

RESOLUTION NO. 2021-098

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT FOR SEWER TO
SACRAMENTO AREA SEWER DISTRICT (SASD) FOR SANITARY SEWER
PIPELINES AND INCIDENTAL APPURTENANCES OVER A PORTION OF CITY-
OWNED PROPERTY, LOCATED AT 9150 UNION PARK WAY, IDENTIFIED AS
SACRAMENTO COUNTY ASSESSOR PARCEL NUMBER 134-0630-013
(ELK GROVE ANIMAL SHELTER) (CEQA EXEMPT)**

WHEREAS, the City of Elk Grove (City) is the fee owner of certain real property located at 9150 Union Park Way, further identified as Sacramento County Assessor Parcel Number 134-0630-013 (Elk Grove Animal Shelter); and

WHEREAS, on March 14, 2018, City Council authorized the award of a construction contract for construction of the Elk Grove Animal Shelter (WFC012) (Project) and the City accepted the Project as complete on April 8, 2020; and

WHEREAS, the public sewer cleanout was constructed 6.5 feet from the back of sidewalk due to the placement of existing utilities in the right-of-way, and as such, Sacramento Area Sewer District (SASD) requires the grant of a sewer easement for the operations and maintenance of the public sewer infrastructure in connection with the Elk Grove Animal Shelter; and

WHEREAS, the Easement for Sewer, attached hereto as Exhibit A, along with the legal description and plat, attached thereto as Exhibits A and B, respectively, for the Sewer Easement have been reviewed and approved by staff; and

WHEREAS, the California Environmental Quality Act (CEQA) requires analysis of agency approvals of discretionary "Projects" and CEQA Guidelines Section 15061(b)(3) sets forth the general rule exemption, which provides that CEQA only applies to projects which "have the potential for causing a significant effect on the environment; and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA"; and

WHEREAS, the proposed Project involves granting of an easement within the Elk Grove Animal Shelter site for the maintenance of infrastructure that was assumed for development as part of the Corporation Yard Facilities Master Plan Update (January 2008) and analyzed pursuant to CEQA in the Mitigated Negative Declaration (MND) for the Corporation Yard Facilities Master Plan and Transit Yard Facilities Master Plan (SCH No. 2010062048). The provision of infrastructure was a necessary part of the Corporation Yard Facilities Master Plan and Transit Yard Facilities Master Plan and was assumed when considering effects of the Project when adopted and approved in June of 2017 (pursuant to CEQA Guidelines Section 15162).

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove hereby finds that the granting of an easement for sanitary sewer pipelines and incidental appurtenances is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) based upon the following finding:

Finding: The granting of an easement for existing sanitary sewer pipelines and incidental appurtenances is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Evidence: CEQA Guidelines section 15061(b)(3) states that an activity is covered by the common sense exemption where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. There is no possibility that the proposed easement will result in a physical change in the environment. The proposed Project involves granting of an easement for the provision of infrastructure that was assumed for development as part of the Corporation Yard Facilities Master Plan Update (January 2008) and analyzed pursuant to CEQA in the Mitigated Negative Declaration (MND) for the Corporation Yard Facilities Master Plan and Transit Yard Facilities Master Plan (SCH No. 2010062048). The provision of infrastructure was a necessary part of the Corporation Yard Facilities Master Plan and Transit Yard Facilities Master Plan and was assumed when considering effects of the Project at the time of its adoption and approval in June of 2017, and the granting of this easement would not result in any physical effects on the environment. Therefore, the proposed Easement for Sewer is exempt from CEQA review; and

AND, BE IT FURTHER RESOLVED, that the City Council finds the granting of an easement for sanitary sewer pipelines and incidental appurtenances is consistent with the City's General Plan as required by Elk Grove Municipal Code Section 23.10.030 and Government Code Section 65402 based upon the following finding:

Finding: That the grant of the sewer easement over City owned property would be consistent with and not violate the General Plan and all elements and components thereof and that the public interest will be served by the grant of the sewer easement.

Evidence: That the public interest will be served by the granting of the easement in conjunction with the Project.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute the Easement for Sewer in substantially the form presented in the deed attached hereto as Exhibit A, and subject to the approval by the City Attorney, granting SASD an easement for sanitary sewer pipelines 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 Sewer, executed by the City Manager, to be forwarded to SASD 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 April 2021




BOBBIE SINGH-ALLEN, 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**

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

Okay to Accept

Name/Date: _____

Print Name & Dept: _____

APN: _____

Project Name & Dept: _____ (SASD) **THIS SPACE FOR RECORDER'S USE ONLY**

EASEMENT FOR SEWER

The City of Elk Grove, a municipal corporation (hereinafter referred to as ("GRANTOR")), do(es) hereby grant to the Sacramento Area Sewer District, a county sanitation district formed pursuant to and operating under the authority of the County Sanitation District Act, commencing at Health and Safety Code section 4700, (hereinafter referred to as "SASD"), an easement, for sewer purposes, (hereinafter referred to as "Easement"), inclusive of digging, constructing, reconstructing, repairing, operating, upgrading and forever maintaining sanitary sewer pipelines, of such dimensions as SASD shall deem necessary, together with all necessary appurtenances, including the right to excavate, construct, reconstruct, repair, operate, upgrade and forever maintain said facilities appertaining thereto, including a perpetual right of way over, under, upon and across all that real property, (hereinafter referred to as "Easement Area"), situated in the County of Sacramento, State of California, described as follows:

SEE EXHIBIT "A", legal description and "B", plat map, attached hereto and made a part hereof;

together with the perpetual right of ingress to and egress from said Easement Area, for the purpose of exercising and performing all of the rights and privileges herein granted.

Any use of this Easement Area by GRANTOR or assignees or successors in interest, shall not be allowed without the prior written approval of SASD; except for the following uses (collectively, the "Allowable Uses"): (i) lawn or similar groundcover; (ii) areas planted with species whose mature growth does not exceed five (5) feet in height and which are not environmentally protected; or (iii) non-colored and non-patterned asphalt and concrete driveways, sidewalks, bike paths, surface parking, curbs and gutters. Any of said Allowable Uses shall not be installed in a manner that will impede vehicular access by SASD for maintenance purposes. Other than the aforementioned Allowable Uses, each use proposed by GRANTOR must be approved in writing by SASD's District Engineer, with said approval being in the District Engineer's sole discretion, prior to construction within or use of the Easement Area by the GRANTOR. For any required written approval, the GRANTOR shall contact the SASD Main Office. Upon approval GRANTOR will install improvements. Should SASD remove Allowable Uses or approved improvements SASD must restore them to the status they were prior to removal.

To the fullest extent permitted by law, SASD shall indemnify, protect, defend, and hold harmless City, its officers, officials, agents, employees, and volunteers from and against any and all claims and lawsuits, damages, demands, liability, costs, losses and expenses, 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 grant of this easement, performance of the work described in this easement, and or use of the easement to the extent caused by a negligent act or negligent failure to act, errors, omissions, recklessness or willful misconduct incident to grant of this easement, use of this easement, or the performance of sanitary pipe work performed by SASD, except such loss or damage, to the extent, is caused by the negligence, or willful misconduct of the GRANTOR.

The right to indemnity under this Section arises only upon occurrence of an event giving rise to a claim and or lawsuits and, thereafter, upon tender in writing to SASD.

RED File No. _____

LOG No. _____

Nothing in this indemnity obligation shall be construed to create any duty to, any standard of care with reference to, or any liability or obligation, contractual or otherwise, to any third party.

The provisions of this indemnity obligation shall survive the extinguishment, vacation or abandonment of the Easement for those events that occurred prior to such extinguishment, vacation or abandonment.

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.

Dated this ____ day of _____, 20____

**CITY OF ELK GROVE,
a municipal corporation**

Jason Behrmann, City Manager

Resolution No:

Dated:

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:

DATA REQUESTED HERE IS NOT REQUIRED BY LAW.

TITLE OR TYPE OF DOCUMENT: _____

NUMBER OF PAGES _____ DATE _____

SIGNER(S) OTHER THAN NAMED ABOVE _____

CERTIFICATE OF ACCEPTANCE
 Sacramento Area Sewer District

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 Area Sewer District, a county sanitation district formed pursuant to and operating under the authority of the County Sanitation District Act, commencing at Health and Safety Code section 4700, is hereby accepted by the undersigned officer pursuant to authority conferred by Resolution No. SD-0267 of the Board of Directors of said District adopted on October 11, 2017 and the Grantee consents to recordation thereof by its duly authorized officer.

 SASD Director of Operations

 Date

EXHIBIT A

SEWER EASEMENT DESCRIPTION

All that portion of Parcel 9 as shown on that certain Parcel Map entitled "UNION INDUSTRIAL PARK", filed in the office of the Recorder of Sacramento County in Book 92 of Parcel Maps, Page 14, situated in the City of Elk Grove, State of California more particularly described as follows;

Commencing at the westerly corner of said Parcel 9 thence along the northerly property line of said Parcel North 49°10'43" East a distance of 237.49 feet to the **True Point of Beginning**; thence continuing along said northerly property line North 49°10'43" East a distance of 5.00 feet; thence South 40°49'17" East a distance of 8.00 feet; thence South 49°10'43" West a distance of 5.00 feet; thence North 40°49'17" West a distance of 8.00 feet to the **True Point of Beginning**.

Containing 40 square feet, more or less

See "Exhibit B" Plat to accompany Description (for information purposes only) attached hereto and made a part hereof. The Description takes precedence over any discrepancy between the Description and the Plat.

This Description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.

Thomas M. Gau

Thomas M. Gau
P.E. No. 26994

3/30/21

Date:

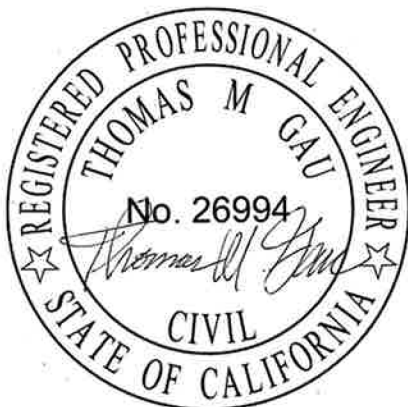


Exhibit "B"

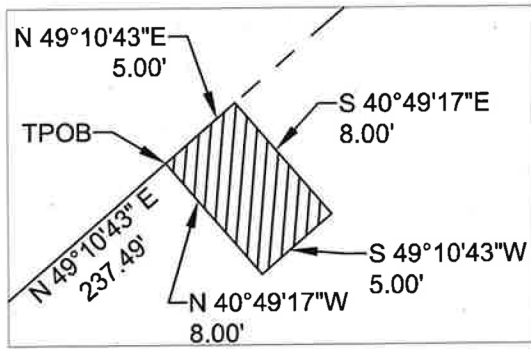
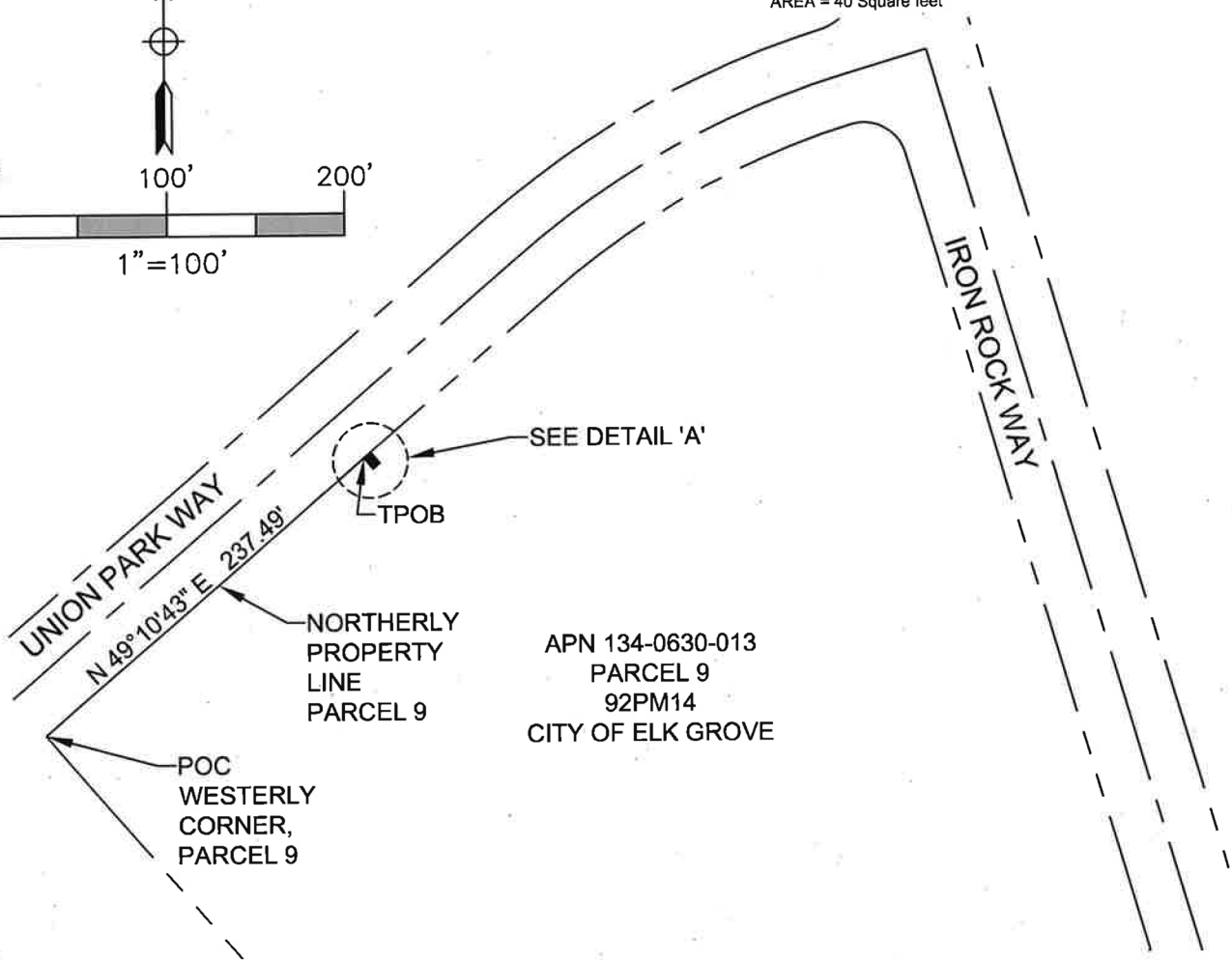
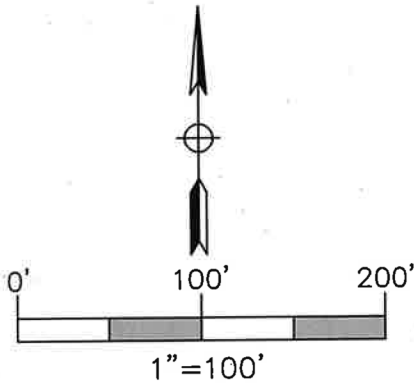
Plat to accompany Description
For information purposes only

LEGEND



EASEMENT AREA

- APN ASSESSORS PARCEL NUMBER
 - PM PARCEL MAPS, SACRAMENTO COUNTY
 - POC POINT OF COMMENCEMENT
 - TPOB TRUE POINT OF BEGINNING
- AREA = 40 Square feet



DETAIL 'A'
SCALE: 1"=10'



CITY OF ELK GROVE - DEPARTMENT OF PUBLIC WORKS

Sewer Easement
City of Elk Grove
State of California



CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2021-098

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

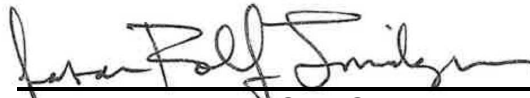
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 14, 2021 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Nguyen, Hume, Spease, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California