



DATE: February 19, 2014
TO: Honorable Mayor and City Councilmembers
FROM: Property Management
SUBJECT: **GRANT OF OVERHEAD ELECTRICAL EASEMENT TO SDG&E**

SYNOPSIS

Staff recommends that the City Council approve the grant of an easement to San Diego Gas and Electric Company for overhead electrical facilities spanning the San Luis Rey River at State Route 76 and North River Road, affecting City-owned real property designated as County Assessor Parcel Nos. 128-170-08 and 82; and authorize the Mayor to execute the easement deed.

BACKGROUND

San Diego Gas and Electric Company ("SDG&E") is in the process of systematically upgrading its overhead electrical facilities that are located in high risk fire and flood prone areas. The existing distribution lines spanning the San Luis Rey River at State Route 76 and North River Road to Old River Road is one such planned facility.

The facility that SDG&E desires to replace was originally installed in 1933. The City acquired the effected parcels in 1987 as a donation from Margaret Oser.

Staff requested that SDG&E quitclaim the existing easement in exchange for the proposed new alignment and has been informed that SDG&E is unable to locate an easement deed for its existing facility. Notwithstanding the lack of a deed for the installation to be relocated, SDG&E has indicated its cooperation in quitclaiming the abandoned easement once the deed is discovered.

ANALYSIS

In essence, SDG&E is requesting the City to trade the existing interest covered by a "prescriptive right" for a more defined easement right in the effected City-owned parcels.

Due to the construction design and type of materials being used for the replacement facilities, there will be less of an impact on the City's property than currently exists. Additionally, the replacement of the 80 year old installation with modern facilities will aid in providing reliable energy to the service area and abate the threat of injury or damage to persons and property.

FISCAL IMPACT

There is no fiscal impact associated with this item.

California Public Utilities Commission tariff rules prohibit SDG&E from compensation or condemnation for interest in real property for distribution facilities; therefore, the City can't be compensated for granting the requested easement.

INSURANCE REQUIREMENTS

SDG&E shall indemnify, defend and hold the City harmless from and against all losses, damages, or expense that the City may sustain or become liable for that result from the construction and maintenance of SDG&E's facilities and all fixtures and equipment in connection therewith.

COMMISSION OR COMMITTEE REPORT

Does not apply.

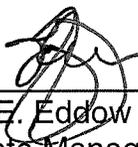
CITY ATTORNEY'S ANALYSIS

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

RECOMMENDATION

Staff recommends that the City Council approve the grant of an easement to San Diego Gas and Electric Company for overhead electrical facilities spanning the San Luis Rey River at State Route 76 and North River Road, affecting City-owned real property designated as County Assessor Parcel Nos. 128-170-08 and 82; and authorize the Mayor to execute the easement deed.

PREPARED BY:



Douglas E. Eddow
Real Estate Manager

SUBMITTED BY:



Steven R. Jepsen
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager



ATTACHMENT: Easement Deed

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.: 053621-010
Const. No.: 2935040
A.P.N.: 126-170-08&82
Survey No.: D-1948

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. Poles, wires, cables and appurtenances for the transmission and distribution of electricity.
2. 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 the East Half of the Northwest Quarter of Section 31, Township 10 South, Range 3 West, San Bernardino Meridian, as described in a Deed recorded July 24, 1987 at Document No. 87-417307.

The easement in the aforesaid land shall be more particularly described on Exhibit "A", consisting of one (1) sheet, and shown and delineated on SDG&E's Drawing No. D-1948, consisting of three (3) sheets, all attached hereto and made a part hereof.

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 indemnify, defend and hold Grantor harmless from and against all losses, damages, or expenses that Grantor may sustain or become liable for that result from the construction or maintenance of Grantee's facilities and all fixtures and equipment in connection therewith. Such indemnification shall include any losses, damages, or expenses arising out of negligence or intentional acts of Grantee but excepting any losses, damages, or expenses resulting from the negligent or intentional acts of the Grantor and third parties.

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. 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.

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.

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 _____, 20_____.

THE CITY OF OCEANSIDE, A MUNICIPAL CORPORATION

BY: _____

NAME: _____
(print name)

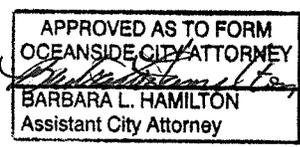
TITLE: _____

BY: _____

NAME: _____
(print name)

TITLE: _____

Drawn: C. Echeverria
Checked: SA
Date: 09/30/13 (rev. 11/20/13)
(rev. 12/13/13)(rev. 01/17/14)



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 _____

EXHIBIT A

LEGAL DESCRIPTION

That certain 12.00 foot strip of land lying within a portion of the North Half of Section 31, Township 10 South, Range 3 West, San Bernardino Meridian, in the County of San Diego, State of California, and within a portion of Parcel 3 of Parcel Map No. 2139 filed in the office of the County Recorder of said San Diego County on December 6, 1973 as File No. 73-338041, said 12.00 foot strip of land being 6.00 feet measured at right angles on each side of the following described centerline:

COMMENCING at a found gear spike and washer with an illegible tag being accepted hereon as the set gear spike and washer stamped "LS 4250" per Record of Survey No. 18204 filed in the office of the County Recorder of said San Diego County on April 2, 2004, as File No. 2004-0277205, said point bears South 01°04'27" West, 950.52 feet (record North 01°04'41" East, 950.43 feet per Record of Survey No. 18204) from a found gear spike and washer stamped "LS 4250" per said Record of Survey No. 18204; thence from said point of commencement South 00°45'16" East, 899.21 feet to the TRUE POINT OF BEGINNING; thence North 66°30'51" West, 1098.68 feet to a point designated herein as Point "A"; thence North 62°51'29" West, 254.09 feet; thence North 58°44'50" West, 49.2 feet to a point designated herein as Point "B".

ALSO: Those certain 4.00 foot strips of land being 2.00 measured at right angles on each side of the following described centerlines:

BEGINNING at the hereinabove described TRUE POINT OF BEGINNING; thence South 78°47'04" East, 35.00 feet.

BEGINNING at the hereinabove described Point "A"; thence South 25°18'52" West, 15.00 feet.

BEGINNING at the hereinabove described Point "B"; thence North 58°44'50" West, 28.00 feet.

EXCEPTING therefrom any portion not lying within Grantor's Lands.

Containing 0.47 acres more or less.

Jeffrey J. Safford 9/13/13
Jeffrey J. Safford, L6703 Date



ROS 18204
2004-0277205
04-02-2004



POR. N 1/2

SECTION 31

T 10 S R 3 W

SEE SHEET 2

N66°30'51"W

1098.68'

B/B GRID NORTH CCS 83
(N01°04'41"E 950.43 ROS 18204)
(N01°04'27"E 950.52)

ROAD

P.O.C.

RIVER

OLD

NEW

500°45'16"E 899.21'
TIE LINE ONLY

P166469

P1034355H

P610466 NEW
35' BIS ANC
40' IN-LINE ANC

126
17

SEE DETAIL 'A'
SHEET 3.

568°45'53"E 274.6'
T.P.O.B.

P15052

S17°40'37"W 355.0'

21120

OWNERS:
CITY OF OCEANSIDE, A
MUNICIPAL CORPORATION

OWNERS:
GENE SINGH AND KRISHNA SINGH,
AND THEIR SUCCESSOR(S), AS THE
CO-TRUSTEES OF THE SINGH TRUST
B, ESTABLISHED UNDER THE SINGH
FAMILY TRUST AGREEMENT

REF: ROS 19991

THIS PLAT WAS PREPARED BY ME OR UNDER MY
DIRECTION IN CONFORMANCE WITH THE LAND
SURVEYOR'S ACT ON SEPTEMBER 19, 2013.

JEFFREY J. SAFFORD

L6703



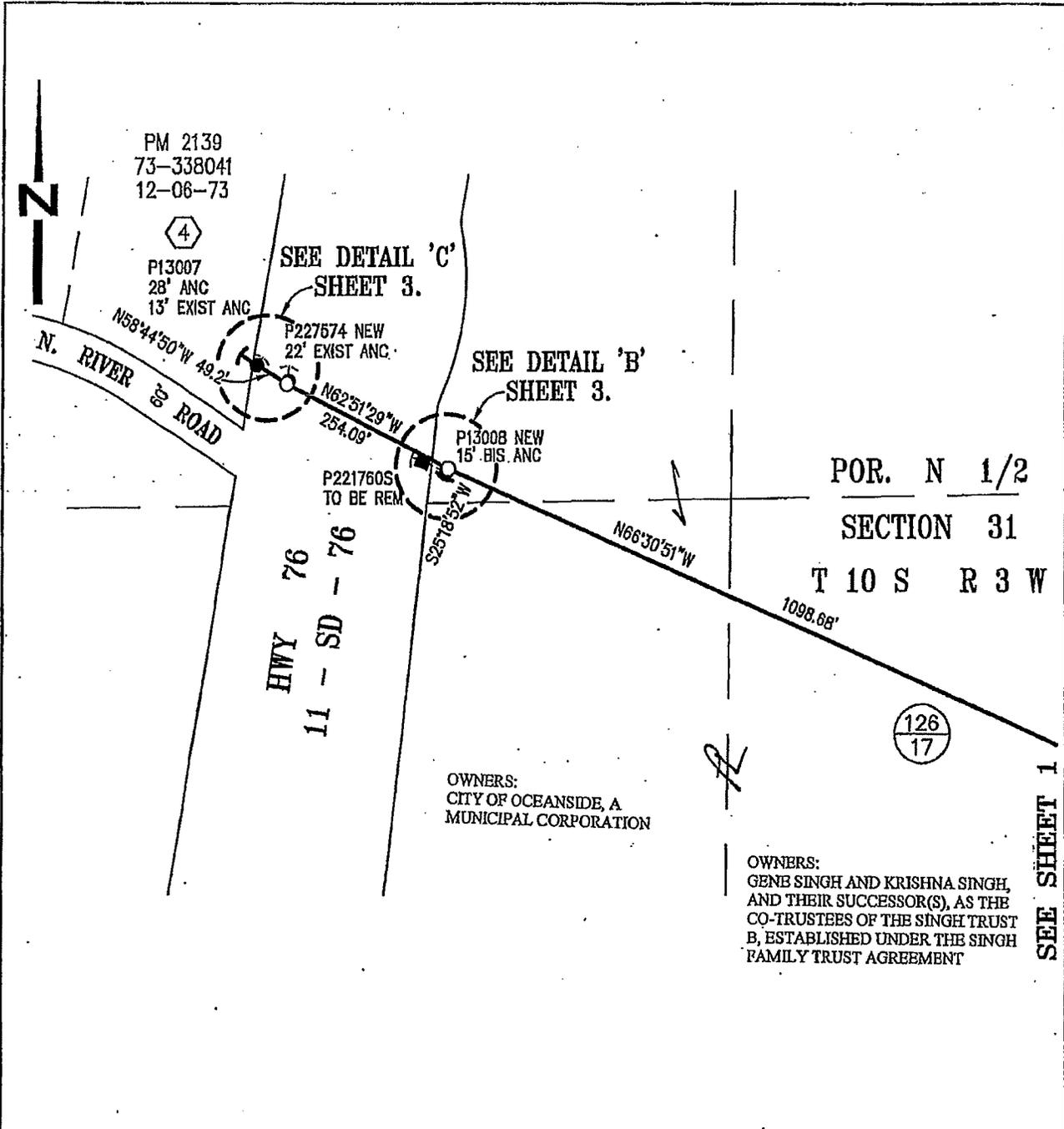
▲ = FOUND GEAR SPIKE & WASHER
STAMPED "LS 4250" PER ROS 18204.

△ = FOUND GEAR SPIKE & WASHER ILLEGIBLE,
ACCEPTED AS GEAR SPIKE & WASHER
STAMPED "LS 4250" PER ROS 18204.

OH ELEC

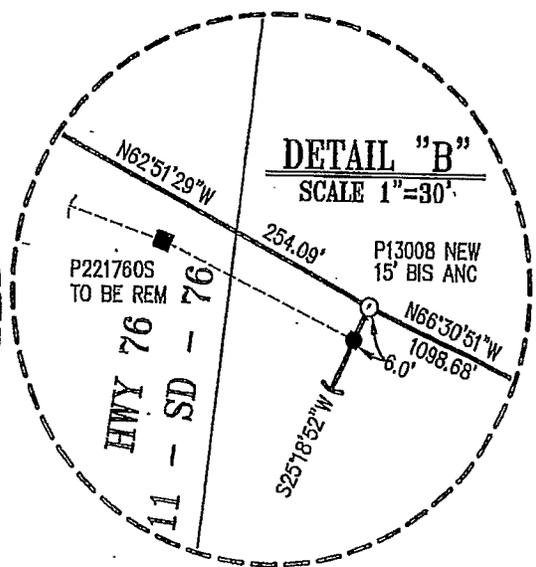
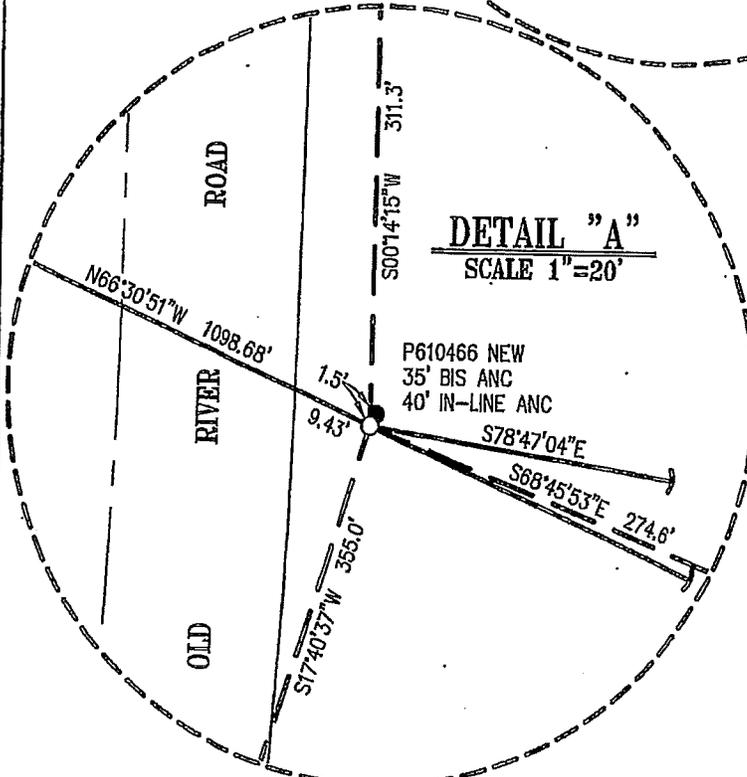
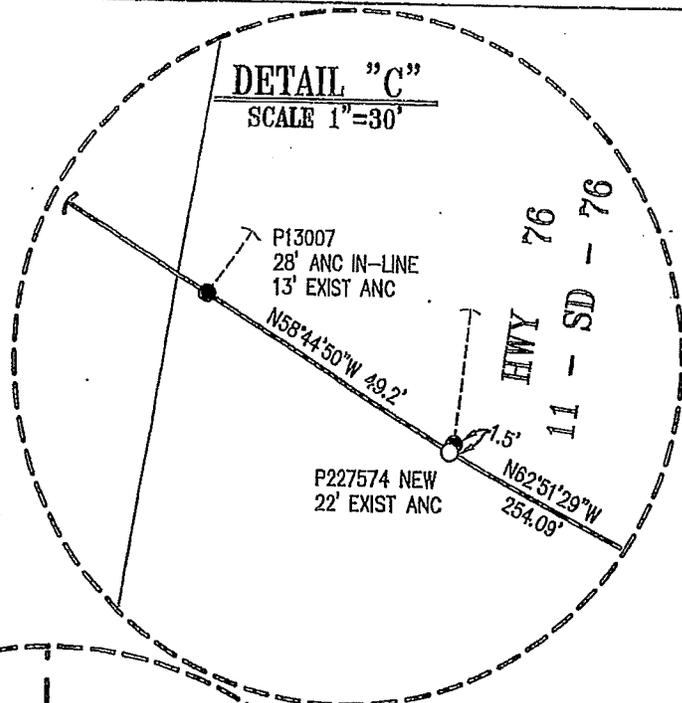
SHEET 1 OF 3

SAN DIEGO GAS & ELECTRIC SAN DIEGO, CALIFORNIA		ORIGINATOR: C. ECHEVERRIA	OK TO INSTALL:	PROJECT NO. 053621-010	
DISTRIB LONG SPAN EVAL P610466 NORTH RIVER RD. @ HWY 76 BONSALL		SURVEYED BY: NV5/GL	R/W OK:	CONST. NO. 2935040	
		DRAWN BY: NV5/ARW	DATE:	DRAWING NO. D-1948	
		DATE: 08-09-13	THOS. BROS. 1087-J4		
		SCALE: 1"=200'			
NO.	SUPPLEMENTS	DATE:	BY	APP'D	
1	MADE REVISIONS PER C. ECHEVERRIA & J. PETERSON.	08-13-13	ARW		
2	ADDED DISTANCE FROM EXISTING POLE TO NEW POLE IN DETAILS B & C PER C. ECHEVERRIA.	08-19-13	ARW		



OH ELEC SHEET 2 OF 3

SAN DIEGO GAS & ELECTRIC SAN DIEGO, CALIFORNIA		ORIGINATOR: C. ECHEVERRIA	OK TO INSTALL:	PROJECT NO. 053621-010
DISTRIB LONG SPAN EVAL P610466 NORTH RIVER RD. @ HWY 76 BONSALL		SURVEYED BY: NV5/GL	R/W OK:	CONST. NO. 2935040
		DRAWN BY: NV5/ARW	DATE: THOS. BROS. 1067-J4	DRAWING NO. D-1948
		DATE: 09-09-13		
		SCALE: 1"=200'		
NO.	SUPPLEMENTS	DATE:	BY	APP'D
1	MADE REVISIONS PER C. ECHEVERRIA & J. PETERSON.	09-13-13	ARW	
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OH ELEC SHEET 3 OF 3

SAN DIEGO GAS & ELECTRIC SAN DIEGO, CALIFORNIA		ORIGINATOR:	OK TO INSTALL:	PROJECT NO. 053621-010
		C. ECHEVERRIA		
DISTRIB LONG SPAN EVAL P610466 NORTH RIVER RD. @ HWY 76 BONSALL		SURVEYED BY:	R/W OK:	CONST. NO. 2935040
		NV5/GL		
		DRAWN BY:	DATE:	DRAWING NO. D-1948
		NV5/ARW	THOS. BROS. 1067-J4	
DATE:	SCALE:			
	SHOWN			
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