



SAN RAFAEL
THE CITY WITH A MISSION

Agenda Item No: 4.n

Meeting Date: June 17, 2024

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works
April Miller, Public Works Director

Prepared by: Megan Kelly, Assistant Civil Engineer

City Manager Approval:  _____

TOPIC: PG&E TOWER EASEMENT MODIFICATION AGREEMENT

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT MODIFICATION AGREEMENT WITH PACIFIC GAS AND ELECTRIC COMPANY (PG&E) FOR THE TOWER EASEMENT ON APNs 009-032-06 and 009-032-07

RECOMMENDATION:

Adopt resolution authorizing the City Manager to execute an easement modification agreement with Pacific Gas and Electric Company for the tower easement on APN 009-032-06 and APN 009-032-07.

BACKGROUND:

The City of San Rafael owns parcels with APNs 009-032-06 and 009-032-07, which are the Albert J. Boro Library and Community Center and Pickleweed Park properties. The Dundon Company previously owned the properties. The Dundon company granted a tower easement to PG&E that allows the company the right to erect, construct, reconstruct, replace, repair, maintain, and use a single electrical distribution tower with a base not exceeding forty (40) feet square on the properties. The easement was recorded in 1913 and continues to be attached to the properties.

ANALYSIS:

PG&E needs to replace the existing tower with a larger one to accommodate the electricity needed to serve the area and meet current design standards. They have proposed an easement modification agreement to increase the tower area from forty (40) square feet to eighty-five (85) square feet. The new tower and revised easement area are not expected to impact normal operations on the property.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDED ACTION:

Adopt resolution authorizing the City Manager to execute an easement modification agreement with Pacific Gas and Electric Company for the tower easement on APNs 009-032-06 and APN 009-032-07.

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

ATTACHMENTS:

1. Resolution
2. Easement Modification Agreement

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL
AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT
MODIFICATION AGREEMENT WITH PACIFIC GAS AND ELECTRIC
COMPANY (PG&E) TO MODIFY AN EXISTING TOWER EASEMENT ON APNs
009-032-06 and 009-032-07**

WHEREAS, the City owns parcels with APNs 009-032-06 and 009-032-07 and there exists a tower easement granted to PG&E that allows the company the right to erect, construct, reconstruct, replace, repair, maintain, and use a single electrical distribution tower having a base not to exceed forty (40) feet square on the properties; and

WHEREAS, PG&E has proposed an easement modification agreement that will increase the tower area from one thousand six hundred (1,600) square feet to seven thousand two hundred and twenty-five (7,225) square feet to accommodate a larger tower designed to provide the electricity needed for the area and meet current design standards; and

WHEREAS, the grants of easements are not expected to impact normal operations on the property.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. That the City Council of the City of San Rafael, California, authorizes the City Manager to execute an easement modification agreement with Pacific Gas and Electric Company to modify an existing tower easement on APNs 009-032-06 and APN 009-032-07.

I, LINDSAY LARA, Clerk of the City of San Rafael, California, hereby certify that the foregoing resolution was duly and regularly introduced and

adopted at a regular meeting of the Council of said City held on the 17th day of June, 2024, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
300 Lakeside Drive, Suite 210
Oakland, CA 94612
Attn: Land Rights Library

Location: City/Uninc _____
Recording Fee \$ _____
Document Transfer Tax \$ _____

- This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).
- Computed on Full Value of Property Conveyed, or
- Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
- Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

Signature of declarant or agent determining tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

LD# 2401-06-10162

EASEMENT MODIFICATION AGREEMENT

2024014 (01-23-094) 03 24 02
Ignacio-Alto-Sausalito 60kV 07/54 Tower Replacement

CITY OF SAN RAFAEL, A CHARTER CITY AND MUNICIPAL CORPORATION (“**First Party**”), makes this agreement (“**Agreement**”) with PACIFIC GAS AND ELECTRIC COMPANY, a California corporation (“**Second Party**”), affecting the lands of First Party, situated in the City San Rafael, County of Marin, State of California, and described as follows:

(APN 009-032-06 & 009-032-07)

That certain piece or parcel of land which is bounded on the north by San Rafael Creek; on the east by the Bay of San Francisco; on the south by the lands of the Marin Realty Company; and on the west by the right-of-way of the Bay Counties Railway.

Said lands of First Party are more particularly described as follows:

The three parcels of land described and designated PARCEL ONE and PARCEL TWO in the deed from San Rafael Successor Agency, a public body, corporate and politic, to the City of San Rafael, a charter city and municipal Corporation, dated February 7, 2017 and recorded in Document Number 2017-0006007, Marin County Records, and the other described in the deed from San Rafael Successor Agency, a public body, corporate and politic, to the City of San Rafael, a charter city and municipal Corporation, dated February 7, 2017 and recorded in Document Number 2017-0006005, Marin County Records.

Second Party is the owner of the following right of way and easement within First Party’s said lands (the “**Easement**”):

The easement deed from DUNDON COMPANY (predecessor in interest) to Pacific Gas and Electric Company dated January 8th, 1913 and recorded in Liber 148 of Deeds at page 370, Marin County Records.

Second Party desires, and First Party is willing, to modify the parcel of land described in the Easement, and is more particularly described as follows:

A single tower having a base not exceeding forty (40) feet square, at a point upon the lands the party of the first part hereinafter described (which point has been heretofore designated and agreed upon by the parties hereto), and wires suspended between the said tower and towers situate on adjoining lands (belonging to persons other than the party of the first part) and supported thereby, and wires for telephone and telegraph purposes and all necessary and proper cross-arms, braces, connections and other appliances and fixtures for use in connection therewith.

Shall be stricken and replaced with:

A single tower having a square base not exceeding eighty-five (85) feet in length per side, at a point upon the lands the party of the first part hereinafter described (which point has been heretofore designated and agreed upon by the parties hereto), and wires suspended between the said tower and towers situate on adjoining lands (belonging to persons other than the party of the first part) and supported thereby, and wires for telephone and telegraph purposes and all necessary and proper cross-arms, braces, connections and other appliances and fixtures for use in connection therewith, and more particularly described in Exhibit "A" and shown upon Exhibit "B" attached hereto and made a part hereof.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration paid to First Party by Second Party, the receipt of which is hereby acknowledged, the parties agree that the Easement shall be modified in the manner and to the extent hereinbefore stated and First Party hereby grants to Second Party the rights necessary to effect such modification.

Except as expressly set forth herein, this Agreement shall not in any way alter, modify, or terminate any provision of the Easement.

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

This Agreement shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

IN WITNESS WHEREOF the parties hereto have executed this Agreement this _____ day of _____, 20____.

“First Party”

“Second Party”

CITY OF SAN RAFAEL, A CHARTER CITY
AND MUNICIPAL CORPORATION

PACIFIC GAS AND ELECTRIC
COMPANY, a California corporation

By: _____

By: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____, before me, _____ Notary Public,
Insert name
personally 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 of Notary Public (Seal)

CAPACITY CLAIMED BY SIGNER

- Individual(s) signing for oneself/themselves
- Corporate Officer(s) of the above named corporation(s)
- Trustee(s) of the above named Trust(s)
- Partner(s) of the above named Partnership(s)
- Attorney(s)-in-Fact of the above named Principal(s)
- Other _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____, before me, _____ Notary Public,
Insert name
personally 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.

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Signature of Notary Public

(Seal)

CAPACITY CLAIMED BY SIGNER

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- Corporate Officer(s) of the above named corporation(s)
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- Partner(s) of the above named Partnership(s)
- Attorney(s)-in-Fact of the above named Principal(s)
- Other _____

Attach to LD: 2401-06-10162
Area, Region or Location: 7
Land Service Office: Concord
Line of Business: Electric Transmission (42)
Business Doc Type: Easements
MTRSQ: 24.01.06.02.14
FERC License Number: N/A
PG&E Drawing Number: L-10694
Plat No.: N/A
LD of Affected Documents: 2401-06-0043
LD of Cross Referenced Documents: N/A
Type of interest: Electric Tower Line Easements (2), Communication Easements (6), Easement
Modifications Agreements (41)
SBE Parcel: N/A
% Being Quitclaimed: N/A
Order or PM: 74052573
JCN: 01-23-094
County: Marin
Utility Notice Number: N/A
851 Approval Application No: N/A ;Decision: N/A
Prepared By: SGHD
Checked By: DAKQ
Approved By:
Revised by:

EXHIBIT A

All of the parcel situate in the City of San Rafael, County of Marin, State of California, being a portion of Lot 11 of Block 19 of the Map of East San Rafael filed in Book 2 of Maps at page 109 Marin County Records more particularly described as follows:

COMMENCING at a found 3.5 inch diameter brass disk monument stamped "PG&E Co Survey Marker" set in concrete in the centerline of Canal Street per that Record of Survey filed on July 22, 1976 in Book 13 of Surveys at page 45 whence a found 1/8 inch brass pin monument in standard city monument well near the intersection of Canal St with Sorrento Way as shown on said Record of Survey bears S 14° 09' 40" W 295.89 feet and N 48° 06' 24" W 977.74 feet as shown on said Record of Survey for a resultant measured course of N 65° 25' 22" W 879.95 feet (879.93 as shown on said record) being the Basis of Bearings of the herein described parcel;

thence along the occupied centerline of the transmission line as shown on said survey N 14° 09' 40" E 1010.02 feet, crossing Lots 6 through 10 of said Block 19 to a point in said Lot 11 for the POINT OF BEGINNING;

thence N 75° 50' 20" W 42.50 feet;

thence N 14° 09' 40" E 85.00 feet to a point for the northwest corner of the herein described parcel whence a found 2 inch brass disk in the concrete sidewalk near the southeasterly right-of-way boundary of Point San Pedro Road bears N 44° 09' 23" W 1390.62 feet, said monument designated SP1 per that Record of Survey filed May 14, 1974 in Book 12 of Official Surveys at page 25;

thence S 75° 50' 20" E 85.00 feet;

thence S 14° 09' 40" W 85.00 feet;

thence N 75° 50' 20" W 42.50 feet to the POINT OF BEGINNING and containing approximately 7225 square feet of land.

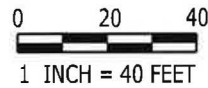
This description is based on a field survey performed under my supervision on September 26, 2023

**David
Kendall**
David Kendall
Digitally signed by
David Kendall
Date: 2024.05.22
15:46:55 -07'00'
LS 9405



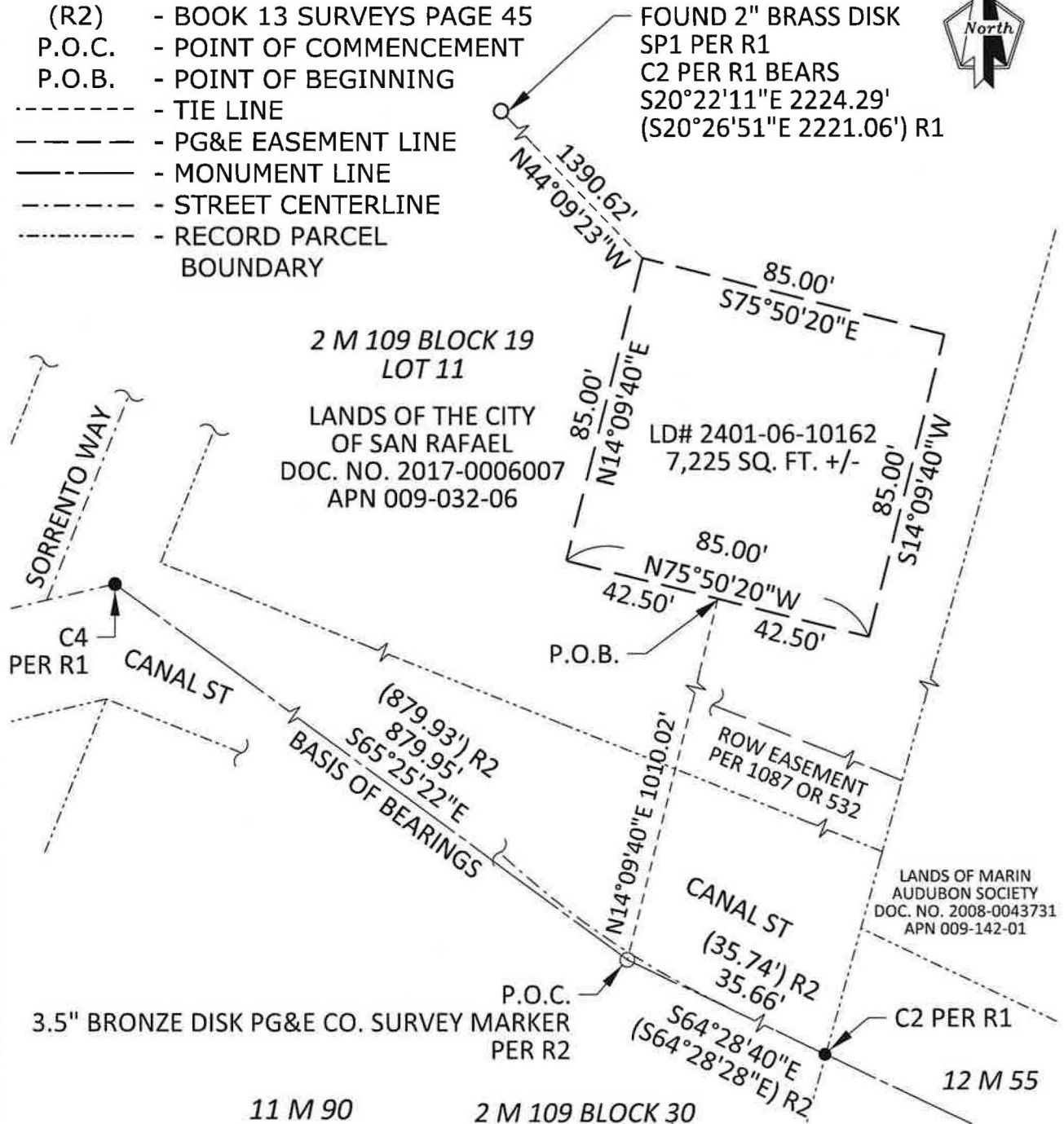
LD 2401-06-10162

T. 1 N., R. 6 W., NW 1/4
OF NE 1/4 SEC. 2 M.D.M.



LEGEND

- - FOUND 1/8" BRASS PIN MONUMENT AS SHOWN R1 R2
- - FOUND MONUMENT AS NOTED
- (R1) - BOOK 12 SURVEYS PAGE 25
- (R2) - BOOK 13 SURVEYS PAGE 45
- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- - - - - TIE LINE
- - - - - PG&E EASEMENT LINE
- - - - - MONUMENT LINE
- - - - - STREET CENTERLINE
- - - - - RECORD PARCEL BOUNDARY



AUTHORIZATION 74052573	
BY	E4BK
DR	SGHD
CH	DAKQ
O.K.	DAKQ
DATE	05/20/2024

EXHIBIT "B"
IGNACIO-ALTO-SAUSALITO 007/054
TOWER EASEMENT MODIFICATION
LD# 2401-06-10162
SAN RAFAEL, CALIFORNIA
PACIFIC GAS AND ELECTRIC COMPANY
Oakland California



JCN	01-23-094	
AREA	AREA 7, NORTH BAY	
COUNTY	MARIN	
SCALE	1 INCH = 40 FEET	
SHEET NO.	1	OF 1
DRAWING NUMBER	L-10694	CHANGE
		0