



Sacramento County Recorder
Craig A. Kramer, Clerk/Recorder
BOOK **20130305** PAGE **1508**

Tuesday, MAR 05, 2013 4:33:52 PM
Ttl Pd \$0.00 Rcpt # 0007686649

SJS/57/1-15

NO FEE DOCUMENT
Government Code §27383
RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

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

Space above this line for Recorder's use

RESOLUTION NO. 2012-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE

NO FEE DOCUMENT
Government Code §27383
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RESOLUTION NO. 2012-102

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT AND A
NON-EXCLUSIVE EASEMENT FOR ACCESS PURPOSES TO THE LOS RIOS
COMMUNITY COLLEGE DISTRICT OVER A PORTION OF CITY-OWNED LIGHT RAIL
AND LANDSCAPE CORRIDOR PARCELS IN THE LAGUNA RIDGE SPECIFIC PLAN**

WHEREAS, the City of Elk Grove (City) is the fee owner of Parcel A (Landscape Corridor) and Parcel B (future Light Rail Corridor) as shown on the map of Parcel Map No. 06-1046.00, Laguna Ridge-Bayless / Pulte filed in Book 206, Page 11 of Parcel Maps, records of Sacramento County; and

WHEREAS, Parcels A and B lie between Big Horn Boulevard and Parcel 2 of Parcel Map No. 06-1046.00, Laguna Ridge-Bayless / Pulte (Parcel Map) owned by the Los Rios Community College District (LRCCD); and

WHEREAS, a driveway was shown on the Parcel Map over Parcel B for access from Parcel 2 to Big Horn Boulevard for future development of Parcel 2; and

WHEREAS, the LRCCD is in the process of constructing a new campus facility on Parcel 2 and, to improve vehicular accessibility to and from the campus, the proposed main driveway off of Big Horn Boulevard had to be located south of the existing access easement thereby causing the proposed driveway location to cross both Parcels A and B and requiring a new access easement, the location of which has been approved by the City; and

WHEREAS, as a requirement of their project, the LRCCD will be constructing improvements along Big Horn Boulevard, including their main driveway, to provide access to and from the campus; and

WHEREAS, the purpose of this Resolution is to authorize the Mayor to execute the Easement Agreement granting an easement for access purposes over Parcels A and B to Parcel 2 to the LRCCD for construction of the new campus facility.

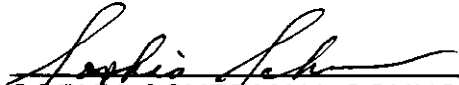
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds as follows:

- 1) The portion of the City owned property granted to the LRCCD would be consistent with and not violate the Laguna Ridge Specific Plan or the General Plan and all the elements and components thereof; and
- 2) The public interest will be served by the granting of the access easement; and
- 3) That the proposed improvements are consistent with the Laguna Ridge Specific Plan and corresponding Environmental Impact Report and that, therefore, no further environmental review is required.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that the Mayor execute the Easement Agreement attached as Exhibit A hereto and incorporated herein by this reference granting the LRCCD an access easement over Parcels A and B for the construction of the new campus facility; and

NOW, THEREFORE, BE IT FINALLY RESOLVED AND ORDERED that the City Clerk of the City of Elk Grove shall cause a certified copy of the Resolution authorizing the Mayor to execute the Easement Agreement for access purposes over portions of City owned property, attested by the Clerk under seal, and to be recorded in the office of the County Recorder of the County of Sacramento.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 13th day of June 2012.



SOPHIA SCHERMAN, COUNCIL
MEMBER and Temporary Presiding
Officer of the CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
INTERIM CITY ATTORNEY

EXHIBIT A

This document is being recorded by
and for the benefit of
Los Rios Community College

When Recorded Mail to:
Los Rios Community College
1919 Spanos Court,
Sacramento CA 95825; and

City of Elk Grove
Attn: City Clerk
8401 Laguna Palms Way
Elk Grove, CA 95758

Exempt from Recording Fees pursuant to
Government Code section 27383

(FOR RECORDER'S USE ONLY)

**EASEMENT AGREEMENT
AND
GRANT OF NON-EXCLUSIVE EASEMENTS
(FOR INGRESS-EGRESS ACCESS TO BIG HORN BOULEVARD)**

This Easement Agreement ("Agreement") is entered into effective this _____ day of _____, 2012, by and between THE CITY OF ELK GROVE ("Grantor") and the Los Rios Community College District ("Grantee") on the terms and conditions which follow.

RECITALS

WHEREAS, the Grantee has acquired a certain parcel of real property located generally on the southeast corner of Whitelock Parkway and Big Horn Boulevard on the north side of Poppy Ridge Road in the City of Elk Grove, California, Assessor's Parcel No.132-2140-002 (the "Benefited Parcel") Benefited Parcel is described as Parcel 2 as shown on Parcel Map No. 06-1046.00, Laguna Ridge-Bayless/Pulte filed in Book 206 at Page 11 of Parcel Maps, records of Sacramento County for its new Los Rios Community College Campus (the "Project"); and

WHEREAS, the Project requires easements for ingress and egress over and across a portion of Grantor's properties located along Big Horn Boulevard on the west side of the Benefited Parcel (the "Burdened Parcels"); and

WHEREAS, Grantor is the owner of the Burdened Parcels as described as Parcels A and B shown on Parcel Map No. 06-1046.00, Laguna Ridge-Bayless/Pulte field in Book 206 at Page 11 of Parcel Maps, records of Sacramento County; and

WHEREAS, Grantor desires to grant to the Grantee, and Grantee desires to acquire from Grantor, non-exclusive easements for ingress and egress under the terms and conditions outlined below; and

WHEREAS, the purpose of this Grant of Non-Exclusive Easements are to describe and memorialize the easements and its limited scope.

TERMS, CONDITIONS AND COVENANTS

1. Grant of Easement for Ingress and Egress. Grantor hereby grants to Grantee easements for ingress and egress across and over the Burdened Parcels, which easements are described in legal descriptions attached hereto as Exhibits A and C and depicted in Exhibits B and D respectively which are attached hereto and incorporated herein by this reference (the "Easements"). The purpose of the Easements are for ingress and egress to the Benefited Parcel by Grantee for vehicular and pedestrian traffic by its employees, students, officers, agents, vendors, contractors and invitees, including but not limited to, individuals using Grantee's property pursuant to the Civic Center Act of the California Education Code. The Grantee's easement rights herein are not exclusive and may not be transferred to a third party without the consent of the Grantor. .
2. Improvement and Maintenance of Easement. Grantee shall maintain the easement for ingress and egress and shall pave the Easement at their sole cost when requested by Grantor to do so within thirty (30) days written notice of such request. Paving shall begin within ninety (90) days of notice by Grantor and be diligently pursued. Further, Grantee shall construct and maintain to Grantor's standards, all curbs, gutters, and sidewalks within the Easements that are necessary for the Grantee's use of the Benefited Parcel.
3. Improvements to Burdened Parcel. In the event Grantor or any third party desires to improve the Burdened Parcel, such party shall coordinate such improvements with Grantee.
4. Recordation of Easements, Memorandum of Easement or Easement Deed. This Agreement shall be recorded in the office of the County Recorder of the County of Sacramento to impart constructive notice of the Easements being granted herein.
5. Indemnification. For the easement rights set forth herein, and granted by Grantor herein, the Grantee agrees to indemnify, defend and hold Grantor harmless from all costs, claims, suits, or damages, including attorneys' fees arising from or out of any acts, errors or omissions arising from or relating to the use of the Easements by the Grantee, its employees, students, officers, agents, vendors, contractors, invitees and those individuals using the Easements pursuant to the Civic Center Act.

6. Binding Effect. This Agreement is binding upon the successors and assigns of the parties.
7. Execution in Counterpart. This Grant of Non-Exclusive Easements may be executed in counterpart such that signatures may appear on separate signature pages, which when appended together, shall constitute one fully executed original.

EXECUTION

WHEREFORE, Grantor, by his signature hereinbelow, agrees to convey, and Grantee, upon ratification of the Los Rios Board of Directors, agrees to accept, the easement interests as set forth herein.

GRANTEE:

LOS RIOS COMMUNITY COLLEGE, a
Political Subdivision

By: _____

Its: _____

Approved as to Form:

(Name and Title of Los Rios Attorney)

Attest:

(Name - - Clerk of the Board)

GRANTOR:

CITY OF ELK GROVE, a Municipal
Corporation

BY: _____

James Cooper, Mayor

Approved as to Form:

Jonathan P. Hobbs, Interim City
Attorney

Attest:

Jason Lindgren, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

A strip of in the City of Elk Grove, Sacramento County, State of California, being a portion of Parcel A as shown on that certain Parcel Map No. 06-1046.00, as filed in Book 206 of Parcel Maps, at Page 11, Records of Sacramento County, the boundary of said strip of land is more clearly described as follows:

COMMENCING at the North $\frac{1}{4}$ (one -quarter) corner of Section 11, T. 6. N., R. 5. E., M.D.M., as shown on said Parcel Map, thence along the following two (2) courses to the **TRUE POINT OF BEGINNING**:

1. South $00^{\circ}10'19''$ East 717.12 feet along the North-South centerline of said Section 11 also being the centerline of Big Horn Boulevard;
2. Leaving said centerline North $89^{\circ}49'41''$ East 36.00 feet to the a point on the existing Easterly Right-of-Way of Big Horn Boulevard as depicted on said Parcel Map, said point being the **TRUE POINT OF BEGINNING**.

Thence along the following seven (7) courses:

1. Along the easterly Right-of-Way of Big Horn Boulevard, North $00^{\circ}10'19''$ West, 58.00 feet;
2. Leaving said Right-of-Way, North $89^{\circ}49'41''$ East, 7.00 feet, to the beginning of a non-tangent curve concave to the Northeast, of which the radius point bears North $89^{\circ}49'41''$ East;
3. Southerly along said curve having a radius of 18.00 feet, a central angle of $90^{\circ}00'00''$ and an arc length of 28.27 feet, being subtended by a chord of South $45^{\circ}10'19''$ East 25.46 feet, to the East line of said Parcel A;
4. Along said East line, South $00^{\circ}10'19''$ East 80.00 feet, to beginning of a non-tangent curve concave to the Southeast, of which the radius point bears South $00^{\circ}10'19''$ East;
5. Leaving said East line southwesterly, along said curve having a radius of 18.00 feet, a central angle of $90^{\circ}00'00''$ and an arc length of 28.27 feet, being subtended by a chord of South $44^{\circ}49'41''$ West 25.46 feet;
6. South $89^{\circ}49'41''$ West 7.00 feet, to a point on said easterly Right-of-Way of Big Horn Boulevard;
7. Along said Right-of-Way, North $00^{\circ}10'19''$ West, 58.00 feet, to the **TRUE POINT OF BEGINNING**.

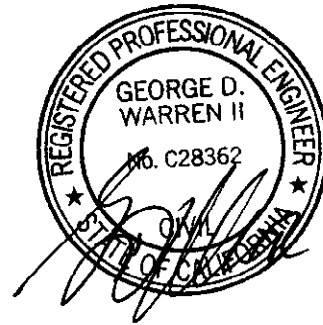
The described easement consists of 2,391 square feet (0.05 acres) more or less.

The basis of bearing for this description is identical to that Parcel Map on file at the Office of the Recorders, County of Sacramento in Book 206 of Parcel Maps Map 11, State of California

End of Description

Prepared by: Warren Land Surveying, Inc.
160 Blue Ravine Road, Ste. C
Folsom, CA 95630

May 14, 2012



WHITELOCK PARKWAY

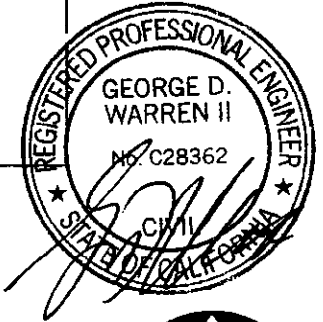
FOUND 2" OPEN IRON PIPE
PER 60 P.M. 29
NORTH 1/4 COR. SEC. 11
(P.O.C.)

PARCEL 1
206 P.M. 11

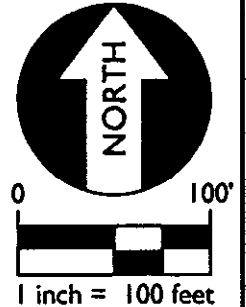
RESULTANT
PARCEL 4
20040513 O.R. 2043

717.12'
S00°10'19"E
BIG HORN BLVD.

PARCEL A
206 P.M. 11



PARCEL 2
206 P.M. 11



N00°10'19"W
58.00'

N89°49'41"E (R)
7.00'
R=18'
Δ=90°00'00"
L=28.27'
C=S45°10'19"E
CL=25.46'

PARCEL B
206 P.M. 11

RESULTANT
PARCEL 3
20040513 O.R. 2043

N89°49'41"E
36.00'
N00°10'19"W
58.00'
S89°49'41"W (R)
7.00'

R=18'
Δ=90°00'00"
L=28.27'
C=S44°49'41"W
CL=25.46'

LEGEND
P.O.C. POINT OF COMMENCEMENT
P.O.B. TRUE POINT OF BEGINNING
(R) RADIAL

CRC ELK GROVE CENTER
LOS RIOS COMMUNITY COLLEGE DISTRICT

EXHIBIT B

PLAT TO ACCOMPANY LEGAL DESCRIPTION
PORTION OF PARCEL A
SECTION 11 TOWNSHIP 6 NORTH,
RANGE 5 EAST, M.D.B.&M.
CITY OF ELK GROVE, SACRAMENTO COUNTY,
CALIFORNIA

JOB NO. 11-073
DATE 5-14-12
SCALE 1"=100'

WARREN LAND SURVEYING, INC.

149 River Street Road, Ste. C
Folsom, CA 95630
916-988-1870

FILENAME: \\SURVEY\11-073\DWG\01 PARCEL A.DWG\11-073.DWG

PARCEL A
POE
@ DRAINE

EXHIBIT "C"

LEGAL DESCRIPTION

A strip of in the City of Elk Grove, Sacramento County, State of California, being a portion of Parcel A as shown on that certain Parcel Map No. 06-1046.00, as filed in Book 206 of Parcel Maps, at Page 11, Records of Sacramento County, the boundary of said strip of land is more clearly described as follows:

COMMENCING at the North $\frac{1}{4}$ (one -quarter) corner of Section 11, T. 6. N., R. 5. E., M.D.M., as shown on said Parcel Map, thence along the following two (2) courses to the **TRUE POINT OF BEGINNING**:

1. South $00^{\circ}10'19''$ East 717.12 feet along the North-South centerline of said Section 11 also being the centerline of Big Horn Boulevard;
2. Leaving said centerline North $89^{\circ}49'41''$ East 36.00 feet to the a point on the existing Easterly Right-of-Way of Big Horn Boulevard as depicted on said Parcel Map, said point being the **TRUE POINT OF BEGINNING**.

Thence along the following seven (7) courses:

1. Along the easterly Right-of-Way of Big Horn Boulevard, North $00^{\circ}10'19''$ West, 58.00 feet;
2. Leaving said Right-of-Way, North $89^{\circ}49'41''$ East, 7.00 feet, to the beginning of a non-tangent curve concave to the Northeast, of which the radius point bears North $89^{\circ}49'41''$ East;
3. Southerly along said curve having a radius of 18.00 feet, a central angle of $90^{\circ}00'00''$ and an arc length of 28.27 feet, being subtended by a chord of South $45^{\circ}10'19''$ East 25.46 feet, to the East line of said Parcel A;
4. Along said East line, South $00^{\circ}10'19''$ East 80.00 feet, to beginning of a non-tangent curve concave to the Southeast, of which the radius point bears South $00^{\circ}10'19''$ East;
5. Leaving said East line southwesterly, along said curve having a radius of 18.00 feet, a central angle of $90^{\circ}00'00''$ and an arc length of 28.27 feet, being subtended by a chord of South $44^{\circ}49'41''$ West 25.46 feet;
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The described easement consists of 2,391 square feet (0.05 acres) more or less.

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End of Description

Prepared by: Warren Land Surveying, Inc.
160 Blue Ravine Road, Ste. C
Folsom, CA 95630

May 14, 2012

WHITELOCK PARKWAY

FOUND 2" OPEN IRON PIPE
PER 60 P.M. 29
NORTH 1/4 COR. SEC. 11
(P.O.C.)

PARCEL 1
206 P.M. 11

RESULTANT
PARCEL 4
20040513 O.R. 2043

717.12'
500'10"19"E

BIG HORN BLVD.

PARCEL A
206 P.M. 11

N00°10'19"W
58.00'

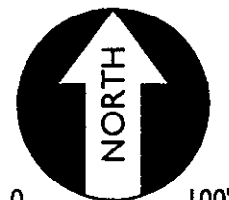
N89°49'41"E (R)
7.00'
R=18'
Δ=90°00'00"
L=28.27'
C=S45°10'19"E
CL=25.46'

PARCEL 2
206 P.M. 11

P.O.B.

PARCEL B
206 P.M. 11

80.00'
S00°10'19"E (R)



1 inch = 100 feet

LEGEND

P.O.C. POINT OF COMMENCEMENT
P.O.B. TRUE POINT OF BEGINNING
(R) RADIAL

N89°49'41"E
36.00'
N00°10'19"W
58.00'
S89°49'41"W (R)
7.00'

R=18'
Δ=90°00'00"
L=28.27'
C=S44°49'41"W
CL=25.46'

RESULTANT
PARCEL 3
20040513 O.R. 2043

CRC ELK GROVE CENTER
LOS RIOS COMMUNITY COLLEGE DISTRICT

EXHIBIT D

FILENAME: I:\SURVEY\11-073\DWG\1) PARCEL A PUE AT DRIVE\1) 100 BIG HORNDWG

WARREN LAND SURVEYING, INC.

100 Blue Ravine Road, Ste. C
Palmdale, CA 93550
918-282-1570

PLAT TO ACCOMPANY LEGAL DESCRIPTION
PORTION OF PARCEL A
SECTION 11 TOWNSHIP 6 NORTH,
RANGE 5 EAST, M.D.B.&M.
CITY OF ELKGROVE, SACRAMENTO COUNTY,
CALIFORNIA

JOB NO. 11-073

DATE 5-14-12

SCALE 1"=100'

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2012-102**

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 13, 2012 by the following vote:

AYES : **COUNCILMEMBERS:** *Scherman, Davis, Detrick*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Cooper, Hume*



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