



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 11.4

Meeting Date: June 6, 2024

Subject: **Public Hearing for Resolution No. 3418 Resolution to Convey Public Utilities Easement 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: Provide a Public Hearing on Resolution No. 3418, which conveys easement entitlements to California-American Water for a utilities easement at Nicholas Elementary as part of the new construction at that site. Approve subsequent Resolution No. 3418 as part of the Consent Agenda during the same meeting.

Background/Rationale: The District is rebuilding Nicholas Elementary and California-American Water has jurisdiction over the water distribution facilities that serve the Nicholas site. California-American Water requires a utility easement to move and provide electrical services to the site.

Financial Considerations: N/A

LCAP Goal(s): Maintain Safe Learning Environments & Dismantle Inequities; Maintain Safe & Clean Environments and Sufficient Supplies

Documents Attached:

1. Notice of Public Hearing
2. Executive Summary
3. California American Water Easement Right of Way

Estimated Time of Presentation: 5 minutes

Submitted by: Ben Wangberg, Manager, Facilities Planning

Nathaniel Browning, Director, Capital Projects, Facilities, 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
Compliance with Education Code Article 15 [17556-17561] Dedication of Real Property

NOTICE OF PUBLIC HEARING

The Sacramento City Unified School District hereby gives notice that a
Public Hearing will be held as follows:

Topic of Hearing:

Resolution No. 3418: Resolution to Convey Utility Easement Entitlements to California-American Water for Nicholas Elementary

Copies of this program may be inspected at:

**Serna Educational Center
5735 47th Avenue
Sacramento, CA 95824**

**SCUSD Facilities Department Office
425 1st Ave
Sacramento, CA 95818**

**CB Wire School
Temporary Nicholas Elementary Site
5100 El Paraiso Ave
Sacramento, CA 95824**

The Sacramento City Unified School District Governing Board will consider adoption of a Resolution to Convey Utility Easement Entitlements to California-American Water at Nicholas Elementary School.

HEARING DATE: June 6, 2024

TIME: 6:30 p.m.

LOCATION: Serna Educational Center
5735 47th Avenue
Sacramento, CA 95824

FOR ADDITIONAL INFORMATION CONTACT: SCUSD Facilities Support Services Department
(916) 395-3970 x 450005

Board of Education Executive Summary

Facilities Support Services

Public Hearing for Resolution No. 3418 Resolution to Convey Public Utilities Easement to California-American Water at Nicholas Elementary
June 6, 2024



I. Overview/History of Department or Program

Measure H was passed in 2020. It provided funding to reconstruct Nicholas Elementary School. The District is currently in the construction phase for this project. During this phase, the District is working with local jurisdictions, and California-American Water has jurisdiction over the water distribution facilities that will serve Nicholas Elementary. California-American Water requires a utility easement for it to provide water services to this facility.

To initiate the process for a utility easement, Education Code 17557 specifies that the District has to provide a resolution of its intention to dedicate real property. On the May 16, 2024, Board of Education Meeting, the Governing Board adopted Resolution No. 3413 which declared the District's intention to convey District property located at 6601 Steiner Drive, Sacramento, CA 95823, to California-American Water for a utility easement.

Thereafter, Pursuant to Education Code 17558, copies of Resolution No. 3413 were posted in three public places within the District and a Notice of Public Hearing was published in the Daily Recorder on May 22, 2024.

II. Driving Governance:

Education Code Article 15 §17556-17561

III. Budget:

N/A

IV. Goals, Objectives and Measures:

Convey Utility Easement Entitlements to California-American Water for it to provide water services to Nicholas Elementary School.

V. Major Initiatives:

N/A

VI. Results:

Nicholas Elementary School upon completion will have adequate water services provided by California-American Water to run its operations.

VII. Lessons Learned/Next Steps:

Adopt Resolution No. 3418, which conveys Utility Easement Entitlements to California-American Water for the Nicholas Elementary School.

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.

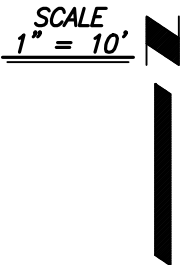
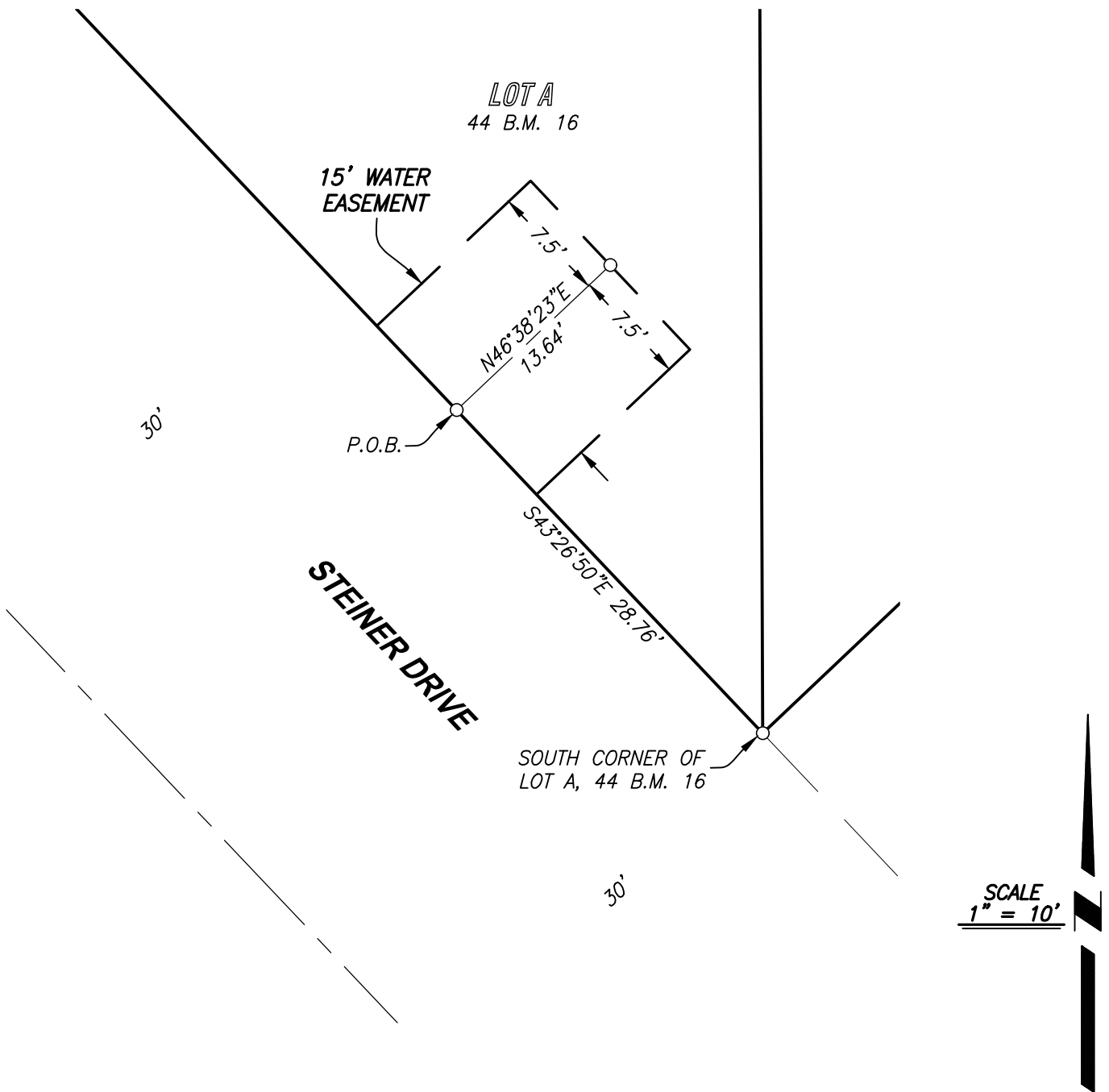
The sidelines to be lengthened or shortened to terminate at the Southwest line of said Lot A.



Braden Barnum

2-27-2024

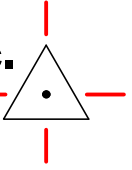
EXHIBIT "B"



**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

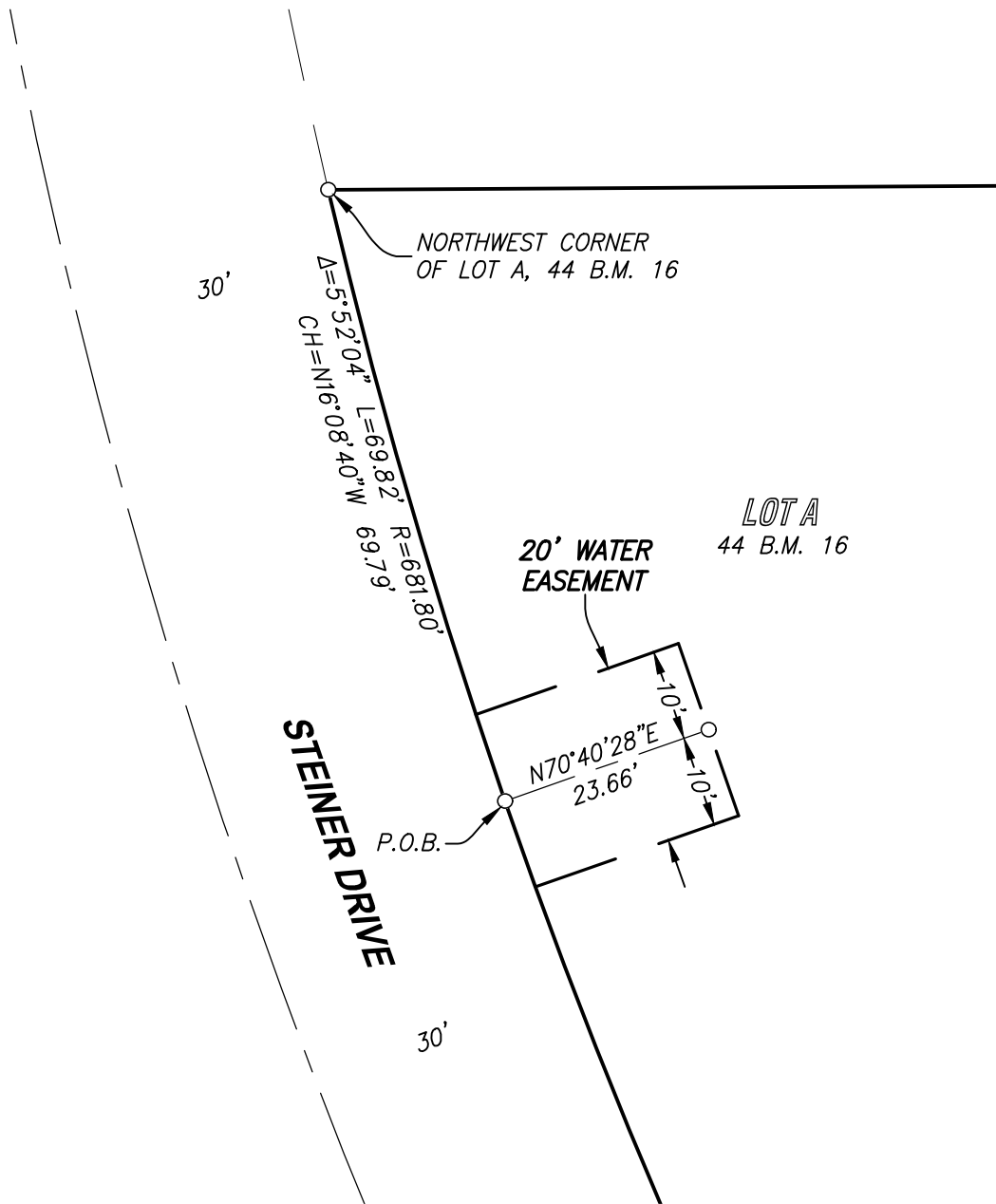


DRAWN BY: BB
 CHECKED BY: AE
 SHEET: 1 OF 2
 DATE: 2-27-24

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

Braden Barnum

EXHIBIT "B"



SCALE
1" = 20'

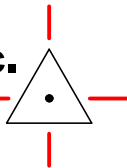
**WATER EASEMENT
PORTIONS OF LOT A, 44 P.M. 16
SECTION 33, T.8N., R.5E., M.D.M.
COUNTY OF SACRAMENTO, CALIFORNIA**



CenterPoint Engineering, Inc.

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Phone: 916-773-4006 Fax: 916-773-4498



DRAWN BY: BB

CHECKED BY: AE

SHEET: 2 OF 2

DATE: 2-27-24

Braden Barnum