



DATE: November 4, 2009

TO: Honorable Mayor and City Councilmembers

FROM: Economic and Community Development Department

SUBJECT: **GRANT OF EASEMENT TO SAN DIEGO GAS AND ELECTRIC COMPANY FOR SERVICE TO WELLS 10 AND 11**

SYNOPSIS

Staff recommends that the City Council approve the grant of an easement to San Diego Gas and Electric Company ("SDG&E") for underground utilities related to the Wells 10 and 11 Project, and authorize the Mayor to execute the deed.

BACKGROUND

The Water Utilities Department is in the process of completing the installation and connection of Wells 10 and 11 to the San Luis Rey Basin Groundwater recovery system. In order for these wells to function they need to be connected to SDG&E electrical service that requires the installation of an additional transformer and conduit on the Fire Station 7 site at 3350 Mission Avenue. SDG&E requires that an easement be granted to support these new utility-owned facilities.

ANALYSIS

Granting an easement to SDG&E to support the new electrical facilities is necessary to operate Wells 10 and 11. Therefore, it's appropriate that the City Council approve granting the requested easement to SDG&E and authorize the Mayor to execute the deed conveying the easement.

FISCAL IMPACT

There is no fiscal impact from the requested action.

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

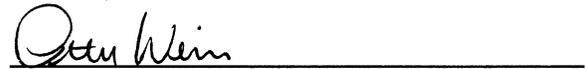
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PREPARED BY:

SUBMITTED BY:



William F. Marquis
Senior Property Agent



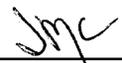
Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

Jane McVey, Economic and Community Development Director

Douglas E. Eddow, Real Property Manager





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.: 856716-010
Const. No.: 2908190
A.P.N.: 160-270-84
Sketch No.: OS-14136

Transfer Tax None
SAN DIEGO GAS & ELECTRIC COMPANY

EASEMENT
(EASD-16-2009)

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:

Those portions of the West Half of Section 18, Township 11 South, Range 4 West, San Bernardino Meridian as described in a Deed recorded January 3, 2005 at Document No. 2005-0000776 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 "Utility Facilities" on the Exhibit "A", **consisting of two (2) sheets**, attached hereto and made a part hereof.

In order to provide adequate working area 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 within eight feet of the front of the door or hinged opening of any pad mounted electrical equipment 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 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.

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.

This easement shall be binding upon and inure to the benefit of successors, heirs, executors, administrators, permisses, 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

APPROVED AS TO FORM
OCEANSIDE CITY ATTORNEY
Barbara L. Hamilton
BARBARA L. HAMILTON
Assistant City Attorney

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

Prepared by: GAM
Checked: _____
Date: July 28, 2008

STATE OF _____)
COUNTY OF _____)SS.

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 _____

(Notary Seal)

STATE OF _____)
COUNTY OF _____)SS.

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.

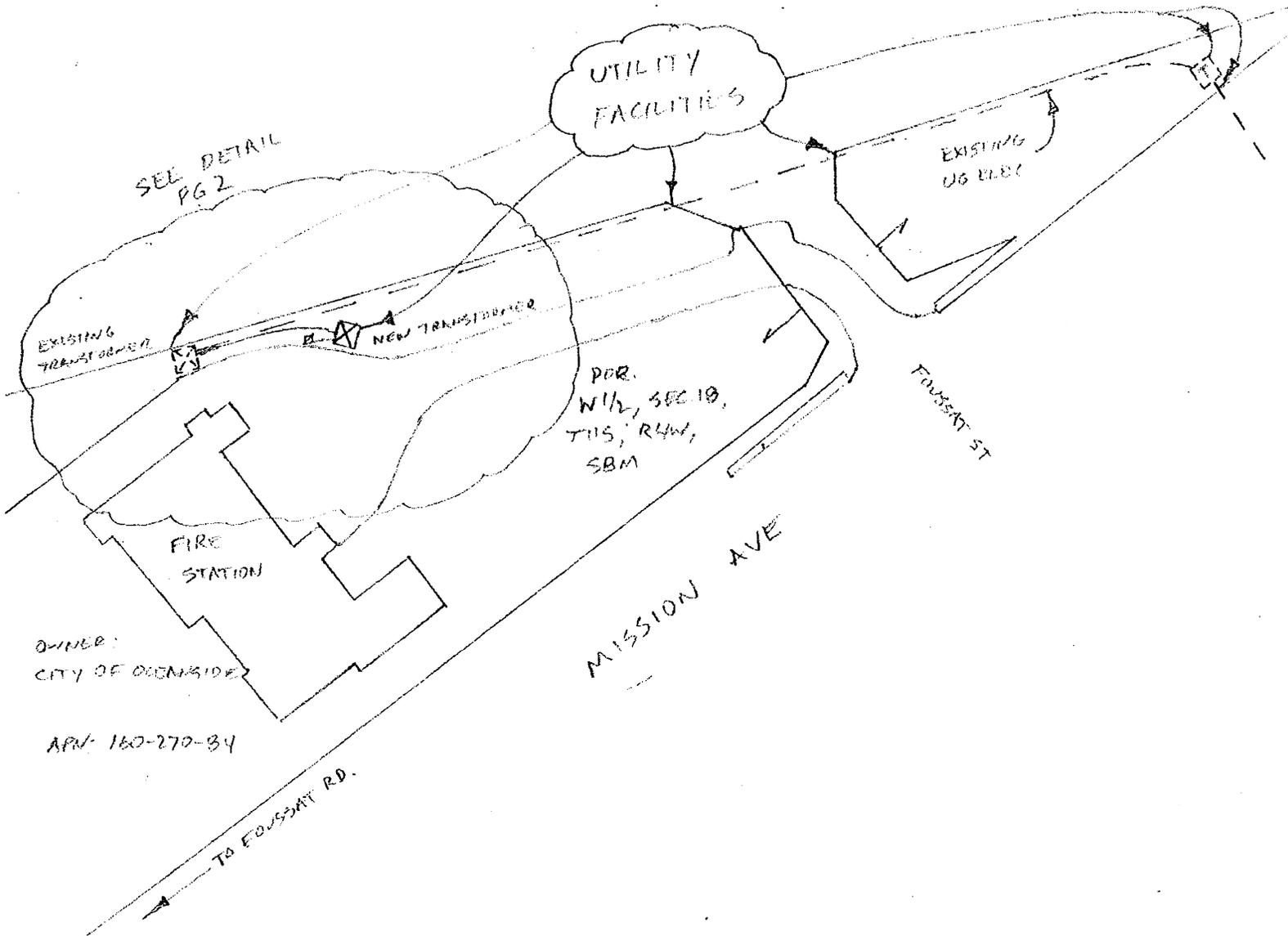
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Notary Seal)

HWY 76



CONST. NO.: 2900190

PROJECT NO.: 056716-010

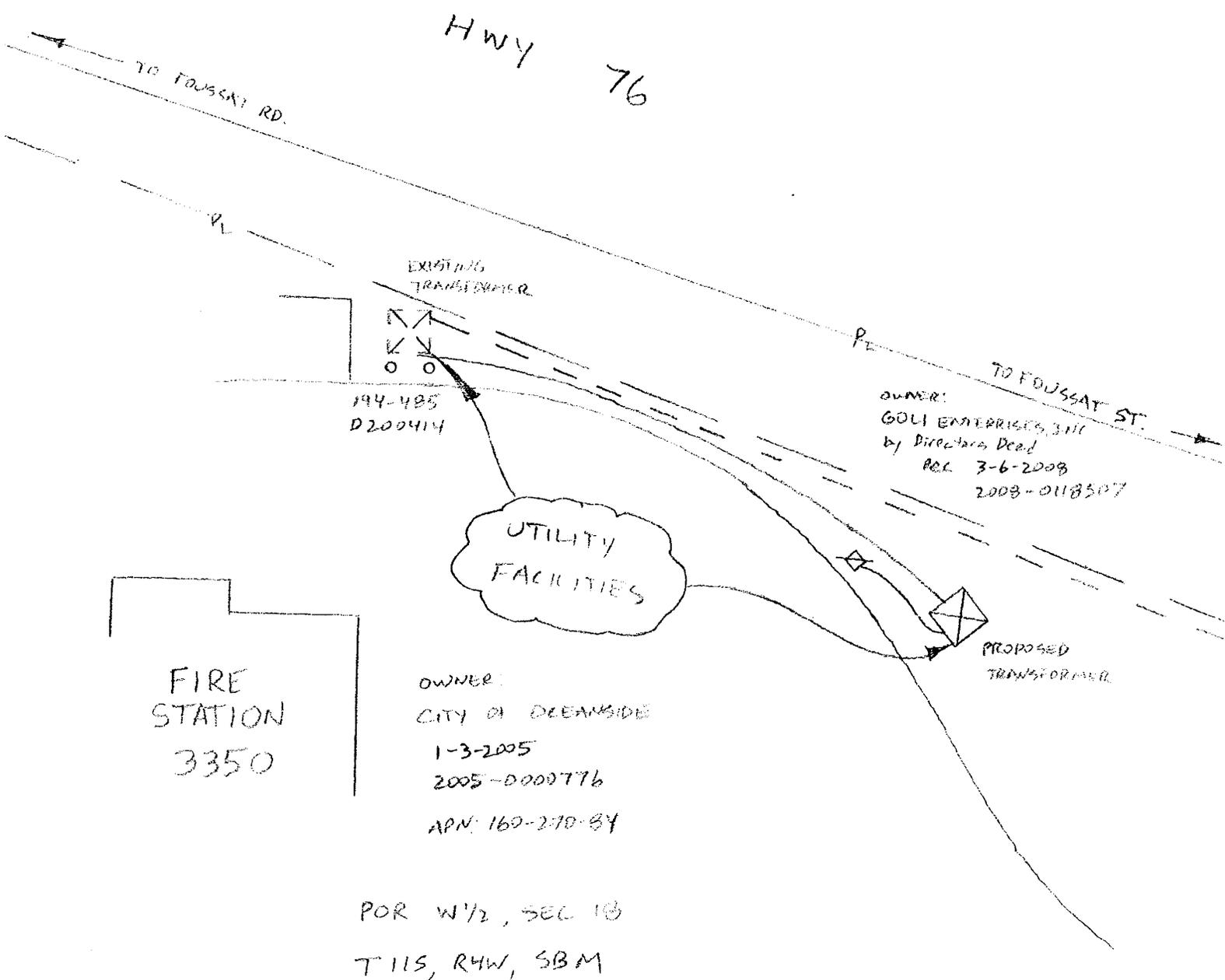
UG ELEC

PG 1 OF 2

THOS. BROS.: 1086-E4

PROJECT NAME & LOCATION OCEANSIDE WELLS 10:11 OCEANSIDE	DRAWN BY: GAM	OK TO INSTALL:	DRAWING NO: 05-14136
	DATE: 7/20/00	R/W OK:	
	SCALE: NONE	JOB TYPE:	COORDINATES
	REFERENCES: W/O 2059400		

EXHIBIT "A"



CONST. NO.: 2908190

PROJECT NO.: 956716-010

'UG ELEC'

PG 2 OF 2
THOS. BROS.: 1086-E4

PROJECT NAME & LOCATION OCEANSIDE WELLS 10 & 11 OCEANSIDE	DRAWN BY: GAM	OK TO INSTALL:	DRAWING NO: 05-14136
	DATE: 7/20/08	R/W OK:	COORDINATES
	SCALE: NONE	JOB TYPE:	
	REFERENCES:		

DETAIL