



CITY COUNCIL AGENDA REPORT

Meeting Date: December 9, 2021

From: Director of Public Works/City Engineer

Subject: Conveyance of Utility Easement

Community Goal/Result

Economic Development

Purpose

Permitting this easement across city owned property is necessary to provide electrical service to the city's Sewage Lift Station #4, which is presently being reconstructed.

Recommendation

Approve the attached Easement Deed and Resolution No. 2021-78, "Conveying an Easement to the Pacific Gas and Electric Company for Public Utility Purposes."

Background

The City owns property located generally at 5500 Sierra Point Parkway identified as APN 007-163-010. Recently, PG&E made a request to the City to grant to it an easement for public utility purposes, e.g., to install, inspect, maintain, etc. facilities and equipment used for electric, gas and communications facilities. The easement would be approximately twelve feet wide and twenty-five feet long. (See Exhibit B of either of the attachments for property location and depiction of the proposed easement area.)

PG&E has requested the easement be conveyed to it in the form of an Easement Deed that provides, among other things, that PG&E may, from time to time, trim or cut down trees and brush within the easement area, as well as along each side of the easement area that may interfere with or be a hazard to PG&E's facilities. The Easement Deed also provides that the City will not place, nor allow a third party to place, any building or other obstruction within the easement area. The Easement Deed also will permit PG&E to allow another public utility to use the easement area for similar purposes.

Discussion

A condition imposed on the development along the south shoreline of Sierra Point (referred to at different times as Parcels 5-7, building addresses 800-1800 Sierra Point Parkway, and "The Shore at Sierra Point") was to design and reconstruct a larger capacity Sewage Lift Station #4 to accommodate the increased sewage flow due to new and planned development.

The requested easement area aligns with the driveway to the lift station and is not a burden on the city's operation of said station. PG&E will not provide service to the building if the city does not grant the easement.

Fiscal Impact

None. There is no exchange of money as a result of this conveyance.

Measure of Success

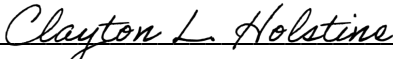
Electric service provided to the city's reconstructed Sewage Lift Station #4.

Attachments

1. Easement Deed
2. Resolution No. 2021-78



Randy Breault, Public Works Director



Clay Holstine, City Manager

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/County Uninc Brisbane

Recording Fee \$ _____

Document Transfer Tax \$ N/A

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# 2303-05-10091

EASEMENT DEED

THE CITY OF BRISBANE, 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, 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 Brisbane, County of San Mateo, State of California, described as follows:

(APN 007-163-010)

The parcel of land described in the deed from Sierra Point Development Company to The City of Brisbane dated August 11, 1982 and recorded as Document No. 1982-82089249, San Mateo County Records.

The easement area is described as follows:

The strip 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: _____, _____.

THE CITY OF BRISBANE, a municipal corporation,

By _____

By _____

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

By _____

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 _____

EXHIBIT A
SHEET 1 of 3

LEGAL DESCRIPTION
PG&E UTILITY EASEMENT

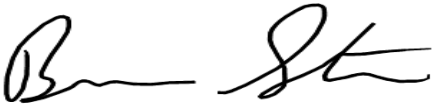
All of that certain real property situate in the City of Brisbane, County of San Mateo, State of California, being a portion of lot 16 as shown on that certain Record of Survey filed for record on August 23, 1979, as Book 8 of Licensed Land Surveyors' Maps at Pages 125-128, in the office of the San Mateo County Recorder, being more particularly described as follows:

COMMENCING at the Standard City Monument at the intersection of Sierra Point Parkway and Shoreline Court as shown on the Final Map filed for record on February 27, 1987 in Volume 58 of Parcel Maps at pages 79-82, in the office of the San Mateo County Recorder; thence North 76°06'46" West 499.98 feet to a point on a 340.00 foot radius curve, a radial line to the center of said curve bears North 35°46'44" East, on the southerly Right of Way line of Sierra Point Parkway as shown on said map, being the **TRUE POINT OF BEGINNING**; thence;

leaving said southerly Right of Way line, South 27°29'03" West, 24.55 feet; thence, North 62°30'57" West, 11.50 feet; thence, North 27°29'03" East, 26.42 feet to the beginning of a non-tangent curve on said southerly Right of Way line; thence, along said curve to the left, from which the radius point bears North 37°44'33" East, through a central angle of 01°57'49", having a radius of 340.00 feet, a distance of 11.65 feet to the **TRUE POINT OF BEGINNING**,

Assessor's Parcel Number (portion) - 007-163-010

Above described parcel shown on attached Exhibit B and by reference made a part hereof.



08/06/2021

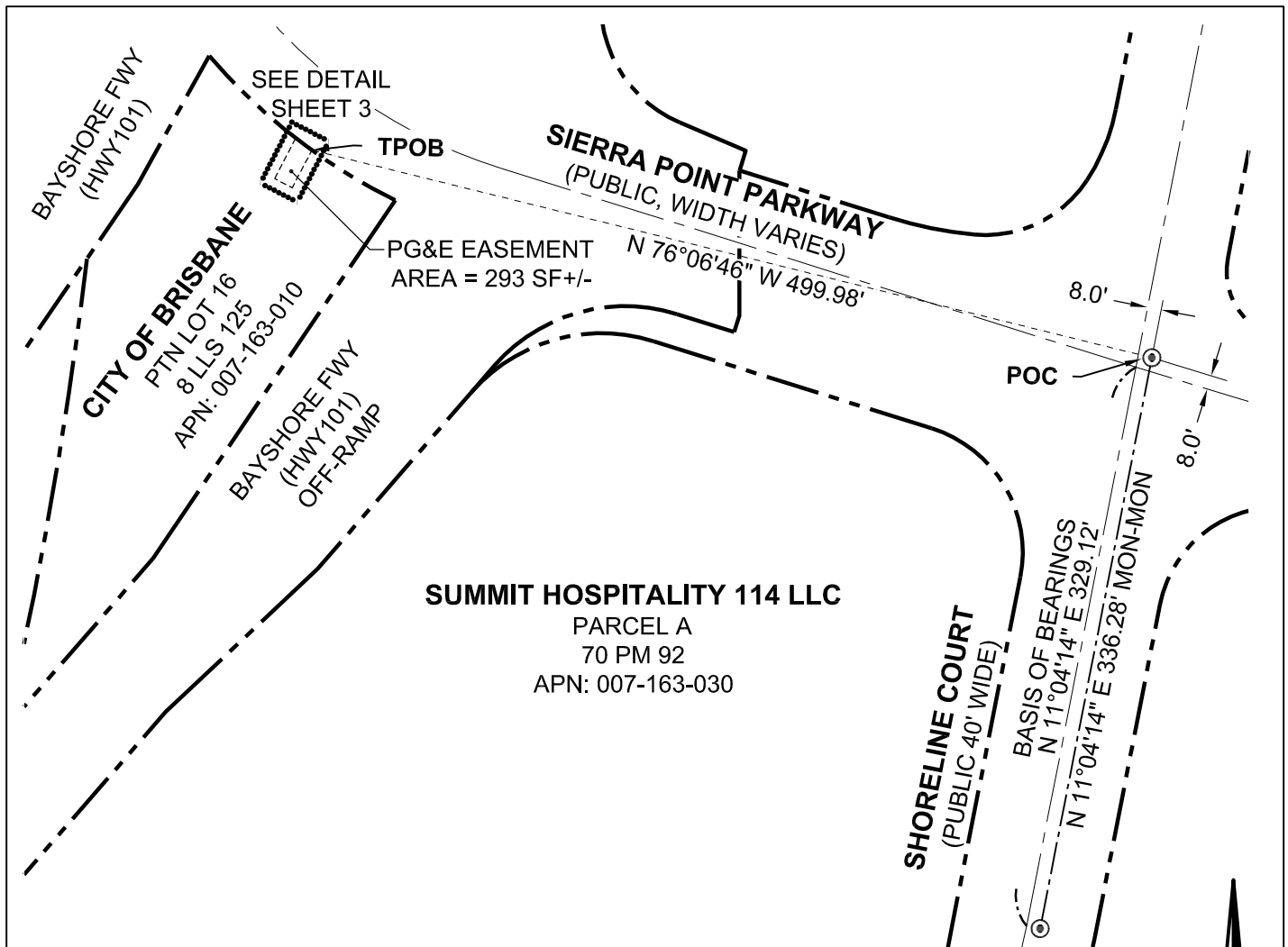
Bruce Storrs PLS 6914

Date

My license expires September 30, 2021

Supervising Surveyor, Wilsey Ham

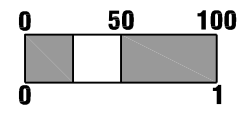




SUMMIT HOSPITALITY 114 LLC
 PARCEL A
 70 PM 92
 APN: 007-163-030

LEGEND:

- BOUNDARY LINE
- EASEMENT LINE NEW
- MONUMENT LINE
- CENTER LINE
- TIE LINE
- ⊙ STREET MONUMENT



BASIS OF BEARINGS:

THE BASIS FOR THE BEARINGS SHOWN
 HEREON IS IDENTICAL TO THAT SHOWN ON
 FINAL MAP 58 PM 79-82.

ABBREVIATIONS:

- APN ASSESSOR'S PARCEL NUMBER
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- SF+/- SQUARE FEET MORE OR LESS

T:\635-PMA-HCP\635-099 Sierra Pnt PGE Esmt\DWG\Working\635-099 PG&E JT Easement.dwg

WILSEY HAM

3130 LA SELVA STREET, SUITE 100, SAN MATEO, CA 94403 PHONE 650-349-2151 WWW.WILSEYHAM.COM



EXHIBIT B
PLAT TO ACCOMPANY LEGAL DESCRIPTION

PG&E EASEMENT
CITY OF BRISBANE
APN: 007-163-010

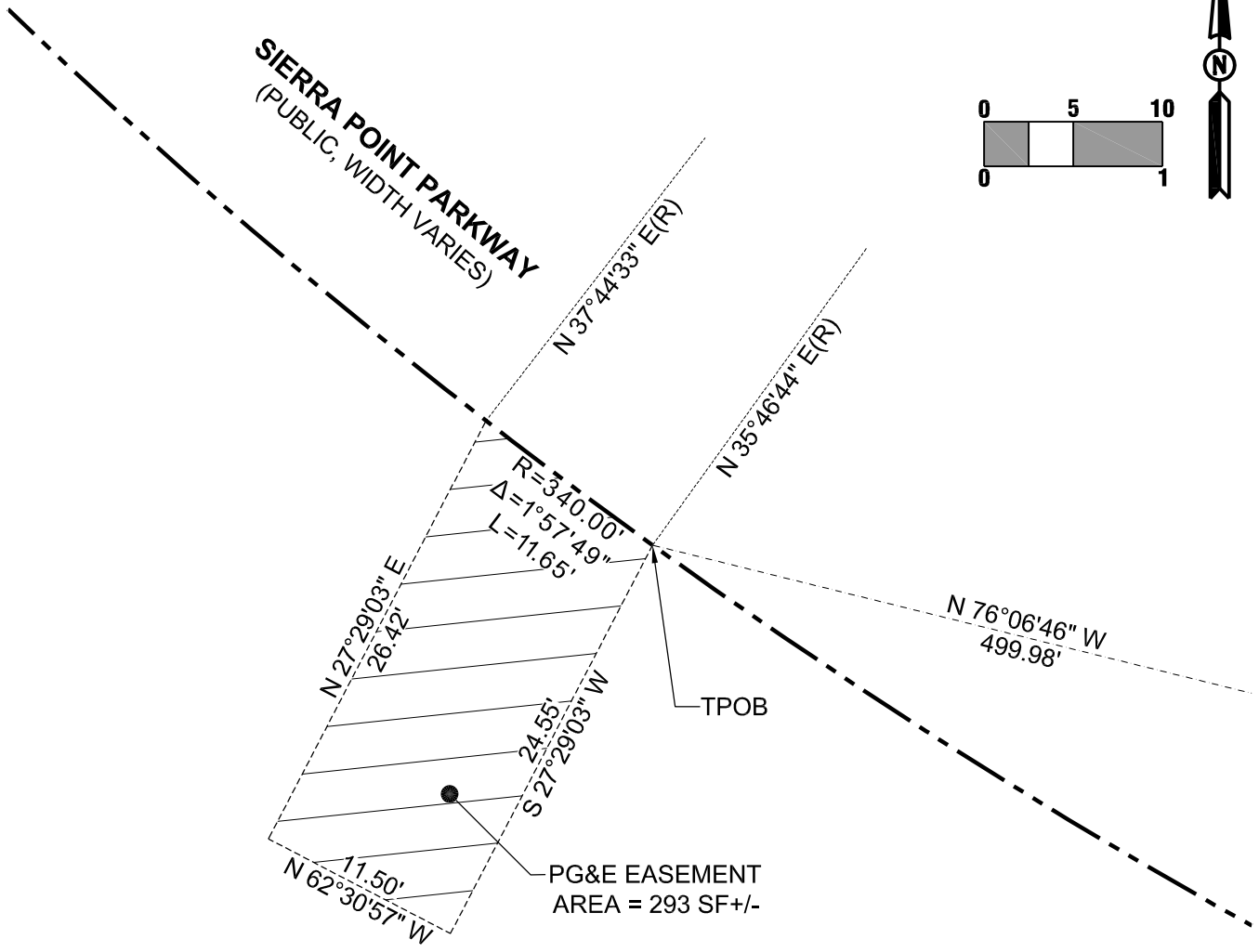
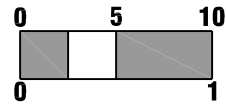
CITY OF BRISBANE SAN MATEO COUNTY CALIFORNIA

JOB NO:
635-099

SHEET: 2 OF 3

SCALE: 1"= 100'

DATE: 08/06/21



CITY OF BRISBANE
 PTN LOT 16
 8 LLS 125
 APN: 007-163-010

T:\635-PMA-HCP\635-099 Sierra Pnt PGE Esmt\DWG\Working\635-099 PG&E JT Easement.dwg

WILSEY HAM

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EXHIBIT B
PLAT TO ACCOMPANY LEGAL DESCRIPTION

JOB NO:
 635-099

PG&E EASEMENT
CITY OF BRISBANE
APN: 007-163-010

SHEET: 3 OF 3

SCALE: 1"= 10'

DATE: 08/06/21

CITY OF BRISBANE SAN MATEO 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.

Attach to LD: 2303-05-10091
Area 1, Peninsula Division
Land Service Office: San Jose
Line of Business: Electric Distribution (43)
Business Doc Type: Easements
MTRSQ: 23.03.05.15.13
FERC License Number: N/A
PG&E Drawing Number: N/A
Plat No.: D0521 (Elec.)
LD of Affected Documents: N/A
LD of Cross Referenced Documents: N/A
Type of interest: Electric Underground Easements (4), Communication Easements (6), Utility Easement (86)
SBE Parcel: N/A
% Being Quitclaimed: N/A
Order or PM: 35235862 - 3200
JCN: N/A
County: San Mateo
Utility Notice Number: N/A
851 Approval Application No: N/A; Decision: N/A
Prepared By: KHJ1
Checked By: DAN9

RESOLUTION NO. 2021-78

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
CONVEYING AN EASEMENT TO THE PACIFIC GAS AND ELECTRIC COMPANY
FOR PUBLIC UTILITY PURPOSES**

WHEREAS, the City of Brisbane received a request from the Pacific Gas and Electric Company (“PG&E) to grant to it an easement on certain City owned property for the purpose to install, inspect, maintain and use facilities and associated equipment for public utility purposes, including gas, electric and communication facilities; and

WHEREAS, the easement area is described in the attached Exhibit A and shown on Exhibit B; and

WHEREAS, the city owned property would not be unreasonably encumbered if this easement were granted to PG&E; and

WHEREAS, it is in the public interest for the City to grant this easement to PG&E.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRISBANE
RESOLVES AS FOLLOWS:**

Section 1. The City consents to, approves and authorizes conveying to the Pacific Gas and Electric Company, in the form of the Easement Deed attached hereto, the property described in Exhibit A to the Easement Deed and depicted in Exhibit B to the Easement Deed, and the City Manager is authorized to sign the Easement Deed.

Section 2. This resolution shall take effect immediately upon its adoption.

Karen Cunningham, Mayor

* * * *

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Brisbane held on the ninth day of December 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Ingrid Padilla, City Clerk

EXHIBIT A
SHEET 1 of 3

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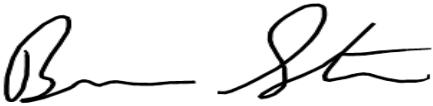
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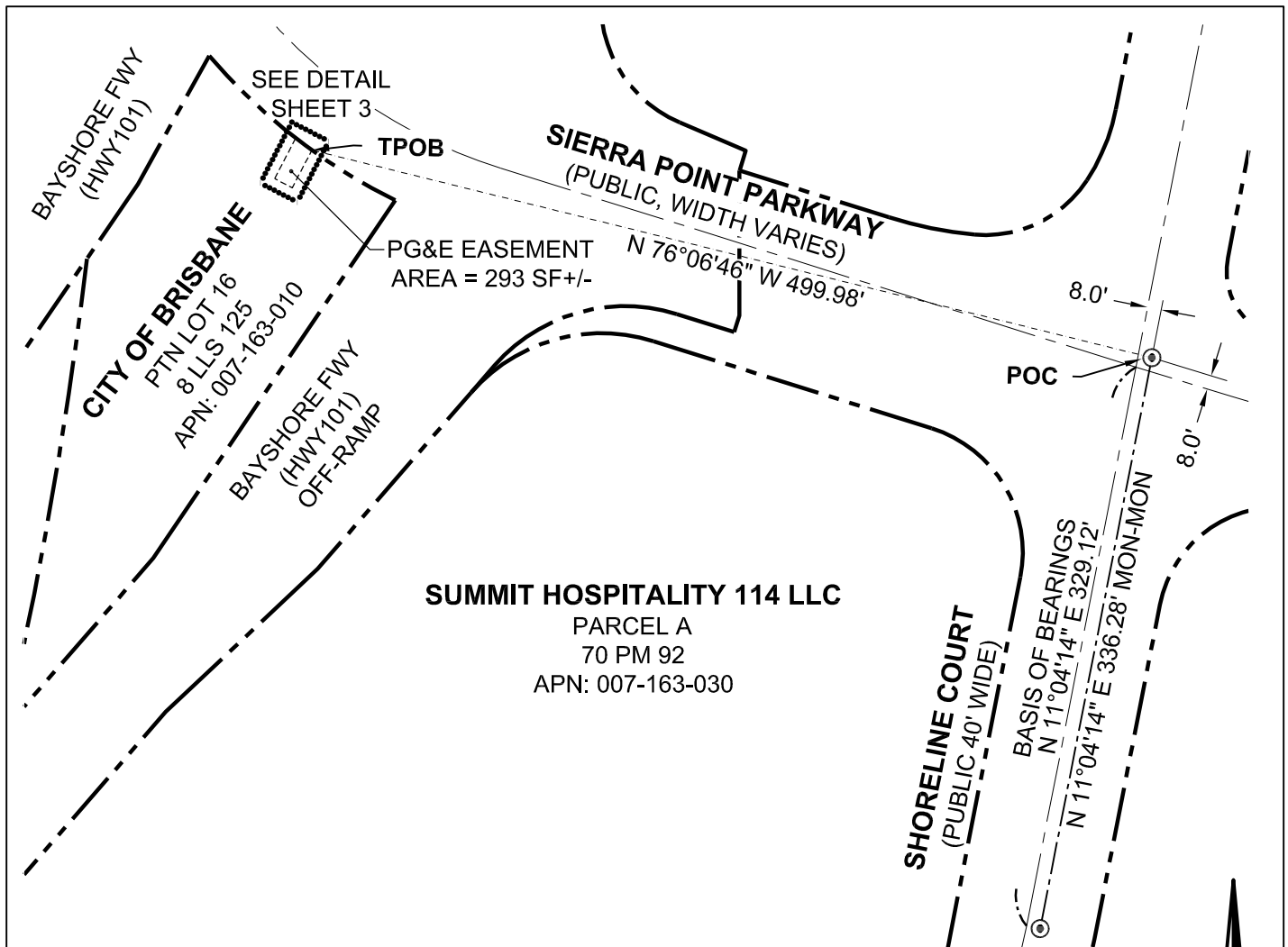
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Supervising Surveyor, Wilsey Ham





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- EASEMENT LINE NEW
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**EXHIBIT B
PLAT TO ACCOMPANY LEGAL DESCRIPTION**

**PG&E EASEMENT
CITY OF BRISBANE
APN: 007-163-010**

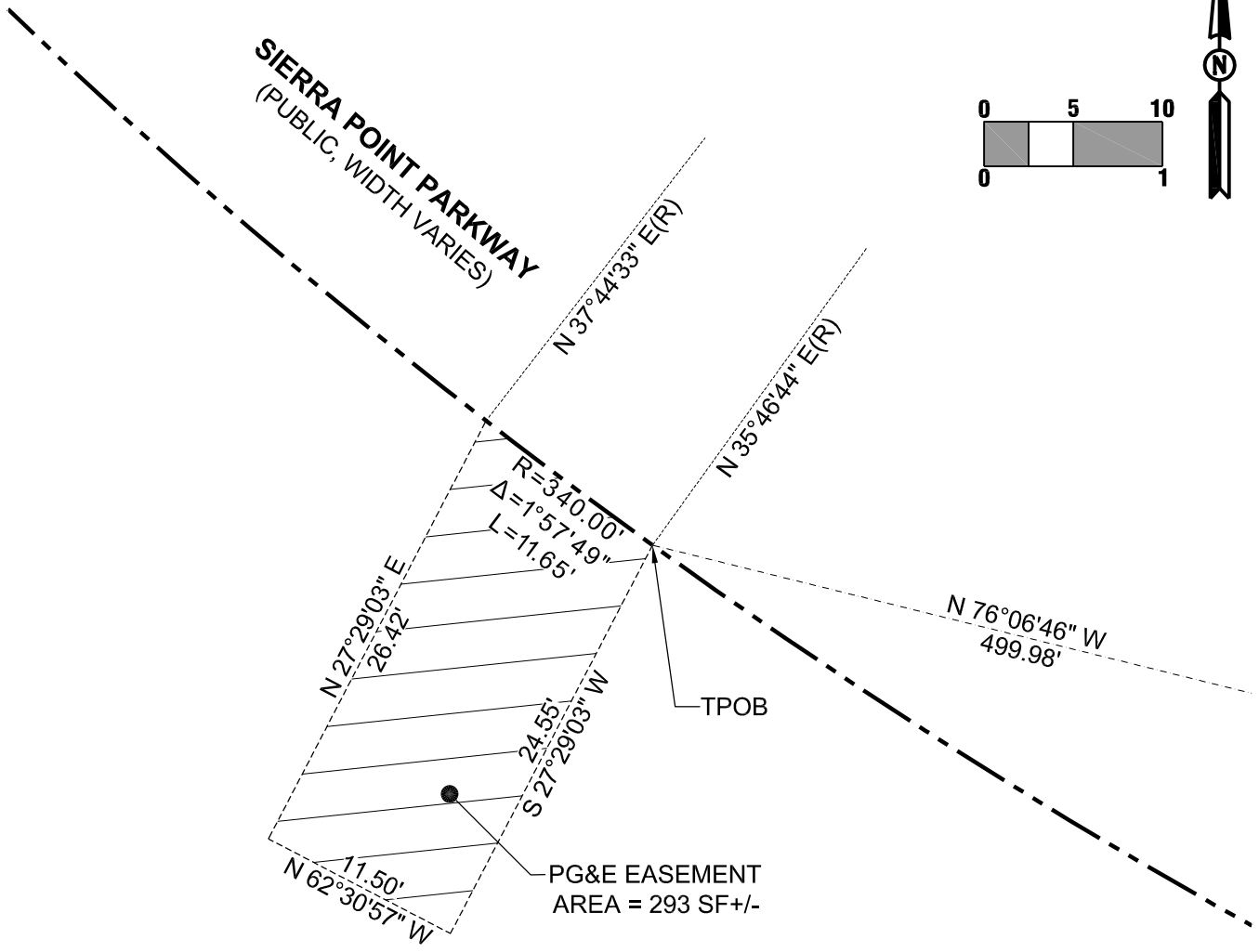
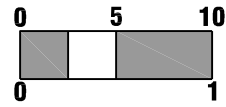
CITY OF BRISBANE SAN MATEO COUNTY CALIFORNIA

**JOB NO:
635-099**

SHEET: 2 OF 3

SCALE: 1"= 100'

DATE: 08/06/21



CITY OF BRISBANE
 PTN LOT 16
 8 LLS 125
 APN: 007-163-010

T:\635-PMA-HCP\635-099 Sierra Pnt PGE Esmt\DWG\Working\635-099 PG&E JT Easement.dwg

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PLAT TO ACCOMPANY LEGAL DESCRIPTION

JOB NO:
 635-099

PG&E EASEMENT
CITY OF BRISBANE
APN: 007-163-010

SHEET: 3 OF 3
SCALE: 1"= 10'
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CITY OF BRISBANE SAN MATEO COUNTY CALIFORNIA