



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Public Works**

**Prepared by: Bill Guerin  
Director of Public Works**

**City Manager Approval:** \_\_\_\_\_

**TOPIC: PG&E EASEMENT REQUIRED FOR FIRE STATION 54**

**SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF EASEMENT DEED FOR PUBLIC UTILITY PURPOSES TO PACIFIC GAS AND ELECTRIC COMPANY FOR THE CITY'S FIRE STATION 54 PROJECT**

**RECOMMENDATION:**

Staff recommends that the City Council adopt the resolution authorizing execution of a Grant of Easement for public utilities purposes to Pacific Gas and Electric Company (PG&E).

**BACKGROUND:**

[Fire Station 54](#) is located at 46 Castro Avenue (APN 009-191-06) in the Canal neighborhood. [On October 18, 2021](#), the City Council authorized the City Manager to execute an agreement for the reconstruction of Fire Station 54 as part of the [Essential Facilities plan](#) funded by Measure E. This Fire Station 54 reconstruction project requires an upgrade to its electricity service. To accomplish this, PG&E is requesting an easement deed providing them with access for maintenance, as well as, electricity and gas purposes.

**ANALYSIS:**

The easement is approximately 148 square feet and is located on the corner of 46 Castro Avenue. This easement deed will grant PG&E access to the utility facilities at this location. This deed will not allow PG&E to build anything on the easement, however, it does give them the ability to cut down trees and vegetation and use facilities and associated equipment for public utility purposes. Grant of this easement will not impact the City's use of the property.

**FISCAL IMPACT:**

There is no fiscal impact associated with this easement deed.

**ACTION REQUIRED:**

Staff recommends that the City adopt the resolution authorizing the City Manager to execute of a grant of easement deed for public utility purposes to Pacific Gas and Electric Company for the City's Fire Station 54 project.

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**FOR CITY CLERK ONLY**

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_

**ATTACHMENTS:**

1. Resolution
2. Exhibit A to Resolution: Easement Deed from City of San Rafael to PG&E

**RESOLUTION NO.**

**RESOLUTION OF THE SAN RAFAEL CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF EASEMENT DEED FOR PUBLIC UTILITY PURPOSES TO PACIFIC GAS AND ELECTRIC COMPANY FOR THE CITY'S FIRE STATION 54 PROJECT**

**WHEREAS**, in November 2013, the local voters passed Measure E extending the existing one-half percent local sales tax and increasing the rate by one-quarter percent to provide funding to preserve essential city services. This tax supplanted the former, one-half cent transactions and use tax (Measure S), effective April 1, 2014; and

**WHEREAS**, the City has since used those resources to plan, design, construct and manage two new stand-alone fire stations, 52 and 57, and a new Public Safety Center (PSC) that incorporates Fire Station 51. These three projects, collectively referred to as "Phase 1" of the City's Essential Facilities Program, have successfully been completed and occupied; and

**WHEREAS**, the Essential Facilities program also includes the design, construction and management of Fire Stations 54 and 55 referred to as "Phase 2"; and

**WHEREAS**, the City successfully bid the Fire Station 54 and 55 Project and has awarded the construction contract to the lowest responsible bidder; and

**WHEREAS**, this City's Fire Station 54 reconstruction project requires an upgrade to its electricity service; and

**WHEREAS**, to facilitate an upgrade of the electrical service, Pacific Gas and Electric Company (PG&E) is requesting an easement deed providing them with access for maintenance, as well as, electricity and gas purposes, as described in the Easement Deed attached hereto as Exhibit A and incorporated herein by reference; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of San Rafael the City Manager is hereby authorized to execute the Easement Deed attached as Exhibit A, for public utilities to PG&E for the City's Fire Station 54 project.

**I, LINDSAY LARA**, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of said City held on Monday, the 7<sup>th</sup> day of February 2022 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**  
**245 Market Street, N10A, Room 1015**  
**P.O. Box 770000**  
**San Francisco, California 94177**

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

(SPACE ABOVE FOR RECORDER'S USE ONLY)

\_\_\_\_\_  
Signature of declarant or agent determining tax

LD# 2401-06-10123

EASEMENT DEED

PM# 35250161

THE CITY OF SAN RAFAEL, a municipal corporation,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to excavate for, construct, reconstruct, replace (of initial or any other size), remove, maintain, inspect, and use facilities and associated equipment for public utility purposes, including, but not limited to electric, gas, and communication facilities, together with a right of way therefor, on, over, and under the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situated in the City of San Rafael, County of Marin, State of California, described as follows:

(APN 009-191-06)

The parcel of land described in the deed from Kerner-Bellam Realty Company to The City of San Rafael dated October 10, 1963 and recorded in Book 1738 of Official Records at page 326, Marin County Records.

The easement area is described as follows:

The parcel of land described in Exhibit "A" and shown on Exhibit "B" attached hereto and made a part hereof.

Grantor further grants to Grantee the right, from time to time, to trim or to cut down, without Grantee paying compensation, any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor also grants to Grantee the right to use such portion of said lands contiguous to said easement area as may be reasonably necessary in connection with the excavation, construction, reconstruction, replacement, removal, maintenance and inspection of said facilities.

Grantor hereby covenants and agrees not to place or construct, nor allow a third party to place or construct, any building or other structure, or store flammable substances, or drill or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or substantially add to the ground level within said easement area, or construct any fences that will interfere with the maintenance and operation of said facilities.

Grantor further grants to Grantee the right to apportion to another public utility (as defined in Section 216 of the California Public Utilities Code) the right to excavate for, construct, reconstruct, replace, remove, maintain, inspect, and use the communications facilities within said easement area including ingress thereto and egress therefrom.

Grantor acknowledges that they have read the “Grant of Easement Disclosure Statement”, Exhibit “C”, attached hereto and made a part hereof.

This document 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.

The provisions hereof 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.

Dated: \_\_\_\_\_, \_\_\_\_\_.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the day, month and year first above written.

**CITY OF SAN RAFAEL**

**CONSULTANT**

\_\_\_\_\_  
JIM SCHUTZ, City Manager

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

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

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

ATTEST:

[If CONSULTANT is a corporation, add signature of second corporate officer]

\_\_\_\_\_  
LINDSAY LARA, City Clerk

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

APPROVED AS TO FORM:

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

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

\_\_\_\_\_  
ROBERT F. EPSTEIN, City Attorney

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 \_\_\_\_\_

Rev: 11/22/2021  
Date: 10/28/2021  
Project: 1910192.50

EXHIBIT "A"  
**LEGAL DESCRIPTION**  
**APN: 009-191-06**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN RAFAEL, COUNTY OF MARIN, STATE OF CALIFORNIA, BEING AN EASEMENT OVER A PORTION OF THE LANDS OF THE CITY OF SAN RAFAEL AS DESCRIBED IN CORPORATION GRANT DEED, RECORDED IN BOOK 1738 OF OFFICIAL RECORDS AT PAGE 326, MARIN COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWED:

**COMMENCING** AT THE SOUTHWESTERLY CORNER OF LOT 5 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF BELLAM SUBDIVISION NO.1, SAN RAFAEL, CALIFORNIA", FILED MARCH 05, 1965 IN VOLUME 13 OF MAPS, PAGE 03, MARIN COUNTY RECORDS, WHICH BEARS SOUTH 69°32'00" EAST, A DISTANCE OF 22.50 FEET FROM FOUND STREET MONUMENT AS SET PER SAID MAP; THENCE ALONG THE WESTERLY LINE OF SAID LOT 5, NORTH 20°28'00" EAST, A DISTANCE OF 133.19 FEET TO THE SOUTHWESTERLY CORNER OF SAID LANDS AND **THE POINT OF BEGINNING**;

THENCE ALONG THE WESTERLY LINE OF SAID LANDS, NORTH 20°28'00" EAST, A DISTANCE OF 10.10 FEET;

THENCE LEAVING SAID WESTERLY LINE OF SAID LANDS, SOUTH 77°45'00" EAST, A DISTANCE OF 14.06 FEET;

THENCE, SOUTH 12°15'00" WEST, A DISTANCE OF 10.00 FEET TO THE SOUTHERLY LINE OF SAID LANDS;

THENCE ALONG SAID SOUTHERLY LINE, NORTH 77°45'00" WEST, A DISTANCE OF 15.50 FEET TO THE WESTERLY LINE OF SAID LANDS AND **THE POINT OF BEGINNING**.

SAID PG&E EASEMENT CONTAINING 148 SQUARE FEET MORE OR LESS.

SEE EXHIBIT "B" ATTACHED HERETO AND MADE PART HEREOF.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS NORTH 20°28'00" EAST BETWEEN TWO FOUND STREET MONUMENTS ON CASTRO AVENUE AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF BELLAM SUBDIVISION NO.1, SAN RAFAEL, CALIFORNIA", FILED MARCH 05, 1965 IN VOLUME 13 OF MAPS, PAGE 03, MARIN COUNTY RECORDS.

SITE FALLS WITHIN TOWNSHIP 1 NORTH, RANGE 6 WEST, SECTION 2, MOUNT DIABLO MERIDIAN.

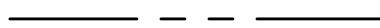

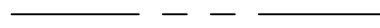
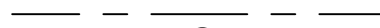

PREPARED BY:  
CSW/STUBER-STROEH ENGINEERING, INC.

JOSH WOELBING, PLS 9387





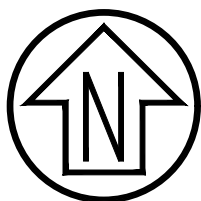
# LEGEND

-  BOUNDARY
-  PROPOSED PG&E EASEMENT
-  BOUNDARY OFFSITE
-  CENTERLINE OF RIGHT OF WAY
-  FOUND MONUMENT PER 13 RM 3
- POB** POINT OF BEGINNING
- POC** POINT OF COMMENCEMENT



SITE FALLS WITHIN TOWNSHIP 1 NORTH, RANGE 6 WEST, SECTION 2, MOUNT DIABLO MERIDIAN.

THE BASIS OF BEARINGS IS NORTH 20°28'00" EAST BETWEEN TWO FOUND STREET MONUMENTS ON CASTRO AVENUE AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF BELLAM SUBDIVISION NO.1", FILED IN VOLUME 13 OF MAPS, PAGE 3, MARIN COUNTY RECORDS.

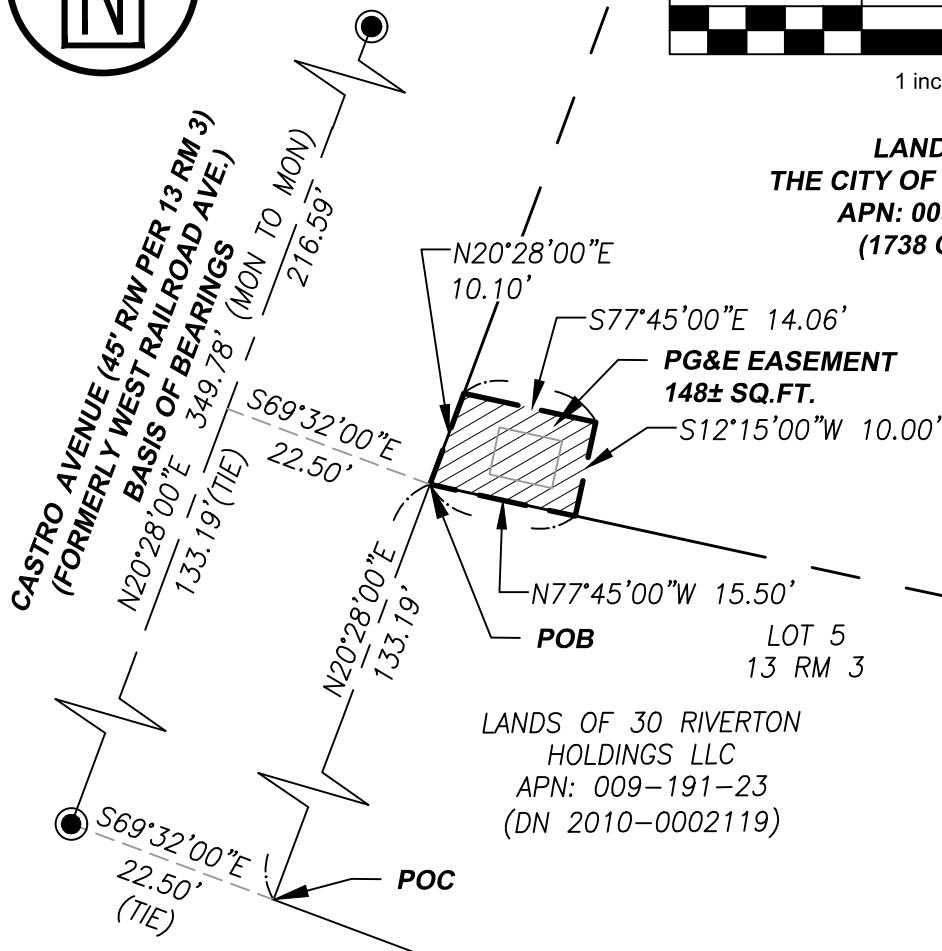


Graphic Scale (in feet)



1 inch = 20 ft.

**LANDS OF  
THE CITY OF SAN RAFAEL**  
APN: 009-191-06  
(1738 OR 326)



**CSW | ST2**

**CSW/Stuber-Stroeh Engineering Group, Inc.**

Civil & Structural Engineers | Surveying & Mapping | Environmental Planning  
Land Planning | Construction Management

45 Leveroni Court  
Novato, CA 94949

tel: 415.883.9850  
fax: 415.883.9835

<http://www.cswst2.com>

©2021

Rev. 11/22/2021

Date: 10/27/2021

Job No. 1910192.50

Scale: 1" = 20'

**EXHIBIT "B"**  
**PG&E EASEMENT**  
**PLAT TO ACCOMPANY LEGAL DESCRIPTION**  
SAN RAFAEL      MARIN COUNTY      CALIFORNIA

**Pacific Gas and Electric Company**



**EXHIBIT “C”**

**GRANT OF EASEMENT DISCLOSURE STATEMENT**

This Disclosure Statement will assist you in evaluating the request for granting an easement to Pacific Gas and Electric Company (PG&E) to accommodate a utility service extension to PG&E’s applicant. **Please read this disclosure carefully before signing the Grant of Easement.**

- You are under no obligation or threat of condemnation by PG&E to grant this easement.
- The granting of this easement is an accommodation to PG&E’s applicant requesting the extension of PG&E utility facilities to the applicant’s property or project. Because this easement is an accommodation for a service extension to a single customer or group of customers, PG&E is not authorized to purchase any such easement.
- By granting this easement to PG&E, the easement area may be used to serve additional customers in the area and **may be used to install additional utility facilities**. Installation of any proposed facilities outside of this easement area will require an additional easement.
- Removal and/or pruning of trees or other vegetation on your property may be necessary for the installation of PG&E facilities. You have the option of having PG&E’s contractors perform this work on your property, if available, or granting permission to PG&E’s applicant or the applicant’s contractor to perform this work. Additionally, in order to comply with California fire laws and safety orders, PG&E or its contractors will periodically perform vegetation maintenance activities on your property as provided for in this grant of easement in order to maintain proper clearances from energized electric lines or other facilities.
- The description of the easement location where PG&E utility facilities are to be installed across your property must be satisfactory to you.
- The California Public Utilities Commission has authorized PG&E’s applicant to perform the installation of certain utility facilities for utility service. In addition to granting this easement to PG&E, your consent may be requested by the applicant, or applicant’s contractor, to work on your property. Upon completion of the applicant’s installation, the utility facilities will be inspected by PG&E. When the facility installation is determined to be acceptable the facilities will be conveyed to PG&E by its applicant.

By signing the Grant of Easement, you are acknowledging that you have read this disclosure and understand that you are voluntarily granting the easement to PG&E. Please return the signed and notarized Grant of Easement with this Disclosure Statement attached to PG&E. The duplicate copy of the Grant of Easement and this Disclosure Statement is for your records.

Utility Distribution Easement (02/2020)

Attach to LD: 2401-06-10123

Area, Region or Location: 7

Land Service Office: Santa Rosa

Line of Business: Electric Distribution (43)

Business Doc Type: Easements

MTRSQ: 24.01.06.02.33

FERC License Number: N/A

PG&E Drawing Number: N/A

Plat No.: TT3313

LD of Affected Documents: N/A

LD of Cross Referenced Documents: N/A

Type of interest: Utility Easement (86), Electric Underground Easements (4)

SBE Parcel: N/A

% Being Quitclaimed: N/A

Order or PM: 35250161

JCN: N/A

County: Marin

Utility Notice Number: N/A

851 Approval Application No: N/A ;Decision: N/A

Prepared By: AEBJ

Checked By: DAK8 DK

Approved By:

Revised by:

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