



DATE: September 24, 2014

TO: Honorable Mayor and City Councilmembers

FROM: Property Management

SUBJECT: **GRANT OF EASEMENT TO SAN DIEGO GAS AND ELECTRIC COMPANY FOR PUBLIC UTILITY FACILITIES AT PEACOCK BOULEVARD AND APPROVAL TO ACCEPT A QUITCLAIM DEED TO ABANDON AN ADJACENT EASEMENT PREVIOUSLY GRANTED**

SYNOPSIS

Staff recommends that the City Council approve an Easement to San Diego Gas and Electric Company for public utility facilities at Peacock Boulevard; approve the acceptance of a quitclaim deed to abandon an adjacent easement previously granted; and authorize the Mayor to execute the necessary documents.

BACKGROUND

On June 6, 2007, City Council approved an easement to SDG&E for underground electrical and communication facilities on a 6-foot wide strip of land along the north side of Peacock Boulevard adjacent to the Guajome Reservoir. SDG&E later discovered it was in conflict with a detention basin, so they have redesigned their easement requirement.

SDG&E would like to abandon the previously granted approximately 360 square foot easement by quitclaiming it back to the City in exchange for a new easement. The newly requested easement for electrical and communication facilities contains approximately 357.11 square feet and is to be located on a portion of Assessor Parcel Number 161-404-24, which is along Peacock Boulevard, west of Darwin Drive.

ANALYSIS

This SDG&E easement for electrical and communication facilities would tap into existing facilities within Peacock Boulevard and would allow the installation of a padmount switchgear and Supervisory Control and Data Acquisition equipment. These facilities not only increase the capacity of electrical service in the neighborhood but also increase reliability. They would drastically change the amount of time it would take SDG&E to restore power to its customers should an electrical circuit fail. Also, the antenna is controlled remotely and in the case of an outage in the area, SDG&E can remotely switch electrical equipment to another available circuit, restoring electric service. SDG&E's installation of their facilities would cause the removal of a 24 inch in diameter City tree that

they have agreed to replace, with a City-approved species, in the nearby vicinity and at the City's discretion.

The City Engineer, Public Works Division Manager and Water Utilities Division Manager concur with the proposed approval of the new easement and quitclaim of easement.

FISCAL IMPACT

There is no City fiscal impact by granting this new easement and the quitclaim of easement. The purchase, installation and maintenance costs for the easement facilities including preparation of the easement and quitclaim deeds will be at the expense of SDG&E.

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 an Easement to San Diego Gas and Electric Company for public utility facilities at Peacock Boulevard; approve the acceptance of a quitclaim deed to abandon an adjacent easement previously granted; and authorize the Mayor to execute the necessary documents.

PREPARED BY:



Ruben F. Duran
Senior Property Agent

SUBMITTED BY:



Steven R. Jepsen
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

Douglas E. Eddow, Real Estate Manager

Scott O. Smith, City Engineer

Kiel Koger, Public Works Division Manager

Jason Dafforn, Water Utilities Division Manager





RBFORESS







Attachment 1 – Easement
Attachment 2 – Site Map
Attachment 3 – Quitclaim of Easement

Attachment 1 – Easement

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. 644669-020
Const. No. 2928410
A.P.N. No. 161-404-24

Transfer Tax None
SAN DIEGO GAS & ELECTRIC COMPANY

RW203943

EASEMENT

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, together with aboveground structures consisting of, but not limited to, pad-mounted electrical equipment, 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:

Lot 647 of Peacock Hills Unit No. 3, according to Map thereof No. 8882, filed in the Office of the County Recorder of said County of San Diego, as described in a Deed recorded December 8, 1978 at File/Page No. 78-528880 of Official Records of said County of San Diego.

The easement in the aforesaid land is described in the Exhibit "A", consisting of one (1) sheet, and shown and delineated on the Exhibit "B", consisting of one (1) sheet, 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 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.

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

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 _____, 2014.

CITY OF OCEANSIDE, A municipal corporation

BY: _____

NAME: _____
(print name)

TITLE: _____

Drawn
Checked
Date

C. Echeverria

03/28/12 (rev. 02/19/14)(rev.04/09/14)

s:\and\data

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"

All that portion of Lot 647 of Peacock Hills Unit No. 3 according to Map thereof No. 8882 filed June 7, 1978 in the office of the County Recorder of the County of San Diego, State of California also being a portion of the East Half of the Northwest Quarter of Section 14, Township 11 South, Range 4 West, San Bernardino Base and Meridian approved December 27th, 1870 more particularly described as follows:

COMMENCING at the Southeast corner of said Lot 647 as marked by a 2" iron pipe stamped RCE 12446 as shown on Map 8874 filed in the office of the County Recorder in said County of San Diego recorded May 31, 1978, said pipe bears S 00°19'17"W from a 2" iron pipe with no tag accepted as the northeast corner of Lot 647, 20.01 feet (record 20.00 feet per Map 8882); said corner being a point on the Northerly right of way line of that certain public street known as Peacock Boulevard as shown on said Map 8882; Thence along said Northerly right of way line N 89°50'45" W, 17.34 Feet to the TRUE POINT OF BEGINNING;

Thence leaving said right of way line N 00°09'17" E, 11.26 Feet;

Thence N 89°50'45" W, 21.22 Feet;

Thence S 00°09'17" W, 7.26 Feet;

Thence N 89°50'45" W, 1.27 feet to the beginning of a curve concave Southerly having a Radius of 546.00 feet through a Central Angle of 02°58'26", a distance of 28.34 feet;

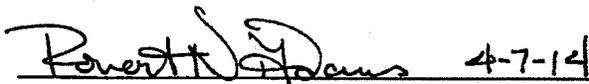
Thence S 02°49'09" E, 4.00 feet to a point at the intersection of said Northerly line of Peacock Boulevard, from said point a radial bears S 02°49'09" E;

Thence Easterly along said Northerly line of Peacock Boulevard along a non-tangent curve being concave Southerly having a Radius of 542.00 feet through a Central Angle of 02°58'26", a distance of 28.16 feet;

Thence S 89°50'45" E, 22.50 feet to the TRUE POINT OF BEGINNING,

Containing 357.11 sq. ft., more or less.

Prepared by:

 4-7-14

ROBERT N. ADAMS, Licensed Land Surveyor No. 7638

SCALE: 1"=10'

161
40

EXHIBIT "B"

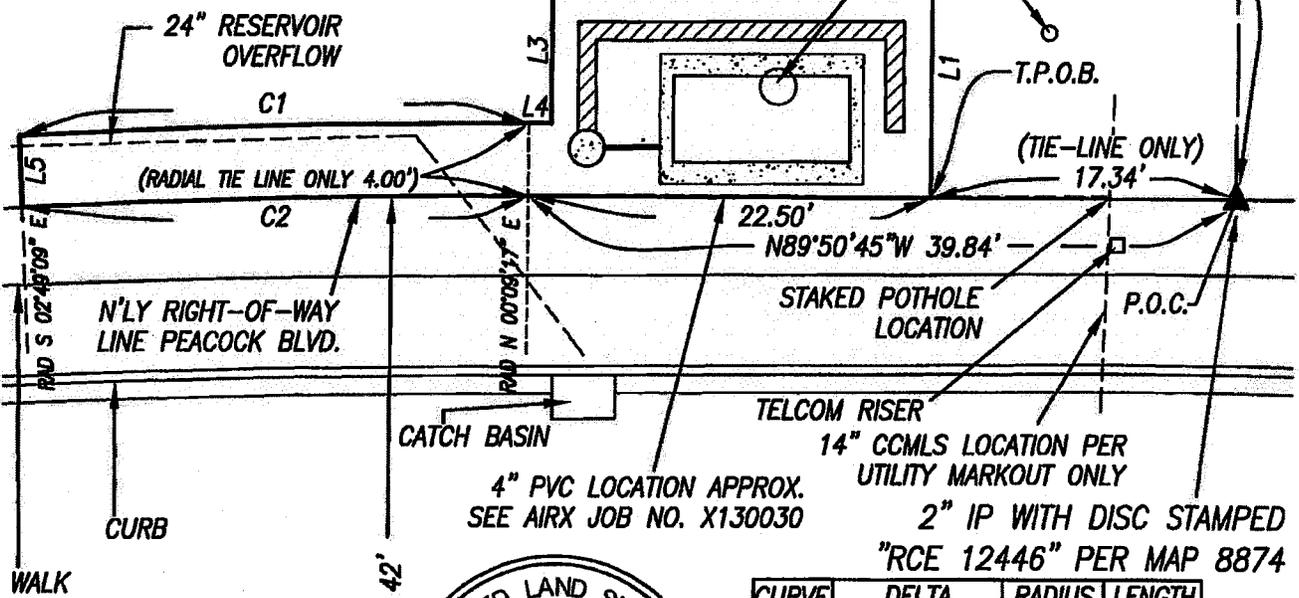
2" IP NO TAG.
ACCEPTED AS NE COR. LOT 647
N00°09'17"E 20.00'(Rec) 20.01'(Meas)

PEACOCK HILLS
UNIT NO. 3
MAP NO. 8882

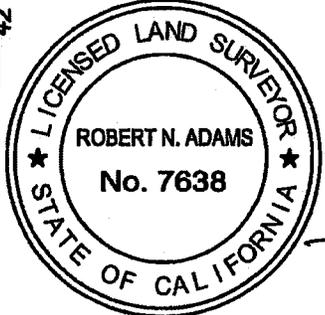
SHT 2 OF 2

BASIS OF BEARINGS PER MAP 8882

LOT-647



LINE	BEARING	DIST.
L1	N00°09'17"E	11.26'
L2	N89°50'45"W	21.22'
L3	S00°09'17"W	7.26'
L4	N89°50'45"W	1.27'
L5	S02°49'09"E	4.00'



CURVE	DELTA	RADIUS	LENGTH
C1	02°58'26"	546.00'	28.34'
C2	02°58'26"	542.00'	28.16'

THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE LAND SURVEYORS ACT ON APRIL 7, 2014

Robert N. Adams
ROBERT N. ADAMS L.S. 7638 DATE MY REGISTRATION EXPIRES 12/31/2014

PEACOCK BLVD.

FILE: 0012 DPME - 3-7-14.dwg
SDG&E JOB: R120272 / S130358

PROPOSED EASEMENT
AREA = 357.11± SQ.FT.

REF: MAP 8882
MAP 8874

SAN DIEGO GAS & ELECTRIC SAN DIEGO, CALIFORNIA C508:M3876868823 SCADA TRAYER TEMPLE HEIGHTS AND PEACOCK BLVD OCEANSIDE, CA		ORIGINATOR: G. BONNER	OK TO INSTALL:	PROJECT NO. 644669-020
		SURVEYED BY: WHPacific	R/W OK:	CONST. NO. 2928410
		DRAWN BY: DJS	DATE: 4-7-2014	SURVEY NO. C-5118
		DATE: 4-7-2014	THOS. BROS. 1067-D3	
		SCALE: 1"=10'		
NO.	SUPPLEMENTS	DATE:	BY:	APP'D

Attachment 2 – Site Map

Attachment 3 – Quitclaim of Easement

Recording Requested by
San Diego Gas & Electric Company

When recorded, mail to:

San Diego Gas & Electric Company
8335 Century Park Court
San Diego, CA 92123
Real Estate & Facilities, CP11D

SPACE ABOVE FOR RECORDER'S USE

APN: 161-404-24

Transfer Tax NONE
SAN DIEGO GAS & ELECTRIC COMPANY

QUITCLAIM OF EASEMENT

The land, tenements or realty is located in the

- unincorporated area of the County of San Diego, State of California
- City of Oceanside, County of San Diego, State of California; and

SAN DIEGO GAS & ELECTRIC COMPANY, a California corporation (SDG&E) for valuable consideration, does hereby remise, release and forever quitclaim to any and all person(s) or entity having a legal or equitable interest in the hereinafter described real property all right, title, interest and claim of SDG&E in and to the following described real property that was acquired by virtue of the easement dated June 14, 2007 and recorded June 28, 2007 as Document No. 2007-0434973 of Official Records of said County of San Diego.

The real property in which said easement(s) is quitclaimed is described as follows:

Lot 647 of Peacock Hills Unit No. 3, according to Map thereof No. 8882, filed in the Office of the County Recorder of said County of San Diego, more particularly described in a Deed recorded December 8, 1978 at File/Page No. 78-528880 of Official Records of said County of San Diego.

This quitclaim does not release any interest or estate SDG&E may have in the above-described real property except the easement(s) specified.

IN WITNESS WHEREOF, said San Diego Gas & Electric Company has caused this deed to be executed in its corporate name by its duly authorized agent this _____ day of _____ 2014.

SAN DIEGO GAS & ELECTRIC COMPANY, a
California Corporation

By _____
Elizabeth Carlin, Land Services Manager

Drawn Echeverria
Checked _____
Date 05/09/14
Q.C. No. 2014-010
R/W No. 163492
Field Checked --

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO)SS.

On _____, before me Cecilia Echeverria, Notary Public, appeared Elizabeth Carlin who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person 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 _____
Cecilia Echeverria, Notary Pubic