

## RESOLUTION NO. 2014-079

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AUTHORIZING AND APPROVING A GRANT OF EASEMENT DEED TO PACIFIC GAS AND ELECTRIC COMPANY AFFECTING A PORTION OF APN 143-040-128, RELATING TO THE FIORI ESTATES DEVELOPMENT ON DOWDELL AVENUE

**WHEREAS**, Pacific Gas and Electric Company has requested the City to grant an easement for the purpose of providing and maintaining public utilities as defined in Section 216 of the California Public Utilities Code to service the Fiori Estates Development project; and

**WHEREAS**, the Fiori Estates Development project was found to be consistent with the City's General Plan and obtained a Conditional Use Permit and Site Plan and Architectural Review approval from the City of Rohnert Park Planning Commission on February 28, 2013, pursuant to PC Resolution No. 2013-07; and

**WHEREAS**, the Fiori Estates Development is within the Stadium Area Master Plan and is covered under the Environmental Impact Report prepared for the Stadium Area Master Plan State Clearinghouse No. 12005042111; and.

**NOW, THEREFORE**, the City Council of the City of Rohnert Park does hereby resolve, determine, find and order as follows:

Section 1. Grant of Easement Deed. The City Manager is hereby authorized and directed to execute and deliver the Easement Deed in substantially similar form as attached hereto as Exhibit A and incorporated by this reference.

Section 2. Consistency with General Plan. Pursuant to Government Code Section 65402, the City Council hereby finds the actions described in this Resolution are consistent with the City's General Plan.

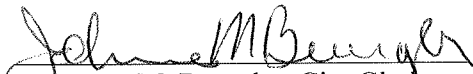
Section 3. City Clerk Authorization. The City Clerk of the City of Rohnert Park is hereby authorized and directed to cause a certified copy of this Resolution to be recorded with the Easement Deed in the office of the Sonoma County Recorder, State of California.

**DULY AND REGULARLY ADOPTED** this 8th day of July, 2014.

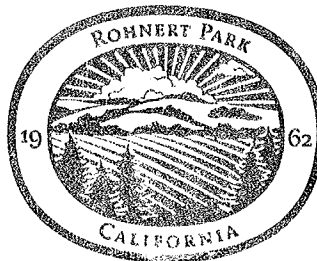
CITY OF ROHNERT PARK

  
Joseph T. Callinan, Mayor

ATTEST:

  
JoAnne M. Buergler, City Clerk

Attachment: Exhibit A- Easement Deed



BELFORTE: AYE MACKENZIE: AYE STAFFORD: AYE AHANOTU: AYE CALLINAN: AYE  
AYES: ( 5 ) NOES: ( 0 ) ABSENT: ( 0 ) ABSTAIN: ( 0 )

**EXHIBIT A**

Distribution Easement

**RECORDING REQUESTED BY AND RETURN TO:**

**PACIFIC GAS AND ELECTRIC COMPANY**  
**Santa Rosa Land Management Office**  
**111 Stony Circle**  
**Santa Rosa, CA 95401**

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# 2406-08-**

**EASEMENT DEED**

PM# 30998407e

CITY OF ROHNERT PARK, 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 Rohnert Park, County of Sonoma, State of California, described as follows:

(APN 143-040-128)

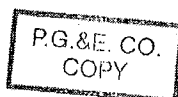
REMAINING LANDS as shown upon Parcel Map No. 180 filed for record December 11, 2009 in Book 736 of Maps at page 30, Sonoma County Records.

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 communication purposes located within the parcels of land described in Exhibit "A" and shown 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).

The parties to this Easement Deed recognize that certain rights to property may create a possessory interest as that term is defined by California Revenue and Tax Code Section 107. For all purposes of compliance by City with Revenue and Taxation Code Section 107.6, Pacific Gas and Electric (PG&E) is hereby notified that a taxing authority may assess PG&E property taxes based on PG&E's interest in this Easement Deed. This notification shall be deemed by PG&E to constitute full compliance by the City with that statutory obligation. PG&E is obligated to pay any property taxes levied on such interest and failure to do so may be considered a material breach of this Easement Deed. All questions of initial determination of possessory interest and valuation of such interest, if any, shall be the responsibility of the State Board of Equalization and PG&E.

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 ROHNERT PARK,  
a Municipal corporation

By \_\_\_\_\_

\_\_\_\_\_  
Print Name & Title

By \_\_\_\_\_

\_\_\_\_\_  
Print Name & Title

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

\_\_\_\_\_  
Name & Title

State of California

County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public,  
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

Being an easement over a portion of the Remaining Lands as shown on Parcel Map Number 180 recorded in Book 736 of Maps at Pages 30 through 32, Sonoma County Records, said portion being more particularly described as follows:

COMMENCING at a 1/2 inch iron pipe tagged "LS 6149" being the northwesterly corner of said Remaining Lands; thence along the westerly boundary of said Remaining Lands, South 0°00'00" East 173.62 feet to a 1/2 inch iron pipe tagged "LS 6149"; thence leaving said westerly boundary, South 85°44'29" East 27.07 feet to the westerly boundary of an existing Public Utility Easement (P.U.E.) as shown on said Parcel Map Number 180 and the POINT OF BEGINNING; thence North 89°58'39" West 4.28 feet; thence North 0°00'00" East 15.14 feet; thence South 89°58'39" East 4.28 feet to said westerly boundary of the existing P.U.E.; thence along said westerly boundary, South 0°00'00" East 15.14 feet to the POINT OF BEGINNING.


Containing 64 square feet more or less.

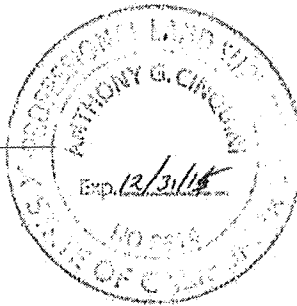
Basis of Bearings

Parcel Map Number 180 recorded in Book 736 of Maps at Pages 30 through 32, Sonoma County Records.

Being a portion of APN 143-040-128

Prepared by Cinquini & Passarino, Inc.

  
Anthony G. Cinquini, P.L.S. 8614



4/22/2014  
Date

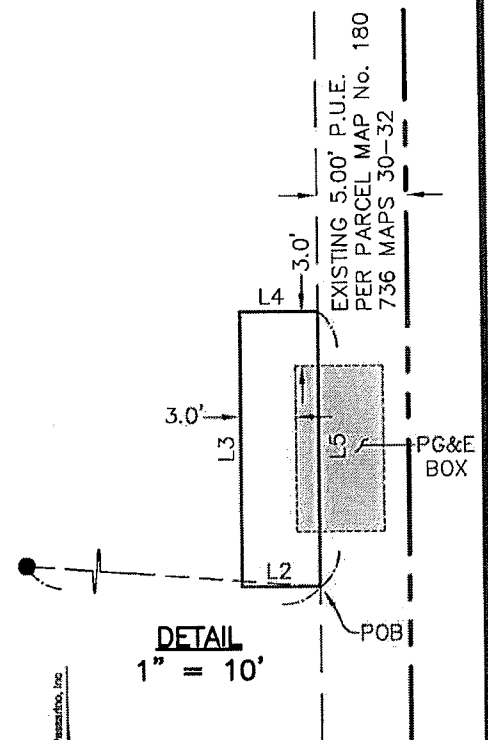
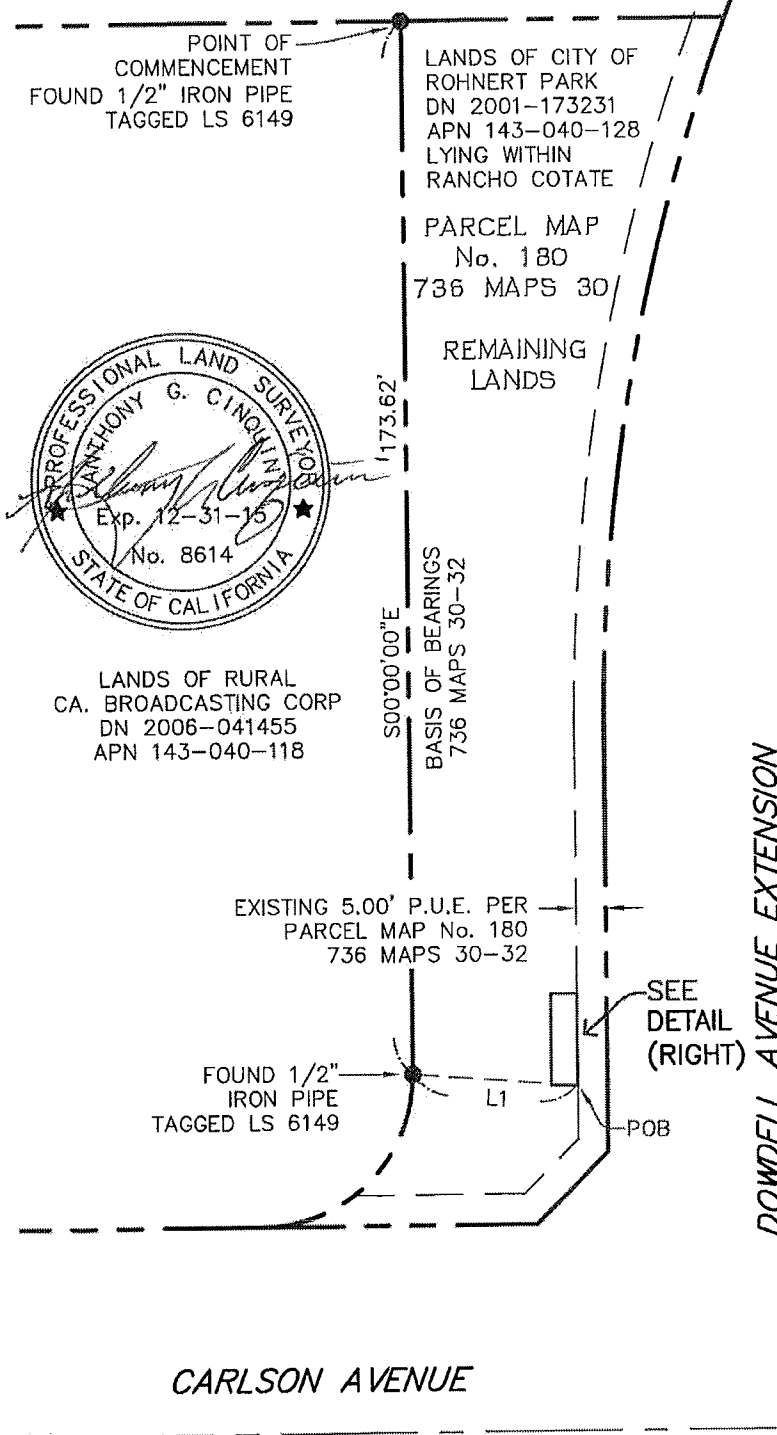
APN 143-040-125 (PORTION)  
T6N, R8W, SEC 23, NW 1/4 (PROJECTED)  
RANCHO COTATE  
SONOMA COUNTY

## EXHIBIT 'B'

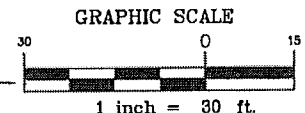
THIS DIAGRAM IS FOR GRAPHIC PURPOSES ONLY. ANY ERRORS OR OMISSIONS SHALL NOT EFFECT THE LEGAL DESCRIPTION.

EXISTING PG&E BOX  
POB = POINT OF BEGINNING

LINE TABLE		
LINE	BEARING	LENGTH
L1	S85°44'29"E	27.07'
L2	N89°58'39"W	4.28'
L3	N00°00'00"E	15.14'
L4	S89°58'39"E	4.28'
L5	S00°00'00"E	15.14'



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PREPARED BY  
**CINQUINI & PASSARINO, INC.**  
LAND SURVEYING

JOB NAME: FIORI ESTATES APARTMENTS  
DESCRIPTION: PG&E EASEMENT

DRAWN BY: MDD  
SCALE: 1" = 30'  
JOB #: 6720-13

CHECKED BY: MJ  
DATE: 3/24/14  
SHEET: 1 OF 1

**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. 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.

Distribution Easement

AREA 7 – NORTH COAST  
SANTA ROSA LAND MANAGEMENT  
Operating Department: ELECTRIC DISTRIBUTION  
USGS location (MDM, T6N, R8W, SEC 23, NW ¼ )  
RANCHO COTATE

FERC License Number(s): N/A

PG&E Drawing Number(s): N/A

PLAT NO. KK-2811

LD of any affected documents: N/A

LD of any Cross-referenced documents:

TYPE OF INTEREST: 04, 06, 43

SBE Parcel Number: N/A

(For Quitclaims, % being quitclaimed)

Order # or PM #: 30998407e

JCN: N/A

County: SONOMA

Utility Notice Numbers:

851 Approval Application No. \_\_\_\_\_ Decision \_\_\_\_\_

Prepared By: SRSM

Checked By: CSSB *cash*

Revision Number:

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PG&E CO. APPROVED
SR. LAND AGENT (BKS3)
See email approval