

RESOLUTION NO. 2021-316

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A SET-ASIDE FOR PUBLIC UTILITY EASEMENT PURPOSES ON
CITY-OWNED PARCELS (APNS 132-2740-007, 132-2740-009, AND 132-2740-010)
TO SERVE THE BRUCEVILLE MEADOWS SUBDIVISION (SUBDIVISION
NO. 15-029) (NO FURTHER ENVIRONMENTAL ANALYSIS REQUIRED)**

WHEREAS, on March 25, 2020, the City of Elk Grove (City) approved the Bruceville Meadows Subdivision (Subdivision No 15-029) Large Lot Final Map; and

WHEREAS, a detention basin parcel (APN 132-2740-007) and the park parcels (132-2740-009 and 132-2740-010) (collectively "City Parcels") were created by the Bruceville Meadows Large Lot Final Map and dedicated to the City by Taylor Morrison, LLC; and

WHEREAS, to allow for orderly development of underground utilities, a public utility easement adjacent to the public right-of-way across the City Parcels is required to allow for the installation of utility lines across contiguous parcels; and

WHEREAS, approving a set-aside for a public utility easement across the City Parcels will allow for the installation of necessary utilities that serve the Bruceville Meadows Subdivision; and

WHEREAS, the set-aside for public utility easement purposes across the City Parcels is consistent with Policy CIF-2-2 of the General Plan which requires new utility infrastructures to be located within a utility easement; and

WHEREAS, the California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The Project is defined as a project under CEQA; and

WHEREAS, in July 2014, an Environmental Impact Report (EIR) was certified for the Southeast Policy Area (SCH #2013042054)). Additionally, the Bruceville Meadows Project (EG-15-029) was exempt from CEQA per Section 15183 of Title 14 of the California Code of Regulations. The setting for the Project has not significantly changed since approval. Surrounding properties have either remained undeveloped or have developed in accordance with the Elk Grove Municipal Code, which was anticipated as part of the original project. The dedication of the public utility easement satisfies the development conditions approved with the Bruceville Meadows Project and will not generate any new environmental effects. No further environmental review is required, pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is required.

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

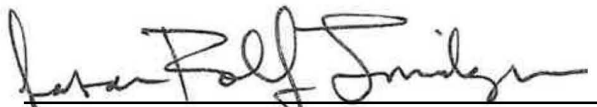
- 1) The set-aside for public utility easement purposes across the City Parcels is consistent with Policy CIF-2-2 of the General Plan which requires new utility infrastructure to be located within a utility easement; and
- 2) Public interest will be served by the set-asides herein; and
- 3) The area as described in Exhibits A and A-1, legal descriptions and shown on the plats, attached hereto and incorporated herein by reference, shall from this day forward be set-aside for public utility easement purposes and all uses incidental thereto under the terms and conditions described in Exhibit A-2, attached hereto and incorporated herein by reference; and
- 4) The City Council does hereby direct the City Clerk to cause a certified copy of this Resolution, including Exhibits A, A-1, and A-2, attested to by the Clerk under seal, to be recorded in the office of the County Recorder of the County of Sacramento.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 27th day of October 2021



BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT 'A'

**BRUCEVILLE MEADOWS
LEGAL DESCRIPTION FOR A
NON-EXCLUSIVE PUBLIC UTILITY EASEMENT**

Being a portion of Lots 7, 9 and 10 per Bruceville Meadows Large Lot Map – Subdivision No. 15-029, filed in Book 419 of Maps, at Page 11, Sacramento County Records, in the City of Elk Grove, County of Sacramento, State of California being more particularly described as follows:

The north 12.50 feet of said Lot 7.

EXCEPTING THEREFROM the 24.00-foot Public Utility / Pedestrian Easement as shown on said Large Lot Map.

The north 13.50 feet of said Lot 9, and the northwesterly 13.50 feet of said Lot 10.

October 8, 2021

END OF DESCRIPTION

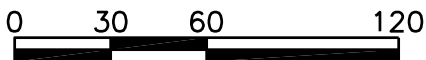
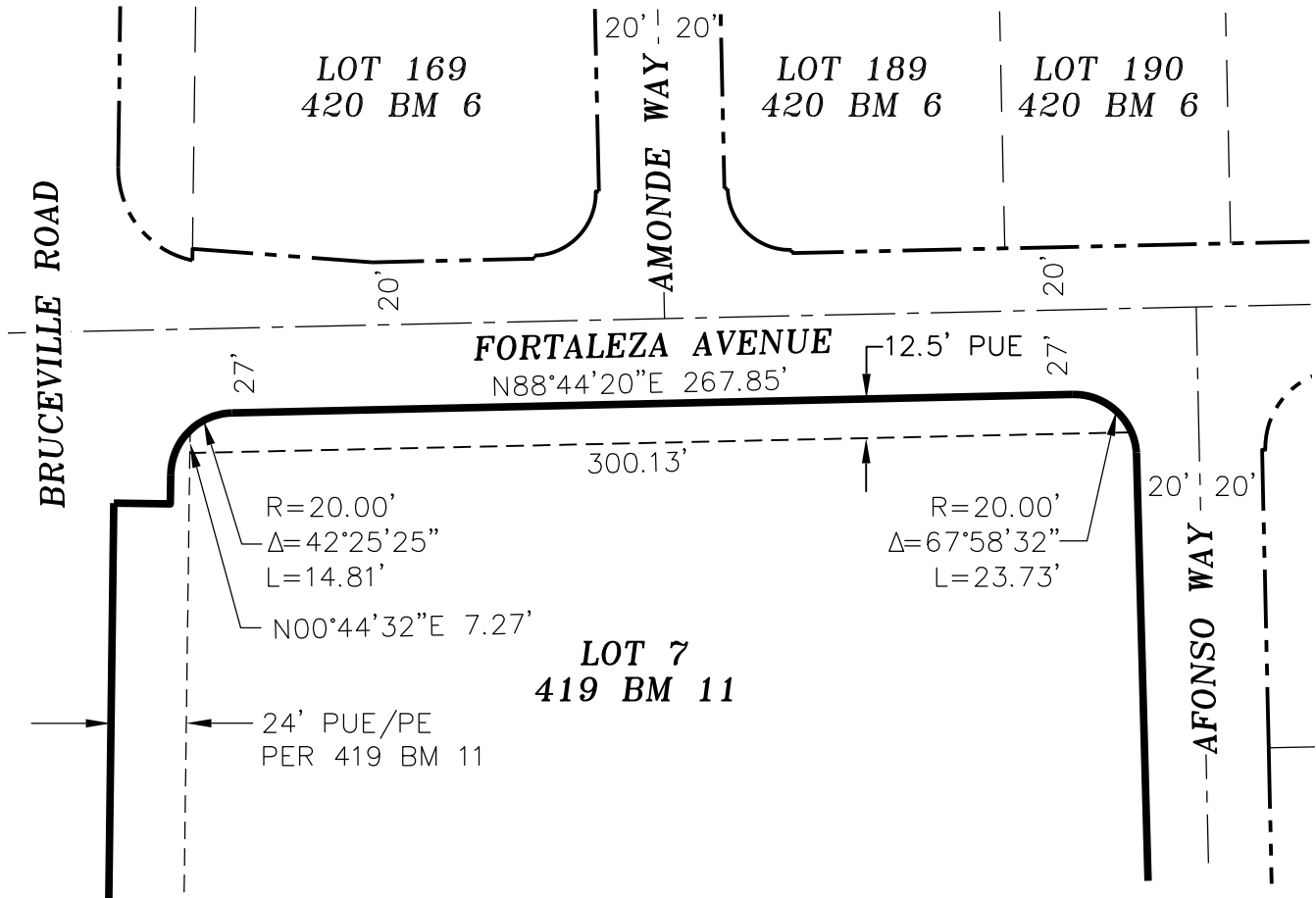


PREPARED BY WOOD-RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT 'A-1'

PLAT TO ACCOMPANY
DESCRIPTION

BRUCEVILLE MEADOWS
NON-EXCLUSIVE
PUBLIC UTILITY EASEMENT
CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA



SCALE: 1" = 60'



WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME

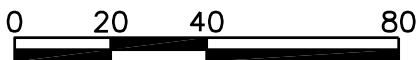
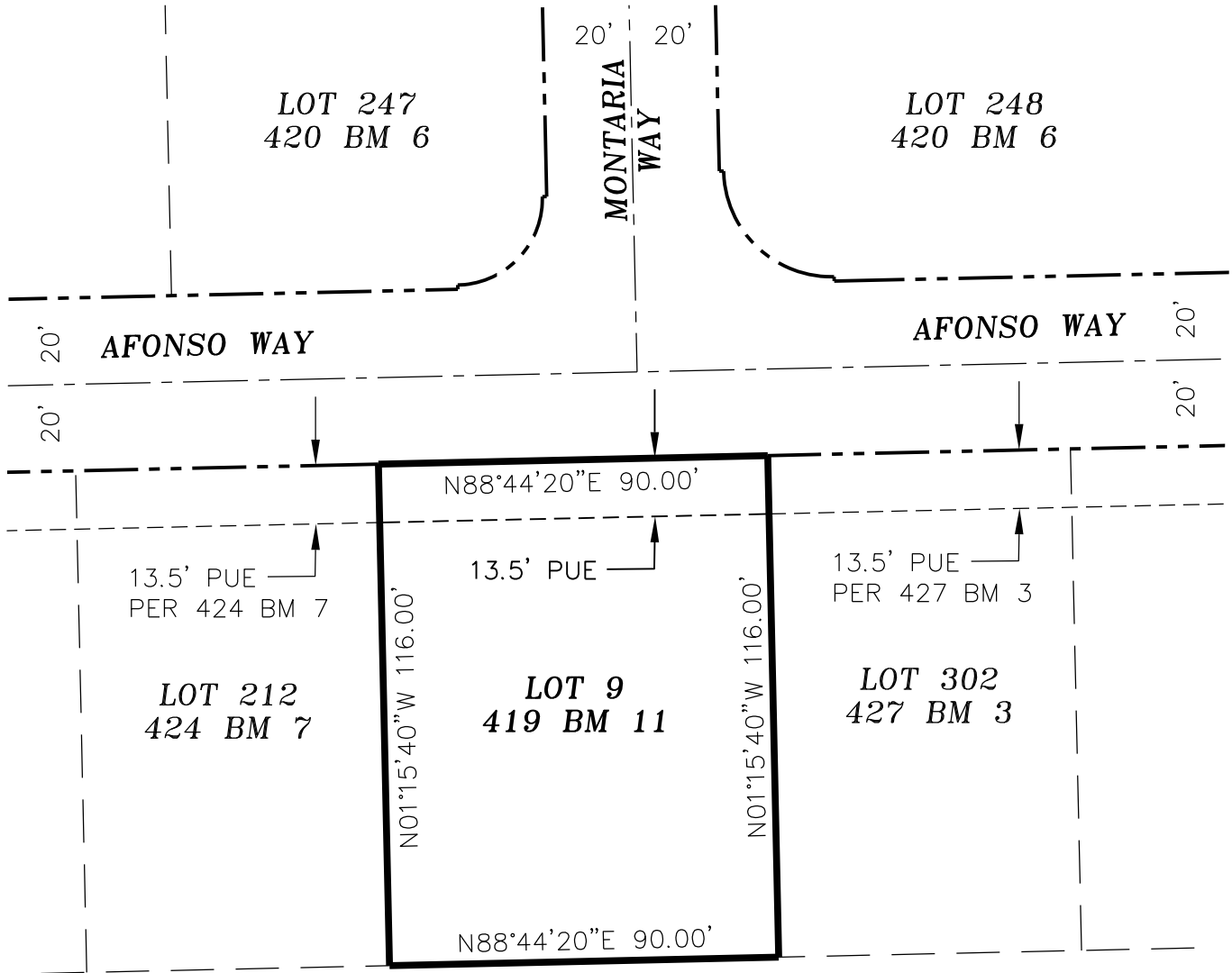
3301 C ST, BLDG. 100-B TEL 916.341.7760
SACRAMENTO, CA 95816 FAX 916.341.7767

EXHIBIT 'A-1'

PLAT TO ACCOMPANY
DESCRIPTION

**BRUCEVILLE MEADOWS
NON-EXCLUSIVE
PUBLIC UTILITY EASEMENT**

CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA



SCALE: 1" = 40'



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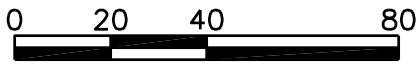
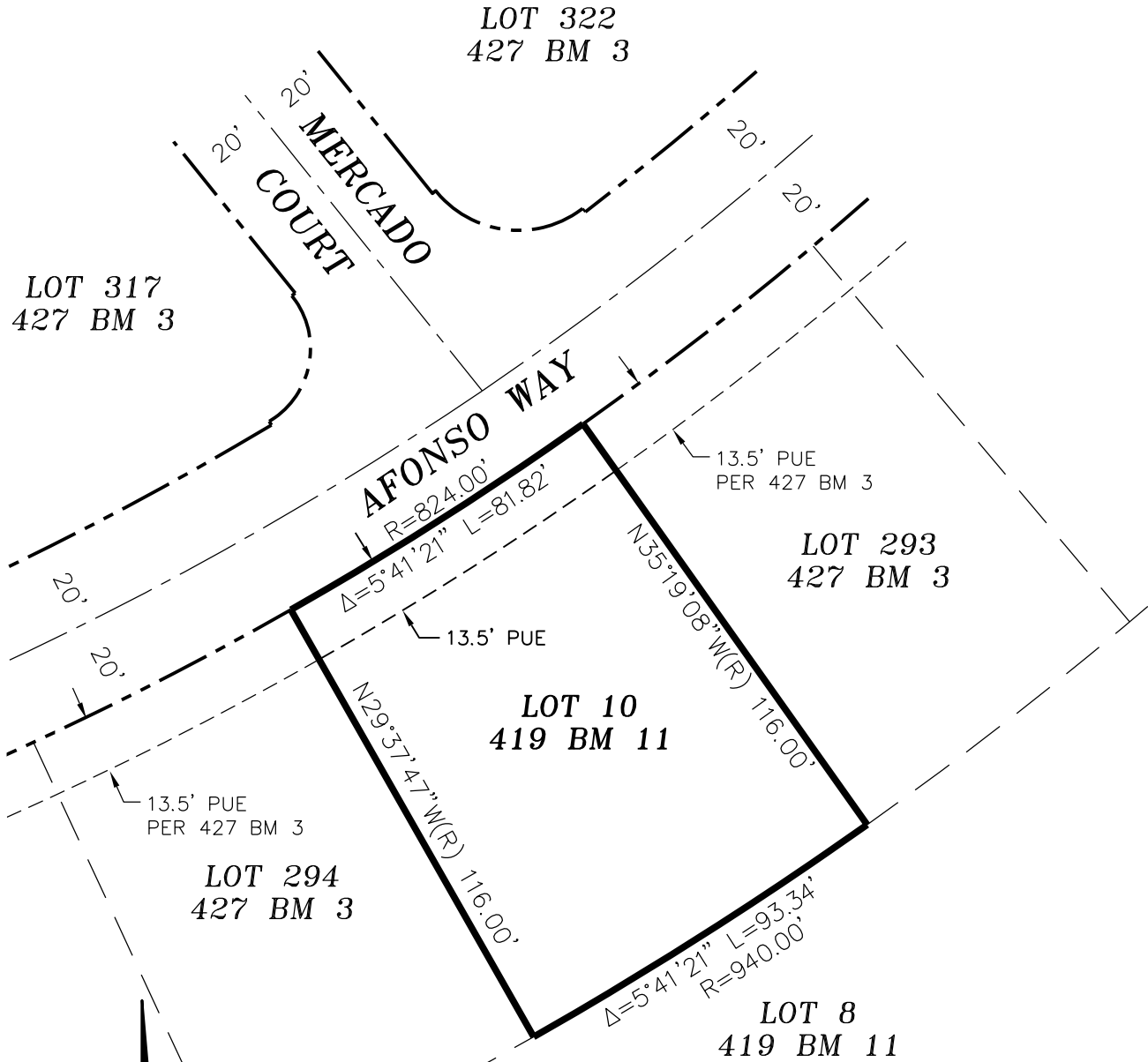
OCTOBER 8, 2021 2956.016 SHEET 2 OF 3

EXHIBIT 'A-1'

PLAT TO ACCOMPANY
DESCRIPTION

**BRUCEVILLE MEADOWS
NON-EXCLUSIVE
PUBLIC UTILITY EASEMENT**

CITY OF ELK GROVE
COUNTY OF SACRAMENTO STATE OF CALIFORNIA



SCALE: 1" = 40'



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OCTOBER 8, 2021 2956.016 SHEET 3 OF 3

EXHIBIT A-2
Terms and Conditions of Set-Aside Easement
for Public Utilities

The City of Elk Grove does hereby delineate for public utilities purposes and the set-aside area as described in Exhibits A and A-1 attached hereto for use by any public utility provider (Provider) inclusive of digging, constructing (no overhead utilities or fixtures), reconstructing, repairing, operating, upgrading and maintaining all necessary utilities and all appurtenances deemed necessary by said Provider on, under and across the real property as described, including the perpetual right of ingress and egress from said set-aside area, for the purpose of exercising and performing all of the rights and privileges herein granted.

To the fullest extent permitted by law, Provider 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 set-aside area, to the extent caused by a negligent act or negligent failure to act, errors, omissions, recklessness or willful misconduct incident to the performance of any utility work performed by Provider, except to the extent such loss or damage 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 lawsuit(s) and, thereafter, upon tender in writing to Provider.

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.

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2021-316

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 October 27, 2021 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Nguyen, Hume, Spease, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California