's facilities will not change hands, and neither will have any right or control over the other's owned facilities. The recommended Agreement also contains mutual indemnification provisions, which is common in Agreements between public agencies.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with Garfield Water District

CAO ANALYST:

Maria Valencia