

Notice is hereby given that a SPECIAL MEETING Of the Board of Directors will be held at: 400 Church Street, Scotia, CA 95565

Tuesday November 21st, 2023, at 12:00 P.M. In Person & Via Zoom

AGENDA

CALL TO ORDER/ ROLL CALL/ PLEDGE OF ALLEGIANCE The Presiding Officer will call the meeting to order, and the Board Clerk will call the roll of members to determine the presence of a quorum. PLEASE REMEMBER TO SILENCE ALL CELL PHONES

This meeting may be accessed by using the following call-in number: 1 669 900 6833. When prompted enter the meeting i.d. 846-9131-2980 and the following password: 955539.

Or via Zoom Video Conferencing via URL:

https://us02web.zoom.us/j/84691312980?pwd=cFF3QUdDZ1h6ell4MHlVRWpWK01iZz09

Please submit public comments in writing 24 hours ahead of the meeting, if possible. If anyone wishes to teleconference the meeting and has ADA access needs, please call the SCSD Administrative Office not less than 24 hours in advance of the meeting time to make accommodation.

All publicly posted documents on the district website are also available for inspection at the District office during regular business hours: 400 Church Street, Scotia CA 95565, Monday-Thursday 9:00am – 3:30pm.

- **A. SETTING OF THE AGENDA** The Board may adopt/revise the order of the agenda as presented.
- B. PUBLIC COMMENT & WRITTEN COMMUNICATION At every *special meeting*, the legislative body shall provide the public with an opportunity to address the body on any item described in the notice before or during consideration of that item. Comments are not generally taken on non-action items such as reports or information. COMMENTS SHOULD BE LIMITED TO THREE MINUTES
- C. CLOSED SESSION: None
- D. BUSINESS
 - 1. Requesting approval of an amended and restated easement between the Humboldt Sawmill Company, LLC, and the Scotia Community Services District pertaining to utility infrastructure, and directing the Board Chair to sign the amended easement agreement and certificate of acceptance in substantially the same form as attached hereto.
 - **2.** Adopt Resolution No. 2023-19 A Resolution of the Scotia Community Services District Board of Directors Accepting an Amended and Restated Agreement for Utility Corridor from Humboldt Sawmill Company LLC and Authorizing the Execution and Recordation of a Certificate Of Acceptance."
- E. REPORTS-None
- F. BOARD TRAINING -None
- G. ADJOURNMENT

Next Regular Meeting of the SCSD will be December 21st, 2023, at 5:30 PM. A Special meeting may be held prior to that.

Notice regarding the Americans with Disabilities Act. The District adheres to the Americans with Disabilities Act. Persons requiring special accommodations or more information about accessibility should contact the District Office. Notice regarding Rights of Appeal: Persons who are dissatisfied with the decisions of the SCSD Board of Directors have the right to have the decision reviewed by a State Court. The District has adopted Section 1094.6 of the Code of Civil Procedure which generally limits the time within which the decision may be judicially challenged to 90 days. All publicly posted documents on the District website are also available for inspection at the District office during regular business hours: 400 Church Street, Scotia CA 95565, Monday-Thursday 9:00am – 3:30pm.

Scotia Community Services District Staff Report

DATE: November 21st, 2023

TO: Scotia Community Services District Board of Directors

FROM: Steve Coppini, General Manager

SUBJECT: Adopt Resolution No. 2023-19: A Resolution of the Scotia Community Services

District Board of Directors Accepting an Amended and Restated Easement for Utility Corridor Infrastructure from Humboldt Sawmill Company LLC and Authorizing the Execution and Recordation of a Certificate of Acceptance

RECOMMENDATION:

Approve the proposed amended and restated easement between the Humboldt Sawmill Company, LLC, and the Scotia Community Services District pertaining to utility infrastructure in substantially the same form as attached hereto, directing the Board President to execute with a notary the agreement and Certificate of Acceptance, and directing staff to record the executed Easement Agreement and Certificate of Acceptance with the Humboldt County Recorder's office.

ACTION:

Motion to Adopt Resolution No. 2023-19: A Resolution of the Scotia Community Services District Board of Directors Accepting the amended and restated easement agreement for the Utility Corridor from the Humboldt Sawmill Company, LLC, and the Scotia Community Services District pertaining to utility infrastructure in substantially the same form as attached hereto, and Authorizing the Execution and Recordation of the Amended and Restated Easement Agreement and a Certificate of Acceptance.

DISCUSSION:

On October 23, 2022, pursuant to Resolution 2022-17, the District accepted an easement from the Humboldt Sawmill Company, LLC pertaining to linear utility infrastructure within the Utility Corridor (recorded in the Humboldt County Recorder's Office as official record 22-019770). In furtherance of the District's desire to construct a Tesla battery back-up system for the District's utility infrastructure, the District requested, and the Humboldt Sawmill, LLC agreed, to amend and restate the aforementioned easement to further clarify the scope of the easement in order to ensure District's ability to complete the battery back-up system within the existing easement area. The proposed Amended and Restated Easement Agreement has been reviewed by the District's Engineer, Tesla, and District legal counsel. It is recommended that the Board approve the Amendment Easement Agreement in furtherance of the battery back-up system project and authorize the Chair of the Board to sign the Agreement in substantially the same form attached hereto, and the Certificate of Acceptance, and direct staff to record both with the Humboldt

County Recorder's Office once the Agreement is fully ratified, it be recorded with the Humboldt County Recorder's Office upon execution. This Easement will be attached to the final transfer documents for the Utility Corridor Infrastructure upon completion of the project.

FISCAL IMPACT:

None

ATTACHMENTS:

- Resolution No. 2022-17: A Resolution of the Scotia Community Services District Board of Directors Accepting an Easement for Utility Corridor from Humboldt Sawmill Company LLC and Authorizing the Execution and Recordation of a Certificate of Acceptance
- Amended and Restated Easement Agreement for Utility Corridor from Humboldt Sawmill Company LLC.
- Certificate of Acceptance for Easement for Utility Corridor from Humboldt Sawmill Company LLC.

RESOLUTION NO. 2022-17 A RESOLUTION OF THE SCOTIA COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS ACCEPTING AN EASEMENT FOR UTILITY CORRIDOR FROM HUMBOLDT SAWMILL COMPANY LLC. AND AUTHORIZING THE EXECUTION AND RECORDATION OF A CERTIFICATE OF ACCEPTANCE

WHEREAS, the Board of Directors may not have deeds or grants conveying an interest in or easement upon real estate accepted for recordation without its consent evidenced by its certificate or resolution of acceptance in accordance with Section 27281 of the Government Code; and

WHEREAS, as a condition of the Scotia Subdivision, a Utility Corridor with District infrastructure is being improved and placed within Humboldt Sawmill Company, LLC. property; and

WHEREAS, an easement is necessary to be recorded upon Humboldt Sawmill Company, LLC. property for referenced infrastructure; and

WHEREAS, the Board of Directors finds and determines that the easement for utility infrastructure, described and depicted in the Easement Grant Deed dated August 22, 2022 attached to the staff report dated October 20, 2022 ("easement"), is acceptable for recordation.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Scotia Community Services District Board of Directors hereby accepts and approves the easement for utility corridor described and depicted in Exhibits "A" and "B" respectively and attached to the Easement Grant Deed shown as Attachment A to the staff report dated October 20, 2022, and the District Manager or his/her designee may execute said deed.
- 2. The Board President is hereby directed to execute the Certificate of Acceptance.
- 3. The District Board Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the District Office, and shall cause the Easement Grant Deed with the executed Certificate of Acceptance to be recorded in the Humboldt County Recorder's Office.
- 4. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED on the 20th day of October 2022, by the following vote of the governing body:

APPROVED:	ATTEST:
DBC	St. Sheld
Diane Black Vice-President Scotia CSD	Board Clerk, Scotia CSD
	for Julie Hawkins

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 2022-17, passed and adopted at a regular meeting of the Board of Directors of the Scotia Community Service District, County of Humboldt, State of California, held on the 20th day of October 2022, by the following vote:

AYES: Sellen, Ansted, Black, Pryor

NOES: 0

ABSENT:-Newmaker ABSTENTIONS: 0

Board Clerk, Scotia CSD

For Julie Hawkins

Attached: Easement Grant Deed, Certificate of Acceptance

WHEN RECORDED MAIL TO:

Scotia Community Services District P.O. Box 104 Scotia, CA 95565

Exempt from Recording Fees (Government Code § 27383)

(Space Above this Line for Recorder's Use Only)

AMENDED AND RESTATED EASEMENT AGREEMENT

(Easement for Utility Infrastructure)

FOR VALUABLE CONSIDERATION, receipt and adequacy of which is hereby acknowledged, this Amended and Restated Easement Agreement ("Amended and Restated Easement") is entered into as of ______ ("Effective Date"), by and between: The Humboldt Sawmill Company, LLC, a California Limited Liability Company ("Grantor"), and the Scotia Community Services District, a California Community Services District formed pursuant to California Government Code §§ 61000, et seq. ("Grantee").

Recitals

WHEREAS, on or about October 13, 2010, the Humboldt County Local Agency Formation Commission passed and adopted Resolution No. 10-09, thereby making determinations and approving the formation of the Scotia Community Services District; and

WHEREAS, the Scotia Community Services District owns and operates water, wastewater, parks, storm drainage, and limited streets and lighting infrastructure located within the community of Scotia, CA; and

WHEREAS, in furtherance of Grantee's assumption of Community Service District responsibilities that include, but are not limited to, water and wastewater distribution and collection systems and operations, Grantee has been offered and has accepted certain property and property interests, including easements pertaining to utility infrastructure and related operational purposes; and

WHEREAS, on August 22, 2022, Grantor conveyed to Grantee by way of a certain Easement Grant Deed, recorded in the County of Humboldt Official Records on November 10, 2022, as Instrument Number 2022-019779, which provides a perpetual non-exclusive easement for in gross and right-of-way for ingress and egress across a portion of Grantor's real property in furtherance of Grantee's operation of its utility infrastructure ("Existing Easement"), as more fully described below; and

WHEREAS, Grantee desires to construct and install an energy storage system, including a new concrete slab and/or gravel pad with energy storage equipment, a new concrete slab and/or gravel pad with a new switchboard and associated improvements which include a concrete retaining wall, bollards, conduit runs etc., within the areas of the Existing Easement (the "Project"); and

WHEREAS, the Parties have agreed that in order to avoid any potential ambiguity as to the Grantee's authority to complete the Project within the scope of rights and obligations set forth in the Existing Easement, this Amended and Restated Easement Agreement is necessary to clarify and confirm the right of Grantee to engage in and complete the Project with the area of the Existing Easement.

The Parties therefore agree to the Amended and Restated Easement as follows:

1. Grant of Easement

Grantor hereby grants and deeds to Grantee a non-exclusive easement in gross and right of way for ingress and egress across a portion of Grantor's real property described herein (the "Easement") for the purpose(s) of locating, routing, installation, use, maintenance, improvement, service, repair, replacement and operation of linear utility infrastructure (e.g. pipelines, flow lines, easement access, surface and subsurface powerlines and utilities), including water and wastewater service lines, storm drainage, and electrical and other regulated utilities, and all rights corresponding thereto. Further, such Easement e shall also include Grantee's right to install, maintain, and/or operate utility infrastructure-related appurtenances (linear and/or non-linear) within the Easement including, but not limited to, energy storage systems, meters, valves, transformers, switch boards, electric facilities, communication facilities, bollards, fencing, above-and below-ground markers, vents, matting, grounding systems, rectifiers, electric lines, electric meters, junction boxes, power supplies, anodes, decouplers, wires, ribbons, poles, ground beds and any other equipment or facilities that may be necessary or desirable in connection with the utility infrastructure and/or energy storage system (collectively, the "Authorized Easement Appurtenances"). Such utility infrastructure and related Authorized Easement Appurtenances are located within Grantor's Real Property depicted in Exhibit A, which is attached hereto and incorporated herein to this Amended and Restated Easement.

For purpose of illustration only, attached hereto as **Exhibit B** is a "Line Table" map which depicts the linear course of the centerline of the Amended Easement.

2. Supersession; Entire Agreement.

This Amended and Restated Easement supersedes the Easement Grant Deed conveyed by Grantor to Grantee on August 22, 2022, recorded in the County of Humboldt Official Records on November 10, 2022, as Instrument Number 2022-019779. This Amended and Restated Easement contains the entire agreement between the Parties relating to the rights granted herein, and all negotiations and agreements between the Parties hereto or their agents with respect to this transaction are merged herein. Any oral representations, modifications, or waivers concerning this instrument shall be of no force and effect, except in a subsequent instrument made in writing

and signed by both Parties. The exhibits to this Amended and Restated Easement are hereby incorporated by reference.

Should the Humboldt County Recorder require any amendment or modification to the form of this Amended and Restated Easement Agreement as a condition to it being Recorded, the Parties agree to execute such amendments and/or modifications.

3. <u>Execution in Counterparts.</u>

This Amended and Restated Easement Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all together shall constitute but one and the same Agreement.

IN WITNESS WHEREOF, the Parties have caused this Amended and Restated Easement Agreement to be executed by their respective officers thereunto duly authorized, all as of the day and year first above written.

SIGNATURE PAGES TO FOLLOW

	Grantor:		
Date:	Humboldt Redwood Company, LLC		
	By:		
	Name:		
ACKNOWLEDGEMENT			
1	ng this certificate verifies only the identity of the which this certificate is attached, and not the document.		
State of California, County of			
On before me,	, Notary		
Public, personally appearedproved to me on the basis of satisfactory esubscribed to the within instrument and as in his/her/their authorized capacity(ies), a	, who evidence to be the person(s) whose name(s) is/are eknowledged to me that he/she/they executed the same and that by his/her/their signature(s) on the instrument which the person(s) acted, executed the instrument.		
I certify under PENALTY OF PERJURY foregoing paragraph is true and correct.	under the laws of the State of California that the		
WITNESS my hand and official seal.			
Signature	(SEAL)		

	Grantee:		
Date:	Scotia Community Services District		
	By:		
	Name: Paul Newmaker, Board President		
	ACKNOWLEDGEMENT		
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.	,, Notary		
proved to me on the basis of satisfacts subscribed to the within instrument in his/her/their authorized capacity(s	, who etory evidence to be the person(s) whose name(s) is/are and acknowledged to me that he/she/they executed the same ies), and that by his/her/their signature(s) on the instrument half of which the person(s) acted, executed the instrument.		
I certify under PENALTY OF PERA foregoing paragraph is true and corr	TURY under the laws of the State of California that the rect.		
WITNESS my hand and official sea	1.		
Signature	(SEAL)		

EXHIBIT A

That portion of Section 8, Township 1 North, Range 1 East, Humboldt Meridian, described as follows:

A non-exclusive easement, of varying widths, for public utilities, the centerline of which is described as follows:

COMMENCING at the northerly most corner of Parcel 1 as shown in Book 68 of Surveys, Pages 16 through 20, Humboldt County Records, said corner being at the northeasterly terminus of a line having a bearing and distance of South 54 degrees 10 minutes 22 seconds West, 99.01 feet, said point being on a nontangent curve concave to the East, having a radius of 950.09 feet with a radial bearing of South 54 degrees 10 minutes 22 seconds West;

thence northerly along said curve through a central angle of 0 degrees 59 minutes 58 seconds, for a distance of 16.57 feet, to the TRUE POINT OF BEGINNING of a fifty (50) foot wide easement for public utilities, twenty-five (25) feet on each side of the following described centerline;

thence South 49 degrees 00 minutes 49 seconds West, 200.43 feet; thence South 76 degrees 00 minutes 18 seconds West, 243.72 feet; thence South 69 degrees 54 minutes 51 seconds West, 151.48 feet to a point herein designated as Point "A";

thence South 53 degrees 24 minutes 10 seconds West, 55.16 feet; thence South 30 degrees 36 minutes 20 seconds West, 93.06 feet; thence South 48 degrees 44 minutes 44 seconds West, 69.19 feet; thence South 56 degrees 01 minutes 56 seconds West, 168.47 feet;

thence South 68 degrees 00 minutes 52 seconds West, 340.35 feet to a point that is the beginning of a one hundred (100) foot wide easement for public utilities, fifty (50) feet on each side of the following described centerline, and being 50 feet northeasterly from the northeasterly line of the NCRA railroad right of way:

thence North 26 degrees 00 minutes 27 seconds West, parallel with and 50 feet northeasterly from the northeasterly line of the NCRA railroad right of way, 515.73 feet;

thence North 24 degrees 37 minutes 57 seconds West, parallel with and 50 feet northeasterly from the northeasterly line of the NCRA railroad right of way, 81.35 feet, more or less, to the Westerly line of Parcel 2 of said map.

BEGINNING AGAIN at said Point "A", being the beginning of a fifty (50) foot wide easement for public utilities, twenty-five (25) feet on each side of the following described centerline:

thence North 29 degrees 17 minutes 57 seconds West, 85.38 feet to the terminus of this centerline.

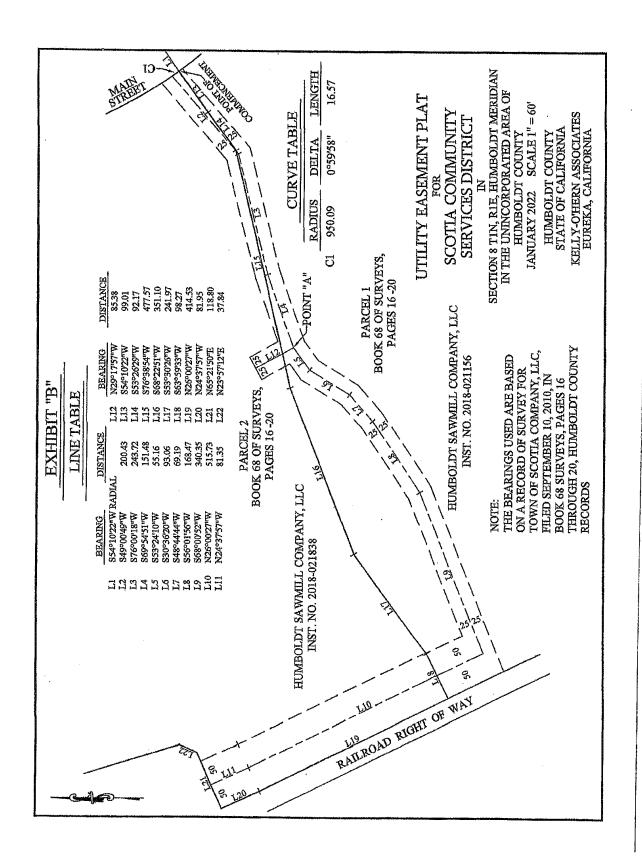
The Basis of Bearings for these descriptions are per a Record of Survey for Town of Scotia Company, LLC, filed September 10, 2010, in Book 68 of Surveys, Pages 16 through 20, Humboldt County Records.

Prepared by:

Michael J. O'Hern LS 4829

Dated: FEB. 7, 2022





CERTIFICATE OF ACCEPTANCE

As required under California Government Code Section 27281, this is to certify that the interest in or easement upon real estate described and conveyed by the amended and restated agreement dated the 21st day of November 2023 from the Humboldt Sawmill Company, LLC to the Scotia Community Services District, a California community services district is hereby accepted by order of the Board of Directors on the 21st day of November, 2023, on behalf of Scotia Community Services District pursuant to authority conferred by resolution of the Scotia Community Services District Board of Directors Resolution 2023-19 adopted on the 21st day of November, 2023, and the grantee consents to recordation thereof by its duly authorized officer, President Paul Newmaker.

Dated
By
Paul Newmaker
President of the Board of Directors,
Scotia Community Services District

RESOLUTION NO. 2023-19 A RESOLUTION OF THE SCOTIA COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS ACCEPTING

AN AMENDED AND RESTATED EASEMENT AGREEMENT FOR UTILITY CORRIDOR INFRASTRUCTURE FROM HUMBOLDT SAWMILL COMPANY LLC. AND AUTHORIZING THE EXECUTION AND RECORDATION OF A CERTIFICATE OF ACCEPTANCE

WHEREAS, the Board of Directors may not have deeds or grants conveying an interest in or easement upon real estate accepted for recordation without its consent evidenced by its certificate or resolution of acceptance in accordance with Section 27281 of the Government Code; and

WHEREAS, as a condition of the Scotia Subdivision, a Utility Corridor with District infrastructure is being improved and placed within Humboldt Sawmill Company, LLC. property; and

WHEREAS, on October 23, 2022, pursuant to Resolution 2022-17, the District accepted an easement from the Humboldt Sawmill Company, LLC pertaining to utility infrastructure within the Utility Corridor (recorded in the Humboldt County Recorder's Office as official record 22-019770) and;

WHEREAS, the District desires to construct a Tesla battery back-up system within the area of the aforementioned easement in furtherance of the operation of its utility infrastructure; and

WHEREAS, in furtherance of the District's desire to construct the battery back-up system, the District requested, and the Humboldt Sawmill, LLC agreed, to amend and restate the aforementioned easement to further clarify the scope of the easement to ensure the District's ability to complete the battery back-up system project within the existing easement area; and

WHEREAS, the Board of Directors finds and determines that the Amended and Restated Easement Agreement for utility infrastructure, as set forth in substantially the same form attached hereto, is necessary, appropriate and acceptable for recordation.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Scotia Community Services District Board of Directors hereby accepts and approves the Amended and Restated Easement Agreement for utility corridor infrastructure, as described and depicted in Exhibits "A" and "B" to the Amended and Restated Easement Agreement in substantially the same form attached hereto and included herein as Attachment A, and the Board President is hereby authorized to sign the Amended and Restated Easement Agreement on behalf of the District.
- 2. The Board President is hereby authorized and directed to execute the Certificate of Acceptance on behalf of the District.
- 3. The District Board Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the District Office, and shall cause the Amended and Restated Easement Agreement and the executed Certificate of Acceptance to be recorded in the Humboldt County Recorder's Office.
- 4. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED on the vote of the governing body:	21st day of November 2023, by the following
APPROVED:	ATTEST:
Paul Newmaker President, Scotia CSD	Board Clerk, Scotia CSD

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No. 2023-19, passed and
adopted at a regular meeting of the Board of Directors of the Scotia Community Service District,
County of Humboldt, State of California, held on the 21st day of November 2023, by the following
vote:

AYES:	
NOES:	
ABSENT:	
ABSTENTIONS:	
	Board Clerk, Scotia CSD

Attached: Easement Grant Deed, Certificate of Acceptance