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DATE: January 14, 2009  
TO: Honorable Mayor and City Councilmembers  
FROM: Economic and Community Development Department  
SUBJECT: **GRANT OF EASEMENT TO SDG&E FOR UNDERGROUND SERVICES  
TO DEL RIO ELEMENTARY SCHOOL**

**SYNOPSIS**

Staff recommends that the City Council approve a grant of easement to San Diego Gas and Electric Company ("SDG&E") for underground electrical service to Del Rio Elementary School across the southwesterly corner of Melba Bishop Park and authorize the Mayor to execute the deed.

**BACKGROUND**

Oceanside Unified School District ("OUSD") is in the process of renovating/upgrading the facilities at Del Rio Elementary School. SDG&E will be installing new electrical underground service to the campus adjacent to the new entry off North River Road as part of this work and is requesting an easement across a portion of Melba Bishop Park to make its connection to the school site.

**ANALYSIS**

The various Departments have reviewed the location of the proposed SDG&E easement and have indicated that there will be no, or minimal if any, impact to the park or any existing City facilities at the location. Therefore, staff recommends that the City Council approve the grant of the requested easement and authorize the Mayor to execute the deed.

**FISCAL IMPACT**

There is no fiscal impact from the requested action. The work being performed is part of OUSD's capital improvement program of upgrading its campuses.

**COMMISSION OR COMMITTEE REPORT**

Does not apply.

**CITY ATTORNEY'S ANALYSIS**

The referenced document has been reviewed by the City Attorney and approved as to form.

**RECOMMENDATION**

Staff recommends that the City Council approve a grant of easement to San Diego Gas and Electric Company ("SDG&E") for underground electrical service to Del Rio Elementary School across the southwesterly corner of Melba Bishop Park and authorize the Mayor to execute the deed.

PREPARED BY:

SUBMITTED BY:

  
\_\_\_\_\_  
William F. Marquis  
Senior Property Agent

  
\_\_\_\_\_  
Peter A. Weiss  
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

  
\_\_\_\_\_

Jane McVey, Economic and Community Development Director

  
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Douglas E. Eddow, Real Property Manager

  
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Recording Requested by  
San Diego Gas & Electric Company

When recorded, mail to:

San Diego Gas & Electric Company  
8335 Century Park Court, Suite 100  
San Diego, CA 92123-1569  
Attn: Real Estate Records - CP11D

SPACE ABOVE FOR RECORDER'S USE

Project No.: 855775-010

Const. No.: 2906890

A.P.N.: 122-081-11

Sketch: OS-14218

Transfer Tax None

**SAN DIEGO GAS & ELECTRIC COMPANY**

EASEMENT

CITY OF OCEANSIDE, A MUNICIPAL CORPORATION, hereinafter called "Grantor", grants to SAN DIEGO GAS & ELECTRIC COMPANY, a corporation, "Grantee", an easement and right of way to erect, construct, change the size of, improve, reconstruct, relocate, repair, maintain and use facilities consisting of: (1) Underground electric facilities, and appurtenances for the transmission and distribution of electricity, (2) Underground communication facilities, and appurtenances, together with the right of ingress thereto and egress therefrom over said easement and over other practical routes across Grantor's land situated in the County of San Diego, State of California described as follows:

That portion of the Southwest Quarter of Section 34, Township 10 South, Range 4 West, San Bernardino Meridian, as described in a Deed recorded January 28, 1976 at Recorder's File/Page No. 76-200787 of Official Records of said County of San Diego.

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 "UNDERGROUND ELECTRIC UTILITY FACILITIES" on the Exhibit "A", attached hereto and made a part hereof.

Grantor will exercise only such reserved rights in said land as will not interfere with or prohibit the free and complete use and enjoyment by Grantee, its successor or assigns, of the rights hereby granted. Grantee shall have the right to assign any or all rights granted in this easement in whole or in part to other companies providing utility or communication services. Grantee shall have the right to top, cut, remove, or trim interfering plants and trees, and to keep said easement free from and to prevent any person, including Grantor and successors and assigns, from erecting, placing, or storing on said easement any flammable or other hazards and any structures, objects, or earth fills/cuts or other obstructions.

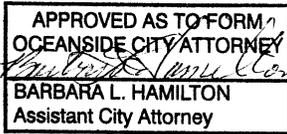
This grant is made with the acknowledgement and agreement that any existing facilities owned by Grantor within the easement described herein shall have superior rights over the rights granted to Grantee.

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.

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.

Dated \_\_\_\_\_

CITY OF OCEANSIDE, A MUNICIPAL CORPORATION



BY: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

Prepared by: C. Echeverria

Checked:

Date 10/28/08 (rev. 12/10/08)

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_ )SS.

On \_\_\_\_\_, before me \_\_\_\_\_ (name, title of officer), 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 \_\_\_\_\_

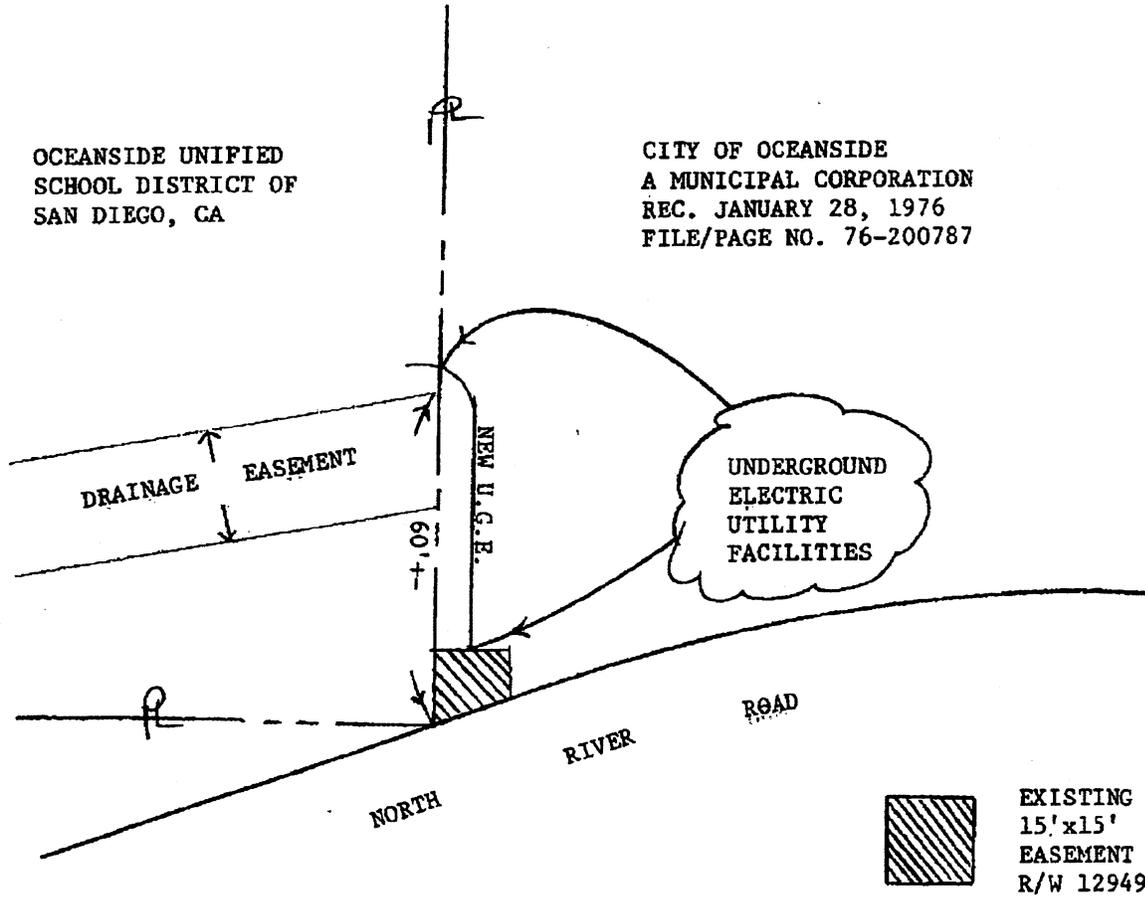
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SEC 34  
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SBM

OCEANSIDE UNIFIED  
SCHOOL DISTRICT OF  
SAN DIEGO, CA

CITY OF OCEANSIDE  
A MUNICIPAL CORPORATION  
REC. JANUARY 28, 1976  
FILE/PAGE NO. 76-200787



CONST. NO.: 2906890  
PROJECT NO.: 855775-010

THOS. BROS.: 1067-A7

PROJECT NAME & LOCATION  DEL RIO ELEMENTARY 5207 E. PARKER STREET OCEANSIDE	DRAWN BY: C. ECHEVERRIA	OK TO INSTALL:	DRAWING NO.:
	DATE: 01-07-08	R/W OK:	OS-14218-1
	SCALE: NONE	JOB TYPE:	COORDINATES
	REFERENCES: R/W 129493		396-1680

# EXHIBIT "A"

EASD-23-2008