

**Pending final approval at the
Thursday, April 18, 2024 Board of Trustees Meeting**

**BEFORE THE BOARD OF TRUSTEES OF THE
OAK GROVE SCHOOL DISTRICT
SAN JOSE, CALIFORNIA**

RESOLUTION NO. 1454-03/24

RESOLUTION OF INTENT TO DEDICATE PUBLIC UTILITY EASEMENT TO THE
PACIFIC GAS AND ELECTRIC COMPANY FOR THE DISTRICT'S PARTICIPATION
IN THE PACIFIC GAS AND ELECTRIC COMPANY'S
ELECTRICAL VEHICLE FLEET PROGRAM

WHEREAS, the Oak Grove School District ("District") owns certain real property located at 6578 Santa Teresa Boulevard, San Jose, CA 95119, currently designated as Assessor's Parcel Number ("APN") 706-03-008, more particularly described in the Easement Deed, attached hereto and incorporated herein as **Exhibit A** to this Resolution ("Easement Deed"), and depicted in Grantee's Drawing Number 35436219 ("Site"); and

WHEREAS, the Pacific Gas and Electric Company ("PG&E"), a California Corporation selected the Site to join PG&E's Electric Vehicle Fleet Electrification Program ("Program"); and

WHEREAS, the purpose of the Program is to provide electrical vehicle charging infrastructure from PG&E's transformer to the District's meter; and

WHEREAS, as part of the District's participation in the Program, PG&E will construct, own, and maintain the electrical vehicle infrastructure from the transformer to the District's meter ("To The Meter [TTM] Infrastructure"); and

WHEREAS, as part of the District's participation in the Program, the District will purchase twenty-one (21) electric vehicles by December 21, 2026, and design, build, own, operate, and maintain the EV supply infrastructure behind the meter ("customer-owned make-ready infrastructure"); and

WHEREAS, as part of the District's participation in the Program, PG&E will provide an incentive that is equal to the lesser amount of either: (i) 80% of the customer-owned make-ready infrastructure costs; or (ii) an incentive cap of \$84,000.00; and

WHEREAS, as part of the District's participation in the Program, the District may also qualify for a rebate of up to \$315,000.00, capped at 50% of the purchase cost, for qualified electric vehicle chargers; and

WHEREAS, PG&E has requested that the District convey an easement to PG&E to allow PG&E access to the Site to install and maintain the TTM Infrastructure that PG&E is providing to the District as part of the District's participation in the Program; and

WHEREAS, the easement conveyed to PG&E is intended to allow PG&E to construct, reconstruct, replace, remove, maintain, inspect, and use facilities, to install and maintain the TTM Infrastructure and all equipment necessary for the distribution of electric energy and communication purposes, as described in the Easement Deed attached hereto as **Exhibit A**, together with a right of way therefor, on, over, and under that certain land described and depicted as part of the Easement Deed attached hereto as **Exhibit A**; and

WHEREAS, Education Code section 17556 provides that the governing board may dedicate or convey to any public corporation, or private corporation engaged in the public utility business, without a vote of the electors first being taken, an 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; and

WHEREAS, pursuant to Education Code section 17557, before so conveying property, the governing board must adopt a resolution in an open meeting by a two-thirds vote of all of its members declaring the intention to convey the property.

NOW, THEREFORE, the District's Board of Trustees hereby finds, determines, declares, orders, and resolves as follows:

1. Recitals. The foregoing recitals are hereby adopted as true and correct.
2. Intent to Dedicate, Terms, and Conditions. Pursuant to Education Code sections 17556 *et seq.*, it is the intention of the District to convey the Easement Deed pursuant to the terms and conditions set forth in the Easement Deed attached hereto as **Exhibit A**.
3. Public Hearing. On the 14th day of March, 2024, at the hour of 6:00 p.m., or as soon thereafter as the matter can be heard, at its regular open meeting, the Board of Trustees shall hold a public hearing upon the question of making the conveyance of the Easement Deed to PG&E pursuant to Education Code sections 17558 and 17559, at which time any interested person may appear and be heard thereon.
4. Notice of Adoption. Notice of adoption of this Resolution shall be given by posting a true copy of this Resolution in three (3) public places in the District not less than ten (10) days before the date of the public hearing described above. Notice of said public hearing shall be given by publishing the notice in a newspaper of general circulation published in the District or in a newspaper published in Santa Clara County that has general circulation within the District not less than five (5) days before the date of the public hearing described above.

* * * * *

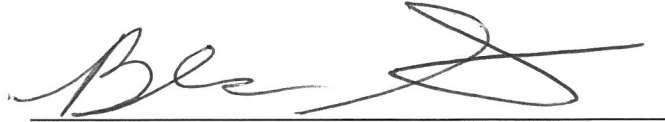
REVISED PUBLIC NOTICE ISSUED: APRIL 5, 2024

PASSED AND ADOPTED on March 14, 2024, by the following vote:

AYES: DIEGO MARTINEZ, JORGE PACHECO, JR, TAUNYA JACO, DELIA GONZALEZ

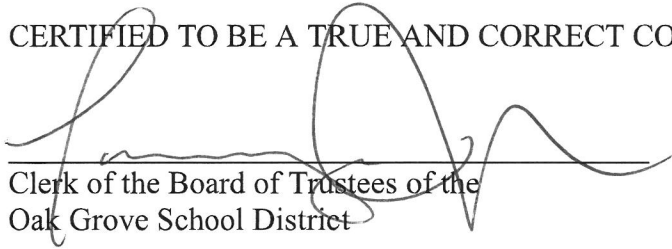
NOES: NONE

ABSENT OR NOT VOTING: CARLA HERNANDEZ



President, Board of Trustees of the
Oak Grove School District

CERTIFIED TO BE A TRUE AND CORRECT COPY:



Clerk of the Board of Trustees of the
Oak Grove School District

PACIFIC GAS & ELECTRIC COMPANY
300 Lakeside Drive, Suite 210
Oakland, CA 94612-3655
Attn: Land Rights Library

Location: City Of San Jose

Recording fee: see Recorder's block

Doc. transfer tax: no consideration

- ☒ 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.
☐ Exempt from the fee per GC 27388.1 (a) (2); this document is subject to Documentary Transfer Tax.

J.M. HACHMAN

Signature of declarant or agent determining tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

LD# 2208-02-10041

EASEMENT DEED

35436219, 1110 - FLEET004401551_OAKGROVESCH_SAN JOSE

OAK GROVE UNIFIED SCHOOL DISTRICT, 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 San Jose, County of Santa Clara, State of California, described as follows:

(A.P.N. 706-03-008)

The parcel of land described in the grant deed from Victor N. Christopher and others to Grantor dated July 3, 1973, and recorded in Book 0480 at page 525 of Official Records in the office of the County Recorder of said county.

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, bollards 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 a strip 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 35436219 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 strip of land.

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.

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.

Grantor reserves the right to grant easements to public utilities over the portions of the Grantor Property described herein, provided those grants do not interfere with the rights granted to Grantee herein.

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.

Grantee agrees that in making any excavation within the aforesaid easement area that it will make such excavation in a manner as will cause the least injury to the surface of the ground around such excavation, and shall replace with earth so removed by it and restore the surface of the ground to as near as possible the same condition as it was prior to such excavation.

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

Grantee shall indemnify Grantor against any loss and damage which shall be caused by any negligent act or omission of Grantee or of its agents or employees in the course of their employment, provided, however, that this indemnity shall not extend to that portion of such loss or damage that shall have been caused by Grantor's comparative negligence or willful misconduct.

In the event upon termination of the electric vehicle charging station contract as set forth in the 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.

This document may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

(This section intentionally left blank.)

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

Dated: _____

(PG&E Use Only)

Att. to L.D.: 2208-02-10041
Area, Div.: 3, San Jose
Land Serv. Office: Fresno
L.O.B.: Char. Sta. (95), E. Dist. (43)
Doc. Type: Easement
M.T.R.S.Q.: (22.08.02.17.34),
Rancho Yerba Buena
PG&E Draw. No.: 35436219
Plat No.: I2021 (E.)
Interest Type: Comm. Ease. (6), E. U/G
Ease. (4), Util. Ease (86)
Order/PM: 35436219, 1110
County: Santa Clara
Prep. By: L.C. (NV5)
Checked By: PRFB, JUHT

OAK GROVE UNIFIED SCHOOL
DISTRICT, a public school
district

By: _____

Name: _____

Title: _____

I hereby certify that a resolution
was adopted on the _____ day of
_____, 20____, by

the _____
authorizing the foregoing grant of
easement.

By: _____

Name: _____

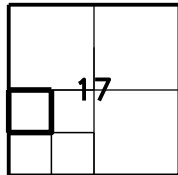
Title: _____

LEGEND:

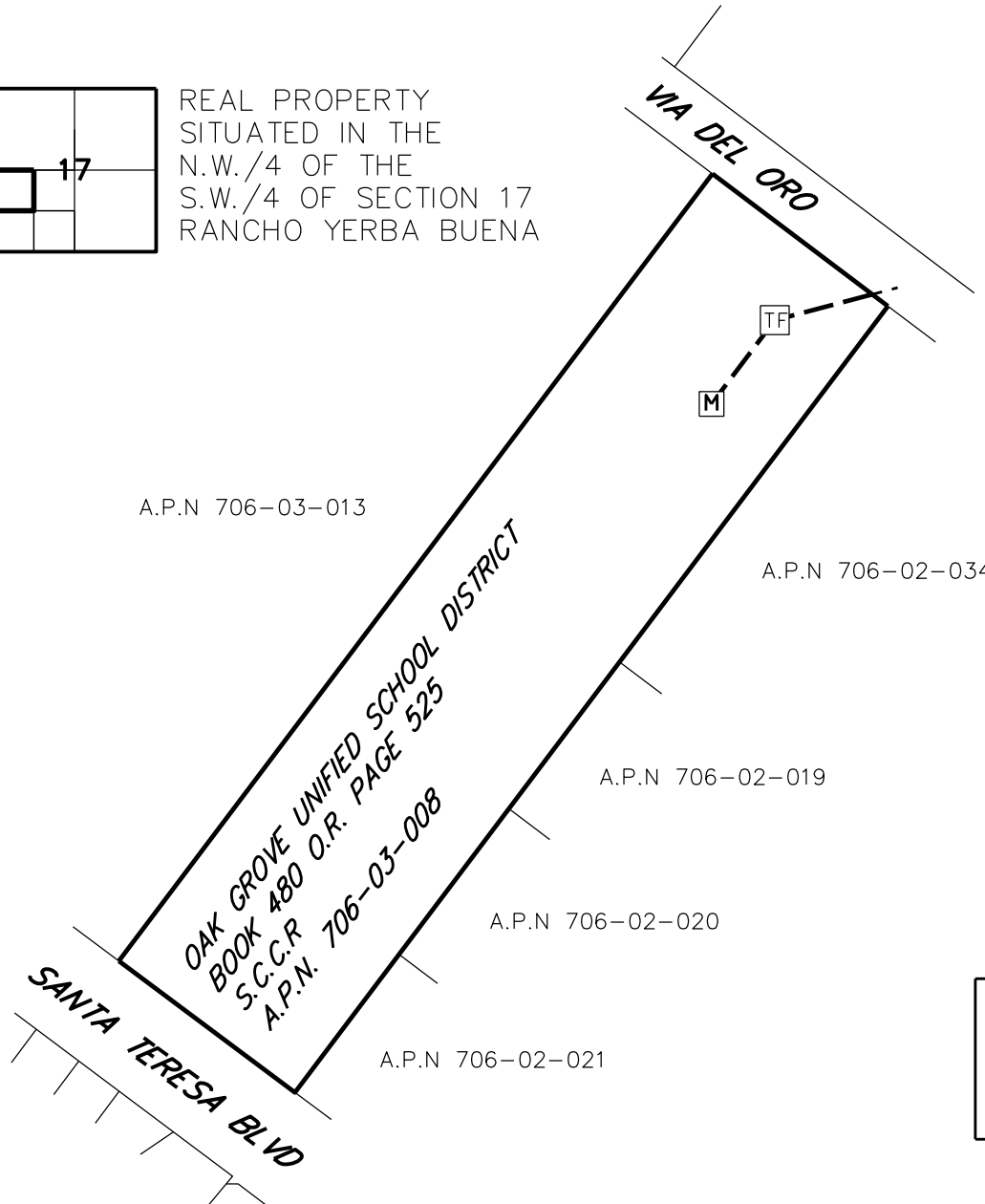
- EXISTING TIE-IN FACILITIES
 ———— SUBJECT PARCEL
 - - - - PROPOSED EASEMENT
 CENTERLINE, (APPROXIMATE)

- TF PROPOSED PAD-MOUNTED
 TRANSFORMER LOCATION
 M PROPOSED 1200A ELECTRIC
 SERVICE METER LOCATION

S.C.C.R. SANTA CLARA COUNTY RECORDS



REAL PROPERTY
 SITUATED IN THE
 N.W./4 OF THE
 S.W./4 OF SECTION 17
 RANCHO YERBA BUENA



ATTACH TO PG&E LAND DOC. No. 2208-02-10041

UNLESS OTHERWISE SHOWN ALL COURSES EXTEND TO OR ALONG ALL BOUNDARIES OR LINES

| | | | | | | |
|--|---------------------|------------------|-----------------------|-----------------------|------------------------|---------------------------------------|
| APPLICANT: OAK GROVE UNIFIED SCHOOL DISTRICT 6578 SANTA TERESA BLVD, SAN JOSE, 95119 (EV FLEET) | | | | | SCALE: N/A | DATE: 08/25/23 |
| SECTION (17) | TOWNSHIP (08 S.) | RANGE (02 E.) | MERIDIAN: M.D.B.M. | COUNTY OF SANTA CLARA | CITY OF SAN JOSE | |
| | | | | F.B.: N/A | DR. BY: L.C. | CH. BY: PRFB |
| PG&E DIST. PLAT MAP: ELECTRIC I2021 PG&E L.D. REFERENCES: N/A | | | | AREA 3, SAN JOSE DIV. | 125793907 AUTHORIZ. | 35436219 DRAWING No. |

REVISED PUBLIC NOTICE ISSUED: APRIL 5, 2024