

# NIPOMO COMMUNITY SERVICES DISTRICT

FRIDAY, NOVEMBER 20, 2009

10:00 A. M.

## SPECIAL MEETING MINUTES

### BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT**  
LARRY VIERHEILIG, **VICE PRESIDENT**  
ED EBY, **DIRECTOR**  
MICHAEL WINN, **DIRECTOR**  
BILL NELSON, **DIRECTOR**

### PRINCIPAL STAFF

BRUCE BUEL, **GENERAL MANAGER**  
LISA BOGNUDA, **ASSIST. GENERAL MANAGER**  
DONNA JOHNSON, **BOARD SECRETARY**  
JON SEITZ, **GENERAL COUNSEL**  
PETER SEVCIK, **DISTRICT ENGINEER**

### MEETING LOCATION

District Board Room  
148 S. Wilson Street  
Nipomo, California

#### 1. **CALL TO ORDER, ROLL CALL, AND FLAG SALUTE**

President Harrison called the Special Meeting of November 20, 2009, to order at 10:01 a.m. and led the flag salute. At Roll Call, all Board members were present.

#### 2. **APPROVE ENCROACHMENT PERMIT TO ALLOW AN EXISTING FENCE WITHIN DISTRICT EASEMENT – APN 091-063-034, 375 RED OAK WAY**

Peter Sevcik, District Engineer, explained that the District was granted a water pipeline easement in 2005 over a portion of 375 Red Oak Way, APN 091-063-034, in order to provide water service to the parcel as well as several adjacent parcels. The Easement Grant Deed does not permit the construction of improvements within the easement area, including fences, without the written approval of the District.

Mr. Jeff McNiece, the current property owner, constructed a fence that encroaches into the District's easement. Mr. McNiece is in the process of selling the property and has requested District approval for the construction of the fence within the easement. Staff developed the "Encroachment Permit Within District Easement" to be recorded against the property that allows the fence to remain and preserves the District's easement rights, including removing the encroachment at the owner's expense.

Mr. McNiece requested and paid for the special meeting of the Board of Directors to approve the Encroachment Permit as the property is in the process of being sold and is scheduled to close escrow on November 20, 2009.

Mr. McNiece explained the circumstances around the building of the fence in 2005. Mr. McNiece answered questions from the Board. Jon Seitz, District Legal Counsel, also answered questions from the Board.

Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously approved the "Encroachment Permit Within Easement" document and authorized staff to record the Encroachment Permit and approved Resolution 2009-1170. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Winn, Vierheilig, Eby, Nelson and Harrison	None	None

**RESOLUTION NO. 2009-1170**  
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE**  
**NIPOMO COMMUNITY SERVICES DISTRICT**  
**APPROVING AN ENCROACHMENT PERMIT**

### **ADJOURN**

President Harrison adjourned the meeting at 10:16 a.m.