

## **RESOLUTION NO. 5, 2021-2022**

### **RESOLUTION OF INTENTION TO CONVEY PERMANENT EASEMENTS TO THE SACRAMENTO MUNICIPAL UTILITY DISTRICT**

**WHEREAS** the Elk Grove Unified School District (District) is the owner of certain real property designated as APN 132-0061-001, and 132-0061-002 in Elk Grove, California, upon which the Elk Grove High School is located (Property); and

**WHEREAS** the Sacramento Municipal Utility District (SMUD) desires to acquire an easement to construct and maintain electrical service improvements (Facilities) on the Property; and

**WHEREAS** District understands and acknowledges that the Facilities will be installed within the Easement Area based on SMUD's design and actual site conditions. Upon completion of the installation, SMUD shall obtain a survey by a licensed land surveyor setting forth a legal description of the area actually occupied by the Facilities and required for complete enjoyment of the rights granted herein. SMUD will, within a reasonable period of time, record a Notice of Final Description of Easement Area referencing this document and setting forth the legal description of the surveyed area, which will thereupon become the Easement Area. Upon recordation of the Notice of Final Description, the scope of the easement granted by this document shall be limited to the property described in the Notice of Final Description plus the rights of ingress and egress; and

**WHEREAS** the Easements are not now and will not at the time of delivery of possession to SMUD be needed exclusively for classroom or other purposes by the District; and

**WHEREAS** it is in the best interest of the District to transfer the Easements to SMUD in that SMUD will construct and maintain the Facilities therein in order to support the District's use of the Property;

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to Education Code section 17556, et seq., it is the intention of the District, Elk Grove, California, acting by and through its Governing Board, to grant to SMUD, an Easement for electrical and communication facilities on the Elk Grove High School property. This easement is described as follows:

Exhibit A: Grant of Easement

Attached hereto and made a part of

**BE IT FURTHER RESOLVED** that the 7<sup>th</sup> day of September, 2021, at the hour of 6:00 p.m., or as soon thereafter as the matter can be heard, at a time not less than ten (10) days after the adoption of this Resolution, is the time set for the public meeting of the Board of Education hereof held at its regular place of meeting for a public hearing upon the question of conveying said Easement at which time any person interested thereon may appear and may be heard thereon; and

**BE IT FURTHER RESOLVED** that notice of adoption of this Resolution be given by posting a true copy of this Resolution in three public places in the District not less than 5 days before the date of the public hearing as aforesaid fixed; and

**BE IT FURTHER RESOLVED** that notice of said public meeting of aforesaid be given by publication in a newspaper of general circulation, published by the District, or in a newspaper published in the county in which the District or any part thereof is situated and having a general circulation in the District, not less than five (5) days before the date of the public hearing as aforesaid fixed.

The foregoing Resolution was adopted at a meeting of the Board of Education of the Elk Grove Unified School District on August 10, 2021, by the following two-thirds vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ELK GROVE UNIFIED SCHOOL DISTRICT OF SACRAMENTO  
COUNTY, a political subdivision of the State of California

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Christopher R. Hoffman, Secretary to the Governing Board of the  
Elk Grove Unified School District

# Exhibit A

RECORD AT REQUEST OF AND RETURN TO:  
Sacramento Municipal Utility District  
Attention: Real Estate Services – B 209  
P. O. Box 15830  
Sacramento, CA 95852-1830

No Fee Document – Per Govt. Code Sec. 6103 & 27383  
No County Transfer Tax Per R & T Code 11922

SMUD BY: JMP LN

APN: 132-0061-001-0000

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

R/W U-2021/122  
SO 30171820

## GRANT OF EASEMENT

Elk Grove Unified School District of Sacramento County, a political subdivision of the State of California, Grantor, is the owner of record of that certain real property located in Sacramento County, California, designated by the above referenced Assessor's Parcel Number and more fully described as follows:

*As described in that certain Administrator's Deed from Marion F. Brown and Grace R. Wightman, the duly appointed, qualified and acting Administrator and Administratrix respectively of the Estate of Alice R. Brown, Deceased to Elk Grove Unified School District of Sacramento County, a political subdivision of the State of California, dated May 25, 1963, and recorded in the office of the Recorder of Sacramento County on September 14, 1965 in Book 4699 of Official Records at Page 654.*

Grantor hereby grants to SACRAMENTO MUNICIPAL UTILITY DISTRICT, a municipal utility district, Grantee, and its successors and assigns, the right from time to time to construct, place, inspect, remove, replace, maintain and use electrical and communication facilities consisting of underground conduits, wires and cables, with associated, above-ground or below-ground transformers, transformer pads, pedestals, service equipment, terminals, splicing, switching and pull boxes, switch and fuse cubicles, cubicle pads, and all other necessary fixtures and appurtenances (Facilities), within the following Easement Area described in EXHIBIT A attached hereto and made a part hereof.

Said right includes the trimming and removal by Grantee of any trees or foliage along the Easement Area considered necessary for the complete enjoyment thereof and the right of ingress to and egress from said Easement Area for the purpose of exercising and performing all rights and privileges granted herein. In addition, the Easement Area shall be kept clear of any building or other structure and Grantor will not drill or operate any well within the Easement Area.

Grantor understands and acknowledges that the Facilities will be installed within the Easement Area based on Grantee's design and actual site conditions. Upon completion of the installation, Grantee shall obtain a survey by a licensed land surveyor setting forth a legal description of the area actually occupied by the Facilities and required for complete enjoyment of the rights granted herein. Grantee will, within a reasonable period of time, record a Notice of Final Description of Easement Area referencing this document and setting forth the legal description of the surveyed area, which will thereupon become the Easement Area. Upon recordation of the Notice of Final Description, the scope of the easement granted by this document shall be limited to the property described in the Notice of Final Description plus the rights of ingress and egress.

*{Remainder of Page Intentionally Left Blank. Signatures on following page.}*

APN: 132-0061-001-0000

R/W U-2021/122  
SO 30171820

Dated: \_\_\_\_\_

Grantor: Elk Grove Unified School District of Sacramento  
County, a political subdivision of the State of California

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

## **EXHIBIT A**

The centerline of the 5 foot Easement Area shall be coincidental with the centerline of the said Facilities constructed in, on, over, under, across and along the Grantor's property. Additionally, the Easement Area will include the area occupied by Grantee Facilities and appurtenances.

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

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF 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 CALIFORNIA }

COUNTY OF }

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public  
Date (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.

\_\_\_\_\_  
Notary Public

This is to certify that SACRAMENTO MUNICIPAL UTILITY DISTRICT, a municipal utility district, hereby accepts for public purposes the interest in real property conveyed by the foregoing deed or grant and consents to the recordation thereof. The undersigned officer is authorized to execute this acceptance and consent pursuant to authority conferred by Resolution No. 89-6-11, adopted by said District's Board of Directors on June 20, 1989.

\_\_\_\_\_  
Blandon Granger, Supervisor  
Real Estate Services

\_\_\_\_\_  
Date