

RESOLUTION NO. 2017-129

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
GRANTING THE SACRAMENTO COUNTY WATER AGENCY AN EASEMENT FOR
WATERLINES AND INCIDENTAL PURPOSES FOR THE AQUATICS CENTER AND
CIVIC CENTER COMMONS PROJECT (WCC002)**

WHEREAS, the City Council of the City of Elk Grove approved the Aquatics Center and Civic Center Commons Project (WCC002) (Project) on July 13, 2016; and

WHEREAS, the City of Elk Grove (City) is the Owner in fee of the parcels that comprise the Civic Center Development plan (overall master plan and program) located on the south side of Civic Center Drive, east of Big Horn Boulevard and north of Lotz Parkway; and

WHEREAS, the Project includes granting easements within the Civic Center site for the provision of water lines to support approved development on the site; and

WHEREAS, the easements are located in areas of the site previously assumed for development and analyzed in the Civic Center Aquatics Complex Project SEIR (SCH No. 2000082139). The proposed Project does not represent a substantial change in the assumptions related to water demand or infrastructure than that assumed in the SEIR and no major revisions to the SEIR are required. 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 finds as follows:

- a. That the grant of the waterline easement over the City owned property would be consistent with and not violate the General Plan and all elements and components thereof; and
- b. That the public interest will be served by the granting of the easement in conjunction with the construction of the Project.

AND BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute an Easement for Water Pipelines in substantially the form presented in the deed attached hereto as Exhibit A, and subject to approval by the City Attorney, granting the SCWA an easement for water lines and incidental purposes as described therein, and to cause a certified copy of this Resolution attested to by the City Clerk under seal, and the Easement for Water Pipelines, executed by the City Manager, to be forwarded to SCWA for acceptance by its governing Board and recordation with the Sacramento County Recorder.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of June 2017.




STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

WHEN RECORDED RETURN TO:

**REAL ESTATE DIVISION
COUNTY OF SACRAMENTO
3711 Branch Center Road
Sacramento, CA 95827
Mail Code 63-002**

EXHIBIT A

No Fee Document - Per Government Code 27383
No Document Transfer Tax -- Per R & T Code 11922

Okay to Accept by

Signature & Date:

Print Name & Dept:

APN:

Project Name & Dept:

THIS SPACE FOR RECORDER'S USE ONLY

EASEMENT FOR WATER PIPELINE

City of Elk Grove, A Municipal Corporation,

do(es) hereby grant to the Sacramento County Water Agency, a statutorily created district operating under the authority of and pursuant to the provisions of the Sacramento County Water Agency Act (California Water Code -- Appendix, Chapter 66, commencing at Section 66-1 et seq.), (hereinafter referred to as "SCWA"), for the purpose of installation, construction, reconstruction, maintenance, repair, and operation of water pipelines, and related appurtenances and work auxiliary thereto, a water pipeline easement over that certain real property in the County of Sacramento, State of California, bounded and described as follows, to-wit:

SEE EXHIBITS "A" and "B" attached hereto and made a part hereof;

together with the perpetual right and privilege of flowing water in, through, and along said pipeline in such amounts and at such times as SCWA shall deem necessary, and the perpetual right of ingress to and egress from said property, for the purpose of exercising and performing all of the rights and privileges herein granted.

To the fullest extent permitted by law, SCWA shall indemnify, protect, defend, and hold harmless City, its officers, officials, agents, employees and volunteers from and against any and all claims, damages, demands, liability, costs, losses and expenses, including without limitation, court costs and reasonable attorneys' and expert witness' fees, arising out of any failure to comply with applicable law, any injury to or death of any person(s), damage to property, loss of use of property, economic loss or otherwise arising out of the performance of the work described in this easement and for any damage to the City's basin, to the extent caused by a negligent act or negligent failure to act, errors, omissions, recklessness or willful misconduct incident to the performance of water pipeline work performed by SCWA, except such loss or damage which was caused by the sole negligence or willful misconduct of the City.

Any water pipeline purposes work shall not interfere in any way with the City's detention basin. Any damage to the City's detention basin as a result of any water pipeline purpose shall be the financial responsibility of SCWA. Any right obtained in this easement shall not supersede the City's superior fee title right and right at all times to maintain the basin in good working order.

Warrant of Signature Authority. The Grantor warrants the signature appearing on this instrument of real property (i.e. Easement Deed, Grant Deed, Quit Claim Deed) has the legal and requisite signatory authority for the conveyance of Grantor's real property interest. Further, the Parties acknowledge and agree that this Grantee, which is a public entity, is relying on said Warrant of Signature Authority when accepting this real property instrument for recordation.

LOG No. _____

Dated this ____ day of _____, 20__

**City of Elk Grove,
A Municipal Corporation**

Name: Laura S. Gill

Title: City Manager

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____)
 COUNTY OF _____)

On _____ before me, _____, notary public,
date name of notary officer
 personally appeared _____,
name(s) of signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

 Signature of Notary

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- INDIVIDUAL
- CORPORATE OFFICER(S)

Title(s)

- PARTNER(S) LIMITED
- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

SIGNER IS REPRESENTING:
 Name of Person(s) or entity(ies)

OPTIONAL SECTION:

TITLE OR TYPE OF DOCUMENT: _____

DATA REQUESTED HERE IS NOT REQUIRED BY LAW.

NUMBER OF PAGES _____ DATE _____

SIGNER(S) OTHER THAN NAMED ABOVE _____

CERTIFICATE OF ACCEPTANCE
 Sacramento County Water Agency

This is to certify that the interest in real property conveyed by the within deed, the provisions of which are incorporated by this reference as though fully set forth in this Certification, to the Sacramento County Water Agency, a statutorily created district operating under the authority of and pursuant to the provisions of the Sacramento County Water Agency Act (California Water Code—Appendix, Chapter 66, commencing at Section 66-1 et seq.), is hereby accepted by the undersigned officer pursuant to authority conferred by Resolution No. WA-2789 of the Board of Directors of said Agency adopted on January 11, 2011, and the Grantee consents to recordation thereof by its duly authorized officer.

 Director of General Services

 Date

EXHIBIT "A"

ELK GROVE CIVIC CENTER PHASE 1 LEGAL DESCRIPTION FOR A WATERLINE EASEMENT

All that real property located in the City of Elk Grove, County of Sacramento, State of California described as follows:

Being a portion of Parcels 1, 2, 3, 4, and 5, as shown on the Map entitled "Parcel Map No.13-003A", filed in Book 229 of Parcel Maps, at Page 14, Official Records of Sacramento County, also being a portion of Parcel "C" that certain Grant Deed recorded in Book 20070614, at Page 0240, said County Records, also being a portion of Parcel "E" of that certain Grant Deed recorded in Book 20070614, at Page 0241, said County Records and situated in Section 2, Township 6 North, Range 5 East, Mount Diablo Meridian, more particularly described as follows:

BEGINNING at a point on the northerly line of said Parcel 1; said **POINT OF BEGINNING** being North 89°50'42" West, a distance of 287.62 feet from the northeast corner of said Parcel 1, also being the northwest corner of that certain Grant Deed recorded in Book 20080827, at Page 1127, said County Records; thence from said **POINT OF BEGINNING** entering into and continuing within said Parcel 1, the following five (5) courses and distances:

1. South 01°21'53" East, a distance of 227.70 feet;
2. South 12°36'53" East, a distance of 92.16 feet;
3. South 57°36'53" East, a distance of 33.29 feet;
4. South 32°23'07" West, a distance of 15.00 feet;
5. North 57°36'53" West, a distance of 39.51 feet;

thence leaving said Parcel 1 and entering into said Parcel 2, North 12°36'53" West, a distance of 99.85 feet; thence continuing within said Parcel 2, the following eleven (11) arcs, courses, and distances:

1. North 01°21'53" West, a distance of 206.07 feet;
2. North 89°50'42" West, a distance of 323.56 feet;
3. South 00°09'18" West, a distance of 2.44 feet;
4. from a radial line which bears North 79°57'11" West, along a non-tangent curve concave to the east, having a radius of 1,385.00 feet, southerly 44.63 feet along said curve through a central angle of 01°50'46";
5. South 89°38'38" East, a distance of 8.81 feet;
6. South 00°21'22" West, a distance of 30.00 feet;
7. North 89°38'38" West, a distance of 12.61 feet;
8. from a radial line which bears North 83°03'01" West, along a non-tangent curve concave to the east, having a radius of 1,385.00 feet, southerly 111.11 feet along said curve through a central angle of 04°35'48";
9. South 87°57'26" East, a distance of 10.12 feet;
10. South 02°02'34" West, a distance of 15.00 feet;
11. North 87°57'26" West, a distance of 10.12 feet;

thence leaving said Parcel 2 and entering into said Parcel 5, from a radial line which bears North $88^{\circ}16'03''$ West, along a non-tangent curve concave to the east, having a radius of 1,385.00 feet, southerly 53.82 feet along said curve through a central angle of $02^{\circ}13'35''$; thence continuing within said Parcel 5, the following two (2) courses and distances:

1. South $21^{\circ}47'20''$ West, a distance of 30.02 feet;
2. South $00^{\circ}00'00''$ East, a distance of 82.55 feet;

thence leaving said Parcel 5 and entering into said Parcel 4, South $45^{\circ}00'00''$ West, a distance of 115.69 feet; thence continuing within said Parcel 4, the following three (3) arcs, courses, and distances:

1. South $00^{\circ}00'00''$ East, a distance of 3.53 feet;
2. from a radial line which bears North $52^{\circ}50'06''$ East, along a non-tangent curve concave to the southwest, having a radius of 685.50 feet, southeasterly 338.52 feet along said curve through a central angle of $28^{\circ}17'39''$;
3. along a compound curve concave to the west, having a radius of 3,210.00 feet, southerly 24.67 feet along said curve through a central angle of $00^{\circ}26'25''$;

thence leaving said Parcel 4 and entering into said Parcel 5, North $81^{\circ}42'12''$ East, a distance of 65.00 feet; thence continuing within said Parcel 5, South $08^{\circ}17'48''$ East, a distance of 15.00 feet; thence leaving said Parcel 5 and entering into said Parcel 4, South $81^{\circ}42'12''$ West, a distance of 65.00 feet; thence continuing within said Parcel 4, the following four (4) arcs, courses, and distances:

1. from a radial line which bears North $81^{\circ}50'14''$ East, along a non-tangent curve concave to the west, having a radius of 3,210.00 feet, southerly 360.96 feet along said curve through a central angle of $06^{\circ}26'34''$;
2. South $88^{\circ}16'48''$ West, a distance of 15.00 feet;
3. from a radial line which bears North $88^{\circ}16'48''$ East, along a non-tangent curve concave to the west, having a radius of 3,195.00 feet, northerly 24.26 feet along said curve through a central angle of $00^{\circ}26'06''$;
4. South $89^{\circ}46'50''$ West, a distance of 59.87 feet;

thence leaving said Parcel 4 and entering into said Parcel "C", along a tangent curve concave to the south, having a radius of 680.00 feet, westerly 221.25 feet along said curve through a central angle of $18^{\circ}38'32''$; thence leaving said Parcel "C" and crossing said Parcel "E", South $71^{\circ}08'18''$ West, a distance of 25.08 feet to a point on the westerly line of said Parcel "E"; thence along said westerly line of Parcel "E", North $18^{\circ}51'42''$ West, a distance of 15.00 feet; thence crossing said Parcel "E" and entering into said Parcel "C", North $71^{\circ}08'18''$ East, a distance of 25.08 feet; thence leaving said Parcel "C" and entering into said Parcel 4, along a tangent curve concave to the south, having a radius of 695.00 feet, easterly 226.13 feet along said curve through a central angle of $18^{\circ}38'32''$; thence continuing within said Parcel 4, the following nineteen (19) arcs, courses, and distances:

1. North $89^{\circ}46'50''$ East, a distance of 59.33 feet;

2. from a radial line which bears North 87°34'33" East, along a non-tangent curve concave to the west, having a radius of 3,195.00 feet, northerly 139.29 feet along said curve through a central angle of 02°29'52";
3. South 84°56'37" West, a distance of 12.49 feet;
4. North 05°03'23" West, a distance of 15.00 feet;
5. North 84°56'37" East, a distance of 12.49 feet;
6. from a radial line which bears North 84°48'25" East, along a non-tangent curve concave to the west, having a radius of 3,195.00 feet, northerly 205.20 feet along said curve through a central angle of 03°40'47";
7. along a compound curve concave to the west, having a radius of 670.50 feet, northerly 51.56 feet along said curve through a central angle of 04°24'23";
8. South 76°04'55" West, a distance of 22.38 feet;
9. North 13°55'05" West, a distance of 22.50 feet;
10. North 75°25'07" East, a distance of 22.25 feet;
11. from a radial line which bears North 74°46'40" East, along a non-tangent curve concave to the southwest, having a radius of 670.50 feet, northwesterly 212.26 feet along said curve through a central angle of 18°08'19";
12. South 55°59'54" West, a distance of 12.46 feet;
13. North 34°00'06" West, a distance of 15.00 feet;
14. North 55°59'54" East, a distance of 12.46 feet;
15. from a radial line which bears North 55°21'27" East, along a non-tangent curve concave to the southwest, having a radius of 670.50 feet, northwesterly 34.54 feet along said curve through a central angle of 02°57'05";
16. North 00°00'00" East, a distance of 12.83 feet;
17. North 45°00'00" West, a distance of 29.85 feet;
18. North 45°00'00" East, a distance of 15.00 feet;
19. South 45°00'00" East, a distance of 28.44 feet;

thence leaving said Parcel 4 and entering into said Parcel 5, North 45°00'00" East, a distance of 50.63 feet; thence continuing within said Parcel 5, the following six (6) arcs, courses, and distances:

1. North 45°00'00" West, a distance of 14.00 feet;
2. North 45°00'00" East, a distance of 15.00 feet;
3. South 45°00'00" East, a distance of 14.00 feet;
4. North 45°00'00" East, a distance of 36.46 feet;
5. North 00°00'00" East, a distance of 79.22 feet;
6. North 21°47'20" East, a distance of 29.96 feet;

thence leaving said Parcel 5 and entering into said Parcel 2, from a radial line which bears South 89°37'39" West, along a non-tangent curve concave to the east, having a radius of 1,400.00 feet, northerly 253.29 feet along said curve through a central angle of 10°21'58"; thence continuing within said Parcel 5, North 00°09'18" East, a distance of 1.15 feet; thence leaving said Parcel 2 and entering into said Parcel 3,

North 89°50'42" West, a distance of 19.01 feet; thence continuing within said Parcel 3, North 00°09'18" East, a distance of 15.00 feet; thence leaving said Parcel 3 and entering into said Parcel 2, South 89°50'42" East, a distance of 357.17 feet; thence continuing within said Parcel 3, North 01°21'53" West, a distance of 8.50 feet to a point on said northerly line; thence along said northerly line, South 89°50'42" East, a distance of 15.01 feet to the **POINT OF BEGINNING**.

Containing 36,799 square feet or 0.845 acres, more or less.

See Exhibit "B", Plat to accompany description, attached hereto and made a part hereof.

The **Basis of Bearings** for this description is the California State Plane Coordinate System, Zone 2, NAD'83, Epoch Date 1997.30, as measured between NGS Station "Eschinger," 1st order, and NGS station "Keller," 1st order. Said bearing is North 20°56'36" West. Distances shown are ground based.

May 25, 2017

END OF DESCRIPTION



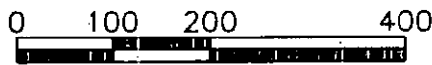
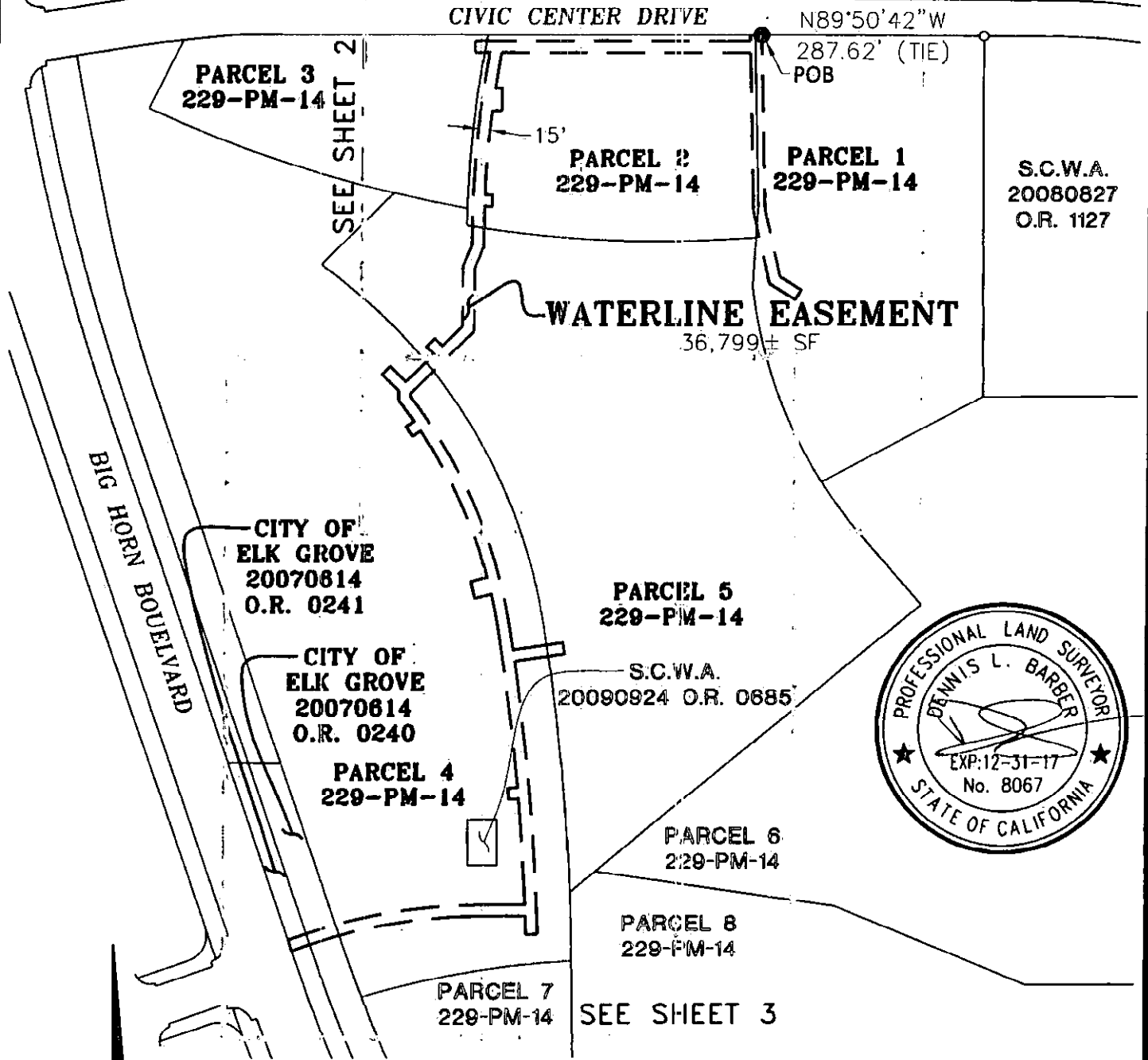
PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA

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EXHIBIT "B"

PLAT TO ACCOMPANY
DESCRIPTION

**ELK GROVE CIVIC CENTER PHASE 1
WATERLINE EASEMENT**
CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA



SCALE: 1" = 200'

WOOD RODGERS
DEVELOPING - INNOVATIVE - DESIGN - SOLUTIONS

3301 C St., Bldg. 100-B Tel 916.341.7760
Sacramento, CA 95818 Fax 916.341.7767

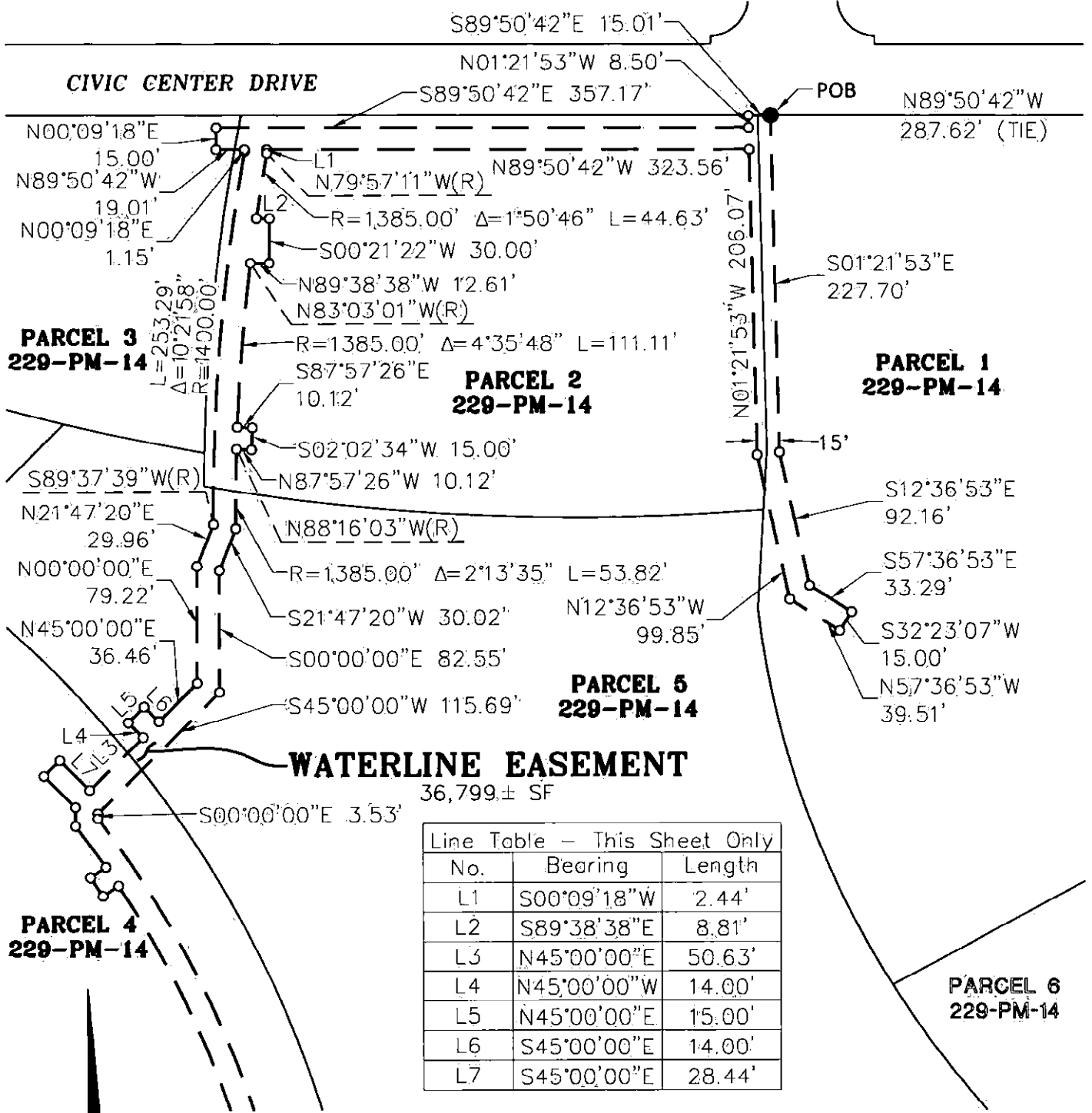
MAY 25, 2017 1081.184 SHEET 1 OF 3

EXHIBIT "B"

PLAT TO ACCOMPANY
DESCRIPTION

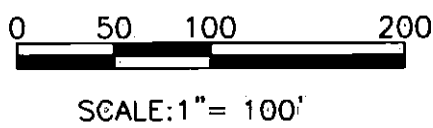
ELK GROVE CIVIC CENTER PHASE 1 WATERLINE EASEMENT

CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA



Line Table - This Sheet Only

No.	Bearing	Length
L1	S00°09'18\"W	2.44'
L2	S89°38'38\"E	8.81'
L3	N45°00'00\"E	50.63'
L4	N45°00'00\"W	14.00'
L5	N45°00'00\"E	15.00'
L6	S45°00'00\"E	14.00'
L7	S45°00'00\"E	28.44'



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3301 C St., Bldg. 100-B Tel 916.341.7760
Sacramento, CA 95816 Fax 916.341.7767

EXHIBIT "B"

ELK GROVE CIVIC CENTER PHASE 1 WATERLINE EASEMENT

PLAT TO ACCOMPANY

DESCRIPTION

R=670.50'

$\Delta=2^{\circ}57'05''$

L=34.54'

N55°21'27"E(R)

N34°00'06"W 15.00'

S55°59'54"W 12.46'

**PARCEL 4
229-PM-14**

R=670.50'

$\Delta=18^{\circ}08'19''$

L=212.26'

N74°46'40"E(R)

N75°25'07"E 22.25'

N13°55'05"W 22.50'

WATERLINE EASEMENT

36,799 ± SF S76°04'55"W

22.38'

R=670.50' $\Delta=4^{\circ}24'23''$ L=51.56'

R=3195.00' $\Delta=3^{\circ}40'47''$ L=205.20'

**CITY OF ELK GROVE
20070614 O.R. 0241**

N84°48'32"E(R)

N84°56'37"E

12.49'

**CITY OF ELK GROVE
20070614 O.R. 0240**

N05°03'23"W

15.00'

R=3195.00'

$\Delta=2^{\circ}29'52''$ L=139.29'

S.C.W.A.

20090924 O.R. 0685

N71°08'18"E

25.08' N87°34'33"E(R)

L=226.13' N89°46'50"E

$\Delta=18^{\circ}38'32''$ 59.33'

R=695.00'

R=680.00' S89°46'50"W

$\Delta=18^{\circ}38'32''$ 59.87'

L=221.25'

S71°08'18"W

25.08'

R=3195.00'

$\Delta=0^{\circ}26'06''$

L=24.26'

**PARCEL 7
229-PM-14**

COUNTY OF SACRAMENTO STATE OF CALIFORNIA

Line Table - This Sheet Only

No.	Bearing	Length
L1	N18°51'42"W	15.00'
L2	S84°56'37"W	12.49'
L3	N55°59'54"E	12.46'
L4	N00°00'00"E	12.83'
L5	N45°00'00"W	29.85'
L6	N45°00'00"E	15.00'
L7	S45°00'00"E	28.44'

**PARCEL 5
229-PM-14**

R=3210.00'

$\Delta=0^{\circ}26'25''$

L=24.67'

N81°42'12"E

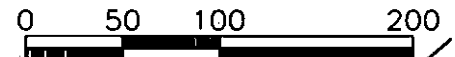
65.00'

S08°17'48"E

15.00'

S81°42'12"W 65.00'

N81°50'14"E(R)



SCALE: 1" = 100'

**PARCEL 6
229-PM-14**

**PARCEL 8
229-PM-14**

BIG HORN BOULEVARD

WOOD RODGERS
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Sacramento, CA 95816 Fax 916.341.7767

MAY 25, 2017 1081.184 SHEET 3 OF 3

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2017-129

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

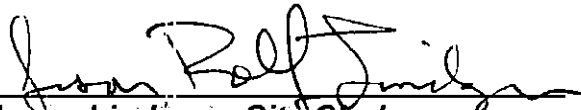
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 14, 2017 by the following vote:

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