

CAPISTRANO UNIFIED SCHOOL DISTRICT  
San Juan Capistrano, California

**RESOLUTION NO. 1920-21**

**RESOLUTION OF INTENT TO CONSIDER THE CONVEYANCE OF AN EASEMENT  
TO SAN DIEGO GAS & ELECTRIC COMPANY FOR THE PURPOSES OF  
PROVIDING NECESSARY ELECTRICAL AND COMMUNICATION FACILITIES TO  
PALISADES ELEMENTARY SCHOOL**

*WHEREAS*, San Diego Gas & Electric Company (SDG&E) requires an easement from the Capistrano Unified School District (District) in order to erect, construct, change the size of, improve, reconstruct, relocate, repair, maintain and use facilities consisting of: (1) underground facilities, together with aboveground structures consisting of, but not limited to, pad-mounted electrical equipment, and appurtenances for the transmission and distribution of electricity; and (2) communication facilities, and appurtenances (Facilities); and

*WHEREAS*, the Facilities will provide necessary electrical and communication facilities to Palisades Elementary School (Palisades ES), located at or about 26462 Via Sacramento in the City of Dana Point, identified as Orange County Assessor Parcel No. 123-411-01 (District Property); and

*WHEREAS*, the easement sought by SDG&E and the specific location of the easement is attached hereto as Exhibit 1, and is incorporated herein by this reference (SDG&E Easement); and

*WHEREAS*, the SDG&E Easement is located in an area that will not interfere with the District's operation of its academic facilities on the District Property, or otherwise negatively impact school operation; and

*WHEREAS*, Education Code § 17556 *et seq.* provides the authority for the District to dedicate or convey to a public utility an easement on any real property belonging to the District upon such terms and conditions as the parties thereto may agree;

*WHEREAS*, Education Code § 17557 provides that the Resolution of Intent shall fix a time, not less than ten days thereafter, for a public meeting of the District's Board of Trustees (Board) to be held at its regular place of meeting for a public hearing upon the question of whether to convey the requested SDG&E Easement; and

*WHEREAS*, Education Code § 17558 provides that notice of the adoption of the Resolution of Intent and the public hearing to be held shall be made by (1) posting copies of the Resolution of Intent, signed by the members of the Board or a majority thereof, in three public places in the District for at least ten days before the date of the public meeting, and (2) publishing the notice once at least five days before the date of the meeting in a newspaper of general circulation within the District; and

*WHEREAS*, pursuant to the provisions of Education Code § 17559, unless a protest to the proposed granting of the SDG&E Easement signed by at least ten (10) percent of the qualified electors of the District is entered, the Board may adopt a resolution to grant the proposed SDG&E Easement either at the meeting of the Board at which the public hearing is held or at any other meeting of the Board held within 60 days thereafter; and

*WHEREAS*, the Board desires to convey the SDG&E Easement to SDG&E in a manner substantially similar to that set forth in Exhibit 1, and generally subject to the terms and conditions set forth therein.

*NOW, THEREFORE, THE BOARD DOES HEREBY DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:*

**Section 1.** The above recitals are true and correct, and are incorporated herein by reference.

**Section 2.** The Board, in a regular and open meeting, hereby declares its intention to convey the SDG&E Easement as set forth in Exhibit 1.

**Section 3.** In accordance with the provisions of Education Code § 17557, a public hearing on the question of granting the proposed Easement shall be held at the public meeting of the Board to be held on October 16, 2019, beginning at 7:00 p.m., or as soon thereafter as the matter may be reasonably heard, at the District Board Room, located at 33122 Valle Road, San Juan Capistrano, California 92675. The Superintendent, or the Superintendent's designee, shall specify on the agenda for the October 16, 2019 meeting that the Board shall hold a public hearing on the question of conveying the SDG&E Easement to SDG&E.

**Section 4.** In accordance with the provisions of Education Code § 17558, the Superintendent, or the Superintendent's designee, shall cause notice of the adoption of this Resolution, along with the time and place of the public hearing and meeting to consider the conveyance of the Easement, to be given by posting copies of this Resolution, signed by the Board or a majority thereof, in three public places in the District not less than ten days before the date of the meeting, and by publishing the notice once, not less than five days before the date of the meeting in a newspaper of general circulation within the District or County, as appropriate.

**Section 5.** The Board hereby authorizes the Superintendent, or the Superintendent's designee, to take such additional action as may be reasonably required to effectuate the intent of this Resolution.

PASSED AND ADOPTED by the Board of Trustees of the Capistrano Unified School District on September 18, 2019, by the following vote:

AYES	(7)
NOES	(0)
ABSTAIN	(0)
ABSENT	(0)

I, Kirsten M. Vital, Secretary of the Capistrano Unified School District Board of Trustees, hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at the meeting on September 18, 2019, by a roll call vote.

By:   
Patricia Holloway  
Clerk of the Board of Trustees

By:   
Kirsten M. Vital, Superintendent  
Secretary of the Board of Trustees

**EXHIBIT 1**  
**SDG&E EASEMENT**

Recording Requested by  
San Diego Gas & Electric Company

When recorded, mail to:

San Diego Gas & Electric Company  
P O Box 129831  
San Diego, CA 92123-1569  
Attn: Real Estate Records - CP12A

SPACE ABOVE FOR RECORDER'S USE

Project No.: 3-257833  
Notif. No.: 3-268302  
A.P. No. : 123-411-01  
SR No.: 427316

Transfer Tax- \$0 Consideration less than  
\$100.00 (R&T 11911)

SAN DIEGO GAS & ELECTRIC COMPANY

**RW370782**

EASEMENT

CAPISTRANO UNIFIED SCHOOL DISTRICT, (Grantor), grants to SAN DIEGO GAS & ELECTRIC COMPANY, a corporation (Grantee), an easement and right of way in, upon, over, under and across the lands hereinafter described, to erect, construct, change the size of, improve, reconstruct, relocate, repair, maintain and use facilities consisting of:

1. Underground facilities, together with aboveground structures consisting of, but not limited to, pad-mounted electrical equipment, and appurtenances for the transmission and distribution of electricity.
2. Communication facilities, and appurtenances.

The above facilities will be installed at such locations and elevations upon, along, over and under the hereinafter described easement as Grantee may now or hereafter deem convenient or necessary. Grantee also has the right of ingress and egress, to, from and along this easement in, upon, over and across the hereinafter described lands. Grantee further has the right, but not the duty to clear and keep this easement clear from explosives, buildings, structures and materials.

The property in which this easement and right of way is hereby granted is situated in the City of Dana Point, County of Orange, State of California described as follows:

That portion of the Rancho Boca de La Playa, as shown on a Map recorded June 29, 1887 in Book 4, Pages 118 and 119 of Patents, Records of Los Angeles County, California, said portion is more particularly described in the Final Order of Condemnation, filed on February 09, 1961 in Book 5625, Page 188 of Official Records, in the Office of the County Recorder of said County of Orange.

The easement in the aforesaid property shall be a strip of land, including all of the area lying between the exterior sidelines, which sidelines shall be three (3) feet, measured at right angles, on each exterior side of each and every facility installed, the approximate location being shown and delineated as "UTILITY FACILITIES" on the Exhibit "A", attached hereto and made a part hereof.

In order to provide adequate working space for Grantee, Grantor shall not erect, place or construct, nor permit to be erected, placed or constructed any building or other structure, park any vehicle, deposit any materials, plant any trees and/or shrubs or change ground elevation within eight (8) feet of the front of the door or hinged opening of any above ground facility installed within this easement.

Grantor grants to Grantee the right to erect and maintain on Grantor's property immediately adjacent to this easement retaining walls and/or protective barricades as may be necessary for Grantee's purposes.

Grantor shall not erect, place or construct, nor permit to be erected, placed or constructed, any building or other structure, plant any tree, drill or dig any well, within this easement.

Grantor shall not increase or decrease the ground surface elevations within this easement after installation of Grantee's facilities, without prior written consent of Grantee, which consent shall not unreasonably be withheld.

Grantee shall have the right but not the duty, to trim or remove trees and brush along or adjacent to this easement and remove roots from within this easement whenever Grantee deems it necessary. Said right shall not relieve Grantor of the duty as owner to trim or remove trees and brush to prevent danger or hazard to property or persons.

CONDUITS CARRY HIGH VOLTAGE ELECTRICAL CONDUCTORS, therefore Grantor shall not make or allow any excavation or fill to be made within this easement WITHOUT FIRST NOTIFYING SAN DIEGO GAS & ELECTRIC COMPANY BY CALLING (619) 696-2000, and OBTAINING PERMISSION.

The legal description for this easement was prepared by San Diego Gas & Electric Company pursuant to Section 8730 of the Business and Professions Code, State of California.

This easement shall be binding upon and inure to the benefit of successors, heirs, executors, administrators, permittees, licensees, agents or assigns of Grantor and Grantee.

Drawn: SLS/BT  
Checked: \_\_\_\_\_  
Date: 07/21/2019

IN WITNESS WHEREOF, Grantor executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**GRANTOR**

CAPISTRANO UNIFIED SCHOOL DISTRICT

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

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 \_\_\_\_\_,  
(name, title of officer)

personally appeared \_\_\_\_\_,

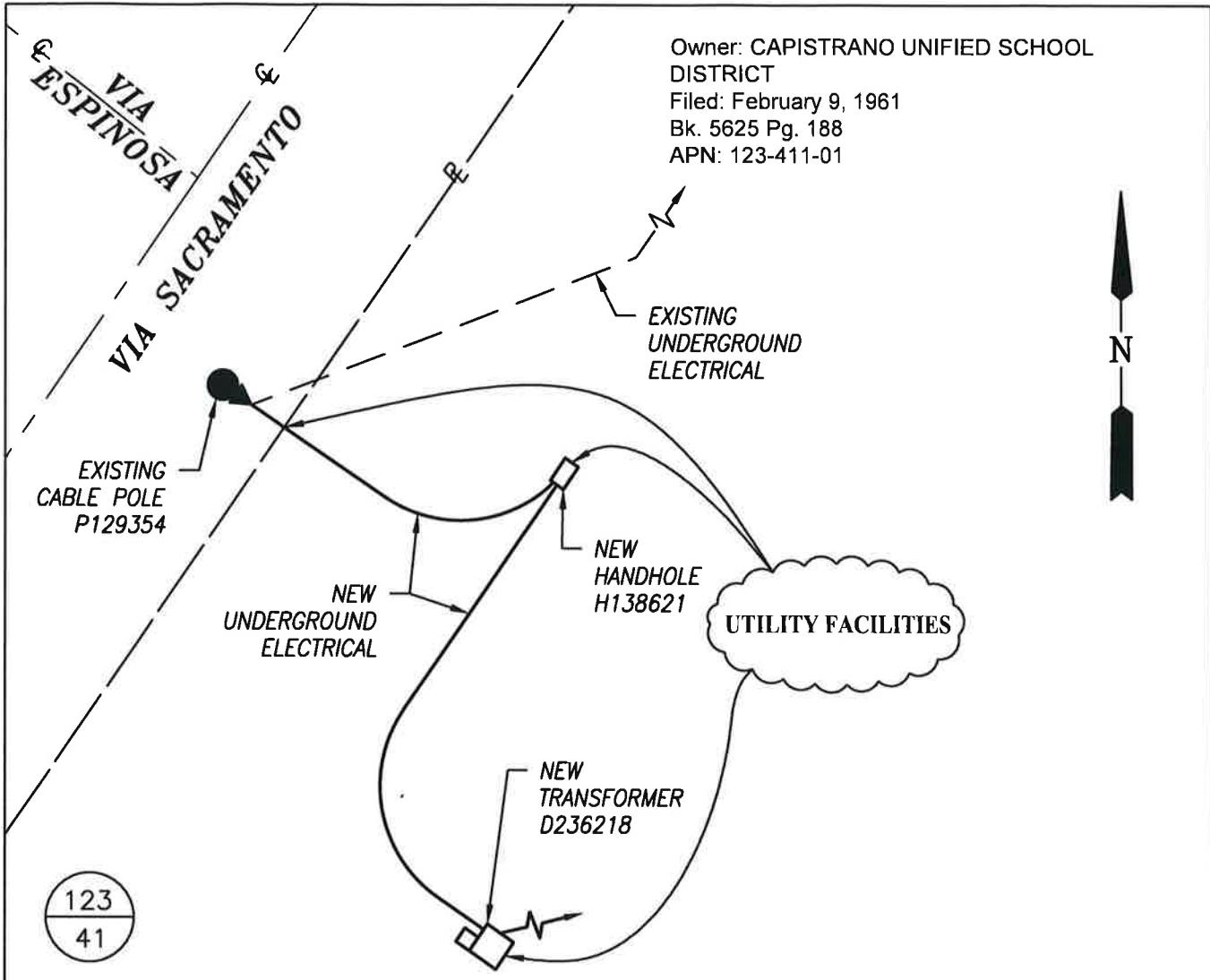
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), 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 of Notary Public)

(Notary Seal)



Owner: CAPISTRANO UNIFIED SCHOOL DISTRICT  
 Filed: February 9, 1961  
 Bk. 5625 Pg. 188  
 APN: 123-411-01

POR. RANCHO BOCA DE LA PLAYA  
 BK 4 PG 118&119 OF PATENTS  
 06-29-1887  
 (LOS ANGELES CO. REC.)

SDG&E RW 370782

**UG ELEC. EXHIBIT "A"**

<b>SAN DIEGO GAS &amp; ELECTRIC</b> SAN DIEGO, CALIFORNIA		ORIGINATOR: STAMPON	OK TO INSTALL:	PROJECT NO. 3-257833		
		SURVEYED BY: NONE	R/W OK:			
<b>CUSD PALISADES ELEMENTARY SCHOOL</b> 26462 VIA SACRAMENTO CAPISTRANO BEACH ORANGE COUNTY		DRAWN BY: SLS/BT	DATE:	NOTIF. NO. 3-268302		
		DATE: 07/21/2019	THOS. BROS. 972-C7	DRAWING NO.		
		SCALE: NOT TO SCALE				
NO.	SUPPLEMENTS			DATE:	BY	APP'D