

TAHOE TRUCKEE UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 20-2020-2021

**AUTHORIZING CONVEYANCE OF EASEMENT AND UTILITY SYSTEM FACILITIES TO
TAHOE CITY PUBLIC UTILITY DISTRICT**

WHEREAS, Section 17556 et seq. of the California Education Code authorizes the Tahoe Truckee Unified School District ("District"), by two-thirds (2/3) vote of its governing board ("Board"), to dedicate or convey to the State, or any political subdivision or municipal corporation thereof, for public street or highway purposes, either with or without consideration and without a vote of the electors of the District first being taken, any real property belonging to the District or easement to lay, construct, reconstruct, maintain, and operate water, sewer, gas, or storm drain pipes or ditches, electric or telephone lines, and access roads used in connection therewith, over and upon any land belonging to the District, upon such terms and conditions as the parties thereto may agree.

WHEREAS, the District owns real property commonly referred to as the Tahoe Lake Elementary School, located at 375 Grove Street in Tahoe City, California 96145 ("Property").

WHEREAS, the District desires to install and/or reconstruct water system facilities at the Property, and Tahoe City Public Utility District ("TCPUD") is the local utilities company which can provide such services at the Property.

WHEREAS, the District desires to convey a portion of the Property to TCPUD for public utilities and right of way purposes, so TCPUD can install, construct, operate, inspect, maintain, repair, replace, and reconstruct those water system facilities so the District can operate its water distribution systems at the Property.

WHEREAS, the proposed easement for these purposes are located along Grove Street as further detailed and shown in the Easement Grant Deed attached hereto as **EXHIBIT A** and incorporated herein ("Easement Deed").

WHEREAS, on **May 5, 2021**, the Board adopted a resolution declaring its intent to convey the Easement to TCPUD, and to call a public hearing in connection therewith.

WHEREAS, pursuant to Sections 17558 and 17559 of the California Education Code, all statutorily required notices were given, and on this **May 19, 2021**, the Board held a public hearing on the question of conveying the Easement to TCPUD, at which hearing all persons desiring to speak were afforded an opportunity to be heard.

WHEREAS, in relation of the District's desire to install and/or reconstruct water system facilities in and around the Property, District desires to memorialize the ownership of the utility system facilities constructed within the right of way adjacent to the Property in furtherance of the water distribution system to the Property, with execution of the Bill of Sale, Guarantee, and Acceptance from District to TCPUD, the form of which is attached hereto as **EXHIBIT B**.

NOW, THEREFORE, the Governing Board of the Tahoe Truckee Unified School District does hereby resolve, approve, and order as follows:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Approval of Conveyance of the Easement. Having received no legal protest to the conveyance of the Easement, the Board hereby approves the District's conveyance of the Easement to TCPUD for public utilities and right of way purposes.

Section 3. Authorization of Documentation. The President of the Board, the District Superintendent, or a designee, are each hereby delegated authority, authorized, and directed to execute all documents and take all actions necessary to carry out the intent of the Board pursuant to this Resolution, including, without limitation, to further negotiate, finalize, and execute the Easement Grant Deed in substantially the form attached to this Resolution as **EXHIBIT A**, and to deliver the Easement Grant Deed to TCPUD for recordation by TCPUD with the County Recorder's Office.

Section 4. Approval of the Bill of Sale, Guarantee, and Acceptance. The Bill of Sale, Guarantee, and Acceptance in substantially the form attached to this Resolution as **EXHIBIT B** is hereby approved and the District Superintendent or a designee is hereby delegated authority, authorized, and directed to further negotiate, finalize, and execute the document and take all other actions necessary to carry out the intent of the Board pursuant to this Resolution to formally transfer the ownership of the constructed utility system facilities within the right of way at the Property from District to TCPUD.

APPROVED, PASSED AND ADOPTED by the following vote of the members of the Board of Education of the Tahoe Truckee Unified School District, Placer County, State of California May 19, 2021.

AYES:

NOES:

ABSTAIN:

ABSENT:

Carmen Diaz Ghysels
Secretary to the Board
Tahoe Truckee Unified School District

ATTEST:

I, Gaylan Larson, Clerk to the Board of Education, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Board of Education of the Tahoe Truckee Unified School District at its meeting of May 19, 2021, which Resolution is on file in the office of the said Board.

Gaylan Larson
Clerk to the Board of Education
Tahoe Truckee Unified School District

EXHIBIT A

FORM OF EASEMENT GRANT DEED BEHIND THIS SHEET

EXHIBIT 'A'
Waterline Easement

REAL PROPERTY in the County of Placer, State of California, described as follows:

A PORTION of those parcels of land as described in the Grant Deeds to Tahoe Lake School District, recorded in Book 347 at Page 147 and Book 350 at Page 238, Official Records Placer County, being a portion of Block 3, Roll Map of Tahoe City, Placer County Records, a portion of Section 6, Township 15 North, Range 17 East, M.D.M., described as follows:

A STRIP of land, 30 feet in width, the centerline being described more particularly as follows:

BEGINNING at a point on the Northeasterly boundary of said Tahoe Lake Parcel, said boundary also being the Southwesterly line of Grove Street, from which the most Easterly corner of said Tahoe Lake Parcel bears South 46°51'45" East 359.00 feet; thence from said Point of Beginning leaving said Northeasterly boundary along the centerline to be described South 43° 08' 15" West 15.00 feet to the terminus of said centerline.

The area of said easement contained within that parcel of land as described in Book 347 at Page 147, Official Records Placer County is 450 Square Feet.

Sidelines of the above described easement terminate on the West at the right angles and on the East at the Northeasterly boundary of said Tahoe Lake Parcel.

The attached Exhibit 'B' is made a part hereof.

Description Basis of Bearing

The meridian for the above description is based on California State Plane NAD 83, Zone 2. Rotate 01°03'45" clockwise to obtain record bearings per Book 347 at Page 147, Official Records Placer County.



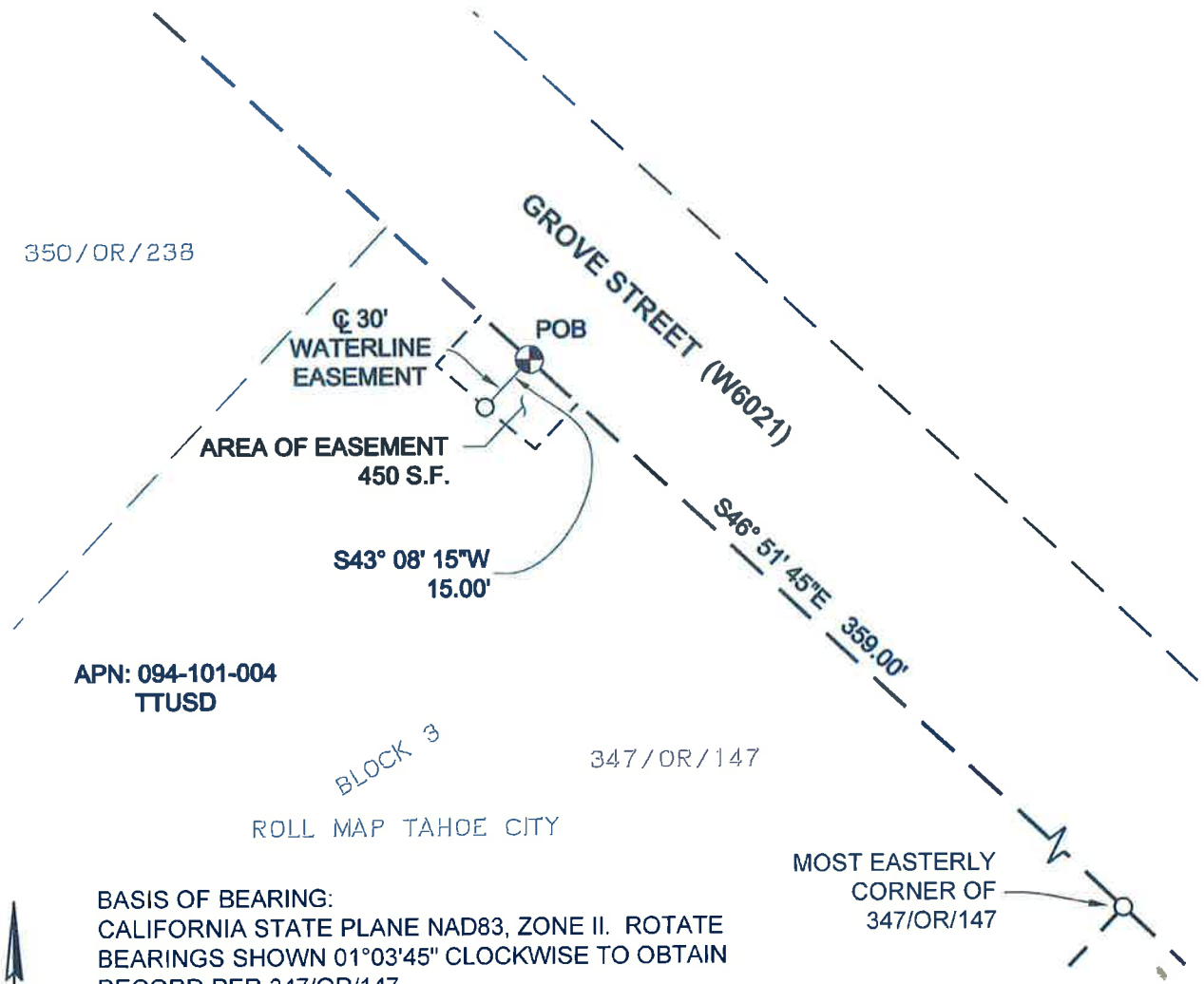
EXHIBIT "B"

WATERLINE EASEMENT

A POR. THESE PARCELS OF LAND RECORDED IN BOOK 347 AT PAGE 147 & BOOK 350 AT PAGE 238, OFFICIAL RECORDS PLACER COUNTY, ALSO A PORTION OF SECTION 6, TOWNSHIP 15 NORTH, RANGE 17 EAST, M.D.M.

COUNTY OF PLACER
SCALE: 1" = 40'

CALIFORNIA
APRIL, 2020



BASIS OF BEARING:
CALIFORNIA STATE PLANE NAD83, ZONE II. ROTATE BEARINGS SHOWN 01°03'45" CLOCKWISE TO OBTAIN RECORD PER 347/OR/147.

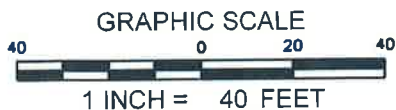


EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION



AUERBACH ENGINEERING CORP.

CIVIL ENGINEERING • LAND SURVEYING • ENVIRONMENTAL PLANNING

P.O. BOX 5399 • 845 W. LAKE BLVD. • TAHOE CITY • CALIFORNIA 96145
VOICE (530) 581-1116 • FAX (530) 581-3162
WWW.AUERBACHENGINEERING.COM

PREPARED FOR:
TTUSD
475.10

J:\475.10\Dwg\Exhibits\475.10-Esmt_water.dwg

Recording Requested by and
when Recorded Return to:

Tahoe City Public Utility District
P.O. Box 5249
Tahoe City, CA 96145
(530) 583-3796

APN 094-101-004

This recording is for the public benefit and is exempt from recording fees (Government Code Section 27383), and from the imposition of the Documentary Transfer Tax pursuant to Revenue and Taxation (Government Code Section 11922).

EASEMENT GRANT DEED
Tahoe Lake Elementary School
Water Meter Easement

TAHOE TRUCKEE UNIFIED SCHOOL DISTRICT, ("GRANTOR"), as the owner of the real properties described in the Grant Deeds recorded in Book 347 at Page 147 and in Book 350 at Page 238, Official Records Placer County, for good and valuable consideration the sufficiency of which is acknowledged hereby grants to TAHOE CITY PUBLIC UTILITY DISTRICT ("DISTRICT or GRANTEE"), a public agency formed pursuant to the laws of the State of California, a permanent EASEMENT together with a right of way therefore, across, over, upon, and through the property described on the attached Exhibit "A" and shown on the attached Exhibit "B" for the purposes of installing, constructing, operating, inspecting, maintaining, repairing, replacing, and reconstructing those water system facilities that in the sole discretion of the DISTRICT are needed so that the DISTRICT can operate in perpetuity the DISTRICT'S water distribution systems, and other necessary or convenient appurtenances connected therewith. This EASEMENT does not include the right to install above-ground signage or markers without the prior written approval of GRANTOR.

GRANTOR(S) further grants to GRANTEE: The perpetual right of ingress and egress from said EASEMENT for the purpose of exercising, performing, and protecting GRANTEE'S rights and privileges hereunder: PROVIDED such rights of ingress and egress shall be executed so as to cause the least practicable damage and inconvenience to GRANTOR(S) and PROVIDED that, except in the

case of an emergencies, GRANTEE provides notice to GRANTOR of GRANTEE'S intention to exercise its rights under this EASEMENT a minimum of two (2) business days prior to doing so.

GRANTEE covenants and agrees with GRANTOR(S): (1) To replace or cause to be replaced the easement area heretofore described in as near its condition prior to undertaking any work as is reasonably practicable; (2) To indemnify GRANTOR(S) against loss or damage caused by any wrongful or negligent act or omission of GRANTEE or its agents or employees in the course of their employment as may be provided for in the CALIFORNIA GOVERNMENT CLAIMS ACT.

GRANTOR(S) reserves the right to use said easement for any purpose which will not interfere with GRANTEE'S full enjoyment of the rights and privileges herein granted: PROVIDED HOWEVER, the GRANTOR(S) shall not erect, construct, or maintain any building or structure, nor make any excavation within or drill or operate any well, nor plant any large trees or shrubs, nor add to the ground level within or upon said easement without first obtaining the written consent of GRANTEE.

As part of the consideration for the permanent easement, GRANTOR recognizes that the water system facilities are integral to the DISTRICT's water systems that provide utility service to lands within the DISTRICT's service area, including those of GRANTOR.

The benefits and obligations conferred by the permanent easement and right of way granted herein shall run with the land and be binding in perpetuity on the parties, their heirs, successors and assigns. This EASEMENT may not be assigned by GRANTEE without the prior written authorization of GRANTOR, which authorization shall not be unreasonably withheld.

GRANTOR(S): (Attach Notary's Acknowledgement)

By: _____ Date: _____

Carmen Diaz Ghysels, Superintendent/CLO
Tahoe Truckee Unified School District

GRANTEE: (Attach Notary's Acknowledgement)

By: _____ Date: _____

Sean Barclay, General Manager
Tahoe City Public Utility District

CERTIFICATE

THIS IS TO CERTIFY that the interest in real property conveyed by the deed/transfer/grant of which this Certificate is a part, dated _____ from Tahoe Truckee Unified School District, to Tahoe City Public Utility District a body politic, is hereby accepted by the undersigned officer and agent, for and on behalf of Tahoe City Public Utility District, pursuant to the authority conferred by Resolution of the Board of Directors of Tahoe City Public Utility District, Number 02-14, duly passed and adopted by said Board on June 18, 2002, and said District as grantee and/or transferee consents to and authorized the recordation thereof by its duly authorized officer and agency.

Date: _____

TAHOE CITY PUBLIC UTILITY DISTRICT

By: _____
Authorized Officer and Agent
Sean Barclay, General Manager

EXHIBIT B

FORM OF BILL OF SALE BEHIND THIS SHEET

**BILL OF SALE, GUARANTEE, AND ACCEPTANCE
TAHOE LAKE ELEMENTARY SCHOOL
INCREMENT 2 – OFFSITE IMPROVEMENT**

BILL OF SALE

The undersigned hereby conveys, transfers and dedicates all right, title and interest, including but not limited to, all manufacturer and construction warranties, in and to those certain water mains and appurtenances ("the Utility System Facilities") more particularly described in the attached Exhibit "A" and shown on the attached Exhibit "B," relating to the improvement and development of Assessor's Parcel Number(s) 094-101-004, to the Tahoe City Public Utility District ("District"), a California public entity, formed and existing pursuant to the laws of the State of California.

The undersigned covenants to the District as follows:

- i. The undersigned has constructed or caused the construction and installation of the Utility System Facilities in accordance with applicable construction code and regulatory standards that would govern the construction and installation of similar facilities by District.
- ii. The undersigned warrants that they possess all rights to the Utility System Facilities and therefore such Utility System Facilities can be fully conveyed to the District.
- iii. The contractors, subcontractors, employees or agents of the undersigned have been fully and completely paid, and no liens, encumbrances, stop notices or claims exist against the Utility System Facilities by any of the undersigned's contractors, subcontractors, employees or agents.
- iv. There is no dispute with any regulatory agency regarding the existence, adequacy or sufficiency of the Utility System Facilities.
- v. All manufacturer and construction warranties, along with any related operation and maintenance manuals, have been transferred to the District.
- vi. Concurrently with this conveyance, the undersigned has granted, or has obtained granted easements to the District for the purposes of operating, inspecting, maintaining, repairing, replacing, and reconstructing the Utility System Facilities as is needed in the sole discretion of the District, to operate and maintain said facilities in perpetuity, and for ingress to and egress from said Utility System Facilities for the purpose of exercising, performing, and protecting the District's rights and privileges hereunder.

GUARANTEE

The undersigned guarantees, for a period of one year from the acceptance date of this Bill of Sale by the District, the Utility System Facilities against defects in workmanship or materials.

Should any failure of the Utility System Facilities occur within the guarantee period, which can be attributed to faulty materials, poor workmanship, or defective equipment, or should discovery be made within this period of any non-compliance with the plans and specifications or all applicable building codes and regulatory standards, including those of the District, the undersigned shall promptly make the needed repairs, replacement, or installation at their expense. All rights related to the 10-year statute of repose on construction defects shall remain in effect for the Utility System Facilities.

If the undersigned fails to make, or undertake with due diligence, the aforesaid repairs within fifteen (15) business days after being given written notice of such failure, the District is hereby authorized to make such repairs; provided however, that in case of emergency where, in the opinion of the District, delay would cause serious loss or damages, or a serious hazard to the public, the repairs may be made or protective actions taken without prior notice to the undersigned, and the undersigned shall pay the entire costs thereof within thirty (30) days of receiving an invoice for said work from the District. In any action to recover its costs for said repair work or to

enforce this document, the District shall be entitled to interest on the outstanding balance at the maximum rate allowed by law and any related attorneys' fees and costs.

COVENANTOR(S)/DEVELOPER
(Attach Notary's Acknowledgement)

Carmen Diaz Ghysels, Superintendent/CLO
Tahoe Truckee Unified School District

Date

ACCEPTANCE

This is to certify that the Utility System Facilities conveyed by this document to the Tahoe City Public Utility District, a local public agency of the State of California, are hereby accepted by the undersigned on behalf of the District. Subject to any guarantee and warranty obligations of Transferee, the District agrees that it shall hereafter own, operate, maintain and repair the Utility System Facilities described herein.

TAHOE CITY PUBLIC UTILITY DISTRICT
(Attach Notary's Acknowledgement)

Sean Barclay, General Manager
Tahoe City Public Utility District

Date

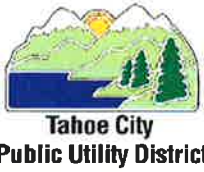
EXHIBIT "A"

**Attachment to
BILL OF SALE, GUARANTEE, AND ACCEPTANCE
TAHOE LAKE ELEMENTARY SCHOOL
INCREMENT 2 - OFFSITE IMPROVEMENT
Assessor's Parcel Number 094-101-004**

Tahoe Truckee Unified School District and Tahoe City Public Utility District

The following constitutes the Utility System Facilities relating to the improvement and development of Assessor's Parcel Number 094-101-004 being conveyed, transferred and dedicated to the Tahoe City Public Utility District:

1. Approximately 46 linear feet of 6" C900 PVC fire hydrant lateral
2. (1) 6" Fire hydrant
3. Approximately 46.5 linear feet of 6" C900 PVC combined fire/domestic water service
4. (1) 6"/1.5" master water meter assembly with remote read equipment
5. All related fittings and appurtenances

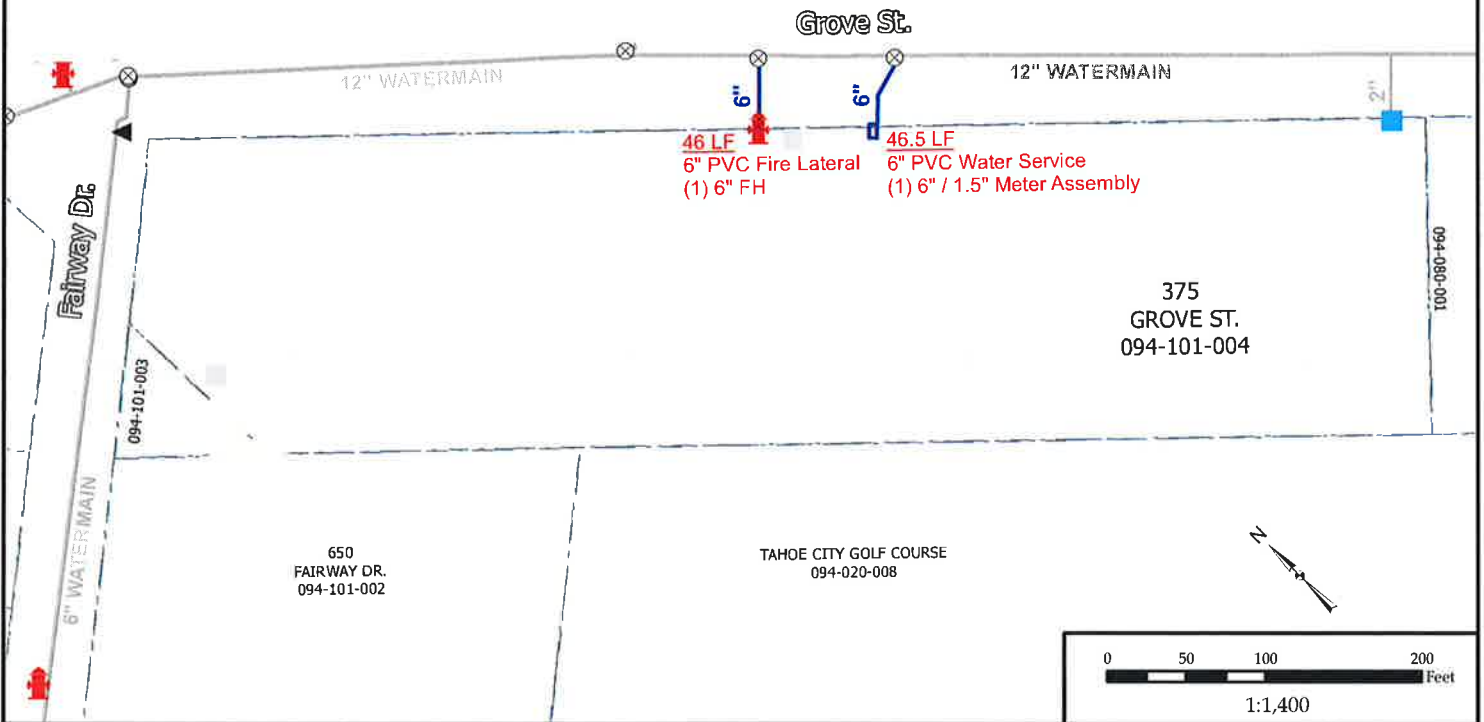


TAHOE CITY PUBLIC UTILITY DISTRICT

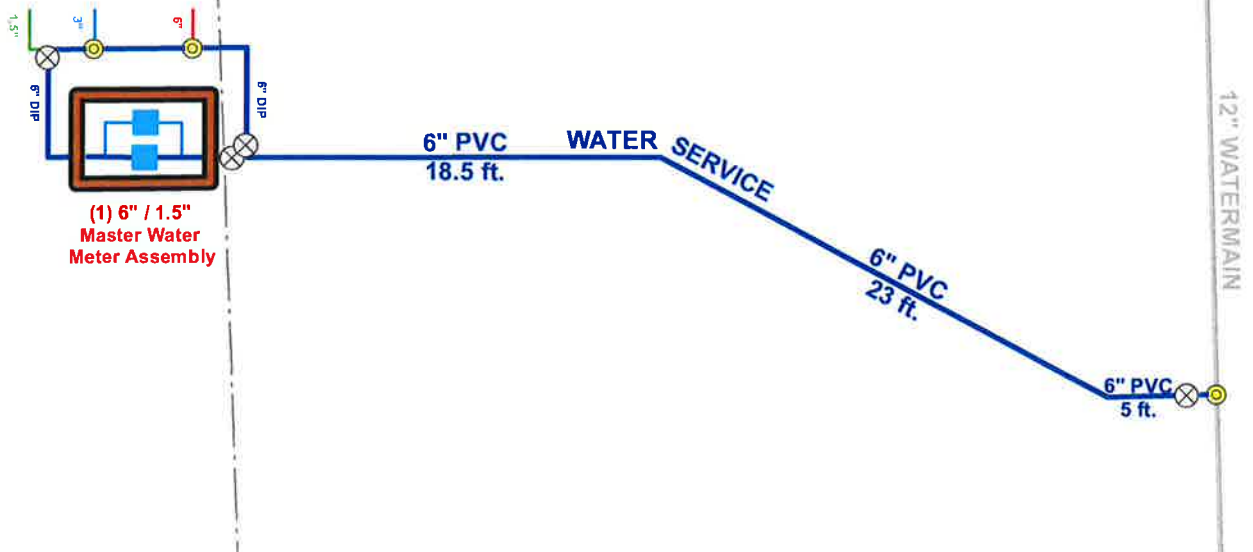
Exhibit B: Tahoe Lake Elementary School

Increment 2 - Offsite Improvements | APN 094-101-004

Overview



Master Meter Detail



Mains & Services

- Bill of Sale
- TCPUD
- Abandoned

Private Services

- Fire
- Irrigation
- Single Domestic

Meter

- Active
- Abandoned

System Valve

- ⊗ Gate

Hydrant Control Valve

- ◀ Air Control

Fitting

- ⊙ Tap

Master Meter Vault



Placer County Parcels

