

## **RESOLUTION NO. 13, 2021-2022**

### **RESOLUTION CONVEYING PERMANENT ELECTRICAL FACILITIES EASEMENT 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 at no cost to the District, an Electric Facilities Easement to construct and maintain electric service improvements 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 the 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 the SMUD in that the SMUD will construct and maintain the Electric Facilities therein in order to support the District's use of the Property;

**NOW THEREFORE BE IT RESOLVED AND ORDERED** that pursuant to Education Code Section 17556, et seq., it is the intention of the Elk Grove Unified School District, Elk Grove, California, acting by and through its Governing Board, to Grant to the SMUD, an Easement for Electric Facilities purposes at Elk Grove High School. This easement is described as follows:

#### **Exhibit A: Grant of Easement**

Attached hereto and made a part hereof

**WHEREAS**, the Board of Education adopted a Resolution of Intention to Convey such easements as Resolution No. 5, 2021-22, August 10, 2021; and

**WHEREAS**, notice was duly posted and published for a public hearing for the Board Meeting on September 7, 2021, at the hour of 6:00 p.m., or as soon thereafter as the matter may be heard; and

**WHEREAS**, a public hearing was held on September 7, 2021, at which time no comments were heard, nor has a petition been submitted protesting the proposed easements signed by at least ten percent (10%) of the qualified electors of the District.

**NOW THEREORE BE IT FURTHER RESOLVED** that the Superintendent, or his authorized designee, and to the extent required by law, the President of the Board of Education, are authorized to execute such easement documents as necessary to carry out the purpose of this Resolution.

The foregoing Resolution was adopted at a meeting of the Board of Education of the Elk Grove Unified School District on September 7, 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