



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 13.1h

Meeting Date: May 16, 2024

Subject: **Approve Resolution No. 3413: Resolution of Intention to Convey Public Utilities Easement Entitlement to California-American Water at Nicholas Elementary School**

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Division: Facilities Support Services

Recommendation: Approve Resolution No. 3413, which provides notice of a Public Hearing and the adoption of the California-American Water Easement Entitlements Resolution at its regularly scheduled Board Meeting on Thursday, June 6, at 6:30 PM.

Background/Rationale: The District is rebuilding Nicholas Elementary School and will need numerous Easements for outside entities and California-American Water has jurisdiction over the water distribution facilities that serve the Nicholas Elementary site. California-American Water requires a utility easement to provide necessary water services to the site.

Pursuant to Education Code 17557, the District must adopt a Resolution of Intention to dedicate or convey any District property prior to the adoption of a Resolution which dedicates or conveys property and provide notice to a Public Hearing.

Pursuant to Education Code 17558, copies of the adopted Resolution of Intention must be posted in three public places within the District not less than 10 days before the date of the meeting and publish the notice in a newspaper of general circulation not less than 5 days before the date it plans to provide a Public Hearing and adopt the Resolution.

Financial Considerations: N/A

LCAP Goal(s): Operational Excellence

Documents Attached:

1. Resolution No. 3413 Resolution of Intention to Convey Public Utilities Easement to California – American Water at Nicholas Elementary School
2. Attachment A outlining location of proposed easement

Estimated Time of Presentation: NA

Submitted by: Ben Wangberg, Facilities Planning Manager
Nathaniel Browning, Capitol Project and Resource Management

Approved by: Chris Ralston, Assistant Superintendent, Facilities Support Services
Janea Marking, Chief Business and Operations Officer
Lisa Allen, Superintendent

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

RESOLUTION NO. 3413

**RESOLUTION OF INTENTION TO CONVEY PUBLIC UTILITIES EASEMENT TO
CALIFORNIA-AMERICAN WATER AT NICHOLAS ELEMENTARY SCHOOL**

WHEREAS, the Sacramento City Unified School District (“District”) owns the property at Nicholas Elementary School located at 6601 Steiner Drive, in the County of Sacramento;

WHEREAS, District’s request for California-American Water Service at Nicholas School requires installation in accordance with California-American Water’s rules and regulations;

WHEREAS, California-American Water is seeking to acquire a permanent easement (“Permanent Easement”) for the Utility Access, which will consist of the installation of two (2) utility access facilities near the Western property line and along Steiner Drive, one approximately 29 feet north of the southwest corner of the lot and the other approximately 70 feet south of the Northwest corner of the lot;

WHEREAS, CALIFORNIA-AMERICAN WATER’s design team has drafted an Easement Right of Way;

WHEREAS, pursuant to the Education Code § 17537, the District must adopt this Resolution of Intention, by a two-thirds vote, and establish a time at a subsequent Board meeting to hold a public hearing in order to consider adoption of a resolution, by the same vote, for the actual approval of the easement entitlements (the “*Easement Entitlements Resolution*”);

WHEREAS, utilities are necessary for the provision of adequate school housing;

WHEREAS, the Utility Easement totals 678 square feet and is located at two locations along the western property edge, immediately adjacent to Steiner Drive (and the public sidewalk), and the easements are roughly rectangular in shape and consists of a 205 square foot space and 473 square foot space and include necessary utility facilities and infrastructure required by California-American Water;

NOW, THEREFORE, BE IT RESOLVED by the Sacramento City Unified School District Board of Education which finds and determines as follows:

1. Adopts the foregoing recitals as true and correct.
2. Pursuant to Education Code 17557, hereby determines that the Board will hold a public hearing and consider the adoption of the California-American Water Grant Easement Resolution at its regularly scheduled Board meeting on Thursday June 6, at 6:30 p.m., or as soon thereafter as the matter may be heard on the agenda.
3. Authorizes the Superintendent, or their designee, to provide notice of the Board meeting set forth above as required by law.

PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this 16th day of May 2024, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

ATTESTED TO:

Lavina Phillips
President of the Board of Education

Lisa Allen
Superintendent

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

California American Water
Attention: Spencer Phillips
4701 Beloit Drive
Sacramento, CA 95838

Additional copy to:
Sacramento City Unified School District
425 1st Avenue
Sacramento, CA 95818

APN: 039-0133-011

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

DEED OF EASEMENT AND RIGHT OF WAY

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS \$ 0.00

(R&T Code 11911- Value or Consideration Does Not Exceed \$100.00)

County of Sacramento unincorporated area City of _____

computed on full value of interest or property conveyed, or

computed on full value less value of liens or encumbrances remaining at time of sale.

THIS AGREEMENT, made this ____ day of _____, 20__, by and between Sacramento City Unified School District, a political subdivision of the State of California, hereinafter referred to as the "Grantor", and California-American Water Company, a corporation organized and existing under the laws of the State of California, having an office for the transaction of business at 655 W. Broadway, San Diego, California 92101, hereinafter referred as the "Grantee".

WITNESSETH:

The Grantor, for valuable consideration the receipt and sufficiency of which are hereby acknowledged, does hereby give, grant, and convey unto the Grantee, its successors and assigns, forever, a perpetual easement and a free uninterrupted and unobstructed right of way in, over, under, along, across, and over the property of the Grantor situated in the County of Sacramento, State of California, described in Exhibit "A" and depicted in Exhibit "B" attached hereto and made apart hereof, for the purpose of general utility purposes, including but not limited to, constructing, reconstructing, installing, laying, operating, maintaining, inspecting, removing, repairing, replacing, relaying, relocating, altering and adding to, from time to time, pipe or pipes, with necessary incidents, fittings, appurtenances, and attached facilities, including laterals and connections for the transmission and distribution of water.

Together with the right to the Grantee, its successors and assigns, to (i) enter in and upon the premises described above with men and machinery, vehicles and material at any and all times for the purpose of maintaining, repairing, renewing, or adding to the aforesaid water pipe lines and appurtenances; (ii) remove trees, bushes, undergrowth, roots, vegetative material and other obstructions

(collectively, "Obstructions") interfering with the activities authorized herein, provided that the foregoing is a right and not a duty, and said right shall not relieve Grantor of the duty as owner to trim or remove Obstructions to prevent danger or hazard to property or persons; and (iii) for doing anything necessary, useful, or convenient for the enjoyment of the easement herein granted.

The right of the Grantor to freely use and enjoy its interest in the premises is reserved to Grantor, its successors and assigns insofar as the exercise thereof does not endanger or interfere with the construction, operation, and maintenance of Grantee's water pipe lines and attached facilities, except that no building, structure, or similar improvements shall be erected within said easement, nor shall the grade or ground cover over Grantee's facilities be substantially altered, without the consent of the Grantee. Notwithstanding the foregoing, the Grantor agrees that no other pipes or conduits shall be placed within ten (10) feet, measured horizontally, from the said water mains except pipes crossing same at right angles, in which latter case, a minimum distance of two (2) feet shall be maintained between the pipes. All sewer pipes shall be laid below the water mains. No excavation or blasting shall be carried on which in any way endangers or might endanger the water pipe lines and attached facilities. In addition, Grantor must comply with DigAlert notification requirements pursuant to Government Code Sections 4216 to 4216.9.

TO HAVE AND TO HOLD the above granted easement and right of way unto the Grantee, its successors and assigns, forever.

The Grantee agrees, by acceptance of this Easement and Right of Way Agreement that, upon any opening made in connection with any of the purposes of this easement and right of way, said opening shall be backfilled and resurfaced to as nearly as possible the same condition as existed when said opening was made, provided that Grantee shall not be obligated to restore landscaping, other than grass which was destroyed upon entry, all such work to be done at the expense of the Grantee.

And the Grantor does further covenant with the Grantee as follows:

1. That the Grantor is the owner in fee simple of the real estate hereby subjected to said easement and right of way and has good title to convey the same.
2. That the Grantee shall quietly enjoy the said easement and right of way.

IN WITNESS WHEREOF, the Grantor has duly executed this AGREEMENT, all as of the day and year first above written.

GRANTOR(s)

By: _____

Title: _____
(use black ink only)

ACCEPTED BY:

GRANTEE

California-American Water Company

By: _____

Title: _____

NOTARY ACKNOWLEDGEMENT

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, _____ (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 _____.

(SEAL)

NOTARY ACKNOWLEDGEMENT

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State of California

County of _____

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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 _____.

(SEAL)

**EXHIBIT A
WATER EASEMENT**

Portions of Lot A as shown on the "Plat of Fruitridge Vista Unit No. 14" filed in the office of the Sacramento County Recorder in Book 44 of Maps at Page 16, being a portion of Section 33, Township 8 North, Range 5 East, M.D.M., in unincorporated area of Sacramento County, State of California, more particularly described as follows:

A 15.00 foot wide strip of land, the centerline of which is described as follows:

Beginning at a point on the Southwest line of said Lot A, from which the South corner of said Lot A bears South 43°26'50" East 28.76 feet; Thence, from said Point of Beginning, North 46°38'23" East 13.64 feet.

The sidelines to be lengthened or shortened to terminate at the Southwest line of said Lot A.

Together With a 20.00 foot wide strip of land, the centerline of which is described as follows:

Beginning at a point on the Southwest line of said Lot A, from which the Northwest corner of said Lot A bears along a 681.80 foot radius curve to the right, through a central angle of 5°52'04" a distance of 69.82 feet, said curve being subtended by a chord bearing of North 16°08'40" West 69.79 feet; Thence, from said Point of Beginning, North 70°40'28" East 23.66 feet.

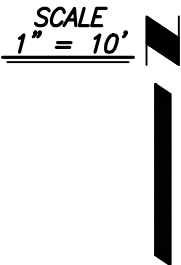
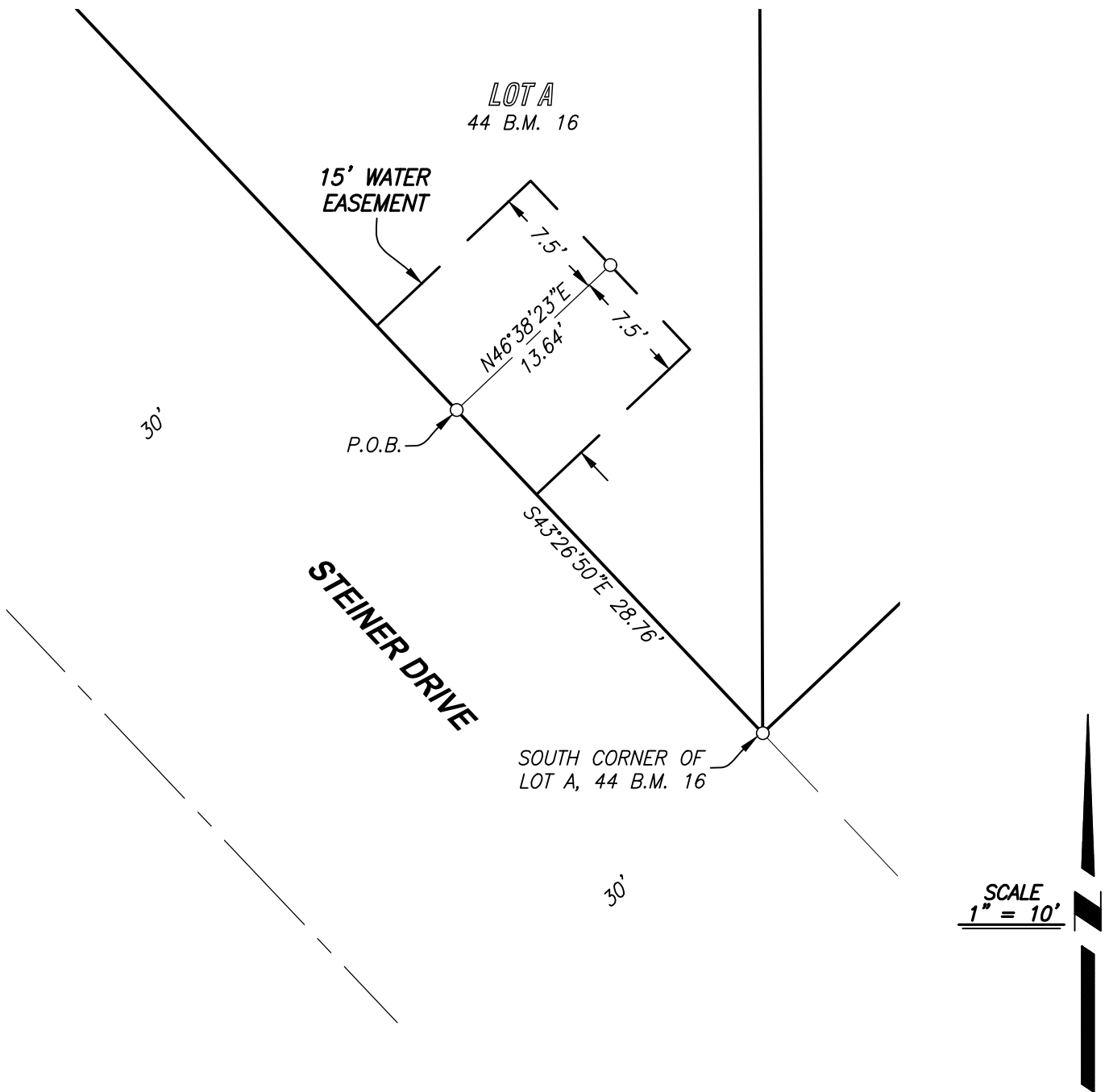
The sidelines to be lengthened or shortened to terminate at the Southwest line of said Lot A.



Braden Barnum

2-27-2024

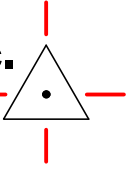
EXHIBIT "B"



**WATER EASEMENT
 PORTIONS OF LOT A, 44 P.M. 16
 SECTION 33, T.8N., R.5E., M.D.M.
 COUNTY OF SACRAMENTO, CALIFORNIA**



CenterPoint Engineering, Inc.
 Land Surveying & Construction Staking

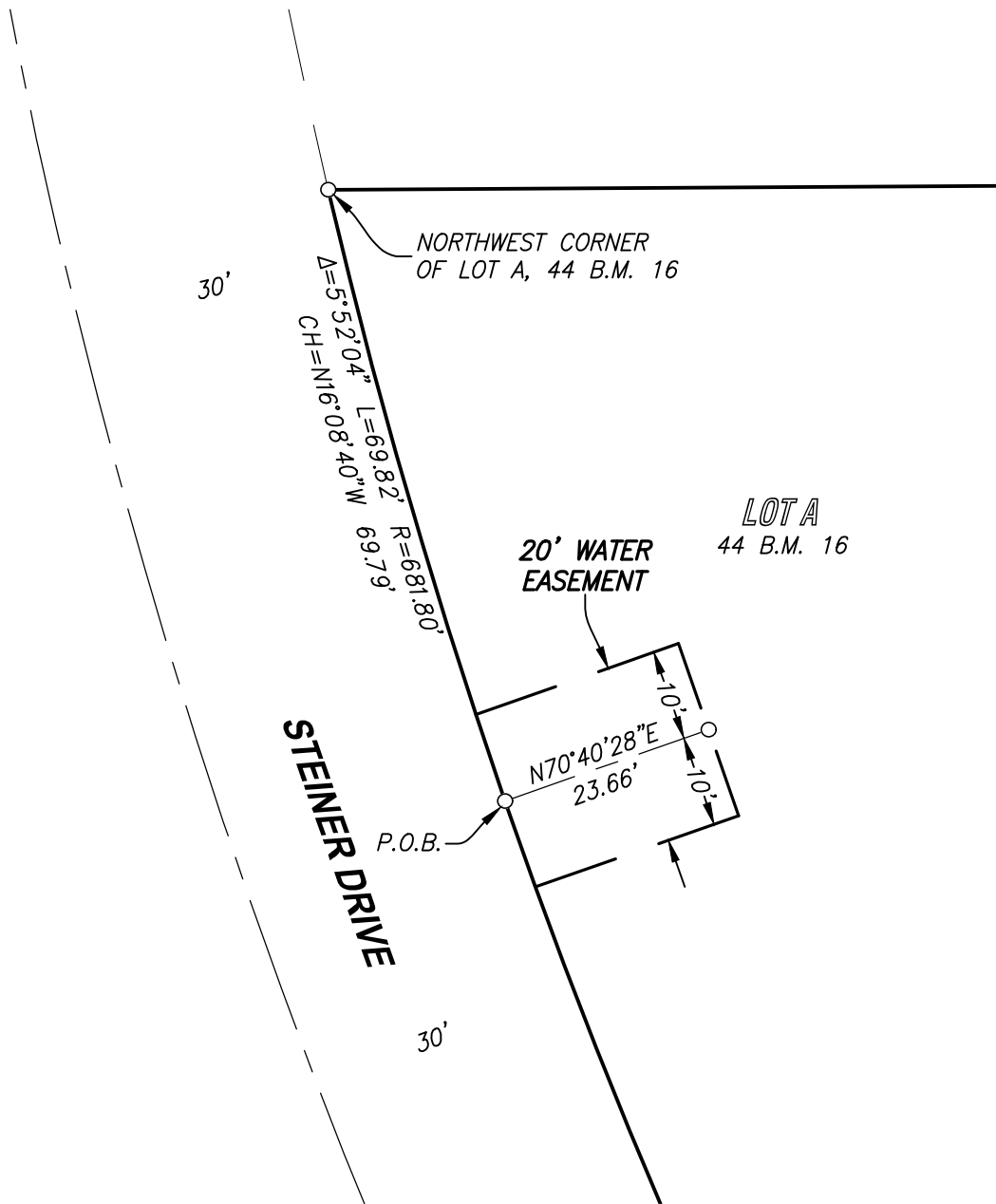


DRAWN BY: BB
 CHECKED BY: AE
 SHEET: 1 OF 2
 DATE: 2-27-24

4230 Rocklin Rd., Suite 200 • Rocklin, CA • 95677
 Phone: 916-773-4006 Fax: 916-773-4498

Braden Barnum

EXHIBIT "B"



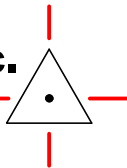
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PORTIONS OF LOT A, 44 P.M. 16
SECTION 33, T.8N., R.5E., M.D.M.
COUNTY OF SACRAMENTO, CALIFORNIA**



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DRAWN BY: BB

CHECKED BY: AE

SHEET: 2 OF 2

DATE: 2-27-24

Braden Barnum