

RESOLUTION NO. 2018-192

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE A GRANT OF
EASEMENT GRANTING SACRAMENTO MUNICIPAL UTILITIES DISTRICT (SMUD)
FOR ELECTRICAL FACILITIES AND INCIDENTAL APPURTENANCES FOR THE
AQUATICS CENTER AND CIVIC CENTER COMMONS PROJECT (WCC002) AND
COMMUNITY CENTER PROJECT (WCC010) (CEQA EXEMPT)**

WHEREAS, the City of Elk Grove (City) is the fee owner of a number of parcels that comprise the Civic Center District Development Plan (DDP), approved by the Elk Grove City Council on July 13, 2016, which includes the Aquatics Center and Civic Center Commons Project (WCC002) and Community Center Project (WCC010) (Project); and

WHEREAS, the Projects are currently under construction and need electrical power service from Sacramento Municipal Utility District (SMUD); and

WHEREAS, as part of the construction, SMUD is installing electrical facilities and appurtenances for this Project and future projects included in the DDP, and requires an easement for installation, operation, and maintenance of these facilities; and

WHEREAS, the easements to be granted are located in areas of the site previously assumed for development and analyzed in the Civic Center Aquatics Complex Project SEIR (SCH No. 2000082139) and do not represent a substantial change in the assumptions related to water demand or infrastructure other than that assumed in the SEIR, and therefore require no major revisions to the SEIR; and

WHEREAS, the Civic Center Aquatics Complex Project SEIR adequately analyzed the potential impacts of developing the Project site as proposed and none of the circumstances described above (PRC Section 21166 and CEQA Guidelines Section 15162) have occurred. Therefore, no further environmental review is required.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager, or designee, to execute the Grant of Easement attached hereto as Exhibit A, granting SMUD an easement for electrical facilities and incidental appurtenances and to send the executed agreement to SMUD.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 12th day of September 2018.



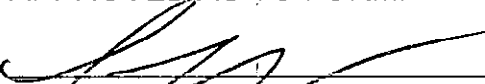
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

RECORD AT REQUEST OF AND RETURN TO:
 Sacramento Municipal Utility District
 Attention: Real Estate Services – K222
 P. O. Box 15830
 Sacramento, CA.95852-1830

No Fee Document:– Per Govt. Code Sec. 6103
 No County Transfer Tax Per R & T Code 11922

SMUD BY: _____ rc

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

APN: 132-1990-024, 025, 026, 027, 028

R/W U-2018/163
 SO 30136641

GRANT OF EASEMENT

CITY OF ELK GROVE, a municipal corporation, Grantor, is the owner of record of that certain real property located in Sacramento County, California, designated by the above referenced Assessor's Parcel Numbers and more fully described as follows:

The above referenced Assessor's Parcel Numbers as described in the certain Final Order – Action in Eminent Domain from BARBARA J. FOSTER, as Trustee of the Foster family Trust dated April 18, 1995 as to an undivided 9/27th interest; WILLIAM M. FOSTER, as Trustee, and to the Successor Trustee of the William M. Foster Revocable Living Trust, dated March 10, 1999, as to an undivided 6/27th interest; KEITH ELWOOD FOSTER, as Successor Trustee of the Foster Trust dated December 14, 2002, as to an undivided 6/27th; KEITH FOSTER, as his sole and separate property, as to an undivided 3/27th interest; LESTER FOSTER, as his sole and separate property, as to an undivided 3/27th interest; MADELINE SILVA; MELANIE HARDING; DAVID FOSTER; PACIFIC GAS AND ELECTRIC COMPANY; and DOES 1-50 inclusive to CITY OF ELK GROVE, a municipal corporation dated June 20, 2012, and Recorded in the Office of the Recorder of Sacramento County on June 27, 2012 in Book 20120627 of Official Records at Page 0712.

AND;

The above referenced Assessor's Parcel Numbers as described in that certain Grant Deed (Park Purposes) from REYNEN & BARDIS COMMUNITIES, INC., A California corporation to CITY OF ELK GROVE, a municipal corporation dated June 15, 2006 and Recorded in the Office of the Recorder of Sacramento County on March 26, 2013 in Book 20130326 of Official Records at Page 0508.

Grantor hereby grants to SACRAMENTO MUNICIPAL UTILITY DISTRICT (SMUD), a municipal utility district, Grantee, and its successors and assigns, the right from time to time to construct, place, inspect, remove, replace, maintain and use electrical and communication facilities consisting of underground conduits, wires and cables, with associated, above-ground or below-ground transformers, transformer pads, pedestals, service equipment, terminals, splicing, switching and pull boxes, switch and fuse cubicles, cubicle pads, and all other necessary fixtures and appurtenances required to provide electrical service and not in conflict with City facilities (Facilities), within the following Easement Area described in EXHIBIT A attached hereto and made a part hereof. All above ground items will be placed at ground level and not elevated and no poles are to be erected hereunder.

Said right includes the trimming and removal by Grantee of any trees or foliage along the Easement Area considered necessary for the complete enjoyment thereof and the right of ingress to and egress from said Easement Area for the purpose of exercising and performing all rights and privileges granted herein. In addition, the Easement Area shall be kept clear of any building or other structure and Grantor will not drill or operate any well within the Easement Area.

Grantor understands and acknowledges that the Facilities will be installed within the Easement Area based on Grantee's design and actual site conditions. Upon completion of the installation, SMUD shall obtain a survey by a licensed land surveyor setting forth a legal description of the area actually occupied by the Facilities and required for the complete enjoyment of the rights granted herein and which shall limit the easement to a width of no more than five feet. SMUD will, within six months of receipt of a copy of the recorded Notice of Completion, record a Notice of Final Description of Easement Area referencing this document and setting forth the legal description of the surveyed area, which will thereupon become the Easement Area. Upon recordation of the Notice of Final Description, the scope of the easement granted by this document shall be limited to the property described in the Notice of Final Description plus the rights of ingress and egress.

Dated: _____

Grantor: CITY OF ELK GROVE, a municipal corporation

By: _____

Print Name: _____

Its: _____

EXHIBIT A

The centerline of the 5 foot Easement Area shall be coincidental with the centerline of the said Facilities constructed in, on, over, under, across and along the Grantors property. Additionally, the Easement Area will include the area occupied by the SMUD Facilities and appurtenances.

The legal description herein, or the map attached hereto, defining the location of this utility easement, was prepared by Grantee pursuant to Section 8730 (c) of the Business and Professions Code.

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2018-192**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

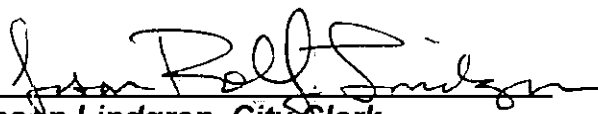
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 12, 2018 by the following vote:

AYES: COUNCILMEMBERS: *Ly, Suen, Hume, Nguyen*

NOES: COUNCILMEMBERS: *None*

ABSTAIN: COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *Detrick*


**Jason Lindgren, City Clerk
City of Elk Grove, California**