



NO FEE DOCUMENT
GOVERNMENT CODE SECTION
§27383

Sacramento County
Donna Allred, Clerk/Recorder

Doc # **201808020500**

8/2/2018 9:47:45 AM

REB
Titles 1
Pages 12

Fees	\$0.00
Taxes	\$0.00
PCOR	\$0.00
Paid	\$0.00

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Elk Grove
Office of the City Clerk
8401 Laguna Palms Way
Elk Grove, CA 95758

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

RESOLUTION NO. 2018-156

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING THE SET-ASIDE OF CERTAIN CITY-OWNED PROPERTIES AS A
NON-EXCLUSIVE PUBLIC UTILITY EASEMENT FOR PUBLIC UTILITY PURPOSES
FOR NEW GROWTH AREA INFRASTRUCTURE PROJECTS, SUPERSEDING AND
REPLACING, IN WHOLE, RESOLUTION NO. 2018-115 (CEQA EXEMPT)**

RESOLUTION NO. 2018-156

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APPROVING THE SET-ASIDE OF CERTAIN CITY-OWNED PROPERTIES AS A
NON-EXCLUSIVE PUBLIC UTILITY EASEMENT FOR PUBLIC UTILITY PURPOSES
FOR NEW GROWTH AREA INFRASTRUCTURE PROJECTS, SUPERSEDING AND
REPLACING, IN WHOLE, RESOLUTION NO. 2018-115 (CEQA EXEMPT)**

WHEREAS, the City of Elk Grove is constructing the New Growth Area (NGA) projects for the extension of Bilby Road from Bruceville Road east to Big Horn Boulevard, and of Big Horn Boulevard north from Bilby Road to Poppy Ridge Road; and

WHEREAS, a sewer lift station is also being constructed for the benefit of the NGA and the South East Policy Area (SEPA); and

WHEREAS, the City has acquired property in fee to be used for rights of way and public utility purposes; and

WHEREAS, in order to provide access to the Sacramento Municipal Utility District (SMUD) for the purpose of a joint trench to provide power to the sewer lift station portions of City-owned property will need to be set-aside; and

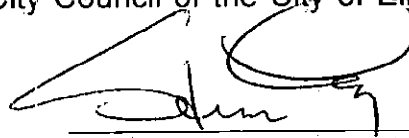
WHEREAS, the portions of the City owned property to be set-aside are described in the Legal Descriptions and Plats for Assessor's Parcel Numbers 132-0050-061, 132-0050-062, and 132-0290-044, attached hereto as Exhibits B, C, and D, respectively; and

WHEREAS, the set-aside activity is exempt from CEQA review as it is covered by the general rule that CEQA applies only to projects which have the potential to cause a significant effect on the environment, pursuant to Section 15061(b)(3) of State CEQA Guidelines. The activity is covered by this general rule as set-aside of a public utility corridor within City owned right-of-way would not result in any physical changes or activity changes within this parcel. As no special circumstances exist that would create a reasonable possibility that approving the activity would have a significant effect on the environment, the activity is not subject to CEQA review and therefore requires no further environmental analysis and action.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby approves the set-aside of certain City-owned properties, as described in the attached Exhibits B, C, and D incorporated herein by reference, as a non-exclusive public utility easement for public utility purposes under the terms and conditions described in the attached Exhibit A, incorporated herein by reference; and

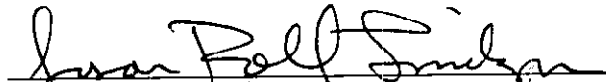
BE IT FURTHER RESOLVED that this Resolution supersedes and replaces, in whole, Resolution No. 2018-115, adopted on June 13, 2018.

PASSED AND ADOPTED by the City Council of the City-of-Elk Grove this 25th day of July 2018.



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT A

Terms and Conditions of Set-Aside for Public Utility Purposes

The City of Elk Grove does hereby delineate the set aside area as described in Exhibits A through C attached hereto for use by any public utility provider (Provider) inclusive of digging, constructing, reconstructing, repairing, operating, upgrading and maintaining all necessary utilities and all appurtenances deemed necessary by said Provider on, over, under and across the real property as described, together with the perpetual right of ingress and egress from said set-aside area, for the purpose of exercising and performing all of the rights and privileges herein granted.

To the fullest extent permitted by law, Provider 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, 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 set-aside area, to the extent caused by a negligent act or negligent failure to act, errors, omissions, recklessness or willful misconduct incident to the performance of any utility work performed by Provider, except to the extent such loss or damage is caused by the sole negligence, or willful misconduct of the City.

The right to indemnity under this Section arises only upon occurrence of an event giving rise to a claim and or lawsuit(s) and, thereafter, upon tender in writing to Provider.

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.

EXHIBIT "B"

**A.P.N. : 132-0050-061
Utility Corridor**

All that real property situate in the City of Elk Grove, County of Sacramento, State of California, lying within the South West Quarter of Section 11, Township 6 North, Range 5 East, M.D.M. and being a portion of Parcel 9 as shown on Parcel Map filed in Book 60 Page 29 of Parcel Maps, Sacramento County Records, and being more particularly described as follows:

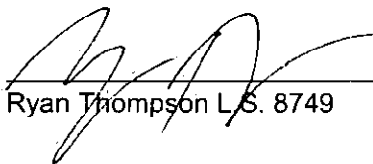
Commencing at the Northeast corner of said Parcel 9, said point also being the Center of Section 11; thence along the North line of said Parcel 9 and the quarter Section line South 88°39'08" West, 41.05 feet to the True Point of Beginning; thence leaving the North line of said Parcel 9 and the quarter Section line South 05°25'15" West, 61.08 feet; thence South 00°10'47" East, 164.30 feet; thence South 03°19'46" East, 200.20 feet; thence South 00°10'47" East, 842.63 feet; thence South 05°06'06" West, 55.26 feet to a point on the South line of said Parcel 9; thence along the South line of said Parcel 9 South 88°40'12" West, 14.09 feet; thence leaving the South line of said Parcel 9 North 05°06'06" East, 56.19 feet; thence North 00°10'47" West, 841.60 feet; thence North 03°19'46" West, 200.20 feet; thence North 00°10'47" West, 165.37 feet; thence North 05°25'15" East, 60.10 feet to a point on the North line of said Parcel 9 and said quarter Section line; thence along the North line of said Parcel 9 and said quarter Section line North 88°39'08" East, 14.10 feet to the point of beginning containing 18,531 square feet more or less.

See Exhibit 'B' attached hereto and made a part of this description.

End of Description

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.

This description has been prepared by me or under my direct supervision.



Ryan Thompson L.S. 8749

7-30-2018

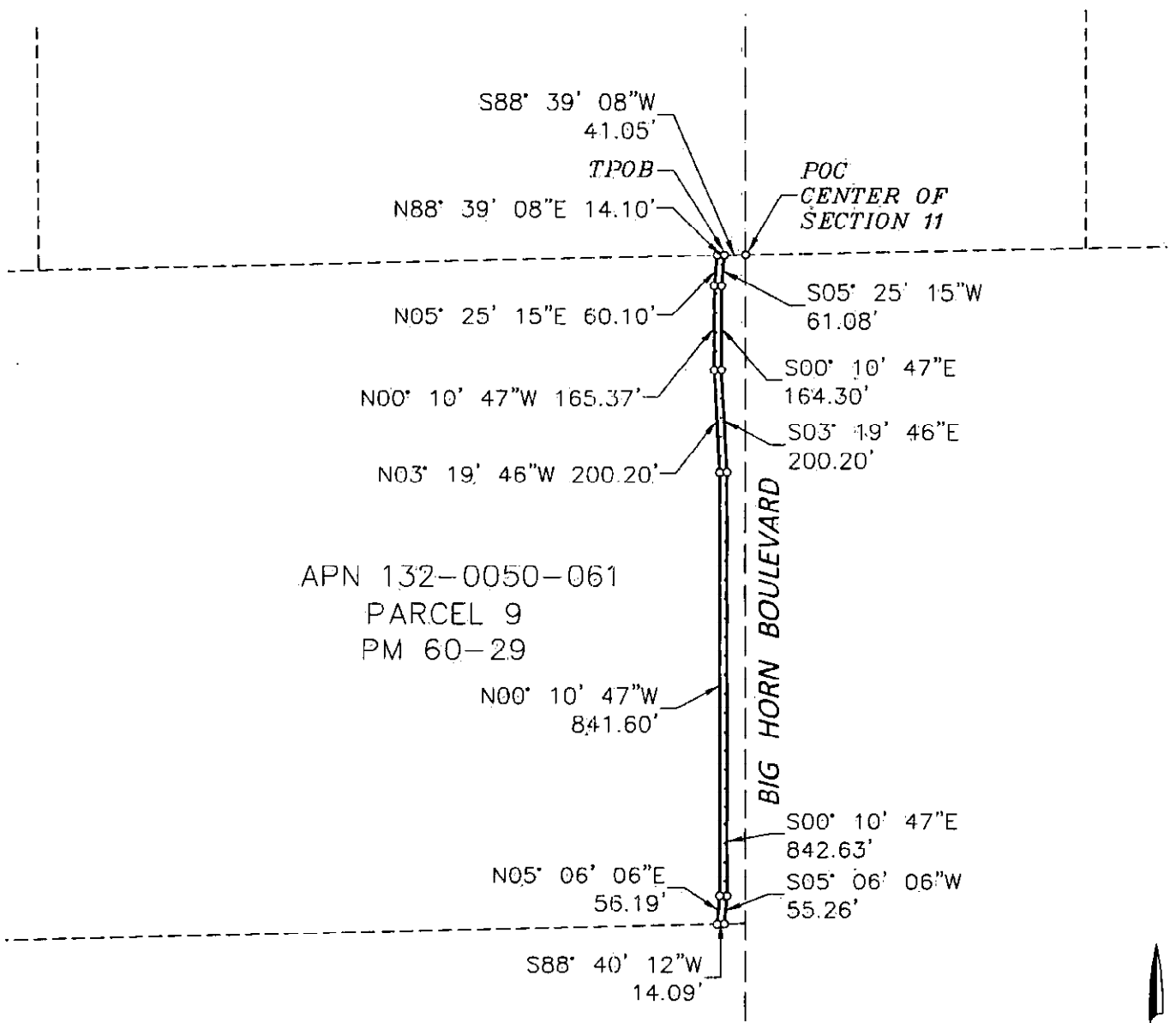
Date

UNICO Engineering, Inc.
Folsom, CA



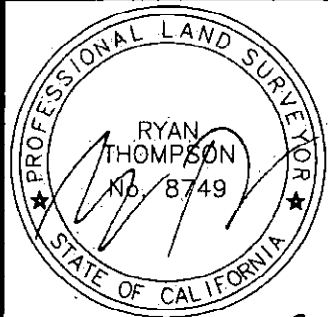
EXHIBIT "B"

UTILITY CORRIDOR



PUBLIC UTILITY

POC: POINT OF COMMENCEMENT
TPOB: TRUE POINT OF BEGINNING



DATE: 7-30-2018

NEW GROWTH AREA
INFRASTRUCTURE PROJECT

CITY OF ELK GROVE STATE OF CALIFORNIA

OWNER: WSI POPPY RIDGE LLC

DRAWN BY:
LDW

CHECKED BY:
RT

A.P.N. : 132-0050-061

PUBLIC UTILITY
AREA: 18,531 S.F.

UNICO
ENGINEERING

110 BLUE RAVINE RD, SUITE 101 | FOLSOM, CA 95630
PHONE: 800.277.6623 | unicoengineering.com

SCALE:
1"=300'

DATE:
JULY, 2018

JOB NO.
5624.003

SHEET
2 OF 2

EXHIBIT "C"

A.P.N. : 132-0050-062
Utility Corridor


All that real property situate in the City of Elk Grove, County of Sacramento, State of California, lying within the South West Quarter of Section 11, Township 6 North, Range 5 East, M.D.M. and being a portion of Parcel 10 as shown on Parcel Map filed in Book 60 Page 29 of Parcel Maps, Sacramento County Records, and being more particularly described as follows:

Commencing at the Southwest corner of said Parcel 10, said point also being the Southwest corner of Section 11, thence along the West line of said Parcel 10 and the West line of Section 11 North $00^{\circ}43'07''$ West, 18.00 feet to the True Point of Beginning; thence continuing along the West line of said Parcel 10 and the West line of Section 11 North $00^{\circ}43'07''$ West, 14.00 feet; thence leaving the West line of said Parcel 10 and the West line of Section 11 North $88^{\circ}44'51''$ East, 847.50 feet; thence North $85^{\circ}36'01''$ East, 200.36 feet; thence North $88^{\circ}44'51''$ East, 166.40 feet; thence South $85^{\circ}29'14''$ East, 109.50 feet; thence North $88^{\circ}44'51''$ East, 878.20 feet; thence North $85^{\circ}36'12''$ East, 200.56 feet; thence North $88^{\circ}44'51''$ East, 165.99 feet; thence along a curve to the left and having a radius of 17.00 feet, through a central angle of $88^{\circ}55'54''$ and being subtended by a chord bearing and distance of North $44^{\circ}17'02''$ East, 23.82 feet; thence North $00^{\circ}10'47''$ West, 44.28 feet; thence North $44^{\circ}17'12''$ East, 7.14 feet; thence North $00^{\circ}10'47''$ West, 191.40 feet; thence North $04^{\circ}23'12''$ East, 138.17 feet; thence North $00^{\circ}10'47''$ West, 462.73 feet; thence North $03^{\circ}19'40''$ West, 200.30 feet; thence North $00^{\circ}10'47''$ West, 167.03 feet; thence North $05^{\circ}06'06''$ East, 63.32 feet to a point on the North line of said Parcel 10; thence along the North line of said Parcel 10 North $88^{\circ}40'12''$ East, 14.09 feet; thence leaving the North line of said Parcel 10 South $05^{\circ}06'06''$ West, 64.25 feet; thence South $00^{\circ}10'47''$ East, 166.00 feet; thence South $03^{\circ}19'40''$ East, 200.30 feet; thence South $00^{\circ}10'47''$ East, 463.67 feet; thence South $04^{\circ}23'12''$ West, 200.97 feet; thence South $00^{\circ}10'47''$ East, 177.61 feet; thence along a curve to the right and having a radius of 31.00 feet, through a central angle of $88^{\circ}55'54''$ and being subtended by a chord bearing and distance of South $44^{\circ}17'02''$ West, 43.43 feet; thence South $88^{\circ}44'51''$ West, 165.61 feet; thence South $85^{\circ}36'12''$ West, 200.56 feet; thence South $88^{\circ}44'51''$ West, 879.29 feet; thence North $85^{\circ}29'14''$ West, 109.50 feet; thence South $88^{\circ}44'51''$ West, 165.31 feet; thence South $85^{\circ}36'01''$ West, 200.36 feet; thence South $88^{\circ}44'51''$ West, 848.01 feet to the point of beginning containing 53,453 square feet more or less.

See Exhibit "B" attached hereto and made a part of this description.
End of Description

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 $20^{\circ}56'36''$ West. Distances shown are ground based.

This description has been prepared by me or under my direct supervision.



Ryan Thompson L.S. 8749

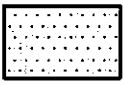
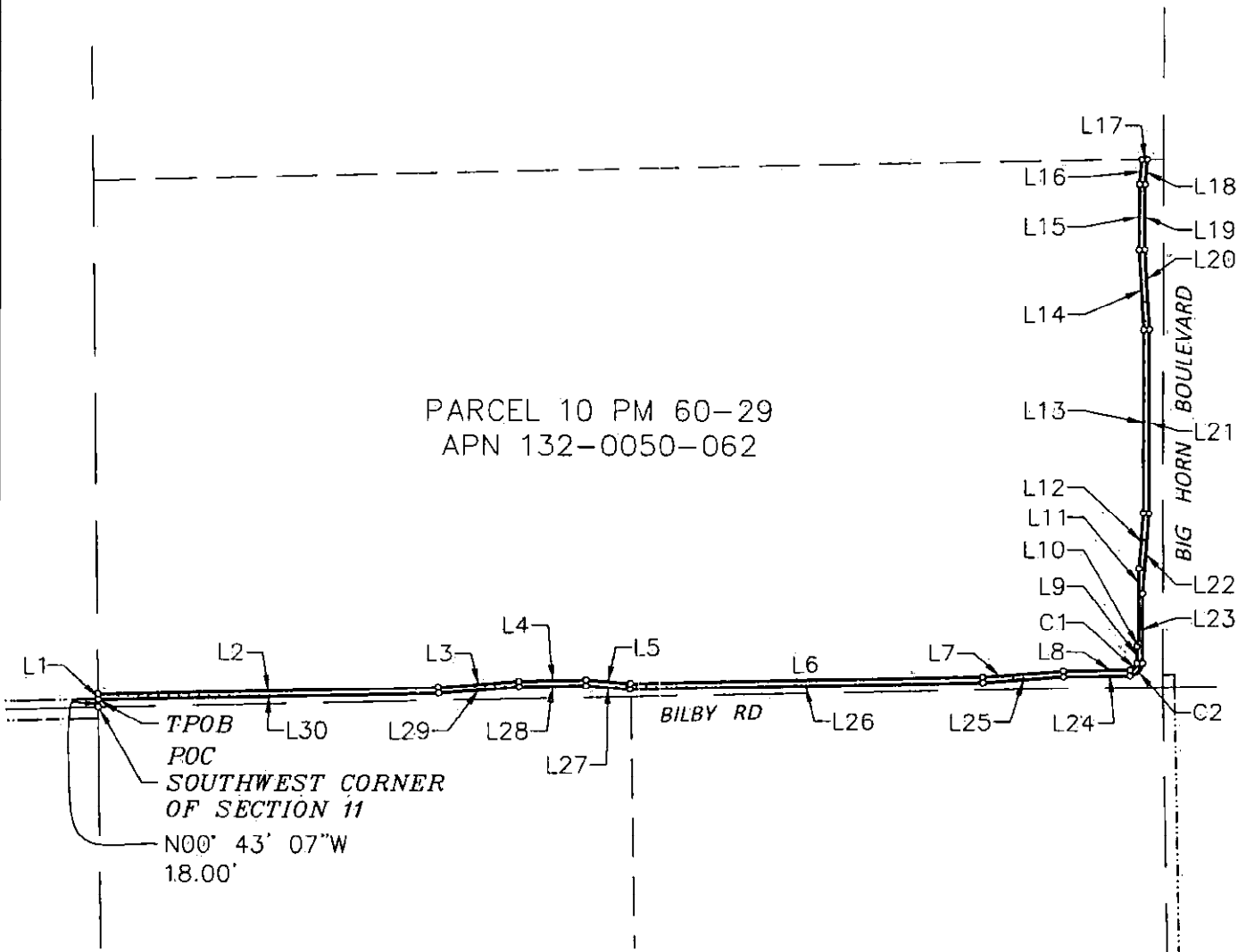
7-30-2018
Date

UNICO Engineering, Inc.
Folsom, CA



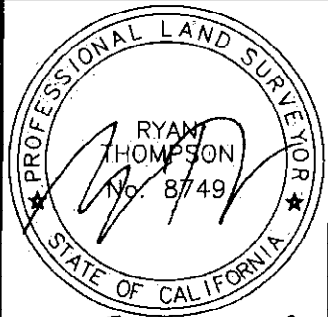
EXHIBIT "C"

UTILITY CORRIDOR



PUBLIC UTILITY

POC: POINT OF COMMENCEMENT
TPOB: TRUE POINT OF BEGINNING



DATE: 7-30-2018

NEW GROWTH AREA
INFRASTRUCTURE PROJECT

CITY OF ELK GROVE STATE OF CALIFORNIA

OWNER: WSI POPPY RIDGE LLC

DRAWN BY:
LDW

CHECKED BY:
RT

A.P.N.: 132-0050-062

PUBLIC UTILITY
AREA: 53,453' S.F.

UNICO
ENGINEERING

110 BLUE RAVINE RD SUITE 101 | FOLSOM, CA 95630
PHONE: 800.277.6623 | uniconengineering.com

SCALE:
1"=400'

DATE:
JULY, 2018

JOB NO.
5624.003

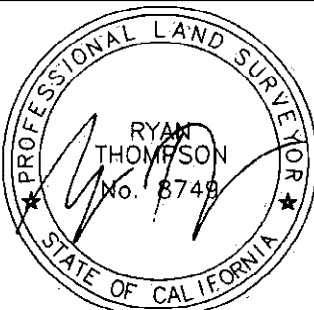
SHEET
2 OF 3

EXHIBIT "C"

UTILITY CORRIDOR

LINE TABLE					
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N0° 43' 07"W	14.00'	L16	N5° 06' 06"E	63.32'
L2	N88° 44' 51"E	847.50'	L17	N88° 40' 12"E	14.09'
L3	N85° 36' 01"E	200.36'	L18	S5° 06' 06"W	64.25'
L4	N88° 44' 51"E	166.40'	L19	S0° 10' 47"E	166.00'
L5	S85° 29' 14"E	109.50'	L20	S3° 19' 40"E	200.30'
L6	N88° 44' 51"E	878.20'	L21	S0° 10' 47"E	463.67'
L7	N85° 36' 12"E	200.56'	L22	S4° 23' 12"W	200.97'
L8	N88° 44' 51"E	165.99'	L23	S0° 10' 47"E	177.61'
L9	N0° 10' 47"W	44.28'	L24	S88° 44' 51"W	165.61'
L10	N44° 17' 12"E	7.14'	L25	S85° 36' 12"W	200.56'
L11	N0° 10' 47"W	191.40'	L26	S88° 44' 51"W	879.29'
L12	N4° 23' 12"E	138.17'	L27	N85° 29' 14"W	109.50'
L13	N0° 10' 47"W	462.73'	L28	S88° 44' 51"W	165.31'
L14	N3° 19' 40"W	200.30'	L29	S85° 36' 01"W	200.36'
L15	N0° 10' 47"W	167.03'	L30	S88° 44' 51"W	848.01'

CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	26.39'	17.00'	88°55'54"	N44° 17' 02"E	23.82'
C2	48.12'	31.00'	88°55'54"	S44° 17' 02"W	43.43'



DATE: 7-30-2018

NEW GROWTH AREA INFRASTRUCTURE PROJECT

CITY OF ELK GROVE

STATE OF CALIFORNIA

OWNER: WSI POPPY RIDGE LLC

DRAWN BY:
LDW

CHECKED BY:
RT

A.P.N. : 132-0050-062

PUBLIC UTILITY
AREA: 53,453 S.F.



110 BLUE RAVINE RD SUITE 101 | FOLSOM, CA 95630
PHONE: 800.277.6623 | uniconengineering.com

SCALE:
1"=400'

DATE:
JULY, 2018

JOB NO.
5624.003

SHEET
3 OF 3

EXHIBIT "D"

**A.P.N. : 132-0290-044
Utility Corridor**

All that real property situate in the City of Elk Grove, County of Sacramento, State of California, lying within the North East Quarter of Section 11, Township 6 North, Range 5 East, M.D.M. and being a portion of that certain parcel of land as described in the Grant Deed to Suyenaga Family Trust, herein after referred to as the Suyenaga property, filed in the office of the Sacramento County Clerk and Recorder, December 21, 1999 as Document No. 991221-0383, and being more particularly described as follows:

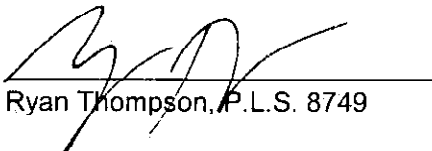
Commencing at the center of Section 11, said point also being the South West corner of said Suyenaga property, thence along the South line of said Suyenaga property and the quarter Section line North 88°39'43" East, 37.00 feet to the True Point of Beginning; thence leaving the South line of said Suyenaga property and the quarter Section line North 00°10'19" West, 885.07 feet to a point on the North line of said Suyenaga property; thence along the North line of said Suyenaga property North 89°06'32" East, 14.00 feet; thence leaving the North line of said Suyenaga property South 00°10'19" East, 884.96 feet to a point on the South line of said Suyenaga property and said quarter Section line; thence along the South line of said Suyenaga property and said quarter Section line South 88°39'43" West, 14.00 feet to the point of beginning containing 12,389 square feet more or less.

See Exhibit 'B' attached hereto and made a part of this description.

End of Description

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.

This description has been prepared by me or under my direct supervision.


Ryan Thompson, P.L.S. 8749

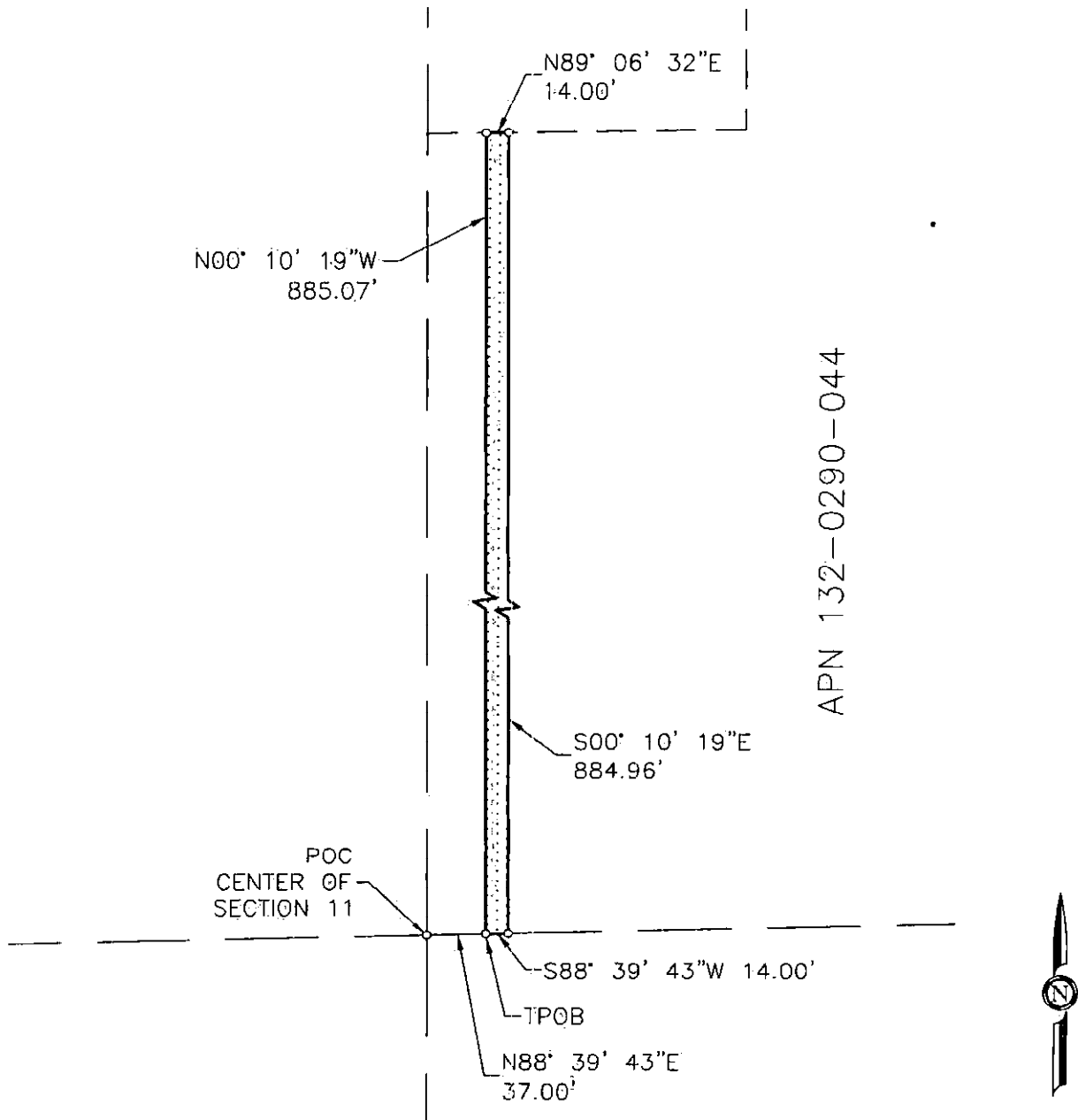
7-30-2018
Date

UNICO Engineering, Inc.
Folsom, CA

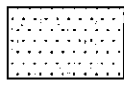


EXHIBIT "D"

UTILITY CORRIDOR

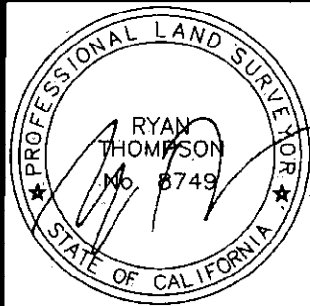


APN 132-0290-044



PUBLIC UTILITY

POC: POINT OF COMMENCEMENT
TPOB: TRUE POINT OF BEGINNING



DATE: 7-30-2018

NEW GROWTH AREA INFRASTRUCTURE PROJECT		SCALE: 1"=100'
CITY OF ELK GROVE		STATE OF CALIFORNIA
OWNER: SUYENAGA FAMILY TRUST	DRAWN BY: LDW	CHECKED BY: RT
A.P.N. : 132-0290-044		JOB NO. 5624.003
PUBLIC UTILITY AREA= 12,389 S.F.		SHEET 2 OF 2
<p>110 BLUE RAVINE RD SUITE 101 FOLSOM, CA 95630 PHONE: 800.277.6623 uniconengineering.com</p>		

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2018-156**

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

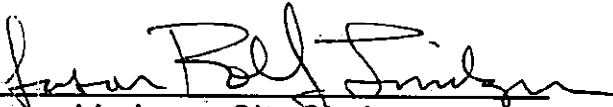
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 25, 2018 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



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