

Watershed: Uvas-Llagas
Project: Metcalf-Salinas Electric
Transmission Line Tower
Replacement

Real Estate File No.: 5018-94.1

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 18-

**CONVEYANCE OF REAL PROPERTY RIGHTS TO
PACIFIC GAS AND ELECTRIC COMPANY**

WHEREAS, the Santa Clara Valley Water District ("District") is the owner of certain real property acquired for agricultural, environmental restoration, water quality protection, and flood management purposes, situated in the County of Santa Clara and depicted in Exhibit A ("District Property"); and

WHEREAS, Pacific Gas and Electric Company is the owner of existing easement rights encumbering District Property for an existing transmission tower and lines; and

WHEREAS, Pacific Gas and Electric Company desires to acquire additional easement rights depicted in Exhibit B, the Easement Deed, to accommodate replacement of the existing transmission tower with a larger tower to meet vertical clearance standards set by California Public Utilities Commission General Order 95; and

WHEREAS, Section 31 of the District Act (California Water Code Appendix §60-31) allows the Board to determine, by resolution duly entered in their minutes that any real property, or interest therein, held by the District is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease, or otherwise dispose of the property pursuant to the requirements of law governing that action by counties; and

WHEREAS, California Government Code Section 25526.6 allows the board to grant an easement of any real property of the District to a public utility corporation in the manner and upon the terms and conditions as the board prescribes, upon a finding by the board that the conveyance is in the public interest and that the interest in land conveyed will not substantially conflict or interfere with the use of the property by the district; and

WHEREAS, the conveyance of the easement is in the public interest since it is needed by the Pacific Gas and Electric Company to provide energy to the public at large; and

WHEREAS, the additional easement desired by Pacific Gas and Electric Company will not substantially conflict or interfere with the District use, operation or maintenance of the District Property; and

WHEREAS, the District Act requires that notice of the board's intended action shall be as prescribed in Section 25363 of the Government Code, which requires notice of the sale to be

given for five days prior thereto either by publication in a newspaper published in the district or by posting in three public places in the district; and

WHEREAS, District staff has met with this requirement by posting the notice of this sale in three public places within the District's jurisdictional boundaries five days prior to the October 9, 2018 regular District Board meeting; and

WHEREAS, the Board of Directors, as the Lead Agency under the California Environmental Quality Act, have determined the project will not have a significant effect on the environment and qualifies for Categorical Exemption. This Project qualifies for Categorical Exemption under CEQA Guidelines §15301(b) Existing Facilities, §15302(c) Replacement or Reconstruction, §15303 New Construction or Conversion of Small Structures, and §15304, Minor Alterations to Land Class 4. A Class 12 CEQA Exemption would also apply as Surplus Government Property Sales.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Santa Clara Valley Water District does hereby find and declare as follows:

1. That the recitals and exhibits are incorporated herein by this reference.
2. That the easement rights described and depicted in Exhibit B, are no longer necessary to be retained for District uses and purposes.
3. That the conveyance of the easement rights is in the public interest since it is needed by Pacific Gas and Electric Company, a public utility corporation, to provide energy to the public at large.
4. That the easement rights desired by Pacific Gas and Electric Company will not substantially conflict or interfere with the District use, operation or maintenance of the District Property.
5. That the approved fair market value of the easement rights is \$1,100.00, as determined and agreed upon by both Pacific Gas and Electric Company and the District.
6. That pursuant to Section 31 of the District Act (California Water Code Appendix §60-31) and California Government Code Sections 25526.6 and 25363, the Board approves and sells to Pacific Gas and Electric Company the real property interests described and depicted in Exhibit B for the price of \$1,100.00.
7. That the Chief Executive Officer is hereby authorized to execute and deliver deeds to Pacific Gas and Electric Company for the real property interest described in Exhibit B upon receipt of the \$1,100.00 sale price.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on _____:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

RICHARD P. SANTOS
Chair/Board of Directors

ATTEST: MICHELE L. KING, CMC

Clerk/Board of Directors

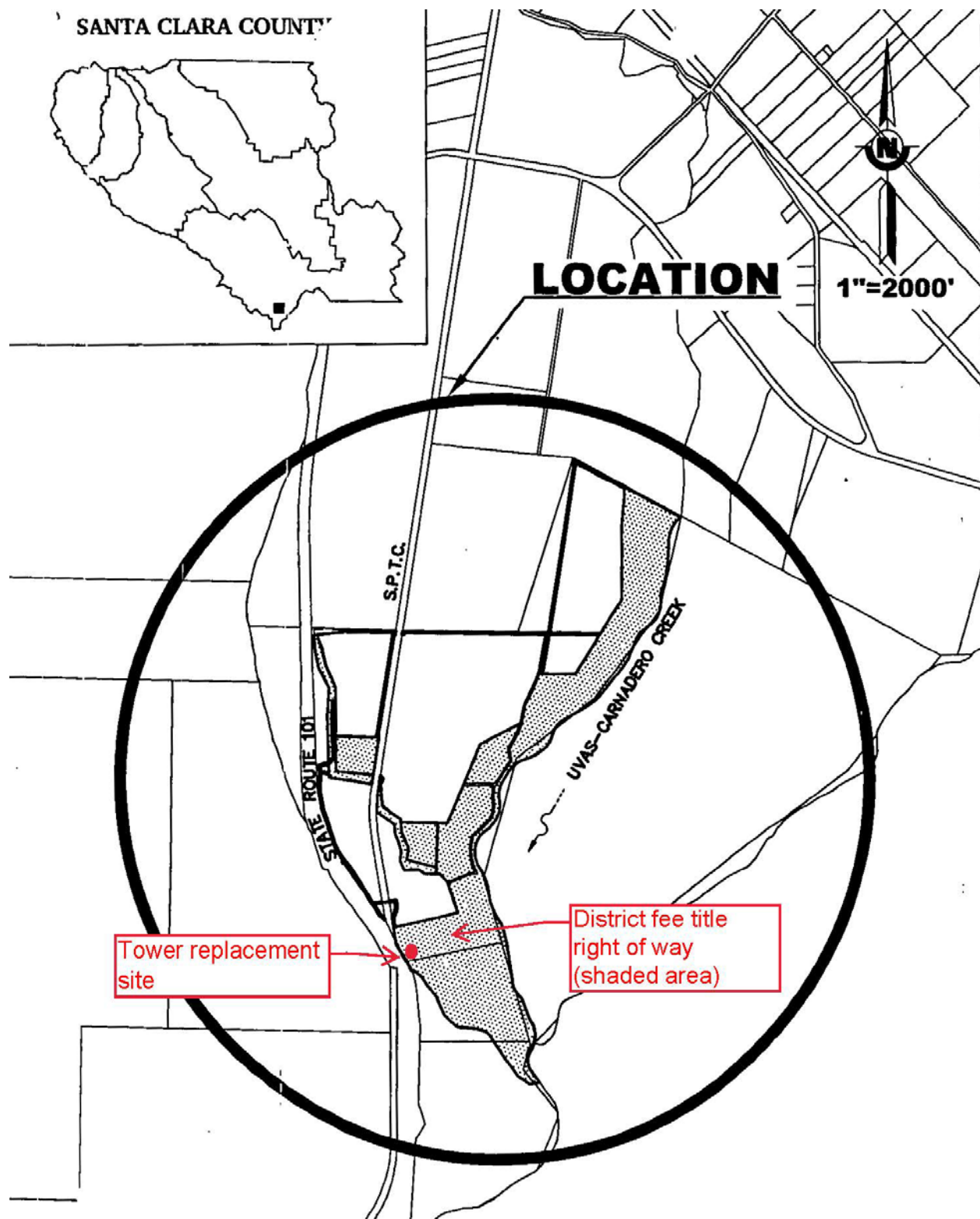
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EXHIBIT A

DISTRICT PROPERTY LOCATION MAP

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EXHIBIT B
EASEMENT DEED

No. of Pages: 8

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Easement Mod. Agn. (Rev. 12/14) revised 8-23-18

RECORDING REQUESTED BY AND RETURN
TO:

PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, N10A, Room 1015
P.O. Box 770000
San Francisco, California 94177

Location: City/Uninc _____

Recording Fee \$ _____

Document Transfer Tax \$ _____

☐ This is a conveyance where the consideration and
Value is less than \$100.00 (R&T 11911).

☐ Computed on Full Value of Property Conveyed, or

☐ Computed on Full Value Less Liens
& Encumbrances Remaining at Time of Sale

Signature of declarant or agent determining tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

LD 2211-04-0764

EASEMENT DEED

3036-0032 (03-17-032) 8 18 5

Metcalf - Salinas #1 & #2 NERC Reconstruction

File No. 5018-94.1

EASEMENT DEED

SANTA CLARA VALLEY WATER DISTRICT, a Special District created by the California Legislature, hereinafter called Grantor, in consideration of value paid by PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the receipt whereof is hereby acknowledged, hereby grants to Grantee an easement to install, replace, maintain and use a transmission tower within an area situate in the County of Santa Clara, State of California, and described as follows:

(APN 841-36-023, portion)

The strip of land described in EXHIBIT A and shown on EXHIBIT B,
both of which are attached hereto and made a part hereof.

Grantor further grants to Grantee an easement for ingress and egress, upon the portions of the existing farm road located on APN 841-36-023 as it exists today, described and designated "ACCESS ROUTE" in EXHIBIT C and shown on EXHIBIT D.

Said easement areas subject to the right of way and easement described in the agreement document between J.P. Sargent Estate Company, a corporation and Sierra and San Francisco Power Company, a corporation, predecessor in interest of second party dated October 8, 1912, and recorded in Volume 393 of Deeds at page 318, Santa Clara County Records.

Grantee hereby covenants and agrees:

- a) Grantee is responsible for restoring or repairing the property to its original condition and/or responsible for the costs of repairs for any damage to Grantor's roads and/or property resulting from Grantee's use.
- b) Grantee agrees to indemnify, defend, and hold harmless Grantor against any loss and damage arising from Grantee's use of the easement area, provided, however, that this indemnity shall not extend to that portion of such loss or damage that shall have been caused by Grantor's active negligence or willful misconduct.
- c) Grantee acknowledges and agrees that it has been given a full opportunity prior to the close of escrow to inspect and investigate each and every aspect of the property, including, without limitation, all matters relating to title and the physical condition and aspects of the property, including, without limitation, the seismic aspects and a examination of the presence of hazardous materials; any easements and/or access rights affecting the property; and any other matters of significance affecting the property. Grantee specifically acknowledges and agrees that it is receiving the interest in the property on an "as is with all faults" basis and that it is not relying on any representations or warranties of any kind whatsoever, express or implied, from Grantor or its agents as to any matters concerning the property, except as expressly set forth herein."

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Dated _____, 20____.

SANTA CLARA VALLEY WATER
DISTRICT, a Special District

By _____
Norma J. Camacho
Chief Executive Officer

"The information set forth on this page, which consists of administrative information for internal Pacific Gas and Electric Company purposes only, shall have no substantive or legal effect on the terms and conditions of the grant easement deed."

Attach to LD 2211-04-0764
The Area, Region or Location 4
Land Service Office: Fresno
Line of Business: 42
Business Doc Type: Easement
MTRSQ: 22.11.04.29
FERC License Number(s):na
PG&E Drawing Number(s):na
PLAT NO.
LD of any affected documents:
LD of any Cross-referenced documents: XXGT-01-0054, 2211-04-0026
TYPE OF INTEREST: 2
SBE Parcel Number: N/A
(For Quitclaims, % being quitclaimed):na
Order # or PM #: (74006762):
JCN: 03-17-032
County: Santa Clara
Utility Notice Numbers: N/A
851 Approval Application No. _____ Decision _____
Prepared By: ACMZ
Checked By: JDL7
Approved By:
Revised by: rssg
9/6/18 – legal & plat for Exhibit C&D, signature block

ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

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 SANTA CLARA

} SS

On this ____ day of _____, in the year 20__, before me _____,

Notary Public, personally appeared _____
Name(s) of Signer(s)

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 in and for said County and State

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- | | |
|---|---|
| ☐ Individual | ☐ Trustee(s) |
| ☐ Corporate Officer(s): _____ | ☐ Guardian/Conservator |
| ☐ Partner(s) ☐ Limited ☐ General | ☐ Other: _____ |
| ☐ Attorney-In-Fact: _____ | |

Signer is Representing (Name of Person(s) or Entity(ies))

EXHIBIT A

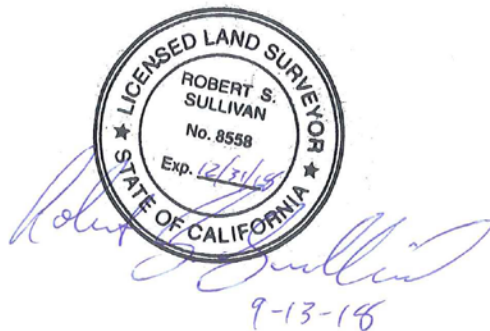
(APN 841-36-023, portion)

That portion of the parcel of land described and designated PARCEL 1 in the deed from Land Trust For Santa Clara County to Santa Clara Valley Water District dated April 27, 2004 and recorded as Document No. 17795379, Santa Clara County Records, being a strip of land of the uniform width of 30 feet lying 15 feet on each side of the line described as follows:

Commencing at a point in said PARCEL 1 having grid coordinates of North 1798461.4 feet, East 6255533.2 feet, Zone 3 of the California State Coordinate System; thence

(a) south 17°47'40" east 15.00 feet
to the TRUE POINT OF BEGINNING; thence
(1) north 17°47'40" west 30.00 feet
to the Point of Termination

The bearings and distances used in the above description are on the California Coordinate System of 1983 (2010.00), Zone 3.



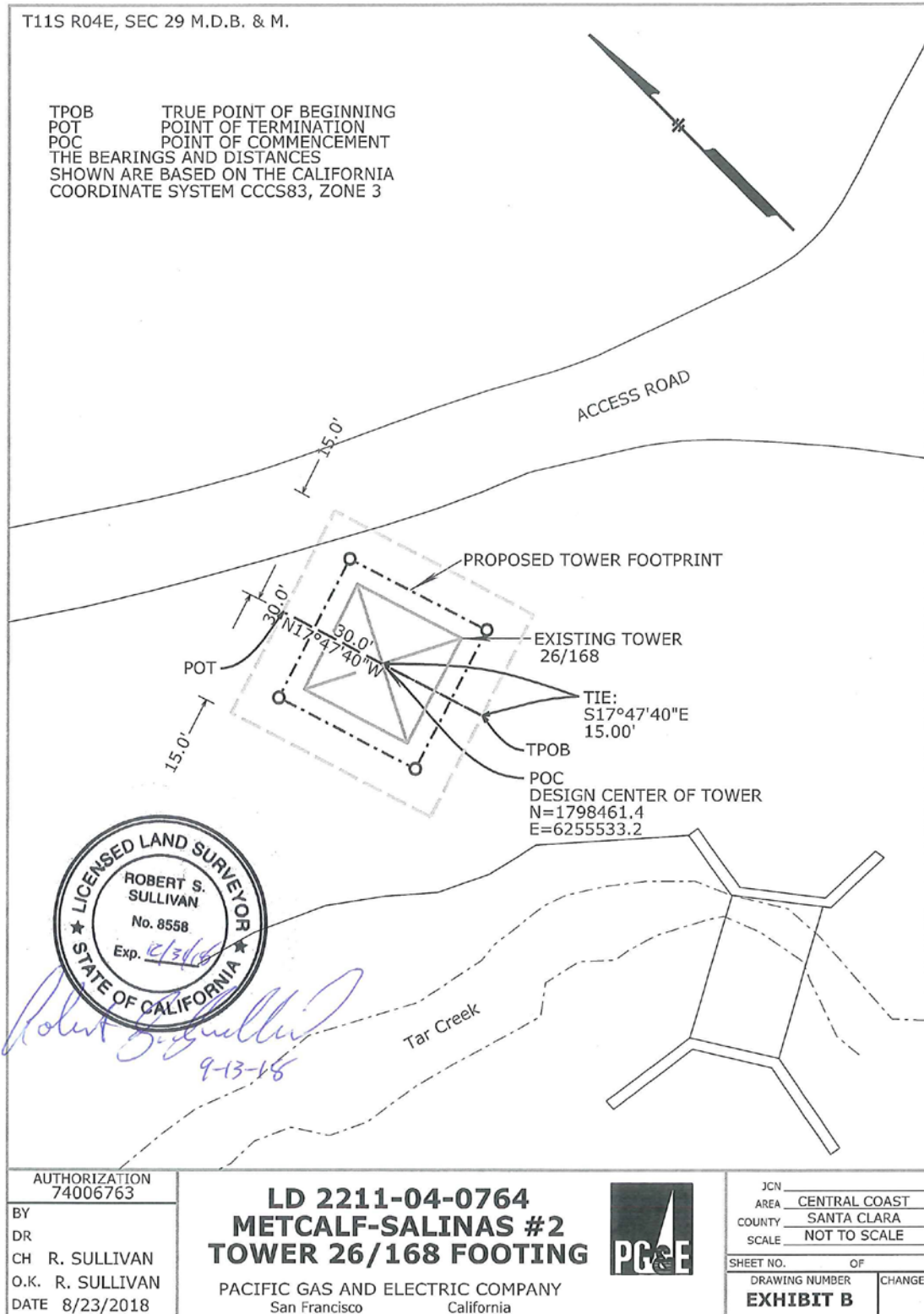


EXHIBIT C

(APN 841-36-023, portion)

ACCESS ROUTE

1. All of the parcel of land described and designated PARCEL 1L in the deed from Land Trust For Santa Clara County to Santa Clara Valley Water District dated April 27, 2004 and recorded as Document No. 17795379, Santa Clara County Records, as shown on EXHIBIT D attached hereto and made a part hereof.
2. A portion of the parcel of land described and designated PARCEL 1E in said deed from Land Trust For Santa Clara County to Santa Clara Valley Water District dated April 27, 2004 and recorded as Document No. 17795379, Santa Clara County Records, said portion lying westerly of the land described and designated "Easement Area B" in the deed from Helen Wang, Trustee of the Richard and Helen Wang Family Trust to Land Trust For Santa Clara County dated April 11, 2003 and recorded as Document No. 16990279, Santa Clara County Records and as shown on EXHIBIT D attached hereto and made a part hereof.
3. A portion of the parcel of land described and designated "Easement Area B" in the deed from Helen Wang, Trustee of the Richard and Helen Wang Family Trust to Land Trust For Santa Clara County dated April 11, 2003 and recorded as Document No. 16990279, Santa Clara County Records, said portion lying southerly of the intersection of PARCEL 1E, said Parcel as described in said document 17795379, and "Easement Area B" as described in said document 16990279 and as shown on EXHIBIT D attached hereto and made a part hereof.



