

RESOLUTION OF THE BOARD OF TRUSTEES OF  
THE BERKELEY UNIFIED SCHOOL DISTRICT

**Dedication of Public Utility Easement to PG&E  
For Undergrounding Project**

**Resolution Number 20-073**

**WHEREAS**, Berkeley Unified School District (“District”) is the owner of certain real property located in Berkeley, California, identified in the property description attached hereto as Exhibit A; and

**WHEREAS**, the District has determined to dedicate a Public Utility Easement (“PUE”) to Pacific Gas & Electric Company (“PG&E”) for the purpose of allowing PG&E to complete underground improvements, which improvements will benefit the District; and

**WHEREAS**, pursuant to Education Code section 17556, the governing board of a school district may dedicate or convey, for public utility purposes, any real property belonging to the school district upon such terms and conditions as the parties thereto may agree; and

**WHEREAS**, pursuant to Education Code section 17557, the District’s governing board must, prior to dedicating an easement, adopt a resolution declaring its intention to dedicate such property in a regular open meeting by two-thirds (2/3) vote of all of its members; and

**WHEREAS**, pursuant to Education Code section 17557, the District’s governing board must fix a time at its regular place of meeting for a public hearing upon the question of making the dedication of the PUE for public street or highway purposes; and

**WHEREAS**, pursuant to Education Code section 17558, the District is required to post copies of The Resolution of Intention to Dedicate Easement, signed by the board, in three (3) public places within the School District’s boundaries not less than ten (10) days before the public hearing, and publish notice once, not less than five (5) days before the public hearing in a newspaper of general circulation published in the district, if there is one, or, if there is no such newspaper published in the district, then in a newspaper published in the county which has a general circulation in the district; and

**WHEREAS**, pursuant to Education Section 17557, on July 1, 2020, the District’s governing board, in an open meeting, by at least a two-thirds vote of all its members adopted Resolution 20-070 (the “Resolution”) declaring its intention to dedicate the PUE; and

**WHEREAS**, in accordance with Education Code Section 17557, the District’s governing board fixed July 15, 2020, for a public hearing (“Public Hearing”) upon the question of making the dedication of the District’s Property to PG&E; and

**WHEREAS**, pursuant to Education Code Section 17558, the District posted copies of the Resolution in three public places in the School District not less than ten (10) days before the Public Hearing, and published notice once, not less than five days before the Public Hearing, in a local newspaper; and

**WHEREAS**, pursuant to Education Code Section 17558, on July 15, 2020, at a (special/regular) meeting of the District’s governing board, the District held a Public Hearing upon the question of making the dedication of the PUE to PG&E; and

**WHEREAS**, no petition pursuant to Education Code Section 17560 has been filed with the School District’s governing board; and

**WHEREAS**, the Board by a vote of no less than 2/3 of its members, hereby approves the dedication.

**NOW, THEREFORE, THE BOARD DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** That the above recitals are all true and correct.

**Section 2.** That the Board conducted a public hearing on the question of the District’s intent to dedicate a PUE to PG&E on July 15, 2020.

**Section 3.** That the District’s governing board (“Board”) hereby approves by a vote of no less than 2/3 of its members, the dedication of the PUE to PG&E as set forth in the recitals and in this resolution.

**Section 4.** That the Board hereby authorizes and directs the Superintendent or his designee to execute all documents and to take whatever action is necessary to complete the dedication of the PUE to PG&E.

**Section 5.** That the Board hereby determines that the District is in compliance with all relevant sections of the Education Code and all other applicable laws in connection with the dedication of the PUE to PG&E.

**APPROVED, PASSED AND ADOPTED** by the Board of the Berkeley Unified School District on the 15th day of July, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

I, Judy Appel, President of the Berkeley Unified School District Board of Trustees, do hereby certify that the forgoing is a full, true and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.

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President of the Governing Board of the  
Berkeley Unified School District

I, \_\_\_\_\_, Member of the Berkeley Unified School District Board of Trustees, do hereby certify that the forgoing is a full, true and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.

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Member of the Governing Board of the  
Berkeley Unified School District

I, Ka'Dijah Brown, Clerk of the Board of Trustees of the Berkeley Unified School District, do hereby certify that the forgoing Resolution was regularly introduced and adopted by the Board of Trustees of the Berkeley Unified School District at a regular meeting thereof held on the 15th day of July, 2020, by the above described vote of the Board of Trustees;

**IN WITNESS WHEREOF**, I have hereunto set my hand this 15th day of July, 2020.

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Clerk of the Governing Board of the  
Berkeley Unified School District

**EXHIBIT A**

**RECORDING REQUESTED BY AND RETURN TO:**

**PACIFIC GAS AND ELECTRIC COMPANY**  
**245 Market Street, N10A, Room 1015**  
**P.O. Box 770000**  
**San Francisco, California 94177**

Location: City/Uninc \_\_\_\_\_

Recording Fee \$ \_\_\_\_\_

Document Transfer Tax \$ \_\_\_\_\_

- This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911)
- Computed on Full Value of Property Conveyed, or
- Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
- Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

\_\_\_\_\_  
Signature of declarant or agent determining tax

**LD# 2301-04-**

**EASEMENT DEED**

BERKELEY UNIFIED SCHOOL DISTRICT, a California unified school district,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to construct, reconstruct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefor, within the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situate in the City of Berkeley, County of Alameda, State of California, described as follows:

(APN 059-2349-002)

The parcels of land described and designated PARCEL 1, PARCEL 2 and PARCEL 4 in the deed from Esther H. Podlesak, trustee to Berkeley Unified School District dated December 11, 2000 and recorded as Document No. 2000366319, Alameda County Records.

Said facilities and easement area are described as follows:

Such underground conduits, pipes, manholes, service boxes, wires, cables, and electrical conductors; aboveground marker posts, risers, and service pedestals; underground and aboveground switches, fuses, terminals, and transformers with associated concrete pads; electric vehicle charging supply equipment, bollards and/or curbs or other associated safety equipment, associated signage; and fixtures and appurtenances necessary to any and all thereof, as Grantee deems necessary for the distribution of electric energy and communication purposes located within the strips of land of the uniform width of 10 feet, lying 5 feet on each side of the alignment of the facilities as initially installed hereunder. The approximate location of said facilities are shown upon Grantee's Drawing Number 31487092 attached hereto and made a part hereof.

Grantee agrees that on receiving a request in writing, it will at Grantor's expense, survey, prepare and record a "Notice of Final Description" referring to this instrument and setting forth a description of said strips of land.

Grantor further grants to Grantee the right, from time to time, to trim or to cut down any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor shall not erect or construct any building or other structure or drill or operate any well within said easement area.

Grantor further grants to Grantee the right to assign to another public utility as defined in Section 216 of the California Public Utilities Code the right to install, inspect, maintain, replace, remove and use communications facilities within said easement area (including ingress thereto and egress therefrom).

In the event upon termination of the electric vehicle charging station contract as set forth in said terms and conditions, Grantee shall upon written demand therefor execute and deliver to Grantor a good and sufficient quitclaim of said easement and right of way or such portion thereof conveyed in this document, at Grantor's expense.

The legal description herein, or the map attached hereto, defining the location of this utility distribution easement, was prepared by Grantee pursuant to Section 8730 (c) of the Business and Professions Code.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

In exercising its easement rights hereunder, Grantee shall not unreasonably interfere with, disrupt, or materially adversely affect Grantor's business operations or access rights at the property owned by Grantor.

Dated: \_\_\_\_\_, \_\_\_\_\_.

BERKELEY UNIFIED SCHOOL DISTRICT, a  
California unified school district

I hereby certify that a resolution was adopted  
on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the  
\_\_\_\_\_  
authorizing the foregoing grant of easement.  
  
By \_\_\_\_\_

By \_\_\_\_\_

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 California  
County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_,  
Here insert name and title of the officer  
personally appeared \_\_\_\_\_  
\_\_\_\_\_

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.

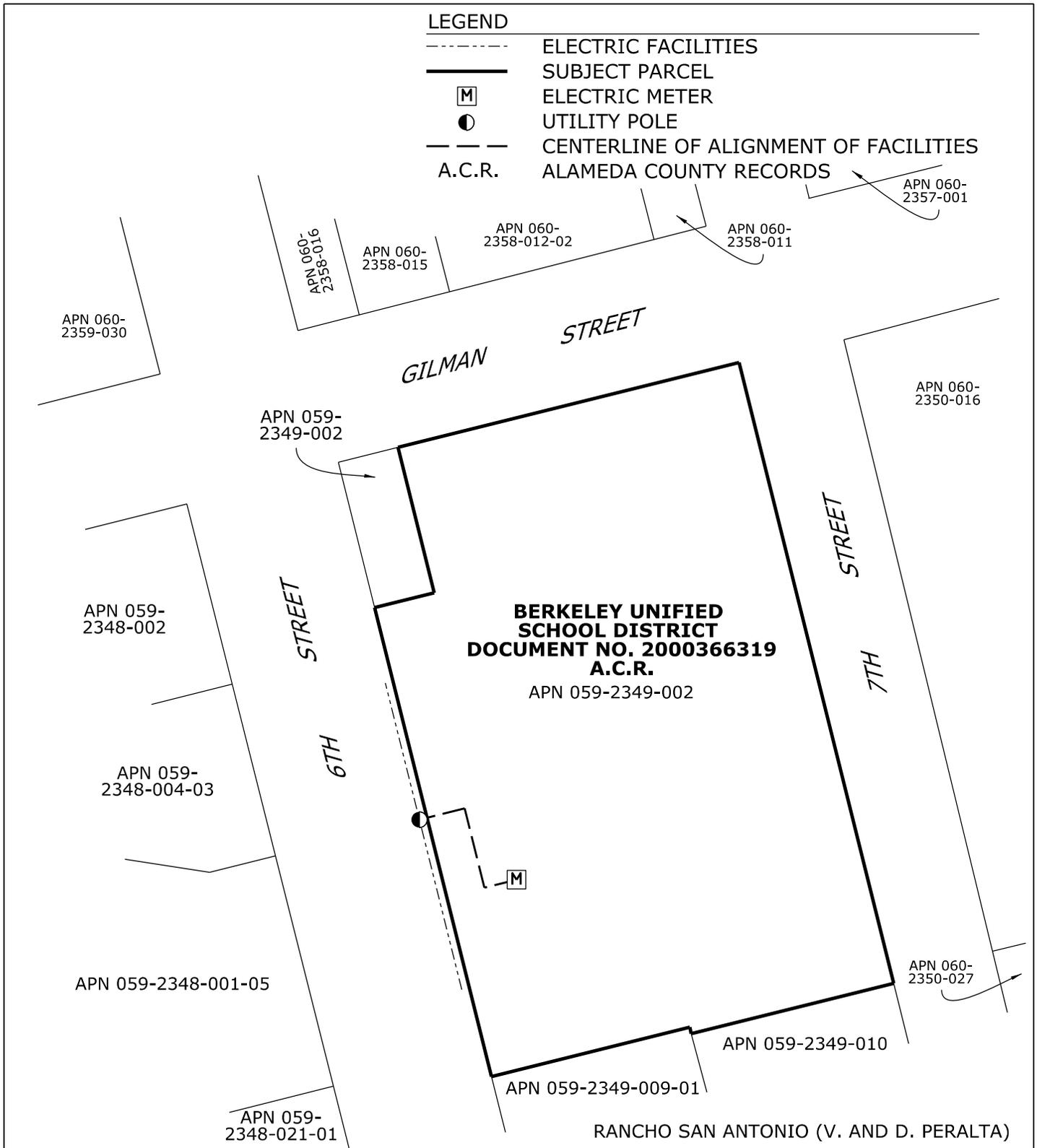
\_\_\_\_\_  
Signature of Notary Public (Seal)

**CAPACITY CLAIMED BY SIGNER**

- Individual(s) signing for oneself/themselves
- Corporate Officer(s) of the above named corporation(s)
- Trustee(s) of the above named Trust(s)
- Partner(s) of the above named Partnership(s)
- Attorney(s)-in-Fact of the above named Principal(s)
- Other \_\_\_\_\_

**LEGEND**

- ELECTRIC FACILITIES
- SUBJECT PARCEL
- Ⓜ ELECTRIC METER
- UTILITY POLE
- CENTERLINE OF ALIGNMENT OF FACILITIES
- A.C.R. ALAMEDA COUNTY RECORDS



**BERKELEY UNIFIED  
SCHOOL DISTRICT  
DOCUMENT NO. 2000366319  
A.C.R.  
APN 059-2349-002**

RANCHO SAN ANTONIO (V. AND D. PERALTA)

UNLESS OTHERWISE SHOWN ALL COURSES EXTEND TO OR ALONG ALL BOUNDARIES OR LINES

Applicant: <b>BERKELEY UNIFIED SCHOOL DISTRICT</b>				SCALE NOT TO SCALE		DATE 04/26/20	
<b>1314 7TH ST, BERKELEY</b>							
SECTION (NW/NW/3)	TOWNSHIP (1S)	RANGE (4W)	MERIDIAN (MDM)	COUNTY OF: ALAMEDA		CITY OF: BERKELEY	
				F.B.: N/A		DR.BY: LC	
						CH.BY: PRFB	
PLAT MAP REFERENCES ELECTRIC E0408				<b>PG&amp;E</b>		EAST BAY DIVISION	
						31487092 AUTHORIZ	
						31487092 DRAWING NO.	

Attach to LD: 2301-04-0  
Area: 2; East Bay Division  
Land Service Office: Fresno  
Line of Business: Electric Charging Station (95), Electric Distribution (43)  
Business Doc Type: Easements  
MTRSQ: 23.01.04.03.44  
FERC License Number: N/A  
PG&E Drawing Number: 31487092  
Plat No.: E0408  
LD of Affected Documents: N/A  
LD of Cross-Referenced Documents: N/A  
Type of interest: Communication Easements (6), Electric Underground Easements (4), Utility  
Easement (86)  
SBE Parcel: N/A  
% Being Quitclaimed: N/A  
Order or PM: 31487092  
JCN: N/A  
County: Alameda  
Utility Notice Number: N/A  
851 Approval Application No: N/A; Decision: N/A  
Prepared By: LC  
Checked By: PRFB