

RESOLUTION NO. 2012-159

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
GRANTING AN EASEMENT TO THE SACRAMENTO COUNTY WATER AGENCY
FOR WATERLINE PURPOSES OVER THE CITY-OWNED TRANSFER STATION
MASTER PLAN PROJECT**

WHEREAS, the City of Elk Grove is fee owner of a 20+ acre parcel of land on which the Transfer Station Master Plan was previously approved; and

WHEREAS, the Special Waste Collection Center (SWCC) is the first phase of this Project consisting of a recycling center for hazardous household waste products; and

WHEREAS, waterline improvements will be installed to serve the SWCC; and

WHEREAS, it is necessary for the Sacramento County Water Agency (County) to secure an easement for the installation and maintenance of the waterline and all necessary appurtenances thereto; and

WHEREAS, staff has prepared the necessary legal description, attached hereto as Exhibit "D" and plat to accompany the legal description attached hereto as Exhibit "E" and these have been reviewed and approved by the County and both of which are attached to the easement deed attached hereto as Exhibit "C"; and.

WHEREAS, the California Environmental Quality Act (Public Resources Code section 21000, et. seq., herein after CEQA) requires analysis of agency approvals of discretionary projects; and

WHEREAS, the Transfer Station Master Plan and corresponding phases are "projects" under CEQA; and

WHEREAS, on November 18, 2009, the City Council certified a Final Environmental Impact Report (FEIR) for the Transfer Station Master Plan, adopting Findings of Fact and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program (MMRP) for the project; and

WHEREAS, the proposed action to grant an easement over a portion of City-owned property for waterline purposes at the Transfer Station project location is an action implementing the Transfer Station Master Plan that is consistent with the prior CEQA analysis;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds that the Transfer Station Master Plan Project (Project) was adequately reviewed under the California Environmental Quality Act (CEQA) and no further environmental review is required, based upon the following finding.

Finding: No further environmental review is required for the Project.

Evidence: Staff has reviewed the Project to determine the required level of review under CEQA. On November 18, 2009, the City Council certified a Final Environmental Impact Report (FEIR), adopted Findings of Fact and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program (MMRP) for the Transfer Station Master Plan. This Project is consistent with the Master Plan and all environmental effects associated with this Project have been adequately addressed in the previously certified FEIR. In addition, the proposed Project complies with the previously adopted MMRP requirements as they apply to the Special Waste Collection Center and Disposal Lane Project.

Section 15162 of the State CEQA Guidelines provides that when an EIR has been certified, subsequent projects shall not require further review unless the lead agency determines that there have been substantial changes in the project or circumstances under which the project was undertaken, or there is no new information of substantial importance that was not known at the time the previous EIR was prepared. Staff has reviewed the project and previous EIR and there is no new information or changed circumstances. Therefore, no further environmental review is required.

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

- 1) 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;
- 2) That the public interest will be served by the herein set aside.


NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that this grant of a waterline easement is for the benefit of the SWCC and future phases of the Project; and

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that the easement as described in the legal description labeled Exhibit "D", Legal Description and shown on Exhibit "E", Plat to accompany legal description and attached to the easement deed as shown on Exhibit "C" are approved by staff and the County and are ready for recordation; and

NOW, THEREFORE, BE IT FINALLY RESOLVED AND ORDERED that the City Manager is authorized to sign the easement deed shown as Exhibit "C" granting the County the waterline easement as described in Exhibit "D", legal description and shown on Exhibit "E", plat to accompany legal description, and the City Clerk is directed to cause a certified copy of this Resolution of "Granting the Sacramento County Water Agency an Easement for Waterline and Incidental Purposes over The City-Owned

Transfer Station Master Plan Project", attested by the City Clerk under seal, and the original easement deed, to be delivered to the Sacramento County Water Agency for acceptance and recordation.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 12th day of September 2012.




JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



JONATHAN P. HOBBS,
CITY ATTORNEY

Exhibit "C"

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 by

Signature & Date:

Print Name & Dept:

APN:

Project Name & Dept:

THIS SPACE FOR RECORDER'S USE ONLY

NON-EXCLUSIVE EASEMENT FOR WATER PIPELINE

City of Elk Grove, a municipal corporation 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 non-exclusive easement over that certain real property in the County of Sacramento, State of California, bounded and described as follows, to-wit:

**SEE EXHIBITS "D" and "E"
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.

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**

Laura S. Gill, City Manager
Under delegated authority by
Resolution No.: _____

RED File No. _____

LOG No. _____

Dated: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF _____) COUNTY OF _____) On _____ before me, _____, notary public, <small>date name of notary officer</small> personally appeared _____, <small>name(s) of signer(s)</small> _____) 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	<p align="center">OPTIONAL SECTION</p> <p>CAPACITY CLAIMED BY SIGNER</p> <p>Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.</p> <p><input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE OFFICER(S)</p> <p>_____ Title(s) <input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED <input type="checkbox"/> GENERAL</p> <p><input type="checkbox"/> ATTORNEY-IN-FACT <input type="checkbox"/> TRUSTEE(S) <input type="checkbox"/> GUARDIAN/CONSERVATOR <input type="checkbox"/> OTHER: _____</p> <p>_____ _____ _____ SIGNER IS REPRESENTING: Name of Person(s) or entity(ies) _____ _____ _____</p>
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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

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. WA-2789 of the Board of Directors of said Agency adopted on January 11, 2011, and the Grantee consents to recordation thereof by its duly authorized officer.

Director of General Services _____
Date

LOG No. _____

Exhibit "D"
Legal Description
Waterline Easements

Those certain strips of land, in the City of Elk Grove, County of Sacramento, State of California being a portion of the land described in that certain deed to the City of Elk Grove, recorded December 15th, 2010, in Book 20101215 Page 300, Official Records of Sacramento County described as follows:

Strip No. 1

A strip of land 15.00 feet wide the centerline of which is described as follows:

Beginning at a point southwesterly line of that certain course as described in the above mentioned deed having a bearing and distance of North 40°49'17" West 892.04 feet, distant thereon North 40°49'44" West 336.06 feet from the southeasterly terminus thereof; thence leaving said southeasterly line North 49°10'15" East a distance of 120.93 feet to a point hereinafter referred to as Point "A"; thence continuing North 49°10'15" East a distance of 109.35 feet; thence North 0°00'00" East a distance a 90.91 feet to a point hereinafter referred to as Point "B"; thence continuing North 0°00'00" East a distance of 60.54 feet; thence North 45°00'00" West a distance of 104.79 feet; thence North 90°00'00" West a distance of 232.70 feet to a point hereinafter referred to as Point "C"; thence continuing North 90°00'00" West a distance of 36.25 feet; thence South 49°10'15" West a distance of 118.17 feet to said southwesterly line.

Excepting therefrom that portion of said strip of land lying southwesterly of a line parallel with and distant northeasterly 50.00 feet, measured at a right angle, from the southwesterly line described above.

Strip No. 2

A strip of land 25.48 feet wide the centerline of which his described as follows:

Beginning at Point "A" described above; thence North 40°49'45" West a distance of 19.50 feet.

Excepting therefrom that portion included within Strip No. 1.

Strip No. 3

A strip of land 15.00 feet wide the centerline of which is described as follows:

Beginning at Point "B" described above; thence North $90^{\circ}00'00''$ West a distance of 19.98 feet.

Excepting therefrom that portion included within Strip No. 1.

Strip No. 4

A strip of land 15.00 feet wide the centerline of which is described as follows:

Beginning at Point "C" described above; thence South $0^{\circ}28'54''$ West a distance of 20.59 feet.

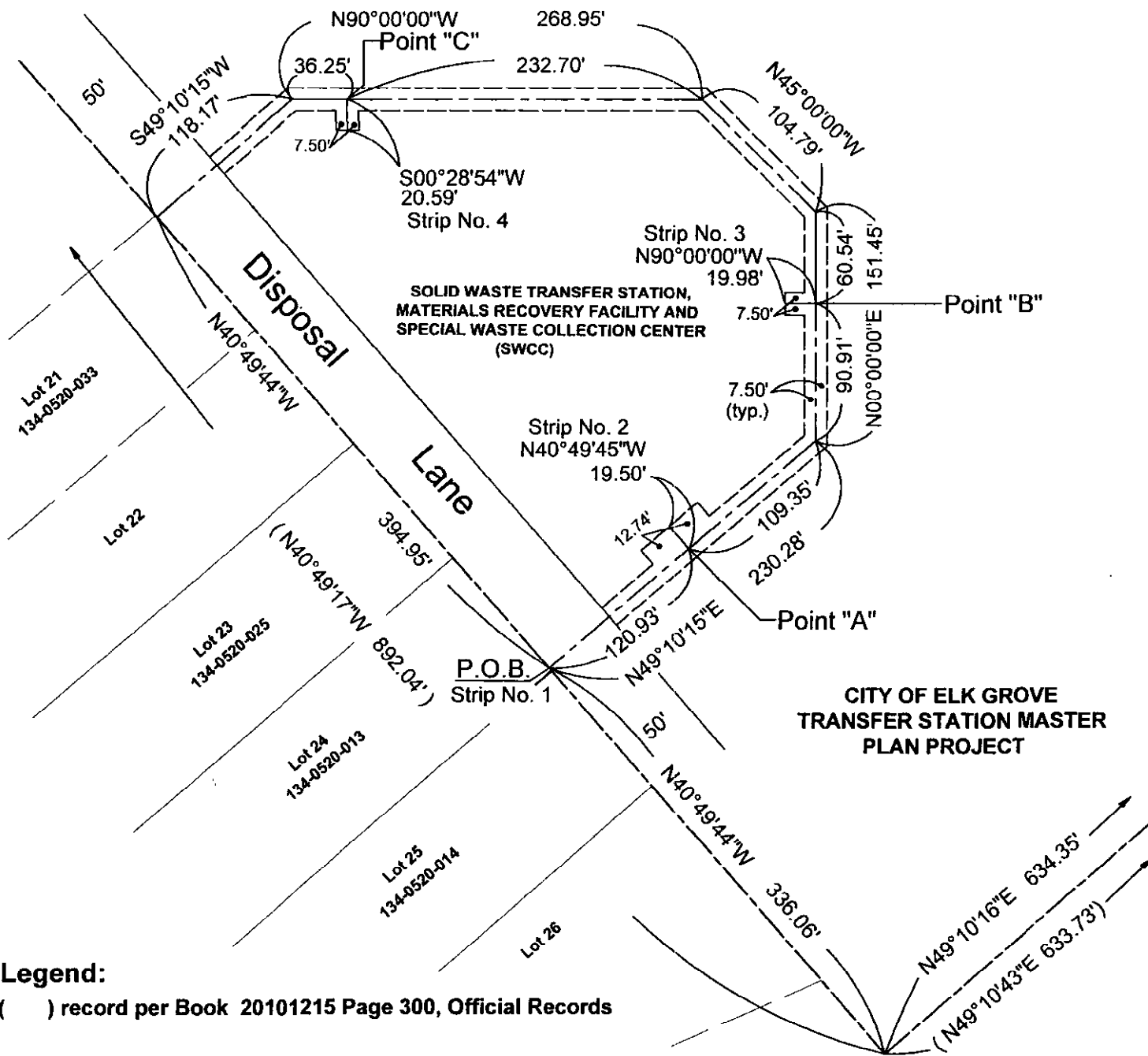
Excepting therefrom that portion included within Strip No. 1.

Exhibit "E"

Plat to accompany Legal Description

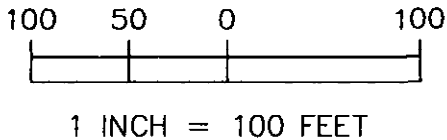
For information purposes only

Portion of the "Plat of the Survey of the 110.3 Acre Tract of
Ellen M. Wilson Estate Book 2, Map No 71, of Surveys
134-1080-001



Legend:

() record per Book 20101215 Page 300, Official Records



CITY OF ELK GROVE - PUBLIC WORKS DEPARTMENT			
Waterline Easements-Transfer Station			
City of Elk Grove-County of Sacramento			
State of California			
DRAWN BY: Ray M.	Scale 1" = 100'	DATE: 2/13/2012	SHEET 1 OF 1



CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2012-159

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

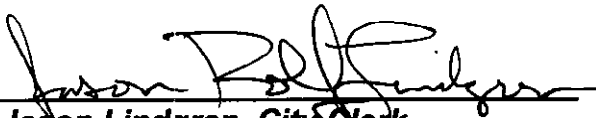
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 12, 2012 by the following vote:

AYES : COUNCILMEMBERS: Cooper, Davis, Detrick, Scherman

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Hume


Jason Lindgren, City Clerk
City of Elk Grove, California