

RESOLUTION NO. 2019-150

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE GRANTING A NON-EXCLUSIVE EASEMENT TO SACRAMENTO MUNICIPAL UTILITY DISTRICT (SMUD) AND PACIFIC GAS AND ELECTRIC (PG&E) OVER A CITY-OWNED PARCEL (APN 134-0110-184) TO SERVE FIELDSTONE NORTH (SUBDIVISION NO. 13-004) (NO FURTHER CEQA ANALYSIS REQUIRED)

WHEREAS, on December 12, 2018, the City of Elk Grove (City) approved the Fieldstone North Large Lot Final Map (Subdivision No. 13-004); and

WHEREAS, a wetland/drainage parcel (APN 134-0110-184) was created by the Fieldstone North Large Lot Map; and

WHEREAS, on May 31, 2019, the dedication of APN 134-0110-184 by Fieldstone North 100, LLC was accepted by the City; and

WHEREAS, to allow for orderly development of underground utilities, access to the City owned parcel (APN 134-0110-184) must be provided to allow for the installation of utility lines across contiguous parcels; and

WHEREAS, granting a non-exclusive easement to SMUD and PG&E across the City owned parcel will allow for the installation of the necessary utilities that serve the Fieldstone North Subdivision; and

WHEREAS, CEQA requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (State CEQA Guidelines Section 15378). The proposed Project is a project under CEQA; and

WHEREAS, in 1995, an Environmental Impact Report (EIR) was certified for the East Elk Grove Specific Plan (SHC No. 94112053). Additionally, on January 22, 2014, the City Council approved a Mitigated Negative Declaration (MND) and adopted a Mitigation Monitoring and Reporting Program (MMRP) for the Fieldstone North Project (EG-13-004) (SCH No. 2013102047). The setting for the Project has not significantly changed since approval of the MND. Surrounding properties have either remained undeveloped or have developed in accordance with the Elk Grove Municipal Code, which was anticipated as part of the original project. The dedication of the easement satisfies the development conditions approved with the Fieldstone North Project and will not generate any new environmental effects. Staff has determined that the MND and adopted MMRP are sufficient and no further environmental review is required, pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is required.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby approves the granting of an easement over a portion of the parcel identified as APN 134-0110-184 as a non-exclusive easement from the City to Sacramento Municipal Utility District (SMUD) and Pacific Gas and Electric (PG&E) in

substantially the same form as set forth in the attached Grant of Non-Exclusive Easement (Exhibit A) attached hereto and incorporated herein by reference, and as may be modified with the approval of the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 10th day of July 2019




STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

**NO FEE DOCUMENT - Government Code §6103
NO DOCUMENT TRANSFER TAX - R & T Code §11922**

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

Sacramento Municipal Utility District
Real Estate Services K 222
P.O. Box 15830
Sacramento, CA 95825-1830

Pacific Gas and Electric
Pacific Gas and Electric Company
P.O. Box 997300
Sacramento, CA 95899-7300

SPACE ABOVE FOR RECORDER'S USE ONLY

SMUD/PG&E acceptance by:
Project Name:
A.P.N. 134-0110-184

GRANT OF NON-EXCLUSIVE EASEMENT

The CITY OF ELK GROVE, a municipal corporation (hereinafter referred to as GRANTOR), hereby grants to SACRAMENTO MUNICIPAL UTILITY DISTRICT, a municipal utility district and PACIFIC GAS AND ELECTRIC, a public utility district (hereinafter referred to as GRANTEE), its successors and assigns, a non-exclusive easement for the right to construct, place, inspect, remove, replace, maintain, and use electrical and gas communication facilities consisting of underground conduits, wires, cables, and all necessary associated fixtures and appurtenances within the following described easement area.

TOGETHER WITH the perpetual right of ingress and egress from said Easement area for the purpose of exercising and performing all of the rights and privileges herein granted.

See Exhibit A, legal description, and Exhibit B, plat to accompany legal description, attached hereto and made a part hereof.

Grantee shall maintain these facilities in good condition and repair. Each party hereby agrees to indemnify, defend, and hold harmless the other party from and against all claims, costs, damages, expenses, losses, or liabilities including reasonable attorneys' fees and costs of expert witnesses and costs of suits arising from bodily injury or property damage related to the use or maintenance of the facilities and which is determined by a court to be caused by the negligence or willful misconduct of the indemnifying party. It is the intent of the parties hereto that, where negligence is determined to have been contributory, principles of comparative negligence will be followed, and each party shall bear the proportionate cost of any claims, costs, damages, expenses, losses, or liabilities.

Executed this _____ day of _____, 20__.

GRANTORS:

City of Elk Grove, a Municipal Corporation

Jason Behrmann, City Manager

THIS TRANSACTION IS EXEMPT FROM CALIFORNIA DOCUMENTARY TRANSFER TAX PURSUANT TO SECTION 11922 OF THE CALIFORNIA REVENUE AND TAXATION CODE. THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO SECTION 27383 OF THE CALIFORNIA GOVERNMENT CODE.

EXHIBIT 'A'
FIELDSTONE NORTH
LEGAL DESCRIPTION
NON-EXCLUSIVE 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 Parcel E as described in that certain Grant Deed, recorded October 17, 2016, in Book 20161017 of Official Records, at Page 1567, Sacramento County Records and situate in the southwest quarter of Section 5, Township 6 North, Range 6 East, Mount Diablo Meridian, more particularly described as follows:

COMMENCING at the northwest corner of said Parcel E, also being the northeast corner of Parcel A as shown on that certain Parcel Map No. 03-413.00, entitled "Hudson Property", filed for record May 21, 2004, in Book 176 of Parcel Maps, at Page 7, Sacramento County Records and being the southwest corner of Lot 13 as shown on that certain Map entitled "Fieldstone North Large Lot Map" filed for record December 14, 2018, in Book 408 of Maps, at Page 4, Sacramento County Records; thence from said **POINT OF COMENCEMENT**, along the north line of said Parcel E, also being the southerly line of said Lot 13, North 89°18'14" East, a distance of 46.01 feet to the **TRUE POINT OF BEGINNING**; thence from said **TRUE POINT OF BEGINNING**, leaving said northerly line and through said Parcel E, along a line being 46.00 feet east of and parallel with the west line of said Parcel E, South 00°34'09" West, a distance of 113.26 feet to the southerly line of said Parcel E, also being the northerly line of Lot 1, as shown on that certain Final Map of Subdivision No. 10-018, entitled "Fieldstone South", filed for record August 30, 2016, in Book 392 of Maps, at Page 6, Sacramento County Records; thence along said southerly line, South 89°17'11" West, a distance of 25.01 feet; thence leaving said southerly line, along a line being 21.00 feet easterly of and parallel with the west line of said Parcel E, North 00°34'09" East, a distance of 113.27 feet to said north line of Parcel E; thence along said north line, North 89°18'14" East, a distance of 25.01 feet to the **TRUE POINT OF BEGINNING**.

Containing 2,832 square feet, 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 identical to said map of Fieldstone North Large Lot Map, Book 408 of Maps, Page 4, Sacramento County Records.

END OF DESCRIPTION

APRIL 23, 2019

Dennis L. Barber, PLS 8067

PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA

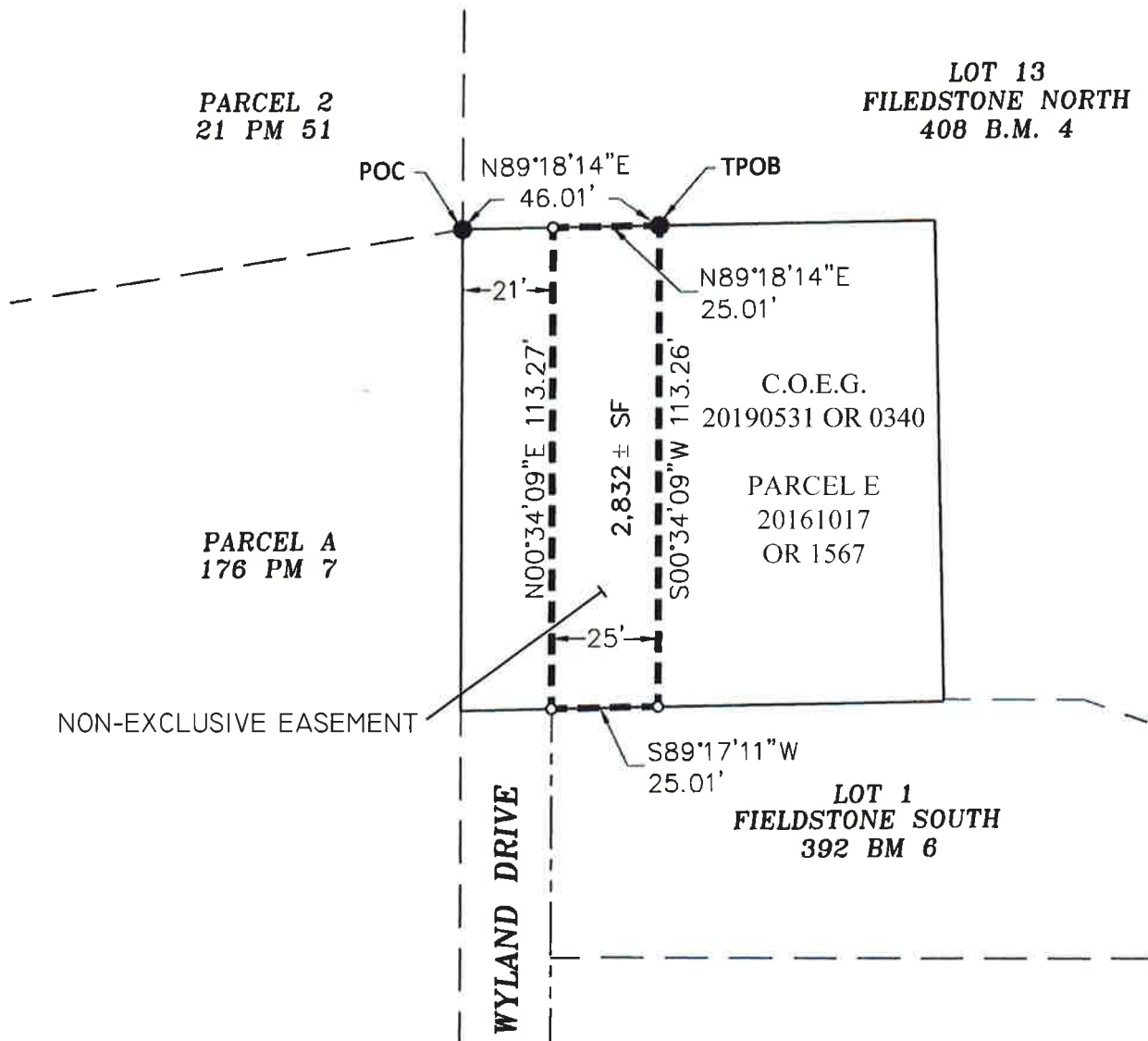


5/13/19

EXHIBIT 'B'

PLAT TO ACCOMPANY
DESCRIPTION

**FIELDSTONE NORTH
NON-EXCLUSIVE EASEMENT**
CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA



5/31/19



SCALE: 1" = 40'



WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME

3301 O ST, BLDG. 100-B TEL 916.341.7760
SACRAMENTO, CA 95816 FAX 916.341.7767

APRIL 23, 2019 1006.029 SHEET 1 OF 1

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2019-150**

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

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 10, 2019 by the following vote:

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

NOES: COUNCILMEMBERS: *None*

ABSTAIN: COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*



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