ITEM NO. 5

STAFF REPORT

CITY OF OCEANSIDE

DATE: September 3, 2008

TO: Honorable Mayor and City Councilmembers

FROM: Economic and Community Development Department

SUBJECT: **GRANT OF EASEMENT TO SDG&E FOR UTILITIES TO SERVE LIBBY LAKE VILLAGE**

SYNOPSIS

Staff recommends that the City Council approve a grant of easement to San Diego Gas and Electric for underground utilities to serve the Libby Lake Village subdivision located west of Calle Montecito off North River Road and authorize the Mayor to execute the document.

BACKGROUND

San Diego Habitat for Humanity (Habitat) is currently constructing the infrastructure to serve the residential units at Libby Lake Village. San Diego Gas and Electric (SDG&E) will be installing its gas and electrical facilities as part of this construction. In order for SDG&E to construct its facilities it is requesting that it be granted an easement running from existing services in North River Road, through the common drive with the Libby Lake Community Center and private street (Libby Village Way) to the service points at the houses within the subdivision.

Although Habitat is the developer, the City has retained ownership of the property and will remain the owner until the individual homes are sold to qualified persons and households.

ANALYSIS

To facilitate the completion of the infrastructure for Libby Lake Village it will be necessary to grant the requested easement to SDG&E to support its facilities to serve the future homes. Therefore, it's recommended that the Mayor be authorized to execute the deed conveying the easement to SDG&E.

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

Staff recommends that the City Council approve a grant of easement to San Diego Gas and Electric for underground utilities to serve the Libby Lake Village subdivision located west of Calle Montecito off North River Road and authorize the Mayor to execute the document.

PREPARED BY:

William F. Marquis
Senior Property Agent

SUBMITTED BY:

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.: 641619-010/020
Const. No.: 2871800 & 1721050
A.P.N.: Pending New Subdivision

Transfer Tax None
SAN DIEGO GAS & ELECTRIC COMPANY

EASEMENT

THE 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, and (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 City of Oceanside, County of San Diego, State of California described as follows:

Lots "B" and 1 through 21, inclusive, of Libby Lake Village, according to Map thereof No. 15696, filed in the Office of the County Recorder of said County of San Diego.

The said easement in the aforesaid lands shall be more particularly described as follows:

All of said Lot "B" being the private street shown and delineated as "LIBBY VILLAGE WAY (PRIVATE STREET)" on said Map No. 15696.

ALSO: Those certain strips of land within said Lots 1 through 20, inclusive, 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 August 31, 2010.

ALSO: That portion of said Lot 21 shown and delineated as "A FUTURE PRIVATE EASEMENT FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS AND UTILITY PURPOSES OVER LOT 21 FOR THE BENEFIT OF LOTS 1 THROUGH 20 AND THE LIBBY LAKE OWNERS ASSOCIATION TO BE CONVEYED BY SEPARATE DOCUMENT" on said Map No. 15696.

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, deposit any materials, park any vehicle, plant any trees and/or shrubs within eight feet of the front of the door or hinged opening of any above ground facilities 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.

The legal description was prepared by me or under my direction in conformance with the Land Surveyors Act on 7-8-08.

LICENSED LAND SURVEYOR
PETER C. GOLDING
LS 4768
Exp. 3-31-10
CALIFORNIA

Peter C. Golding LS 4768

Dated _____

THE CITY OF OCEANSIDE, A MUNICIPAL CORPORATION

BY: _____

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

NAME: JIM WOOD

TITLE: MAYOR

Prepared by: PDC-SCB
Checked: _____
Date: 4-09-2008 (Revised 6-30-2008)

STATE OF CALIFORNIA)

COUNTY OF SAN DIEGO)

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_____