

RESOLUTION NO. 2023-228

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 OVER THE CITY-OWNED PARCEL IDENTIFIED AS APN 132-2820-075 FOR THE MADEIRA SOUTH LOT A PROJECT (PLNG19-022) (NO FURTHER CEQA REVIEW REQUIRED)

WHEREAS, the City of Elk Grove (City) approved a Tentative Subdivision Map (TSM) and Design Review for Subdivision Layout for the Madeira South Lot A Project (Project) on June 20, 2019; and

WHEREAS, the City approved the Project Final Map and accepted the ownership of the landscape parcel identified as APN 132-2820-075 (City Parcel) on November 18, 2020; and

WHEREAS, the Project was required to dedicate a well site to the Sacramento County Water Agency (SCWA); and

WHEREAS, SCWA requested a waterline easement within the City Parcel for the purposes of installation, construction, reconstruction, maintenance, repair and operation of water pipelines and related appurtenances, and work auxiliary thereto; and

WHEREAS, the Laguna Ridge Specific Plan was approved and an Environmental Impact Report (EIR) (SCH 2000082139) certified by the City Council on June 16, 2004. In conjunction with the certification of the LRSP EIR, a Mitigation Monitoring and Reporting Program (MMRP) was adopted for the LRSP. The Madeira South Lot A site was included in the analysis under the EIR with the assumption that the site would be developed as single-family residential homes along with all associated infrastructure. The granting of an easement to SCWA for waterlines and incidental purposes is consistent with the infrastructure plan of the Madeira South Lot A subdivision and the adopted Specific Plan. The granting of the easement does not affect level or intensity of the proposed development as contemplated with the LRSP and the LRSP EIR. Therefore, no further environmental review is required under the California Environmental Quality Act.

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 Pipeline, attached hereto as Exhibit A and subject to approval by the City Attorney, granting the Sacramento County Water Agency an easement for the purpose of installation, construction,

reconstruction, maintenance, repair and operation of water pipelines and related appurtenances, and work auxiliary thereto, and to cause a certified copy of this Resolution, attested to by the City Clerk under seal, and the Easement for Water Pipeline executed by the City Manager, to be forwarded to the Sacramento County Water Agency 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 27th day of September 2023



BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT A

**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: _____ 132-2820-075 (Portion of)

Project Name & Dept: _____ Madeira South Well Site / SCWA

THIS SPACE FOR RECORDER'S USE ONLY

EASEMENT FOR WATER PIPELINE

CITY OF ELK GROVE, a California municipal corporation

(hereinafter referred to as Grantor), 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 (hereinafter referred to as “Easement”) over that certain real property in the County of Sacramento, State of California, bounded and described as follows, to-wit (hereinafter referred to as “Easement Area”):

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. This Easement shall be subordinate in all respects to the existing 12.5 foot Public Utility Easement shown on Exhibit B (“Existing PUE”).

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 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 easement, 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, to the extent, is caused by sole the negligence or willful misconduct of the City. To the extent that SCWA damages or removes any sidewalks or landscaping on Grantor’s property in connection with use of the Easement hereunder, SCWA shall restore such sidewalks or landscaping to the status they were prior to damage or removal.

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 SCWA.

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.

[Signature Page Follows]

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 _____, 2023

CITY OF ELK GROVE, a California municipal corporation

By: _____
Jason Behrmann, City Manager

Resolution #: _____

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. _____ of the Board of Directors of said Agency adopted on _____, and the Grantee consents to recordation thereof by its duly authorized officer.

 Director of General Services

 Date

RED File No. 20-02-001

LOG No. _____

EXHIBIT "A"
MADEIRA SOUTH
LEGAL DESCRIPTION OF
SCWA WATERLINE EASEMENT

Being a portion of Lot B as shown on that certain Map entitled "Subdivision No. 20-001 Madeira South Lot A" recorded in Book 425 of Maps, at Page 6, Sacramento County Records, located in the City of Elk Grove, County of Sacramento, State of California, being more particularly described as follows:

COMMENCING at the most easterly northeast corner of said Map, said corner also being a point on the east line of the northwest quarter of Section 11 as shown on that certain Map entitled "Subdivision No. 10-020-3B Madeira South Village 3B" recorded in Book 415 of Maps, at Page 6, Sacramento County Records, thence from said **POINT OF COMMENCEMENT**, along the north line of said Map entitled "Subdivision No. 20-001 Madeira South Lot A," South $89^{\circ}18'54''$ West, a distance of 61.00 feet to the northwest corner of said Lot B, also being a point of intersection with the westerly lines of that certain Pedestrian Easement described in Book 20120417 of Official Records, at page 1829, Sacramento County Records and of that Public Utility Easement described in Book 20120417 of Official Records, at page 1830, Sacramento County Records; thence along the westerly said Lot B, also being said westerly lines, South $00^{\circ}10'19''$ East, a distance of 104.02 feet to the **TRUE POINT OF BEGINNING**; thence from said **TRUE POINT OF BEGINNING**, leaving said westerly lines and continuing through said Lot B, North $89^{\circ}49'41''$ East, a distance of 25.00 feet to the easterly lines of said Lot B and Pedestrian Easement, also being the westerly line of that Irrevocable Offer of Dedication for Right-of-Way described in Book 20120417 of Official Records, at Page 1831, Sacramento County Records; thence along said easterly lines, South $00^{\circ}10'19''$ East, a distance of 15.00 feet; thence through said Lot B and Pedestrian Easement, South $89^{\circ}49'41''$ West, a distance of 25.00 feet to said westerly lines of Lot B, Pedestrian Easement and Public Utility Easement; thence along said westerly lines, North $00^{\circ}10'19''$ West, a distance of 15.00 feet to the **TRUE POINT OF BEGINNING**.

Containing 375 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 said east line of said northwest quarter of Section 11, shown as North 00°10'19" West on said Map.

August 15, 2023

END OF DESCRIPTION



Dennis L. Barber, PLS 8067

Date: 8/15/23

PREPARED BY WOOD RODGERS, INC
SACRAMENTO, CALIFORNIA

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RED File No. 20-02-001

LOG No. _____

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2023-228

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 September 27, 2023 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Spease, Brewer, Robles, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California