

RESOLUTION NO. 2016-152

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
GRANTING THE ELK GROVE WATER DISTRICT A WATERLINE EASEMENT OVER
A CITY-OWNED PARCEL ADJACENT TO PROVENCIAL COURT**

WHEREAS, the City of Elk Grove (City) is fee owner of a parcel of land along the northeast corner of Iron Rock Way and Hampton Oak Drive, located north of McConnell Park, is and east of Provencial Court, identified as Assessor's Parcel Number 134-0740-042-0000; and

WHEREAS, Elk Grove Water District (District) is constructing a 16" waterline from its railroad facility to connect to the waterline in Provencial Court as part of the Railroad Corridor South Transmission Main Project 8030.040 (Project), and, in order to make the final connection, the District needs to go through City-owned property; and

WHEREAS, City staff has reviewed the District's plans for the waterline and the City is willing to grant the District an easement for waterline purposes, together with the right of ingress and egress; and

WHEREAS, the District has prepared the necessary legal description, attached hereto as Exhibit "A" and shown on the plat attached hereto as Exhibit "B" and the attached easement cover sheet, attached hereto as Exhibit "1".

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

- a. The Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15282(k), which provides that the installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline, as set forth in Section 21080.21 of the Public Resources Code, is exempt from CEQA, as long as the project does not exceed one mile in length.
- b. 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; and
- c. That the public interest will be served by the herein set aside.

AND BE IT FURTHER RESOLVED that the easement, as described in the legal description labeled Exhibit "A" and as shown on the attached Exhibit "B" and attached to the easement deed cover sheet shown as Exhibit 1, is approved and is ready for recordation; and

BE IT FINALLY RESOLVED that the City Council of the City of Elk Grove authorizes and directs the City Manager to sign the easement deed attached hereto as Exhibit 1 granting the waterline easement as described in Exhibit A thereto and as

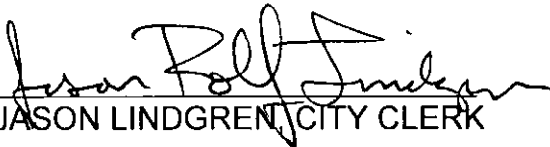
shown on the plat labeled Exhibit B, and to send the executed Easement Deed to the District for its acceptance by its governing body and to have it returned to the City Clerk for recordation at the County Recorder of the County of Sacramento..

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 24th day of August 2016.



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

WHEN RECORDED RETURN TO:

Exhibit "1"

**Elk Grove Water Service, A Department of the
Florin Resource Conservation District
9257 Elk Grove Blvd.
Elk Grove, CA 95624
916-685-3556**

NO FEE DOCUMENT-Per Government Code 6103
NO DOCUMENT TRANSFER TAX-Per R&T Code 11922

THIS SPACE FOR RECORDER'S USE ONLY

EASEMENT FOR WATER PIPELINE

**The City of Elk Grove
A Municipal Corporation**

do(es) hereby grant to the Florin Resource Conservation District, a public agency organized and operating under the laws of the State of California, (hereinafter referred to as "FRCD"), for the purpose of installation, construction, reconstruction, maintenance, repair, and operation of water pipelines, and related appurtenances and work auxiliary thereto, a water pipeline easement for the placement, repair, and maintenance of a waterline that would comply to the standards of a waterline placed under and at appropriate depths below the Light Rail and its corridor operated by the Sacramento Regional Transit District over that certain real property in the City of Elk Grove, County of Sacramento, State of California, bounded and described as follows, to-wit:

**SEE EXHIBITS "A" and "B"
attached hereto and made a part hereof;**

together with the perpetual right and privilege of flowing potable water in, through, and along said pipeline in such amounts and at such times as FRCD 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. This easement will be subject to and take the second position to any future easement granted to the Sacramento Regional Transit District (RT) or any other agency for the purpose of operating a transit system including but not limited to a Light Rail System. Should such waterline conflict with a transit system easement or a light rail easement it may require FRCD to relocate its line at FRCD's expense at the city's sole discretion.

To the fullest extent permitted by law, the FRCD shall indemnify, protect, defend, and hold harmless City, its officers, officials, agents, employees and volunteers from and against any and all claims and lawsuits, damages, demands, liability, costs, losses and expenses, including without limitation, court costs and reasonable attorneys' and expert witness fees, arising out of any failure to comply with applicable law, any injury to or death of any person(s), damage to property, loss of use of property, economic loss or otherwise arising out of the performance of the work described in this easement, to the extent caused by a negligent act or negligent failure to act, errors, omissions, recklessness or willful misconduct incident to the performance of sanitary pipe work performed by the FRCD expect such loss or damage, to the extent, is caused by the sole negligence, or willful misconduct of the City.

The right to indemnity under this Section arises only upon occurrence of an event giving rise to a claim and or lawsuits and, thereafter, upon tender in writing to FRCD.

Nothing in this indemnity obligation shall be construed to create any duty to, any standard of care with reference to, or any liability or obligation, contractual or otherwise, to any third party.

The provisions of this indemnity obligation shall survive the expiration or termination of the Agreement.

Dated this ____ day of _____, 2016

City of Elk Grove, a Municipal Corporation.

BY: Laura Gill, City Manager

'EXHIBIT "A"
LEGAL DESCRIPTION
FOR
LOT A OF 248 RM 10
EASEMENT FOR WATER PIPELINE

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF ELK GROVE, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, BEING A PORTION OF LOT "A" AS SAID LOT IS IDENTIFIED AND DESIGNATED ON THE RECORD MAP OF HAMPTON VILLAGE UNIT No. 4B ENTITLED "BEING PARCEL "B" AND A PORTION OF PARCEL "12", 138 P.M. 22", FILED IN THE OFFICE OF SAID COUNTY, IN BOOK 248 OF RECORD MAPS, PAGE 10 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND OF UNIFORM WIDTH OF TEN (10.00) FEET LYING FIVE (5.00) FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT DISTANT FROM THE NORTHWEST CORNER OF SAID LOT "A", SAID POINT ALSO BEING THE NORTHEAST CORNER OF PARCEL 2 OF THAT PARCEL MAP FILED IN THE OFFICE OF SAID COUNTY, IN BOOK 92 OF PARCEL MAPS, PAGE 14 THE FOLLOWING TWO COUSES;

- 1) SOUTH 16°40'42" EAST ALONG THE NORTHERLY BOUNDARY LINE OF SAID LOT "A" 64.50 FEET TO THE NORTHEAST CORNER OF SAID LOT "A", THENCE
- 2) ALONG THE SOUTHEASTERLY BOUNDARY LINE OF SAID LOT "A", A CURVE CONCAVE TO THE NORTHWEST, WITH A RADIUS OF 620 FEET, AN INCLUDED ANGLE OF 16°19'09", A CURVE LENGTH OF 176.59 FEET, A CHORD WHICH BEARS SOUTH 32°11'19" WEST, AND A CHORD DISTANCE OF 175.99 FEET

THENCE FROM THE POINT OF BEGINNING NORTH 49°39'07" WEST, 40.00 FEET TO THE POINT OF TERMINATION OF THIS DESCRIPTION, WITH SAID POINT OF TERMINATION ON THE WEST BOUNDARY LINE OF SAID LOT "A" LOCATED DISTANT FROM THE NORTHWEST CORNER OF SAID LOT "A" ALONG A CURVE CONCAVE TO THE NORTHWEST, WITH A RADIUS OF 580 FEET, AN INCLUDED ANGLE OF 21°09'16", A CURVE LENGTH OF 214.14 FEET, A CHORD WHICH BEARS SOUTH 29°46'15" WEST, AND A CHORD DISTANCE OF 212.93 FEET.

THE SIDELINES OF SAID EASEMENT ARE INTENDED TO COMMENCE AND TERMINATE AT THE BOUNDARY LINES OF THE SUBJECT PROPERTY. THE ABOVE DESCRIBED STRIP OF LAND CONTAIN AN AREA OF APPROXIMATELY 400± SQUARE FEET.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION PURSUANT TO SECTION 8729(a)(2) OF THE LAND SURVEYOR'S ACT.



DATE: 5/24/2016

DENNIS C. BARKSDALE, P.L.S. 8752
EXPIRES: DECEMBER 31, 2016

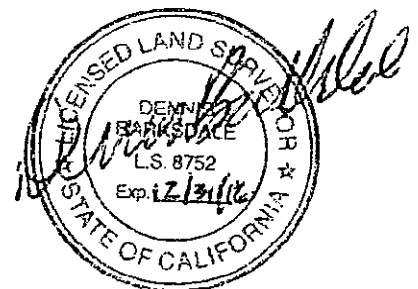
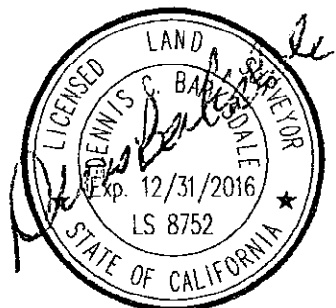
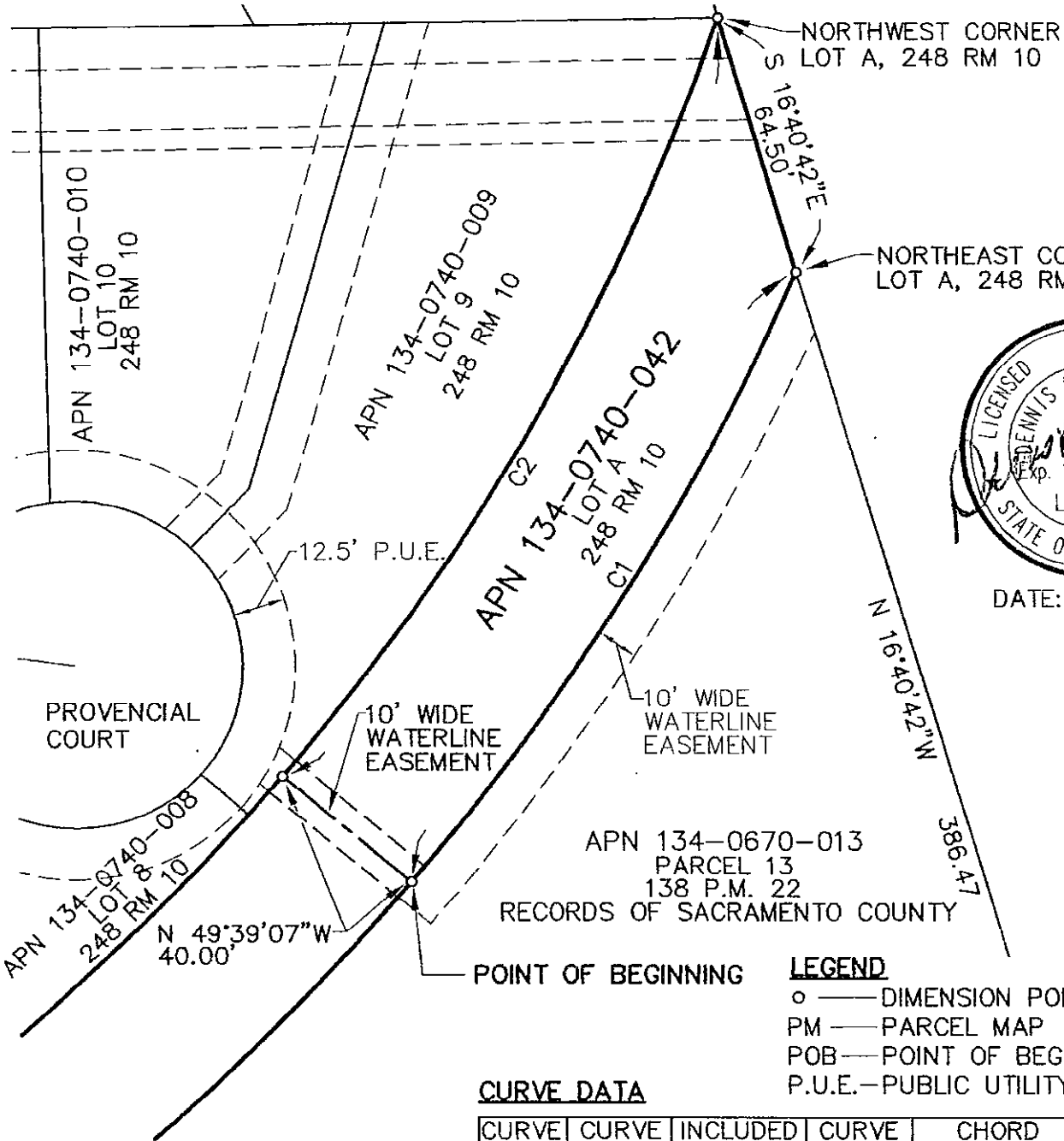


EXHIBIT "B"

LOT "A" OF 248 RM 10 WATERLINE EASEMENT



DATE: 5-24-16

APN 134-0670-013
PARCEL 13
138 P.M. 22
RECORDS OF SACRAMENTO COUNTY

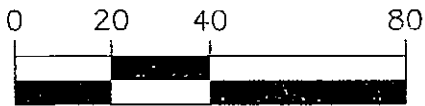
LEGEND

- o — DIMENSION POINT
- PM — PARCEL MAP
- POB — POINT OF BEGINNING
- P.U.E. — PUBLIC UTILITY EASEMENT

CURVE DATA

CURVE I.D.	CURVE RADIUS	INCLUDED ANGLE	CURVE LENGTH	CHORD BEARING	CHORD DISTANCE
C1	620.00'	16°19'09"	176.59'	S32°11'19"W	175.99'
C2	580.00'	21°09'16"	214.14'	N29°46'15"E	212.93'

GRAPHIC SCALE



1 inch = 40 ft.



CLAYBAR ENGINEERING INC.

9354 ELK GROVE—FLORIN ROAD
ELK GROVE, CA 95624
Ph.: 916-684-7301
Fax: 916-684-2627

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2016-152

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

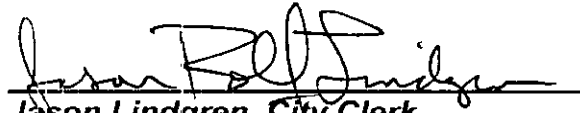
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 24, 2016 by the following vote:

AYES : **COUNCILMEMBERS:** *Davis, Ly, Detrick, Hume, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California