



City of San Leandro

Meeting Date: February 19, 2013

Staff Report

File Number: 13-020 **Agenda Section:** CONSENT CALENDAR

Agenda Number: 8.E.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Uchenna Udemezue
Engineering & Transportation Director

FINANCE REVIEW: David Baum
Finance Director

TITLE: Staff Report for a Resolution Approving an Easement Agreement with PG&E for a Portion of City Property Located at 454 Warden Avenue, a Strip of Land that Serves as an Access to the Area Underneath I-880 and as an Emergency Access Road for the Davis West Neighborhood

SUMMARY AND RECOMMENDATIONS

Staff recommends that the City Council approve an easement agreement with PG&E to allow PG&E to continue to install, maintain, and access its facilities on and under this City property. The property serves as an emergency access road for the Davis West Neighborhood and as an access point to the area under the I-880 freeway.

BACKGROUND

PG&E contacted the City on behalf of Caltrans to request permission to relocate some of its underground facilities to accommodate the I-880 Southbound HOV Lane project. An encroachment permit was issued to allow PG&E to complete the work in the short time frame it had in advance of the project. However, PG&E did not have the property rights necessary to have its facilities on City property. PG&E prepared easement documents and issued a check to the City for \$10,000 for the easement rights.

Analysis

This area is residential, and there are homes surrounding this access road. Having PG&E's facilities on this property does not impact the residential property owners and tenants in the area. There are no plans to use this property for any other purpose other than an access road.

Permits and/or Variances Granted

An encroachment permit (ENC2012-00603) was issued on November 6, 2012 to allow PG&E to trench and install conduit. PG&E was informed that it would also need to acquire an easement.

Legal Analysis

The City Attorney reviewed the easement document prepared by PG&E, and approved it as to form.

Fiscal Impacts

The General Fund will receive a one-time payment of \$10,000. There is no cost to the City.

PREPARED BY: Tara H. Peterson, Administrative Services Manager, Engineering & Transportation



City of San Leandro

Meeting Date: February 19, 2013

Resolution - Council

File Number: 13-019

Agenda Section: CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Uchenna Udemezue
Engineering & Transportation Director

FINANCE REVIEW: David Baum
Finance Director

TITLE: ADOPT: Resolution Approving an Easement Agreement with PG&E for a Portion of City Property Located at 454 Warden Avenue, a Strip of Land that Serves as an Access to the Area Underneath I-880 and as an Emergency Access Road for the Davis West Neighborhood (grants PG&E a 1,000 square foot easement for Facilities PG&E Requires for the Distribution of Electricity and Communications)

WHEREAS, an agreement between the City of San Leandro and PG&E, a copy of which is attached, has been presented to this City Council; and

WHEREAS, the City Council is familiar with the contents thereof; and

WHEREAS, the City Manager has recommended approval of said agreement.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

That said agreement is hereby approved and execution by the City Manager is hereby authorized.

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
Land Services Office
1850 Gateway Blvd., 7th Floor
Concord, CA 94520

Location: City/Uninc _____

Recording Fee \$ _____

Document Transfer Tax \$ _____

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

Signature of declarant or agent determining tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

LD#

EASEMENT DEED

CITY OF SAN LEANDRO, a public body of the State of California,

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 Leandro County of Alameda, State of California, described as follows:

(APN 077A-0655-090-01)

The parcel of land described in the deed from Sterling Homes Co. to The City of San Leandro dated July 22, 1955 and recorded in Book 7754 at page 395, Alameda 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; 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 strip of land described as follows:

A strip of land of the uniform width of 10 feet lying contiguous to and southeasterly of the northwesterly boundary line of said land extending from the southwesterly boundary line of said land northeasterly approximately 100.84 feet to the northeasterly boundary line of said lands.

Pacific Gas and Electric Company's drawing No. 30769735 is recorded for reference purposes only.

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).

Grantor acknowledges that they have read the "Grant of Easement Disclosure Statement", Exhibit "A", attached hereto and made a part hereof.

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.

Dated: _____, _____.

CITY OF SAN LEANDRO a public body of the State of California

By _____

Name _____

Title _____

Attest: _____

Approved as to Form:

I hereby certify that a resolution was adopted on the ____ day of _____, 20____, by the _____ authorizing the foregoing grant of easement.
By _____

Distribution Easement Rev. (01/11)

North Coast Area, Diablo Division

Land Service Office: Concord RMC

Operating Department: Electric Distribution

USGS location (MDB&M and T2S, R3W, SEC. 27, & NE 1/4 OF SW 1/4)

FERC License Number(s): N/A

PG&E Drawing Number(s): 30769735

PLAT NO. H0717

LD of any affected documents: N/A

LD of any Cross-referenced documents: N/A

TYPE OF INTEREST: 4, 6, 43

SBE Parcel Number: N/A

(For Quitclaims, % being quitclaimed)

Order # or PM #: 30769735

JCN: N/A

County: Alameda

Utility Notice Numbers:N/A

851 Approval Application No. N/A Decision N/A

Prepared By: JTMZ

Checked By: KJFC

Revision Number: 0

State of California
County of _____)

On _____, before me, _____,
Here insert name and title of the 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

(Seal)

CAPACITY CLAIMED BY SIGNER

- Individual(s) signing for oneself/themselves
- 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 _____



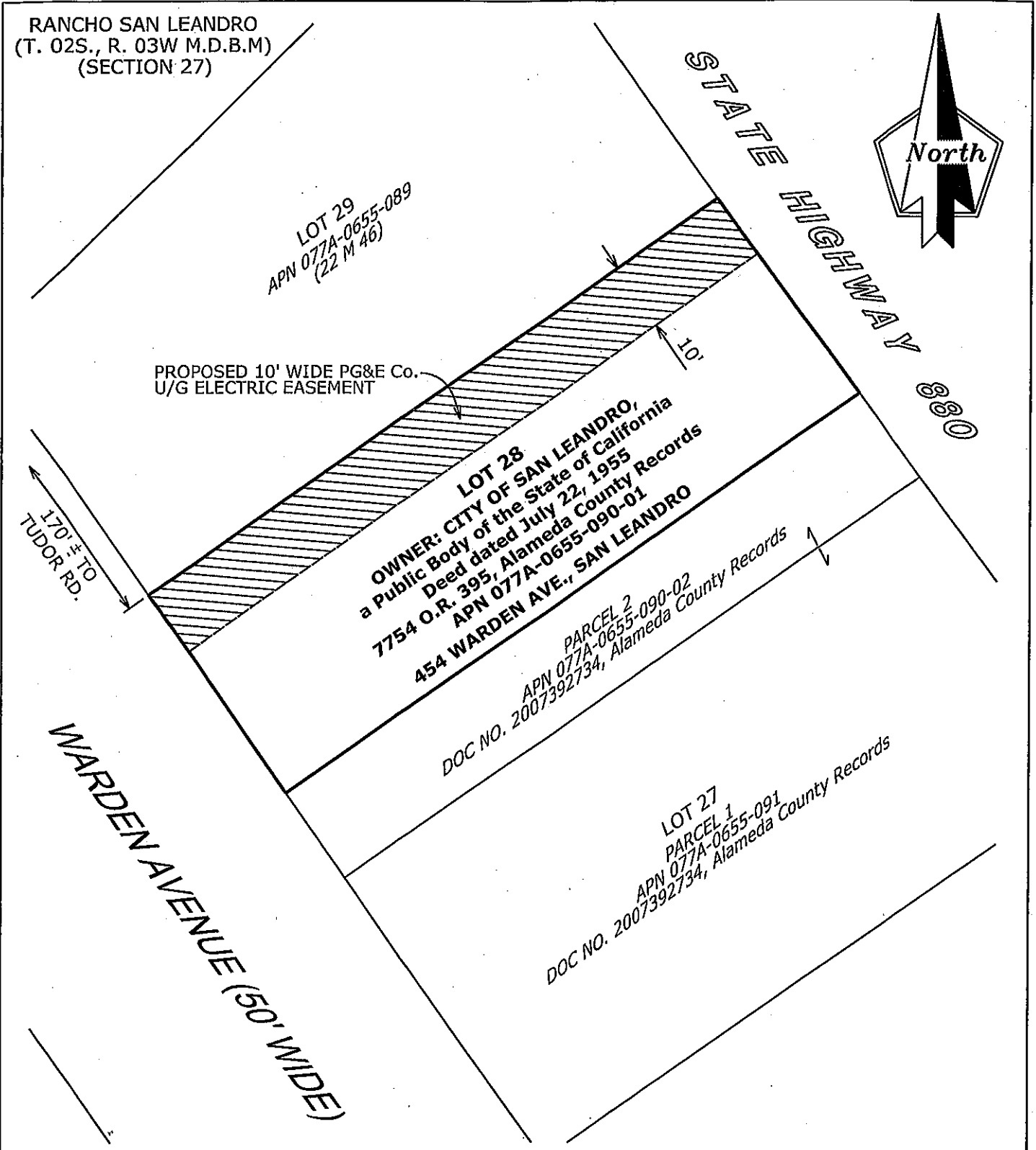
EXHIBIT "A"

GRANT OF EASEMENT DISCLOSURE STATEMENT

This Disclosure Statement will assist you in evaluating the request for granting an easement to Pacific Gas and Electric Company (PG&E) to accommodate a utility service extension to PG&E's applicant. **Please read this disclosure carefully before signing the Grant of Easement.**

- You are under no obligation or threat of condemnation by PG&E to grant this easement.
- The granting of this easement is an accommodation to PG&E's applicant requesting the extension of PG&E utility facilities to the applicant's property or project. Because this easement is an accommodation for a service extension to a single customer or group of customers, PG&E is not authorized to purchase any such easement.
- By granting this easement to PG&E, the easement area may be used to serve additional customers in the area. Installation of any proposed facilities outside of this easement area will require an additional easement.
- Removal and/or pruning of trees or other vegetation on your property may be necessary for the installation of PG&E facilities. You have the option of having PG&E's contractors perform this work on your property, if available, or granting permission to PG&E's applicant or the applicant's contractor to perform this work. Additionally, in order to comply with California fire laws and safety orders, PG&E or its contractors will periodically perform vegetation maintenance activities on your property as provided for in this grant of easement in order to maintain proper clearances from energized electric lines or other facilities.
- The description of the easement location where PG&E utility facilities are to be installed across your property must be satisfactory to you.
- The California Public Utilities Commission has authorized PG&E's applicant to perform the installation of certain utility facilities for utility service. In addition to granting this easement to PG&E, your consent may be requested by the applicant, or applicant's contractor, to work on your property. Upon completion of the applicant's installation, the utility facilities will be inspected by PG&E. When the facility installation is determined to be acceptable the facilities will be conveyed to PG&E by its applicant.

By signing the Grant of Easement, you are acknowledging that you have read this disclosure and understand that you are voluntarily granting the easement to PG&E. Please return the signed and notarized Grant of Easement with this Disclosure Statement attached to PG&E. The duplicate copy of the Grant of Easement and this Disclosure Statement is for your records.



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

Applicant:		454 WARDEN AVE., SAN LEANDRO		SCALE	DATE
				1"=20'	11/19/12

SECTION (SEC 27) NE 1/4 OF SW 1/4	TOWNSHIP (2S)	RANGE (3W)	MERIDIAN M.D.B.M.	COUNTY OF: ALAMEDA	CITY OF: SAN LEANDRO
PLAT MAP REFERENCES	H0717 22 M 46; 7754 OR 396	F.B.:	T2M7	DR. BY:	JTMZ
		PG&E	EAST BAY DIVISION	N/A AUTHORIZ	30769735 DRAWING NO.