

# STAFF REPORT



# ITEM NO. 8 CITY OF OCEANSIDE

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DATE: August 9, 2006

TO: Honorable Mayor and City Councilmembers  
Honorable President and Harbor District Board of Directors

FROM: Public Works Department

SUBJECT: **EASEMENT TO SDG&E FOR RELOCATION OF UTILITIES RELATED TO PACIFIC STREET BRIDGE OVER THE SAN LUIS REY RIVER**

## **SYNOPSIS**

Staff recommends that the City Council and Harbor District Board of Directors approve the grant of an easement to San Diego Gas and Electric Company (SDG&E) for the relocation of underground electrical utilities in Harbor Parking Lots 6, 7 and 9 related to the Pacific Street Bridge over the San Luis Rey River project, and authorize the Mayor to execute the deed.

## **BACKGROUND**

Electrical services in Harbor Parking Lots 6, 7 and 9 are to be relocated as part of the Pacific Street Bridge over the San Luis Rey River project. SDG&E is requesting that it be granted an easement to support its facilities at the new locations before these facilities can be moved.

## **ANALYSIS**

Granting an easement to SDG&E to support its lines and facilities servicing the electrical facilities in Lots 6, 7 and 9 would be appropriate.

## **FISCAL IMPACT**

On August 3, 2005, the City Council approved a utility agreement with SDG&E in the amount of \$79,113 for the relocation of these facilities.

## **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 and Harbor District Board of Directors approve the grant of easement to SDG&E for the relocation of underground electrical utilities in Harbor Parking Lots 6, 7 and 9; and authorize the Mayor to execute the deed.

PREPARED BY:

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

SUBMITTED BY:

  
\_\_\_\_\_  
Barry E. Martin  
Interim City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager

  
\_\_\_\_\_

Peter A. Weiss, Public Works Director

  
\_\_\_\_\_

Donald L. Hadley, Director of Harbor and Beaches

  
\_\_\_\_\_

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.: 038189-010  
Const. No.: 2797250  
A.P.N. No.: 143-010-16

Transfer Tax None  
SAN DIEGO GAS & ELECTRIC COMPANY

EASEMENT

THE CITY OF OCEANSIDE, a Municipal corporation, (Grantor), grants to SAN DIEGO GAS & ELECTRIC COMPANY, a corporation (Grantee), an easement and right of way in, upon, over, under and across the lands hereinafter described, to erect, construct, change the size of, improve, reconstruct, relocate, repair, maintain and use facilities consisting of:

1. Underground facilities and appurtenances for the transmission and distribution of electricity.
2. Pipelines and appurtenances for any and all purposes.
3. Communication facilities, and appurtenances.

The above facilities will be installed at such locations and elevations upon, along, over and under the hereinafter described easement as Grantee may now or hereafter deem convenient or necessary. Grantee also has the right of ingress and egress, to, from and along this easement in, upon, over and across the hereinafter described lands. Grantee further has the right, but not the duty to clear and keep this easement clear from explosives, buildings, structures and materials.

The property in which this easement and right of way is hereby granted is situated in the County of San Diego, State of California described as follows:

That portion of Lot 4 of Section 22, Township 11 South, Range 5 West, San Bernardino Meridian as described in a Deed recorded July 26, 1960 at Recorder's File/Page No. 151177 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 utility facility installed within said property on or before April 30, 2007.

*\*Upon completion of the installation of said facilities, Grantor agrees that Grantee will (upon receipt of a surveyed legal description from the Grantor) prepare an easement of the actual location of the center line of said facilities, and record said easement in the Office of the County Recorder of said County of San Diego as a substitute for the easement herein.*

*It is understood and agreed by Grantor that any interest in the above described property conveyed by Grantor after the granting of this easement shall be subordinate to said substitute easement description as if it were fully set forth at the time of this grant.*

Grantor shall not erect, place or construct, nor permit to be erected, placed or constructed, any building or other structure, plant any tree, drill or dig any well, within this easement.

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.

Grantor further grants to Grantee the right to assign any or all of the rights granted in this easement in whole or in part to other companies providing utility or communication facilities/services.

Grantee shall have the right but not the duty, to trim or remove trees and brush along or adjacent to this easement and remove roots from within this easement whenever Grantee deems it necessary for access to or maintenance of the easement facilities. Said right shall not relieve Grantor of the duty as owner to trim or remove trees and brush to prevent danger or hazard to property or persons.

CONDUITS CARRY HIGH VOLTAGE ELECTRICAL CONDUCTORS therefore, Grantor shall not make or allow any excavation or fill to be made within the easement WITHOUT FIRST NOTIFYING SAN DIEGO GAS & ELECTRIC COMPANY BY CALLING (619)696-2000, and OBTAINING PERMISSION.

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.

IN WITNESS WHEREOF, Grantor executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

THE CITY OF OCEANSIDE, a Municipal corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

Drawn: GAM

Date: April 17, 2006(revised 5/26/06)

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 \_\_\_\_\_  
\_\_\_\_\_

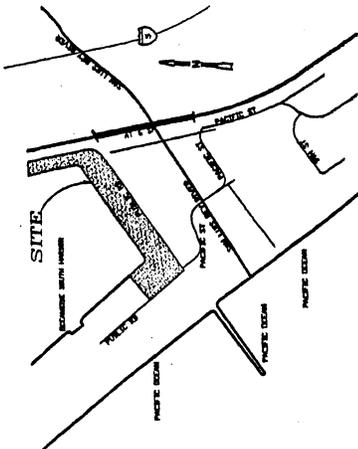
- personally known to me
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WITNESS my hand and official seal.

Signature \_\_\_\_\_

# PACIFIC STREET BRIDGE

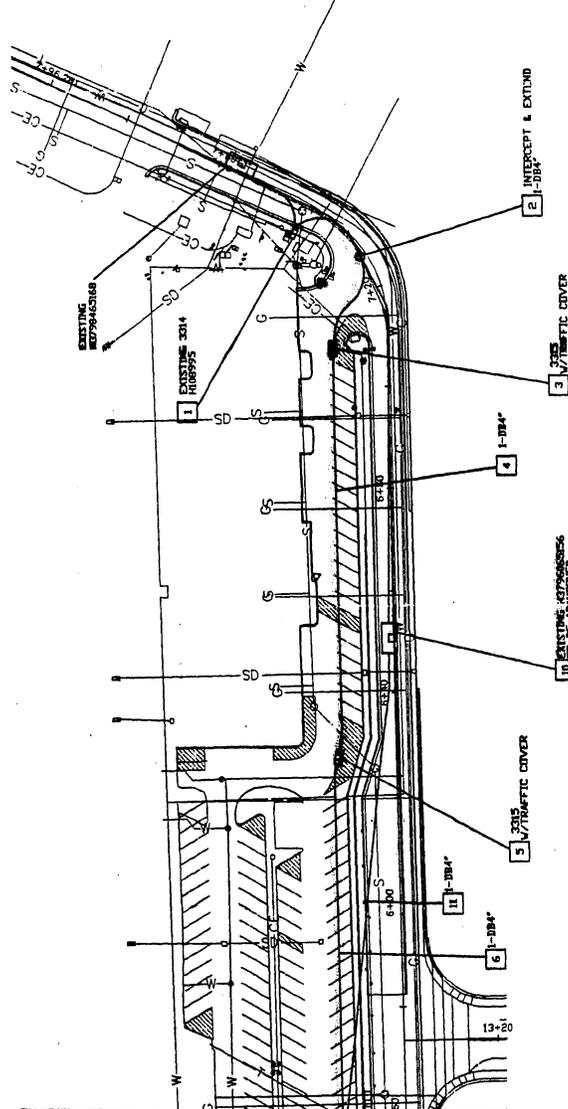


VICINITY MAP  
AT SCALE

## NOTES

- CUSTOMER IS RESPONSIBLE FOR:
  - CONDUIT INCLUDING REDUCERS & ADAPTERS AT HANDHOLES
  - SUBSTRUCTURES
- MAINTAIN A MINIMUM OF 5' WHEN PARALLELING HOT UTILITIES
- ALL HORIZONTAL BENDS TO BE 22 1/2° MINIMUM PER STD. PCL374 UNLESS OTHERWISE NOTED
- IT IS THE CUSTOMER'S RESPONSIBILITY TO PROVIDE TRENCH STARS AND INSTALL FOR THE FUTURE USE OF THE UTILITY. IF THE STAR STUB IS UNDESIRABLE, THE CUSTOMER MAY CLEAN OR REMOVE THE STAR. OTHERWISE, INSTALL NEW TRENCH AND CONDUIT TO THE SOURCE.

MATCHLINE SEE PAGE 1 OF 2



Call 2 Working Days Before You Dig!  
1-800-227-2600

SDGE SAN DIEGO GAS & ELECTRIC ELECTRIC CONSTRUCTION ORDER DH/UG BASE DRAWING	CONSTRUCTION ORDER NO.	REV.
	2797250	
DESIGNED BY MARK PATTERSON	PLDT DATE 07/28/04	PROJECT NO. 038189-010
(858)838-4136		SHT 1 OF

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