

STAFF REPORT



ITEM NO. 10
CITY OF OCEANSIDE

DATE: August 1, 2007
TO: Honorable Mayor and City Councilmembers
FROM: Public Works Department
SUBJECT: **GRANT OF EASEMENT TO SAN DIEGO GAS AND ELECTRIC COMPANY FOR UNDERGROUND UTILITIES FOR CASA DE AMPARO**

SYNOPSIS

Staff recommends that the City Council approve a grant of easement for underground utilities to serve the Casa de Amparo center at Ivey Ranch Park and authorize the Mayor to execute the deed.

BACKGROUND

On March 17, 2004, the City entered into a 35-year property lease agreement with Casa de Amparo ("Casa") for the development and operation of a children's daycare and children's screening facility at Ivey Ranch Park. Casa's facilities are currently under construction and permanent underground gas and electrical service is planned for installation.

ANALYSIS

The electrical and gas service is planned to be connected to existing underground distribution lines in Rancho del Oro Drive. The portion of the facilities to be installed in Ivey Ranch Park will cross the landscaped frontage of Rancho del Oro Drive, across the driveway leading up to the old ranch house, and into the Casa facilities, as shown on the sketch attached to the easement deed.

In order for San Diego Gas and Electric ("SDG&E") to install and serve underground electrical and gas service for the Casa facilities it is necessary for the City, as property owner, to grant an easement to SDG&E. Therefore, it would be appropriate that the City Council approve the grant of the requested easement and authorize the Mayor to execute the deed.

FISCAL IMPACT

The costs associated with the installation of the underground utilities to serve the Casa facilities are included in Casa's construction funding. There is no fiscal impact to the City for the installation of the SDG&E facilities for this project.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The referenced documents have 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 for underground utilities to serve the Casa de Amparo center at Ivey Ranch Park and authorize the Mayor to execute the deed.

PREPARED BY:


William F. Marquis
Senior Property Agent

SUBMITTED BY:

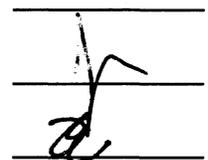

Peter A. Weiss
Interim City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

Joseph Arranaga, Acting Deputy Public Works 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.: 732563-020 & 030
Const. No.: 2885330/gas service
A.P.N.: 158-067-03
Sketch No.: OS-13752

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, hereinafter called "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, (3) Pipelines and appurtenances for any and all purposes, 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 Section 8, Township 11 South, Range 4 West, San Bernardino Meridian and that portion of Lot 43 in Tract 4 of Mission Lands of San Luis Rey, in Book 1, Page 18 of Patents in the Office of the County Recorder of said County of San Diego as described in a Deed recorded January 16, 1984 at Recorder's File/Page No. 84-016709 of Official Records of said County of San Diego. EXCEPTING THEREFROM, those portions of said Section 8 and said Lot 43 as described in Deeds recorded July 15, 1970 at Recorder's File/Page No. 123739 and August 14, 1991 at Document No. 1991-0416074, both 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", 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.

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.

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: _____

APPROVED AS TO FORM OCEANSIDE CITY ATTORNEY

BARBARA L. HAMILTON Assistant City Attorney

Prepared by GAM

Checked by: _____

Date: June 11, 2007(revised 7/2/07)

STATE OF _____)

COUNTY OF _____)SS.

On _____, before me _____
_____ (name, title of officer), appeared _____
_____.

- personally known to me
- 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.

WITNESS my hand and official seal.

Signature _____

STATE OF _____)

COUNTY OF _____)SS.

On _____, before me _____
_____ (name, title of officer), appeared _____
_____.

- personally known to me
- 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.

WITNESS my hand and official seal.

Signature _____

MISSION AVE
(HWY 76)

PDR SEC 8,
T11S,
R4W,
SBM.



UTILITY
FACILITIES

PDR LOT 43,
TR 4

158
591

MISSION LANDS OF SAN LUIS REY
BK1, PG18
PATENTS

ORO

PROPOSED
ELEC

PROPOSED GAS

DEL

RANCHO

EXISTING
GAS

EXISTING
ELEC

158
06

OWNER:
CITY OF OCEANSIDE
1-16-84
84-016709
LESSEE:
CASA DE AMPARO

CONST. NO.: 2895330/SERVILE

PROJECT NO.: 732563-0204030

'UG ELEC + GAS'

THOS. BROS.: 1086-63

PROJECT NAME & LOCATION CASA DE AMPARO OCEANSIDE	DRAWN BY: GAM	OK TO INSTALL:	DRAWING NO:
	DATE: 6/11/07	R/W OK:	05-13752
	SCALE: NONE	JOB TYPE:	COORDINATES
	REFERENCES: R/W 144210, 144211		

EXHIBIT "A"