



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 THIRD STREET IMPROVEMENTS PROJECT

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED GRANTING AN EASEMENT FOR PUBLIC UTILITY PURPOSES TO PACIFIC GAS AND ELECTRIC COMPANY

RECOMMENDATION:

Staff recommends that the City Council adopt the resolution authorizing the City Manager to execute a deed granting an easement for public utility purposes to Pacific Gas and Electric Company.

BACKGROUND:

The City owns a parcel of property located near the intersection of Second Street and G Street (APN 012-051-15) in the Downtown neighborhood. [On February 7, 2022](#), the City Council authorized the City Manager to execute an agreement for the [Third Street Improvements project](#). One of the major improvements the City would like to make as a part of this project is a separated bicycle connection from Marquard Avenue to Miramar Avenue, in order to achieve the project's complete street goals. To this end, the City will be shifting Second Street into the City's property located at APN 012-051-15 in order to install a [new bike path](#). Subsequently, PG&E will need to move their current utility poles located on Second Street onto the City's property at APN 012-051-15. 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 8,411 square feet and is located near the intersection of Second Street and G Street. This easement deed will grant PG&E the right from time to time to excavate for, construct, reconstruct, replace, remove, maintain, inspect, and use facilities and associated equipment for public utility purposes. This deed will also allow PG&E the ability to manage trees and vegetation if they present a hazard to the utility facilities. Grant of this easement will have minimal impacts to the City's use of the property.

FISCAL IMPACT:

There is no fiscal impact associated with this easement deed.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

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 APN 012-051-15.

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 DEED GRANTING AN EASEMENT FOR PUBLIC UTILITY PURPOSES TO PACIFIC GAS AND ELECTRIC COMPANY FOR THE CITY'S THIRD STREET IMPROVEMENTS PROJECT

WHEREAS, On February 7, 2022, the City Council authorized the City Manager to execute an agreement for construction of the Third Street Improvements project; and

WHEREAS, this extensive project will upgrade safety, infrastructure, and traffic needs of one of the City's most vital thoroughfares, Third Street; and

WHEREAS, one major improvement included in the project is a separated bicycle connection from Marquard Avenue to Miramar Avenue; and

WHEREAS, in order to implement this improvement, the City will be shifting Second Street into the City's property located at APN 012-051-15 in order to install a new bike path; and

WHEREAS, to facilitate the City's bike path, PG&E is requesting an easement deed from the City granting PG&E the right to excavate for, construct, reconstruct, replace, 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 access for maintenance;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Rafael that the City Manager is hereby authorized to execute the Easement Deed to PG&E attached as Exhibit A, for the City's Third Street Improvements 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 16th day of May 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# 2402-06-10125

EASEMENT DEED

PM# 35240629

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 012-051-15)

The parcel of land described in the deed from Jerusha Warden to City of San Rafael recorded January 14, 1924 in Book 37 of Official Records at page 336, 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: _____, _____.

CITY OF SAN RAFAEL

JIM SCHUTZ, City Manager

ATTEST:

LINDSAY LARA, City Clerk

APPROVED AS TO FORM:

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.: 04/22/2022

Date: 04/16/2022

Project: 1920101.50

EXHIBIT 'A'
**LEGAL DESCRIPTION
UTILITY EASEMENT**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN RAFAEL, COUNTY OF MARIN, STATE OF CALIFORNIA, BEING AN UTILITY EASEMENT OVER A PORTION OF THE LANDS OF THE CITY OF SAN RAFAEL, AS DESCRIBED IN THE DOCUMENT, RECORDED JANUARY 14, 1924 IN BOOK 37 OF DEEDS AT PAGE 336, MARIN COUNTY RECORDS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWED:

COMMENCING AT THE POINT ON THE SOUTHERLY LINE OF SECOND STREET (FORMERLY WEST END AVENUE), BEING THE EASTERLY TERMINUS OF A COURSE "NORTH 65°01'33" WEST 49.58 FEET", AS SHOWN ON THAT CERTAIN RECORD OF SURVEY, FILED JANUARY 26, 2004 AT BOOK 2004 OF MAPS AT PAGE 039, MARIN COUNTY RECORDS, SAID **POINT OF COMMENCEMENT** MARKED BY FOUND 3/4" IRON PIPE MONUMENT WITH PLASTIC PLUG R.C.E. 30465; THENCE ALONG SAID SOUTHERLY LINE OF SECOND STREET, SOUTH 65°01'33" EAST, A DISTANCE OF 84.00 FEET TO THE WESTERLY LINE OF THE LANDS OF THE CITY OF SAN RAFAEL ; THENCE RUNNING ALONG SAID WESTERLY LINE OF SAID LANDS, NORTH 15°02'27" EAST, A DISTANCE OF 2.11 FEET TO **THE POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID WESTERLY LINE OF SAID LANDS, NORTH 15°02'27" EAST, A DISTANCE OF 30.46 FEET;

THENCE LEAVING SAID WESTERLY LINE OF SAID LANDS, SOUTH 65°01'33" EAST, A DISTANCE OF 175.77 FEET TO THE NORTHEASTERLY LINE OF SAID LANDS;

THENCE ALONG SAID NORTHEASTERLY LINE OF SAID LANDS, SOUTH 07°17'27" WEST, A DISTANCE OF 8.37 FEET AND SOUTH 65°01'33" EAST, A DISTANCE OF 134.97 FEET TO THE EASTERLY LINE OF SAID LANDS;

THENCE ALONG SAID EASTERLY LINE OF SAID LANDS, SOUTH 16°07'27" WEST, A DISTANCE OF 22.29 FEET;

THENCE LEAVING SAID EASTERLY LINE OF SAID LANDS, NORTH 65°01'33" WEST, A DISTANCE OF 259.82 FEET;

THENCE, SOUTH 15°02'27" WEST, A DISTANCE OF 17.20 FEET TO THE SOUTHERLY LINE OF SAID LANDS;

THENCE ALONG SAID SOUTHERLY LINE OF SAID LANDS, NORTH 32°17'33" WEST, A DISTANCE OF 6.80 FEET AND NORTH 52°02'33" WEST, A DISTANCE OF 5.43 FEET;

THENCE LEAVING SAID SOUTHERLY LINE OF SAID LANDS, NORTH 15°02'27" EAST, A DISTANCE OF 12.23 FEET;

THENCE, NORTH 65°01'33" WEST, A DISTANCE OF 41.49 FEET TO SAID WESTERLY LINE OF SAID LANDS AND **THE POINT OF BEGINNING**.

SAID UTILITY EASEMENT CONTAINING 8,411 SQUARE FEET MORE OR LESS.

Rev.: 04/22/2022

Date: 04/16/2022

Project: 1920101.50

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

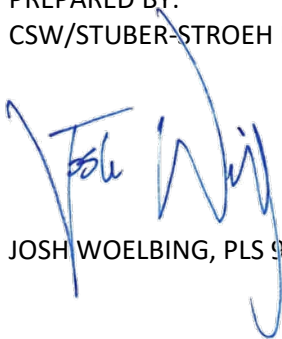
THE BASIS OF BEARINGS IS CALCULATED BEARING NORTH 62°09'28" WEST BETWEEN FOUND 3/4" IRON PIPE WITH PLASTIC PLUG R.C.E. 30465, AS SHOWN ON THE RECORD OF SURVEY, FILED JANUARY 26, 2004 AT BOOK 2004 OF MAPS AT PAGE 039 AND FOUND MAG NAIL AND 1.5" BRASS TAG L.S. 5290, AS SHOWN ON THE RECORD OF SURVEY, FILED OCTOBER 19, 2018 IN BOOK 2018 OF MAPS AT PAGE 175, MARIN COUNTY RECORDS.

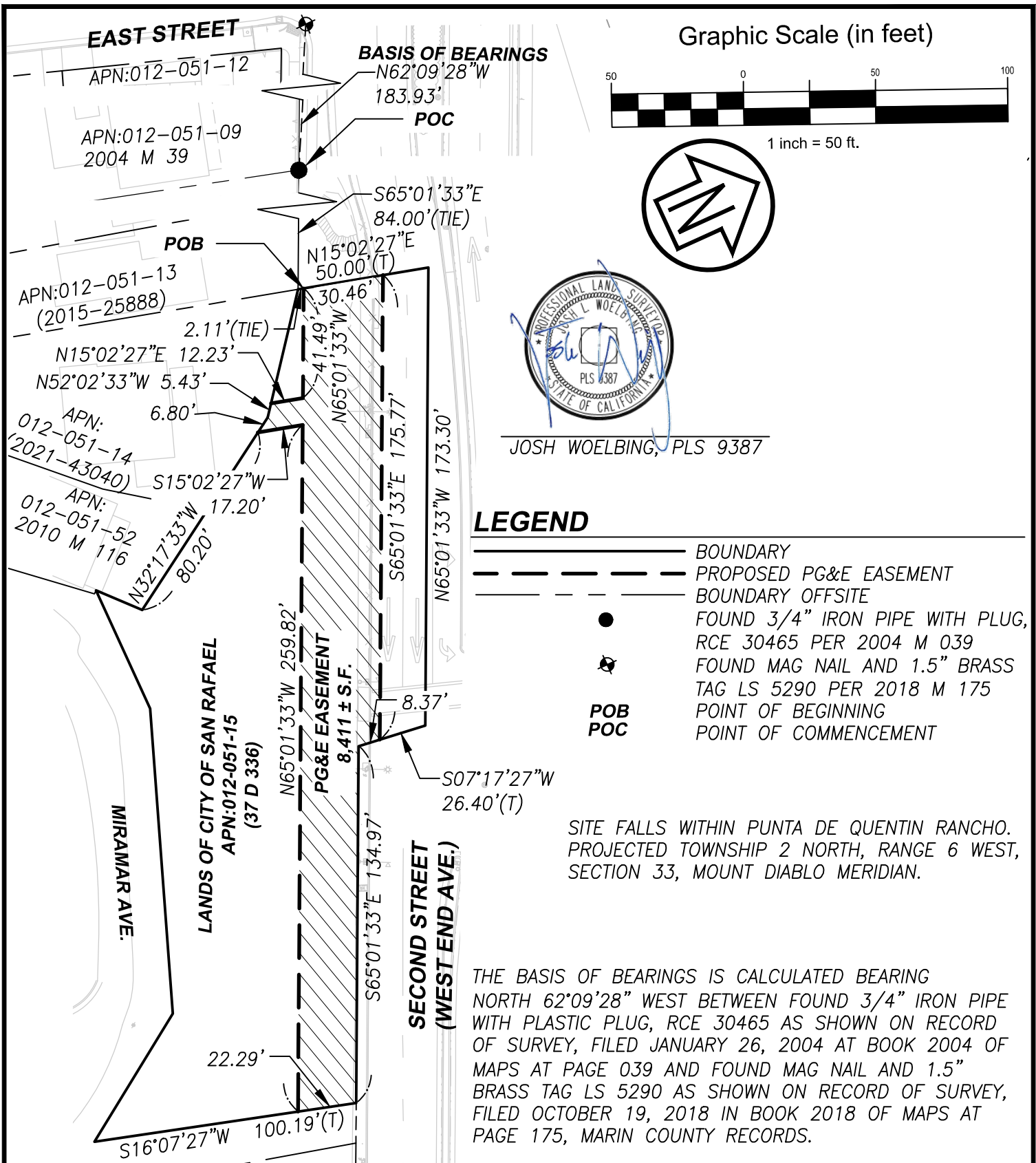
SITE FALLS WITHIN PUNTA DE QUENTIN RANCHO. PROJECTED TOWNSHIP 2 NORTH, RANGE 6 WEST, SECTION 33, MOUNT DIABLO MERIDIAN.

PREPARED BY:

CSW/STUBER-STROEH ENGINEERING, INC.

JOSH WOELBING, PLS 9387





LEGEND

- BOUNDARY
- - - PROPOSED PG&E EASEMENT
- - - BOUNDARY OFFSITE
- FOUND 3/4" IRON PIPE WITH PLUG, RCE 30465 PER 2004 M 039
- ⊙ FOUND MAG NAIL AND 1.5" BRASS TAG LS 5290 PER 2018 M 175
- POB** POINT OF BEGINNING
- POC** POINT OF COMMENCEMENT

SITE FALLS WITHIN PUNTA DE QUENTIN RANCHO. PROJECTED TOWNSHIP 2 NORTH, RANGE 6 WEST, SECTION 33, MOUNT DIABLO MERIDIAN.

THE BASIS OF BEARINGS IS CALCULATED BEARING NORTH 62°09'28" WEST BETWEEN FOUND 3/4" IRON PIPE WITH PLASTIC PLUG, RCE 30465 AS SHOWN ON RECORD OF SURVEY, FILED JANUARY 26, 2004 AT BOOK 2004 OF MAPS AT PAGE 039 AND FOUND MAG NAIL AND 1.5" BRASS TAG LS 5290 AS SHOWN ON RECORD OF SURVEY, FILED OCTOBER 19, 2018 IN BOOK 2018 OF MAPS AT PAGE 175, MARIN COUNTY RECORDS.

CSW | ST 2

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

Rev. 04/22/2022	Date: 04/15/2022
Job No. 1920101.50	Scale: 1" = 50'

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: 2402-06-10125

Area, Region or Location: 7

Land Service Office: Santa Rosa

Line of Business: Electric Distribution (43)

Business Doc Type: Easements

MTRSQ: (24.02.06.33.33, 24.02.06.33.32)

Rancho Punta de Quentin

FERC License Number: N/A

PG&E Drawing Number: N/A

Plat No.: TT3209

LD of Affected Documents: N/A

LD of Cross Referenced Documents: N/A

Type of interest: Utility Easement (86), Electric Pole Line Easements (3)

SBE Parcel: N/A

% Being Quitclaimed: N/A

Order or PM: 35240629

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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