RESOLUTION NO. 20-13

RESOLUTION OF THE
SUNNYVALE SCHOOL DISTRICT BOARD OF EDUCATION AUTHORIZING THE
CONVEYANCE OF DEDICATION OF A PUBLIC UTILITY EASEMENT TO
PACIFIC GAS AND ELECTRIC COMPANY

WHEREAS, section 17556, et seq., of the California Education Code authorizes the Sunnyvale School District ("District"), by two-thirds (2/3) vote of its Board of Education ("Board"), to dedicate an easement to a private corporation engaged in the public utility business, 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, either with or without consideration and without a vote of the electors of the District first being taken; and

WHEREAS, District owns that certain real property known as Sunnyvale School District Offices, located at 820 West McKinley Ave, City of Sunnyvale, County of Santa Clara, State of California (the "Property"); and

WHEREAS, the Pacific Gas and Electric Company ("Company") desires to acquire: an easement together with a right-of-way therefor, on, over, and under the easement area on the Property to construct, reconstruct, install, inspect, maintain, replace, remove and use facilities for public utilities purposes, which are described and depicted in the Public Utility Easement attached hereto as Exhibit "1" and incorporated herein (the "Land and Easement"); and

WHEREAS, on February 6, 2020, the Board Resolution No. 20-12 declaring its intention to convey the Land and Easement to the Company in exchange for the consideration and subject to the terms and conditions set forth in the Grant Deed and Public Utility Easement, and further called a public hearing in connection therewith; and

WHEREAS, all statutorily required notices were given, and on this 5th day of March, 2020, the Board held a public hearing on the question of conveying the Land and Easement to the Company, at which hearing all persons so desiring were afforded an opportunity to be heard.

NOW THEREFORE, the Sunnyvale School District Board of Education hereby resolves, determines, and finds the following:

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

Section 2. Approval of Dedication of Public Utility Easement and License Agreement. Having received no legal protest to the conveyance and dedication of the Land and Easement, the Board hereby approves the dedication as described herein. The President of the Board, the Clerk of the Board, and the Superintendent, and/or his designee, are hereby directed to take all actions to carry out the intent of the Board, including, without limitation, (1) to execute and deliver to the Company the Public Utility Easement for recordation in the form attached hereto as Exhibits "1" together with an executed copy of this Resolution. Upon recordation, the Public Utility Easement shall be fully effective.
PASSED AND ADOPTED by the Sunnyvale School District Board of Education, this 5th day of March, 2020, by the following vote:

AYES: ______________________________

NOES: ______________________________

ABSTAIN: ______________________________

ABSENT: ______________________________

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Jeffrey Arnett
Member, Board of Education of the Sunnyvale School District

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Michelle Maginot
Member, Board of Education of the Sunnyvale School District

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Reid Myers
Member, Board of Education of the Sunnyvale School District

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Nancy Newkirk
Member, Board of Education of the Sunnyvale School District

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Bridget Watson
Member, Board of Education of the Sunnyvale School District

Attested to:

____________________________
Bridget Watson
Clerk, Board of Education of the Sunnyvale School District
SUNNYVALE SCHOOL DISTRICT OF SANTA CLARA COUNTY, a public school district,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a
California corporation, hereinafter called Grantee, the right from time to time to construct, reconstruct,
install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together
with a right of way therefor, within the easement area as hereinafter set forth, and also ingress thereto
and egress therefrom, over and across the lands of Grantor situate in the City of Sunnyvale, County of
Santa Clara, State of California, described as follows:

(APN 165-11-007)

PARCEL 2 as shown upon the Parcel Map filed for record December 15, 1992 in Book 642 of
Maps at page 39 Santa Clara County Records.

Said facilities and easement area are described as follows:

Such underground conduits, pipes, manholes, service boxes, wires, cables, and electrical conductors;
aboveground marker posts, risers, and service pedestals; underground and aboveground switches,
fuses, terminals, and transformers with associated concrete pads; electric vehicle charging supply
equipment, hollards and/or curbs or other associated safety equipment, associated signage; and fixtures
and appurtenances necessary to any and all thereof, as Grantee deems necessary for the distribution
of electric energy and communication purposes located within the strips of land of the uniform width of
10 feet, lying 5 feet on each side of the alignment of the facilities as initially installed hereunder. The
approximate location of said facilities are shown upon Grantee’s Drawing Number 31476499 attached
hereto and made a part hereof.

Grantee agrees that on receiving a request in writing, it will at Grantor’s expense, survey, prepare and
record a “Notice of Final Description” referring to this instrument and setting forth a description of
said strips of land.
Grantor further grants to Grantee the right, from time to time, to trim or to cut down any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor shall not erect or construct any building or other structure or drill or operate any well within said easement area.

Grantor further grants to Grantee the right to assign to another public utility as defined in Section 216 of the California Public Utilities Code the right to install, inspect, maintain, replace, remove and use communications facilities within said easement area (including ingress thereto and egress therefrom).

In the event upon termination of the electric vehicle charging station contract as set forth in said terms and conditions, Grantee shall upon written demand therefor execute and deliver to Grantor a good and sufficient quitclaim of said easement and right of way or such portion thereof conveyed in this document, at Grantor’s expense.

The legal description herein, or the map attached hereto, defining the location of this utility distribution easement, was prepared by Grantee pursuant to Section 8730 (c) of the Business and Professions Code.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

In exercising its easement rights hereunder, Grantee shall not unreasonably interfere with, disrupt, or materially adversely affect Grantor’s business operations or access rights at the property owned by Grantor.

Dated: ______________, ________.

I hereby certify that a resolution was adopted on the __________ day of __________, 20__, by the ____________, authorizing the foregoing grant of easement:

By ____________________________

SUNNYVALE SCHOOL DISTRICT OF SANTA
CLAARA COUNTY, a public school district

By ____________________________
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, __________________________________________, 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 of Notary Public

(Seal)

CAPACITY CLAIMED BY SIGNER

[ ] Individual(s) signing for oneself/theirselfs

[ ] Corporate Officer(s) of the above named corporation(s)

[ ] Trustee(s) of the above named Trust(s)

[ ] Partner(s) of the above named Partnership(s)

[ ] Attorney(s)-in-Fact of the above named Principal(s)

[ ] Other ____________________________
Attach to LD: 2306-02-
Area: 3; De Anza Division
Land Service Office: Fresno
Line of Business: Electric Charging Station (95), Electric Distribution (43)
Business Doc Type: Easements
MTRSQ: 23.06.02.25.33
FERC License Number: N/A
PG&E Drawing Number: 31476499
Plat No.: Electric F1319
LD of Affected Documents: N/A
LD of Cross-Referenced Documents: N/A
Type of interest: Communication Easements (6), Electric Underground Easements (4), Utility Easement (86)
SBE Parcel: N/A
% Being Quitclaimed: N/A
Order or PM: 31476499
JCN: N/A
County: Santa Clara
Utility Notice Number: N/A
851 Approval Application No: N/A; Decision: N/A
Prepared By: LC
Checked By: PRFB