

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT DEED TO PACIFIC GAS AND ELECTRIC COMPANY WITHIN A CITY-OWNED PARCEL LOCATED AT 238 GARNER DRIVE

WHEREAS, the City intends to demolish three City-owned houses to expand Orchard Gardens Park; and

WHEREAS, the existing overhead utilities serving the three houses will not be needed once the houses are removed; and

WHEREAS, as part of the construction of the park expansion, the unused overhead utility lines and two utility poles will be removed requiring new pole anchors to be installed by Pacific Gas and Electric Company ("PG&E") at one of the remaining poles; and

WHEREAS, while the existing pole is entirely within an existing public utility easement, the new anchors will extend outside the easement onto property owned by the City, requiring a new pole anchor easement; and

WHEREAS, City desires to enter into any necessary documentation for such installation of a new pole anchor, including a new Easement Deed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

The City Manager, or her designee, is hereby authorized to execute the Easement Deed and any other documents to implement the purposes of the grant of an easement to PG&E to install a pole anchor over and upon a portion of the City-owned property located at 238 Garner Drive, as described in the Easement Deed, attached hereto as Exhibit A.

Adopted by the City Council at a regular meeting held on _____, 2014, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL
:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

Distribution Easement (Rev. 04/13)

RECORDING REQUESTED BY AND RETURN TO:

***PACIFIC GAS AND ELECTRIC COMPANY
San Jose Land Services Office
111 Almaden Boulevard, Room 814
San Jose, CA 95113***

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

Signature of declarant or agent determining tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

LD#

EASEMENT DEED

CITY OF SUNNYVALE, 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 construct, reconstruct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefor, within the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situate in the City of Sunnyvale, County of Santa Clara, State of California, described as follows:

(APN 110-12-094)

The parcel of land described in the deed from Edna M. Snyder to the City of Sunnyvale dated May 31, 1955 and recorded as Document No. 1101500, Santa Clara County Records.

Said facilities and easement area are described as follows:

Such anchors, guy wires and cables, guy stubs, and fixtures as Grantee deems necessary located within the strip of land as described in Exhibit "A" and shown as the hatched area upon 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 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 shall not erect or construct any building or other structure or drill or operate any well within said easement area.

Grantor further grants to Grantee the right to assign to another public utility as defined in Section 216 of the California Public Utilities Code the right to install, inspect, maintain, replace, remove and use 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.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

Dated: _____, _____.

CITY OF SUNNYVALE, a municipal corporation

By _____
Deanna J. Santana, City Manager

By _____

I hereby certify that a resolution was adopted on the ____ day of _____, 20____, by the _____ authorizing the foregoing grant of easement.

By _____

Area 3, De Anza Division
San Jose Land Services Office
Operating Department: Electric Distribution
MDB&M, T.06S., R.02W., SECTION 24, NE ¼ of NE ¼
FERC License Number(s): N/A
PG&E Drawing Number(s): SJL-15123
PLAT NO.: F-14-01
LD of any affected documents: N/A
LD of any Cross-referenced documents: N/A
TYPE OF INTEREST: 3, 6, 43
SBE Parcel Number: N/A
(For Quitclaims, % being quitclaimed): N/A
Order # or PM #: 31048783
JCN: N/A
County: Santa Clara
Utility Notice Numbers: N/A
851 Approval Application No. N/A Decision N/A
Prepared By: KCV2
Checked By: DAN9
Revision Number: 0

State of California
County of _____)

On _____, before me, _____,
Here insert name and title of the officer

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 _____

EXHIBIT "A"

LEGAL DESCRIPTION

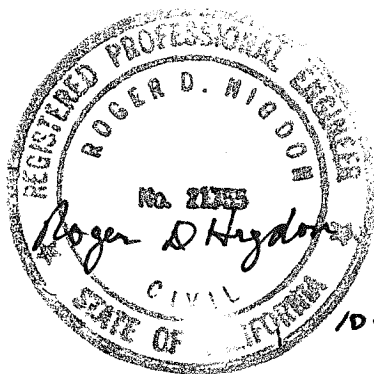
5.00 FEET BY 15.00 FEET
PG&E POLE ANCHOR EASEMENT

The center line is particularly described as follows:

Beginning at the common southerly corner of Lots 15 and 16 as shown on the map for Tract No. 978 ORCHARD GARDENS, recorded in Book 40 of Maps, at Page 2 and 3, Santa Clara County Records, Thence South $14^{\circ} 52'$ West along the southerly extension of the common lot line between said Lots 15 and 16, a distance of 15.00 feet.

Containing an area of 75.0 square feet.

The bearing, North $14^{\circ} 52'$ East, of the East Line of Lot 15 of the A.B. Campbell Subdivision as recorded in Book F-1 of Maps at page 36, Santa Clara County Records, California, was used as the basis of bearings shown on this plat.



SEAL

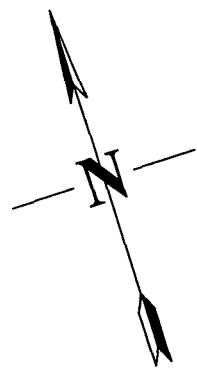
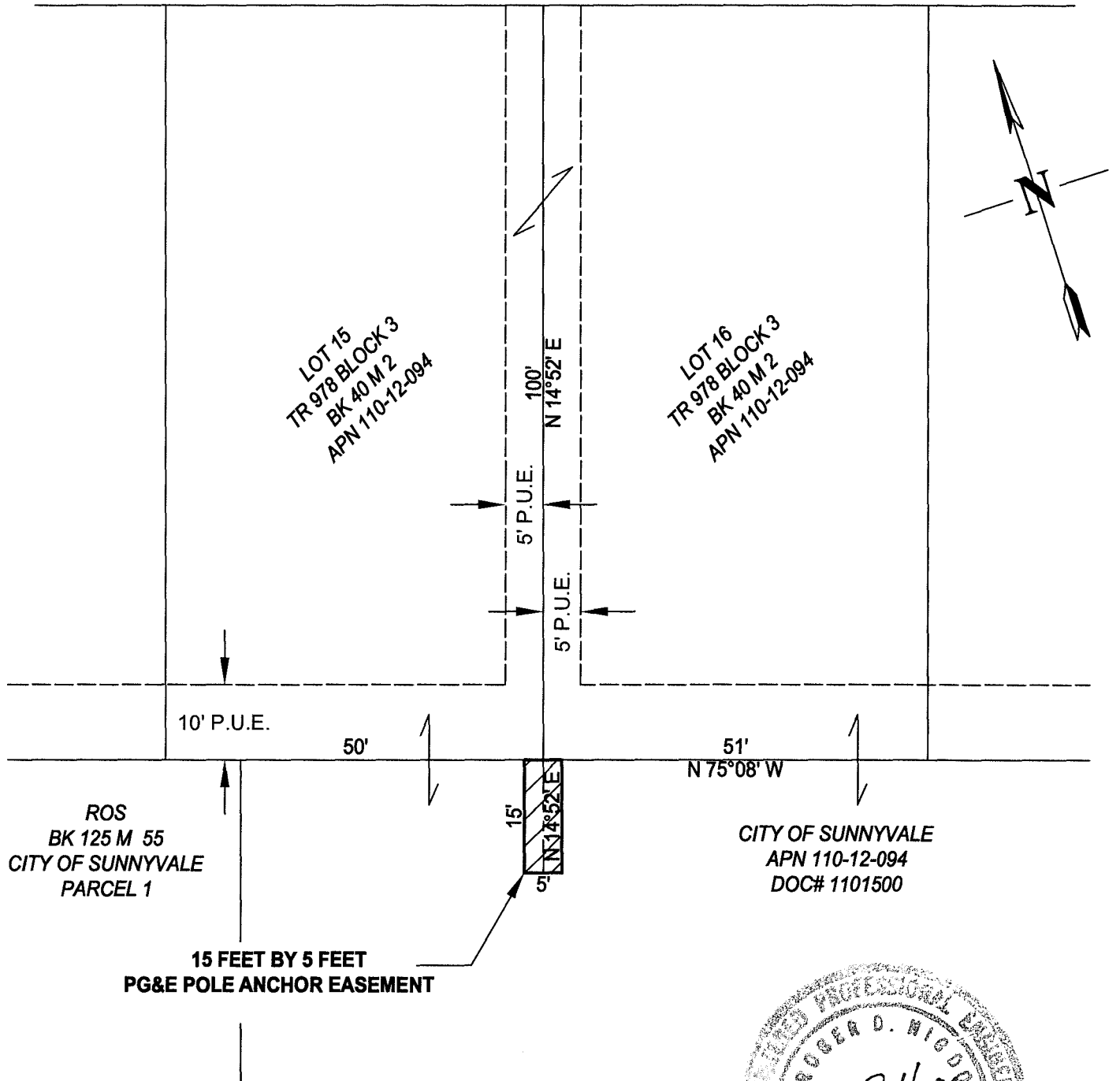
10-29-14

Prepared by:
ROGER D. HIGDON
1473 NEWFOUNDLAND DRIVE
SUNNYVALE, CA 94087

SHEET 1 of 2

EXHIBIT "B"

GARNER DRIVE



BASIS OF BEARINGS

THE BEARING, NORTH 14° 52' EAST, OF THE EAST LINE OF LOT 15 OF THE A.B. CAMPBELL SUBDIVISION AS RECORDED IN BOOK F-1 OF MAPS AT PAGE 36, SANTA CLARA COUNTY RECORDS, CALIFORNIA, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS PLAT.



PLAT
TO ACCOMPANY LEGAL DESCRIPTION
FOR PG&E POLE ANCHOR EASEMENT AT
ORCHARD GARDENS PARK

SCALE:
1"=20'
DATE:
10/16/2014
SHEET 2 OF 2

ROGER D. HIGDON
1473 NEWFOUNDLAND DRIVE
SUNNYVALE, CA 94087

EXHIBIT "C"

Pacific Gas and Electric Company



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. 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.