

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 620 E. MAUDE AVENUE**

WHEREAS, the City of Sunnyvale ("City") leased property at 620 E. Maude Avenue to MidPen Housing Corp. on June 25, 2013, for development of an affordable "homeless housing" project initiated by the City as part of the Base Realignment and Closure; and

WHEREAS, as part of the construction of the MidPen Housing development, Pacific Gas and Electric Company ("PG&E") will provide permanent power to the leasehold estate and also requires access to the gas meters on the site; and

WHEREAS, City desires to enter into any necessary documentation to allow access to MidPen's leasehold estate by PG&E to provide permanent power to the development, 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 provide permanent power to the development over and upon a portion of the City-owned property located at 620 E. Maude Avenue, as described in the Easement Deed, attached hereto as Exhibit A.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL

:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## **EXHIBIT A**

### **RECORDING REQUESTED BY & RETURN TO:**

PACIFIC GAS AND ELECTRIC COMPANY  
San Jose Land Services Office  
111 Almaden Blvd, Rm 814  
San Jose, CA 95113

APN: 205-29-032

(DOCUMENT WILL ONLY BE RETURNED TO NAME & ADDRESS IDENTIFIED ABOVE)

(SPACE ABOVE FOR RECORDER'S USE)

RECORD WITHOUT FEE UNDER  
GOVERNMENT CODE SECTION 6103

APN # 205-29-032

### **EASEMENT DEED** **(PG&E UTILITY EASEMENT)**

CITY OF SUNNYVALE, a Municipal Corporation of the State of California ("Grantor"), hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California Corporation, its successors and assigns ("Grantee"), and collectively known as the "parties", the right from time to time to construct, reconstruct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, within 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 Sunnyvale, County of Santa Clara, State of California described as:

The parcel of land described in the lease from City of Sunnyvale to Midpen Housing Corporation dated June 26, 2013 and recorded as Document No. 22579163, Santa Clara County Records,.

Said facilities and Easement Area are described as follows:

Such underground conduits, pipes, manholes, service boxes, wires, cables, and electrical conductors; aboveground marker posts, risers, and service pedestals; underground and aboveground switches, fuses, terminals, and transformers with associated concrete pads; and fixtures and appurtenances necessary to any and all thereof, as Grantee deems necessary for the distribution of electric energy and for communication purposes; and one or more underground pipes with suitable

service pipes and connections, as Grantee deems necessary for the conveyance of gas; all to be located within the strip(s)/parcel(s) of land described in Exhibit "A-1" and "A-2" and shown outlined by heavy dashed lines on Exhibit "B-1" and "B-2".

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.

Grantee shall indemnify Grantor against any loss and damage which shall be caused by any negligent act or omission of Grantee or of its agents or employees which may arise out of or occur by the performance or work by Grantee, its contractors and agents within the easement area, provided, however, that this indemnity shall not extend to that portion of such loss or damage that shall have been caused by Grantor's comparative negligence or willful misconduct.

When the easement is no longer needed, parties shall cooperate to create and execute documents and instruments necessary to terminate this easement for its intended purposes.

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Owners: CITY OF SUNNYVALE, a Municipal Corporation of the State of California

By: \_\_\_\_\_  
Deanna Santana, City Manager

Executed in the presence of:

By: \_\_\_\_\_  
Kathleen Franco Simmons, City Clerk

I here certify that a resolution was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the authorizing the foregoing grant of easement.

**EXHIBIT A-1: LEGAL DESCRIPTION FOR A PG&E EASEMENT**

AN EASEMENT FOR A GAS METER AND UNDERGROUND GAS LINE

ALL OF THAT PROPERTY SITUATE IN THE CITY OF SUNNYVALE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF NORTH FAIROAKS AVENUE AND EAST MAUDE AVENUE, AS SAID INTERSECTION IS SHOWN ON THAT PARCEL MAP FILED IN BOOK 665 OF MAPS AT PAGES 43-44, SANTA CLARA COUNTY RECORDS, AND THENCE ALONG THE CENTERLINE OF SAID EAST MAUDE AVENUE SOUTH 67°32'00"EAST 135.08 FEET TO A POINT ON SAID CENTERLINE; THENCE LEAVING SAID CENTERLINE SOUTH 14°52'00"WEST 30.31 FEET TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN THAT MEMORANDUM OF LEASE BETWEEN THE CITY OF SUNNYVALE AND MIDPEN HOUSING CORPORATION RECORDED AS DOCUMENT NUMBER 22579163 ON APRIL 29, 2014, SANTA CLARA COUNTY RECORDS; THENCE ALONG THE NORTHERLY LINE OF SAID PROPERTY (DOC NO 22579163), SAID NORTHERLY LINE ALSO BEING THE SOUTHERLY LINE OF EAST MAUDE AVENUE, SOUTH 67°32'00"EAST 34.42 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE FROM SAID POINT OF BEGINNING, LEAVING SAID SOUTHERLY LINE OF EAST MAUDE AVENUE, AT RIGHT ANGLES TO THE PRECEDING LINE, SOUTH 22°28'00"WEST 46.25 FEET;

THENCE AT RIGHT ANGLES TO THE PRECEDING LINE, SOUTH 67°32'00"EAST 6.00 FEET;

THENCE, AT RIGHT ANGLES TO THE PRECEDING LINE, NORTH 22°28'00"EAST 46.25 FEET TO SAID SOUTHERLY LINE OF EAST MAUDE AVENUE;

THENCE ALONG SAID SOUTHERLY LINE NORTH 67°32'00"WEST 6.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 277.50 S.F., MORE OR LESS.

THE BEARING SOUTH 67°32'00"EAST, OF THE CENTERLINE OF EAST MAUDE AVENUE, AS SHOWN ON THAT PARCEL MAP FILED IN BOOK 665 OF MAPS AT PAGES 43-44, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS DESCRIPTION.

PHILIP C WOOTTON  
PLS 8398  
November 16, 2015

## **EXHIBIT A-2: LEGAL DESCRIPTION FOR A PG&E EASEMENT**

AN EASEMENT FOR AN ELECTRICAL TRANSFORMER AND UNDERGROUND ELECTRICAL LINES

ALL OF THAT PROPERTY SITUATE IN THE CITY OF SUNNYVALE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF NORTH FAIROAKS AVENUE AND EAST MAUDE AVENUE, AS SAID INTERSECTION IS SHOWN ON THAT PARCEL MAP FILED IN BOOK 665 OF MAPS AT PAGES 43-44, SANTA CLARA COUNTY RECORDS, AND THENCE ALONG THE CENTERLINE OF SAID EAST MAUDE AVENUE SOUTH 67°32'00"EAST 319.71 FEET TO A POINT ON SAID CENTERLINE; THENCE LEAVING SAID CENTERLINE SOUTH 14°52'00"WEST 30.31 FEET TO THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN THAT MEMORANDUM OF LEASE BETWEEN THE CITY OF SUNNYVALE AND PARKSIDE STUDIOS, L.P. RECORDED AS DOCUMENT NUMBER 22522133 ON FEBRUARY 19, 2014, SANTA CLARA COUNTY RECORDS; THENCE ALONG THE NORTHERLY LINE OF SAID PROPERTY (DOC NO 22522133), SAID NORTHERLY LINE ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF EAST MAUDE AVENUE, SOUTH 67°32'00"EAST 37.07 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 40.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 51°09'52" AN ARC DISTANCE OF 35.72 FEET TO THE BEGINNING OF A REVERSE CURVE, TANGENT TO THE PRECEDING CURVE AND HAVING A RADIUS OF 660.00 FEET, SAID REVERSE CURVE ALSO BEING COINCIDENT WITH THE SOUTHWESTERLY LINE OF NORTH WOLFE ROAD; THENCE ALONG SAID REVERSE CURVE THROUGH A CENTRAL ANGLE OF 1°20'11" AN ARC DISTANCE OF 15.39 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE FROM SAID POINT OF BEGINNING, CONTINUING ALONG SAID 660.00 FOOT RADIUS REVERSE CURVE, AND SAID SOUTHWESTERLY LINE OF SAID NORTH WOLFE ROAD, THROUGH A CENTRAL ANGLE OF 1°01'04" AND ARC DISTANCE OF 11.73 FEET;

THENCE LEAVING SAID SOUTHWESTERLY LINE OF SAID NORTH WOLFE ROAD SOUTH 71°32'15"WEST 13.88 FEET;

THENCE NORTH 17°57'56"WEST 11.85 FEET;

THENCE, AT RIGHT ANGLES TO THE PRECEDING LINE, NORTH 72°02'04"EAST 13.64 FEET TO SAID SOUTHWESTERLY LINE OF SAID NORTH WOLFE ROAD AND THE POINT OF BEGINNING.

CONTAINS 163.08 S.F., MORE OR LESS.

THE BEARING SOUTH 67°32'00"EAST, OF THE CENTERLINE OF EAST MAUDE AVENUE, AS SHOWN ON THAT PARCEL MAP FILED IN BOOK 665 OF MAPS AT PAGES 43-44, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS DESCRIPTION.

PHILIP C WOOTTON  
PLS 8398  
November 16, 2015

# Exhibit

PROPERTY BOUNDARY  
EASEMENT LINE  
CENTERLINE

TIE

BUILDING LINE

B.O.B.

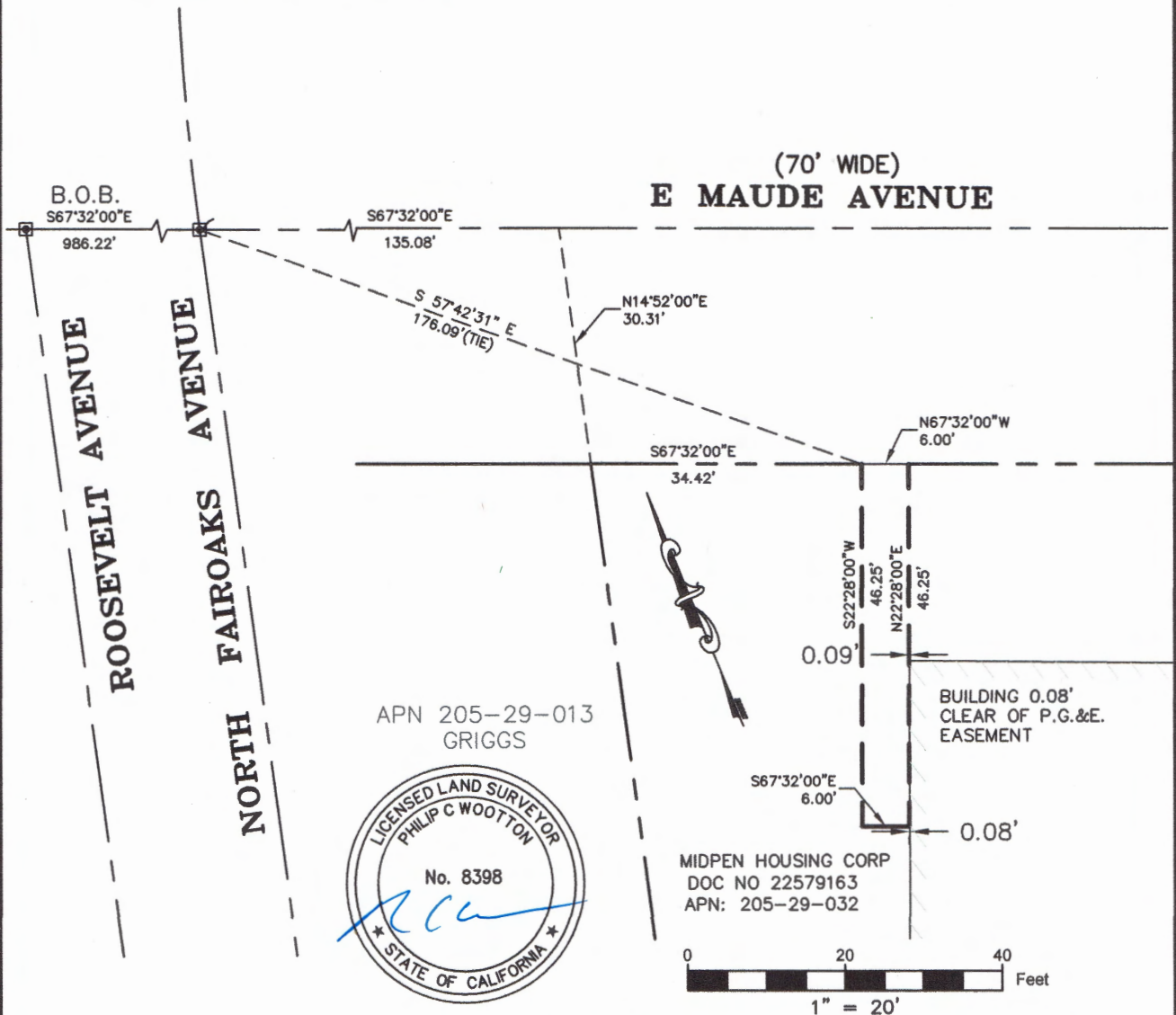
P.O.B.

BASIS OF BEARINGS  
POINT OF BEGINNING

▣ FOUND MONUMENT PER 665 M 43-44

## BASIS OF BEARINGS

THE BEARING NORTH 67°22'00" WEST, OF THE CENTERLINE OF EAST MAUDE AVENUE, AS SHOWN ON THAT PARCEL MAP FILED IN BOOK 665 OF MAPS AT PAGES 43-44, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS DESCRIPTION



## EXHIBIT "B" - PLAT OF PG&E EASEMENT

**CARROLL ENGINEERING**  
engineers and surveyors  
1101 S. WINCHESTER BLVD.  
SUITE H-184  
SAN JOSE, CA 95128  
TEL: 408-281-9800  
FAX: 408-281-0595  
E-MAIL: Robert@carroll-engineering.com

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

Drawn By: PCW

Check By: RVH

Scale: 1"=20'

Date: 11/25/15

Job No. 1904

Sheet 2 of 2

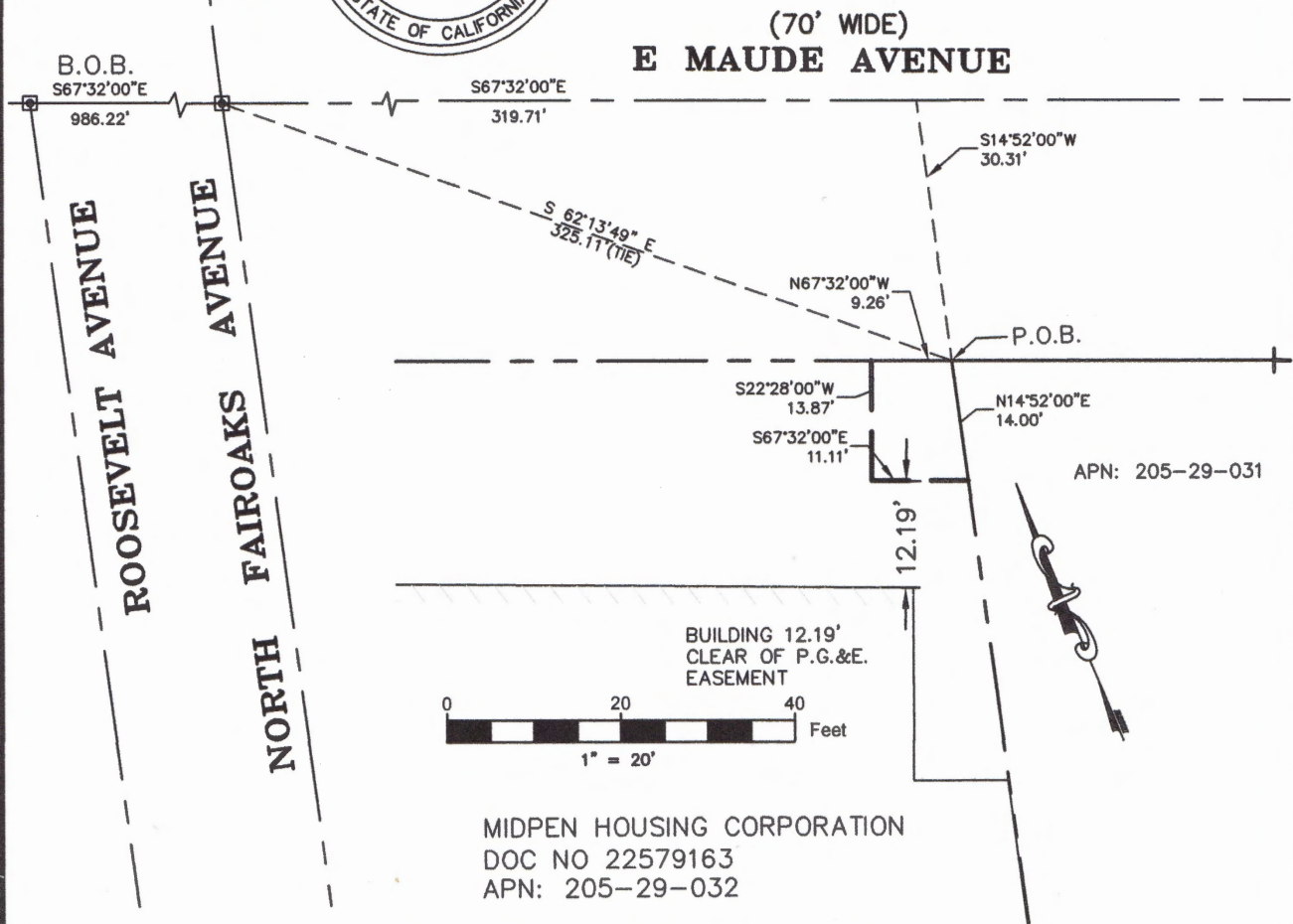
# Exhibit

PROPERTY BOUNDARY  
EASEMENT LINE  
BUILDING LINE  
CENTERLINE  
TIE  
B.O.B.  
P.O.B.

BASIS OF BEARINGS  
POINT OF BEGINNING

## BASIS OF BEARINGS

THE BEARING NORTH 67°22'00" WEST, OF THE CENTERLINE OF EAST MAUDE AVENUE, AS SHOWN ON THAT PARCEL MAP FILED IN BOOK 665 OF MAPS AT PAGES 43-44, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS DESCRIPTION



FOUND MONUMENT PER 665 M 43-44

## EXHIBIT "B" - PLAT OF PG&E EASEMENT

**GEARROLL**  
**ENGINEERING**  
*engineers and surveyors*

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

Drawn By: PCW

Check By: RVH

Scale: 1"=20'

Date: 11/30/15

Job No. 1904

Sheet 2 of 2