



**Council Meeting: May 7, 2013**

**SUBJECT: Adoption of a Resolution Authorizing the City Manager or His Designee to Execute an Easement Deed on a City-owned Public Parking Lot Located at South Frances Street and East Evelyn Avenue**

**BACKGROUND**

The City received a permit application from Pacific Gas and Electric Company (PG&E) to install an underground electrical facility at the City-owned public parking lot located at South Frances Street and East Evelyn Avenue. PG&E has an existing 15-foot wide utility easement in the parking lot that was granted by the City in 1994. The new easement, adjacent to the existing 15-foot wide easement, is necessary due to a tenant improvement project at 188 and 190 South Frances Street (Attachment A). The City would need to grant PG&E a new utility easement deed allowing PG&E access to the site for construction and maintenance of said easement (see Exhibit A of Attachment B). Council is being asked to adopt the resolution authorizing the City Manager or his designee to execute the Easement Deed for utility purposes. (Attachment B).

**EXISTING POLICY**

General Plan Goal LT-6 – Supportive Economic Development environment

Policy LT-6.1: Provide existing businesses with opportunities to grow and adopt new industries.

Policy LT-7.3: Promote business opportunities and business retention in Sunnyvale.

**DISCUSSION**

The extended PG&E facility is necessary to provide adequate and safe electrical supply to accommodate the new tenant improvement and future Sunnyvale businesses. The new utility easement area (15-feet by 5-feet) has no significant impact to the operation and usage of the parking lot. PG&E would need only to temporarily block the easement area to attend their facilities on an as-needed basis.

**FISCAL IMPACT**

There is no fiscal impact. The Parking Lot will have an additional property title encumbrance with the new utility easement.

Issued by the City Manager

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

**RECOMMENDATION**

Staff recommends Council Adopt the resolution authorizing the City Manager or his designee to execute an Easement Deed over the City-owned public parking lot located at South Frances Street and East Evelyn Avenue; and, authorize the City Clerk to cause a certified copy of the resolution and the Utility Easement Deed to be recorded with the Santa Clara County Recorder's Office.

Reviewed by:

Kent Steffens, Director, Public Works  
Prepared by: Eric Gonzales, Civil Engineer

Approved by:

Gary M. Luebbers  
City Manager

**ATTACHMENTS**

- A. Aerial Exhibit Showing New Easement Area
- B. Resolution Authorizing Execution of Easement Deed

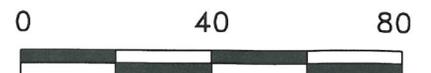


**LEGEND:**

- EASEMENT LINE
- PROPERTY LINE



SCALE: 1"=40'



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AUTHORIZING EXECUTION OF AN EASEMENT DEED TO PACIFIC GAS AND ELECTRIC COMPANY WITHIN A CITY-OWNED PARCEL LOCATED AT AN INTERSECTION LOCATED AT SOUTH FRANCES STREET AND EAST EVELYN AVENUE**

WHEREAS, Pacific Gas and Electric Company (PG&E) intends to install underground electrical facilities and to access the site to maintain the facilities within a city-owned parcel located at South Frances Street and East Evelyn Avenue; and

WHEREAS, the conveyance of the easement is required to provide utility service to existing and future Sunnyvale businesses; and

WHEREAS, an Easement Deed describing the easement area to be conveyed to Pacific Gas and Electric Company is attached hereto as shown in Exhibit "A".

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

1. The City Council hereby approves the grant of an easement to Pacific Gas & Electric Company for public utility purposes over and upon a portion of that certain City-owned parking lot located at the southeasterly intersection of South Frances Street and East Evelyn Avenue. The Easement Deed and property description are attached to this Resolution as Exhibit "A" and incorporated herein by this reference.
2. The City Manager, or his designee, is hereby authorized to execute the Easement Deed and any other documents to implement the purposes of the conveyance.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2013, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Joan A. Borger, City Attorney

RECORDING REQUESTED BY

**EXHIBIT A**

NAME: City of Sunnyvale

WHEN RECORDED MAIL TO:

NAME: City of Sunnyvale/Engineering Division

ADDRESS: P.O. Box 3707

CITY/STATE/ZIP: Sunnyvale, CA 94088-3707

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

(SPACE ABOVE FOR RECORDER'S USE)

RECORD WITHOUT FEE UNDER  
GOVERNMENT CODE SECTION 6103

**EASEMENT DEED**  
**(PG&E Underground Electric Easement)**

CITY OF SUNNYVALE, a Municipal Corporation of the State of California, hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California Corporation, hereinafter called 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" and a right to access the Easement Area within the City parking lot area on lands as shown on Exhibit "A" attached hereto and incorporated herein by reference.

Said facilities and Easement Area are described as follows:

Such underground conduits, pipes, service boxes, wires, cables, and electrical conductors; risers, switches, fuses and terminals; and fixtures and appurtenances necessary to any and all thereof, as Grantee deems necessary for the distribution of electric energy and communication purposes located within the Easement Area as described as follows:

A 5' X 15' Easement Area as delineated on EXHIBIT "A" attached.

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, it's 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.

Grantor shall not erect or construct any building or other structure or drill or operate any well within said Easement Area.

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.

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

The legal description herein, or the map attached hereto, defining the location of this utility distribution easement, was prepared by Pacific Gas and Electric Company pursuant of Section 8730 (c) of the Business and Professions Code.

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

Executed this \_\_\_\_ day of \_\_\_\_\_, 2013.

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

By: \_\_\_\_\_  
Gary M. Luebbers, 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 \_\_\_\_\_, 2013, by the authorizing the foregoing grant of easement.

Accepted:

Pacific Gas and Electric Company,  
a California corporation

\_\_\_\_\_  
Pierre Hurter P.L.S.  
Supervisor  
Land Surveying and Engineering Support  
South Coast

All signatures must be notarized.

# EXHIBIT "A"

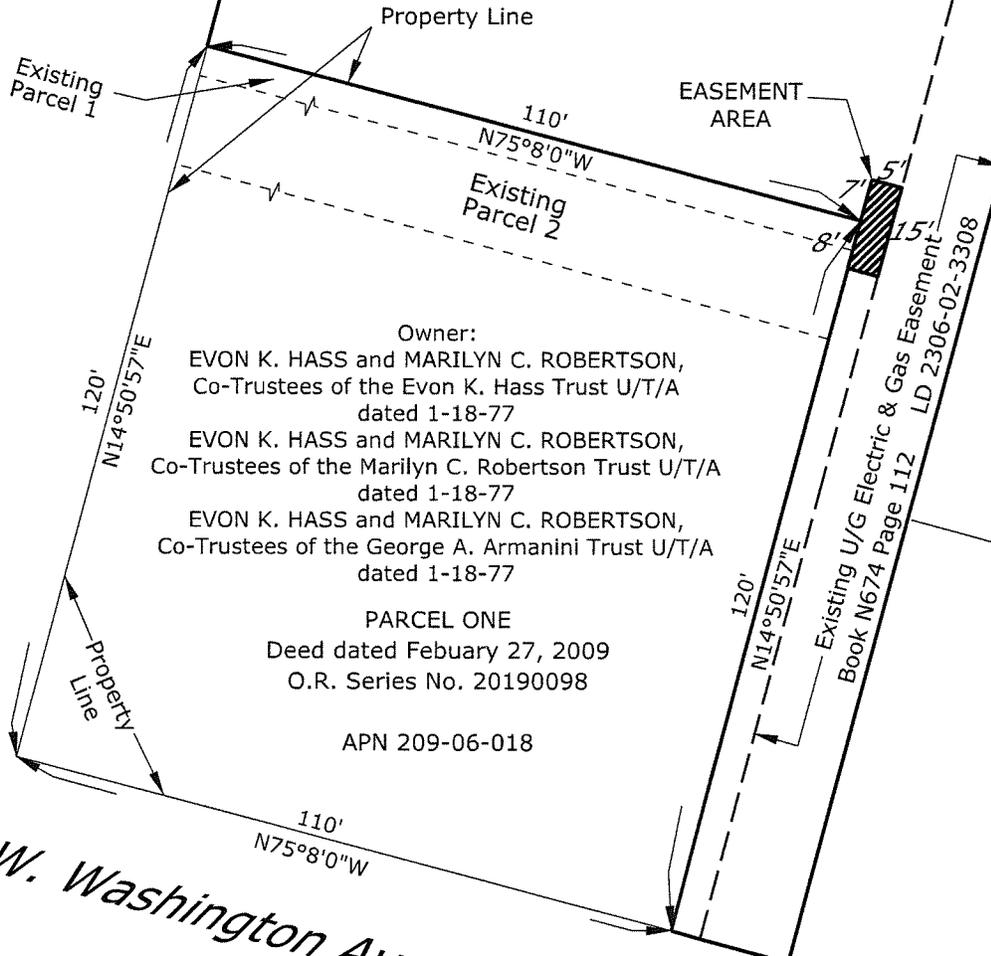
Owner:  
 CITY OF SUNNYVALE,  
 a Municipal Corporation of  
 the State of California  
 APN 209-06-073  
 City Parking Lot Area

Map of the  
 Town Encinal  
 "I"-M-88



*S. Frances St.*

*W. Washington Ave.*



Owner:  
 EVON K. HASS and MARILYN C. ROBERTSON,  
 Co-Trustees of the Evon K. Hass Trust U/T/A  
 dated 1-18-77  
 EVON K. HASS and MARILYN C. ROBERTSON,  
 Co-Trustees of the Marilyn C. Robertson Trust U/T/A  
 dated 1-18-77  
 EVON K. HASS and MARILYN C. ROBERTSON,  
 Co-Trustees of the George A. Armanini Trust U/T/A  
 dated 1-18-77

PARCEL ONE  
 Deed dated February 27, 2009  
 O.R. Series No. 20190098

APN 209-06-018

UNLESS OTHERWISE SHOWN ALL COURSES EXTEND TO OR ALONG  
 BOUNDARIES OR LINES

|  |                |                     |                      |                          |                            |
|--|----------------|---------------------|----------------------|--------------------------|----------------------------|
| Applicant:<br>KOA FERREIRA INC             |                |                     |                      | SCALE<br>1"=30'          | DATE<br>4/3/2013           |
| SECTION<br>SW/SE sec 25                    | TOWNSHIP<br>6S | RANGE<br>2W         | MERIDIAN<br>MDB&M    | COUNTY OF: Santa Clara   | CITY OF: Sunnyvale         |
| PLAT MAP F-13-20<br>REFERENCES EXHIBIT "A" |                |                     |                      | F.B.:                    | DR.BY: lnv5<br>CH.BY: dan9 |
| PG&E                                       |                | De Anza<br>DIVISION | 30902685<br>AUTHORIZ | SJL-14862<br>DRAWING NO. |                            |



## EXHIBIT "B"

### 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.