

**RESOLUTION NO. 2020-057**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE TWO GRANTS  
OF EASEMENT GRANTING EASEMENTS TO SACRAMENTO MUNICIPAL  
UTILITIES DISTRICT (SMUD) FOR ELECTRICAL AND COMMUNICATION  
FACILITIES OVER A PORTION OF CITY-OWNED OLD TOWN PLAZA PROPERTY  
[APN 134-0010-068] FOR THE OLD TOWN PLAZA PHASES 2 AND 3 PROJECT  
(WCE022) AND OVER A PORTION OF CITY-OWNED FEE RIGHT OF WAY  
ACQUIRED FROM A-1 TOWING [APN 134-0050-035], LOCATED AT 9701  
RAILROAD STREET FOR THE RAILROAD STREET IMPROVEMENTS PROJECT  
(WTR049) (NO FURTHER CEQA REVIEW REQUIRED)**

**WHEREAS**, the City of Elk Grove (City) is the fee owner of the Old Town Plaza Property, identified as Sacramento County Assessor Parcel Number 134-0010-068 and the fee owner of right of way acquired from a portion of A-1 Towing's property, identified as Sacramento County Assessor Parcel Number 134-0050-035, located at 9701 Railroad Street, described in the Grant Deed recorded December 31, 2019 in book 20191231 at page 1082, of the official records of Sacramento County, for public street and highway purposes (the Parcels); and

**WHEREAS**, the City intends to further improve the Parcels as part of the Old Town Plaza Phases 2 and 3 Project (WCE022) and to improve Railroad and Grove Streets as part of the Railroad Street Improvements Project (WTR049) (Project) including the undergrounding of the overhead facilities and relocation of facilities currently located on the Parcels; and

**WHEREAS**, as part of undergrounding and relocation of facilities, the Sacramento Municipal Utility District (SMUD) requires the granting of easements for installation and maintenance of SMUD facilities and appurtenances; and

**WHEREAS**, the Projects are both considered a project under California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code, hereinafter referred to as CEQA), which requires that cities consider the environmental consequences of their actions before approving a project; and

**WHEREAS**, the City previously analyzed the Railroad Street Improvements (WTR049) and the Old Town Plaza Phases 2 and 3 (WCE022) Projects' potential environmental impacts and adopted the original Mitigated Negative Declaration (SCH No. 2016112036) and Mitigation Monitoring and Reporting Program prepared for the Projects on January 11, 2017, and later adopted a Supplemental Mitigated Negative Declaration (SCH No. 2019049135) and Mitigation Monitoring and Report Program on July 24, 2019; and

**WHEREAS**, based on staff's review of the Project, no special circumstances exist that would create a reasonable possibility that this Project will have a significant impact on the environment beyond what was analyzed and disclosed in the Supplemental Initial Study/Mitigated Negative Declaration prepared for the Project, and thus no further review environmental review under CEQA is required; and

**WHEREAS**, the Project will utilize federal funds administered through the Department of Housing and Urban Development (HUD) and thus also require review under the National Environmental Policy Act (42 U.S.C. 4321 et seq., herein after NEPA); and

**WHEREAS**, an Environmental Assessment to analyze proposed environmental impacts under NEPA was prepared and determined that, with incorporation of mitigation measures identified in the Environmental Assessment, the Project would have a Finding of No Significant Impact; and

**WHEREAS**, the Finding of No Significant Impact was publicly circulated, approved by the City Manager on October 23, 2019, and the Request for Release of Funds was approved by HUD on December 13, 2019; therefore, no further environmental review under NEPA 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 two Grants of Easement, in substantially the forms attached hereto as Exhibit A and Exhibit B, and subject to approval as to form by the City Attorney, granting SMUD easements for electrical and communication facilities and incidental appurtenances and to send the executed easements to SMUD.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 25<sup>th</sup> day of March 2020

  
\_\_\_\_\_  
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 – B 209  
P. O. Box 15830  
Sacramento, CA 95852-1830

No Fee Document – Per Govt. Code Sec. 6103 & 27383  
No County Transfer Tax Per R & T Code 11922

SMUD BY: \_\_\_\_\_ Initials

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY \_\_\_\_\_

APN: 134-0010-068

R/W  
SO

**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, identified as Sacramento County Assessor Parcel Number designated by the above referenced Assessor's Parcel Number 134-0010-068 , as described in the Grant Deed recorded October 26, 2012, in book 2012026 page 0643, the official records of Sacramento County.

Grantor hereby grants to SACRAMENTO MUNICIPAL UTILITY DISTRICT, 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 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 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: \_\_\_\_\_  
Jason Behrmann, City Manager

## 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 Grantor's property. Additionally, the Easement Area will include the area occupied by Grantee 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.

RECORD AT REQUEST OF AND RETURN TO:  
Sacramento Municipal Utility District  
Attention: Real Estate Services – B 209  
P. O. Box 15830  
Sacramento, CA 95852-1830

No Fee Document – Per Govt. Code Sec. 6103 & 27383  
No County Transfer Tax Per R & T Code 11922

SMUD BY: \_\_\_\_\_ Initials

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

R/W  
SO

**GRANT OF EASEMENT**

CITY OF ELK GROVE, a municipal corporation, Grantor, is the owner of record of that certain real property, acquired for public street purposes, located in Sacramento County, California, as described in the Grant Deed recorded December 19, 2019, in book 20191231 page 1082 in the official records of Sacramento County.

Grantor hereby grants to SACRAMENTO MUNICIPAL UTILITY DISTRICT, 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 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 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: \_\_\_\_\_  
Jason Behrmann, City Manager

## 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 Grantor's property. Additionally, the Easement Area will include the area occupied by Grantee 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. 2020-057**

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 March 25, 2020 by the following vote:***

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

**NOES:          COUNCILMEMBERS:     *None***

**ABSTAIN:      COUNCILMEMBERS:     *None***

**ABSENT:       COUNCILMEMBERS:     *None***

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