

RESOLUTION NO. 2015-169

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK APPROVING THE GRANT OF TWO EASEMENTS TO PACIFIC GAS AND ELECTRIC COMPANY (PG&E) FOR THE PURPOSE OF SERVING SONOMA MARIN AREA RAIL TRANSIT (SMART)

WHEREAS; the Sonoma Marin Area Rail Transit (SMART) is a voter-approved special legislation agency empowered to provide passenger rail and path service in Sonoma and Marin Counties including through the City of Rohnert Park;

WHEREAS, the City of Rohnert Park will benefit from the service provided by SMART in the form of increased transportation options, reduced regional congestion and reduced greenhouse gas emissions associated with transportation activities; and

WHEREAS, SMART has commenced design and construction of the first phase of service within its 70-mile service corridor and this first phase includes service to the City of Rohnert Park; and

WHEREAS, SMART's staff and design team have determined that electric utility and communication service, provided by Pacific Gas & Electric Company (PG&E) must be extended to support the operation of the passenger rail service; and

WHEREAS, SMART and PG&E have requested the City to provide two easements across City property for the construction, installation, operation and maintenance of PG&E service to SMART; and

WHEREAS, the City is willing to grant the two easements in consideration of the public benefits of SMART to the City and its residents.

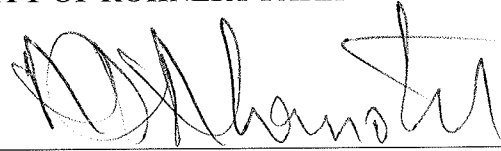
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rohnert Park that it does hereby approve the grant of two easements to PG&E for the purpose of providing service to SMART.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to take all actions to effectuate these easements for and on behalf of the City of Rohnert Park, including execution and recordation, if necessary, in substantially similar form to the easement deeds attached hereto as Exhibits "A" and "B" and incorporated herein by this reference, subject to minor modifications by the City Manager or City Attorney.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized and directed to all actions necessary to receive, budget and appropriate the compensation offered for the easements.

DULY AND REGULARLY ADOPTED this 13th day of October, 2015.

CITY OF ROHNERT PARK



Amy O. Ahanotu, Mayor

ATTEST:


JoAnne M. Buerger, City Clerk

Attachments: Exhibit A and Exhibit B

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

RECORDING REQUESTED BY AND RETURN TO:

Exhibit A to Resolution

PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, N10A, Room 1015
P.O. Box 770000
San Francisco, California 94177

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# 31090630

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 143-360-046)

The parcel of land described in the deed from Rohnert Park Golf Corporation to the City of Rohnert Park dated August 16, 2001 and recorded as Document No. 2001122927, 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 strips of land of the uniform width of 10 feet lying 5 feet on each side of the centerline described in Exhibit "A" as Strip One and Strip Three and shown upon Exhibit "B" attached hereto and made a part hereof.

Such poles, aerial wires, cables, electrical conductors with associated crossarms, braces, transformers, anchors, guy wires and cables, fixtures and appurtenances, as Grantee deems necessary for the distribution of electric energy and communication purposes, located within the strip of land of the uniform width of 30 feet lying 15 feet on each side of the centerline described in Exhibit "A" as Strip Two and shown upon Exhibit "B" attached hereto and made a

part hereof, excepting therefrom the portion of land described in the deed from Northwestern Pacific Railroad Authority to Sonoma-Marin Area Rail Transits District dated February 27, 2004 and recorded as Document No. 2004028629, Sonoma County Records.

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 ROHNERT PARK, a municipal corporation

By _____

Print Name and Title

By _____

Print Name and Title

I hereby certify that a resolution was adopted

On the ____ day of _____, 20____, by the

authorizing the foregoing 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),
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 _____

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),
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

PG&E EASEMENT OVER THE LANDS OF THE CITY OF ROHNERT PARK

All that real property situated in the City of Rohnert Park, lying within the County of Sonoma, State of California and being a portion of the lands of The City of Rohnert Park, a Municipal Corporation, as described in that Quitclaim Deed, filed for record September 7, 2001 under Document No. 2001-122927, Official Records of the County of Sonoma, the centerline of which is more particularly described as follows:

Strip One

Beginning at an existing Pacific Gas and Electric Co. power pole within said lands of The City of Rohnert Park, from which a 2" Brass Disk in a Well Monument in the centerline of State Farm Drive bears South 34°01'21" West a distance of 745.62 feet, said point is at the southerly end of a course recited as "S 25°39'01" E 1070.83" as shown on Rohnert Park Parcel Map No. 114, filed for record January 5, 1990 in Book 448 of Maps, at Pages 22-25, Sonoma County Records; thence from said **POINT OF BEGINNING**, North 71°17'36" West for a distance of 18.63 feet to the easterly right of way of the lands of Sonoma-Marin Area Rail Transit Authority, and the Point of Termination of the hereinabove described strip of land.

The sidelines of said easement shall be lengthened or shortened, as necessary, to intersect the easterly right of way of said lands of Sonoma-Marin Area Rail Transit Authority.

Strip Two

Beginning at an existing Pacific Gas and Electric Co. power pole within said lands of The City of Rohnert Park, from which a 2" Brass Disk in a Well Monument in the centerline of State Farm Drive bears South 34°01'21" West a distance of 745.62 feet, said point is at the southerly end of a course recited as "S 25°39'01" E 1070.83" as shown on Rohnert Park Parcel Map No. 114, filed for record January 5, 1990 in Book 448 of Maps, at Pages 22-25, Sonoma County Records; thence from said **POINT OF BEGINNING**, South 25°57'56" East for a distance of 286.97 feet to the center of an existing Pacific Gas and Electric power pole; thence North 88°46'31" West for a distance of 16.47 feet to the easterly right of way of the lands of Sonoma-Marin Area Rail Transit Authority, and the Point of Termination of the hereinabove described strip of land.

The sidelines of said easement shall be lengthened or shortened, as necessary, to intersect the easterly right of way of said lands of Sonoma-Marin Area Rail Transit Authority.

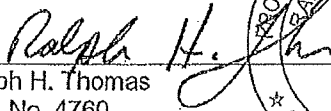
Strip Three

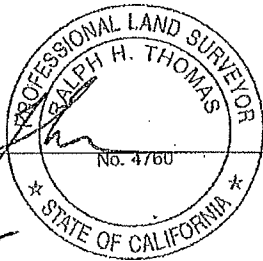
Beginning at an existing Pacific Gas and Electric Co. power pole within said lands of The City of Rohnert Park, from which a 2" Brass Disk in a Well Monument in the centerline of State Farm Drive bears South 34°01'21" West a distance of 745.62 feet, said point is at the southerly end of a course recited as "S 25°39'01" E 1070.83" as shown on Rohnert Park Parcel Map No. 114, filed for record January 5, 1990 in Book 448 of Maps, at Pages 22-25, Sonoma County Records; thence from said **POINT OF BEGINNING** South 71°17'36" East for a distance of 5.00 feet to the Point of Termination of the hereinabove described strip of land.

Basis of Bearings: Between 2" brass disks in monument wells in State Farm Drive, the southerly end of which is at the BC of a curve and the northerly end of which is located at the intersection of State Farm Drive and Professional Center Drive, shown on Rohnert Park Parcel Map No. 114, filed for record January 5, 1990 in Book 448 of Maps, at Pages 22-25, Sonoma County Records, as North 25°39'01" West (as shown on the accompanying exhibit).

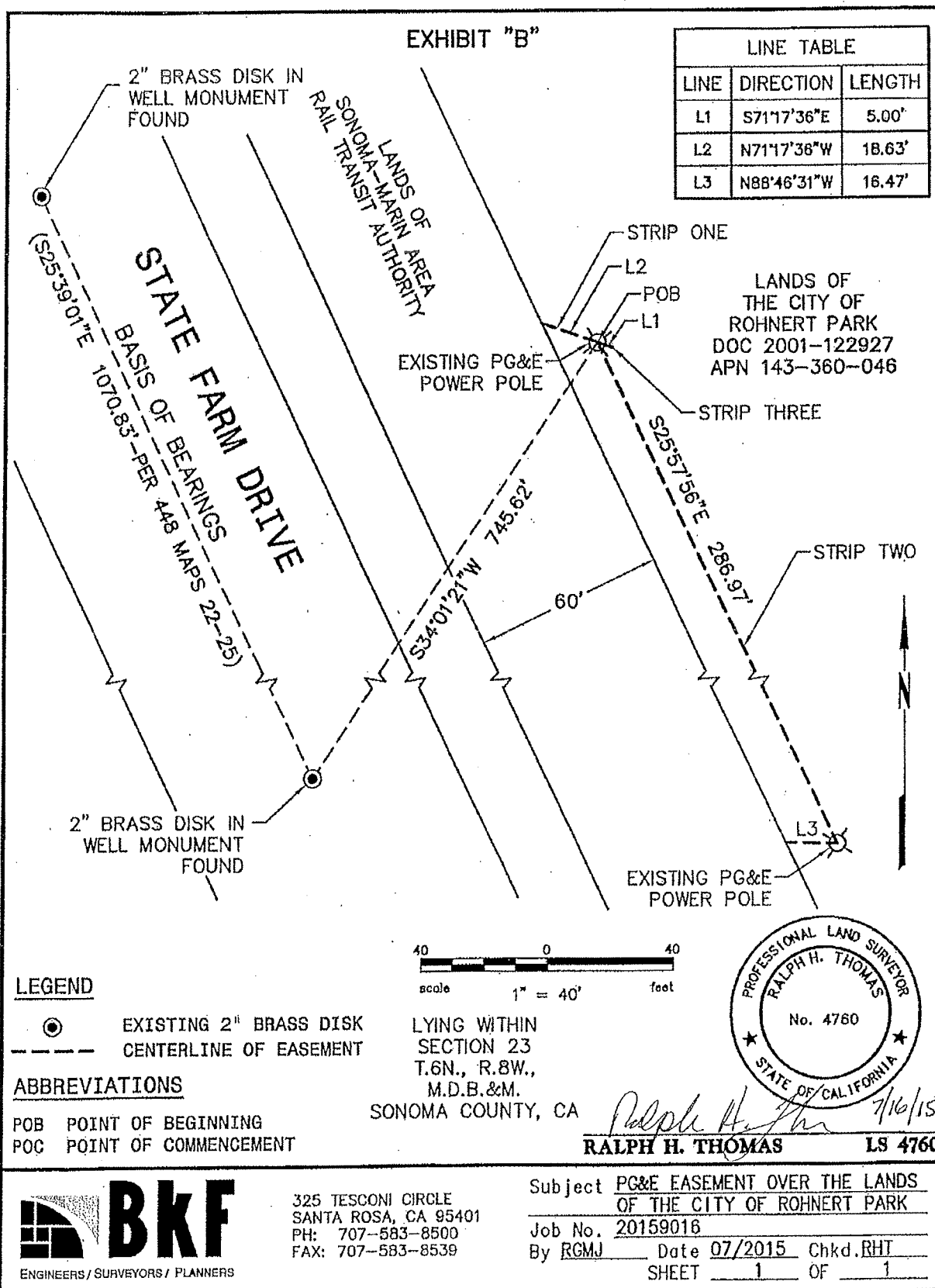
Prepared By:

BKF ENGINEERS


Ralph H. Thomas
L.S. No. 4760



Dated: 7/16/2015



Plot Jul 29, 2015 at 1:24pm

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.

Area 7- North Coast

Santa Rosa Land Management Office

Operating Department: Electric Distribution

USGS location (MDM, T6N, R8W, Sec. 23, SE ¼ of the NE ¼)

RANCHO COTATE

FERC License Number(s): N/A

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

PLAT NO.: KK- 2813

LD of any affected documents: N/A

LD of any Cross-referenced documents: N/A

TYPE OF INTEREST: 03, 04, 06, 43

SBE Parcel Number: N/A

(For Quitclaims, % being quitclaimed): N/A

PM # 31090630 0070

JCN: N/A

County: Sonoma

Utility Notice Numbers:

851 Approval Application No. N/A Decision N/A

Prepared By: JP1R

Checked By: CSSB CMB

GenlSvcs\Land\RR_W 2015\SONOMA\31090630 82100 Golf Course DR. Rohnert Park SMART RR\31090630.doc

RECORDING REQUESTED BY AND RETURN TO:

Exhibit B to
Resolution

*PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, N10A, Room 1015
P.O. Box 770000
San Francisco, California 94177*

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#2406-07-

EASEMENT DEED

PM#31116101

CITY OF ROHNERT PARK, a public body of the State of California,

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 046-560-062).

A portion of parcel "A" as shown upon the map entitled of Holiday Park Subdivision Unit No. 5, filed November 3, 1972 in Book 179 at Page 37 in 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 parcel 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).~~

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 public body of the State of California

By

Print Name and 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

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),
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

PG&E EASEMENT
OVER THE LANDS OF THE CITY OF ROHNERT PARK

All that real property situated in the City of Rohnert Park, lying within the County of Sonoma, State of California and being a portion of the lands of The City of Rohnert Park, a Municipal Corporation, designated as Parcel "A" on that map of Holiday Park Subdivision No. 5, filed for record November 3, 1972 in Book 179 of Maps, at Pages 37-39, Sonoma County Records, and being more particularly described as follows:

Commencing at a centerline monument in Lancaster Drive as shown on said map of Holiday Park Subdivision No. 5, said point lies at the southerly terminus of a course delineated as "N25°40'47"W 215.99" on said map; thence from said Point of Commencement, South 47°55'26" East, for a distance of 45.00 feet to the Point of Beginning of the parcel to be herein described; thence, from said **POINT OF BEGINNING**, South 89°44'00" East, for a distance of 142.31 feet to the southwesterly right of way of the lands of Sonoma-Marín Area Rail Transit Authority; thence, along said southwesterly right of way, South 25°40'47" East, for a distance of 16.68 feet to southerly line of said Parcel "A" as said parcel is designated and delineated on said map of Holiday Park Subdivision No. 5; thence, leaving said southwesterly right of way, and along the southerly line of said Parcel "A", North 89°44'00" West, for a distance of 183.15 feet to the right of way of Lancaster Drive; thence, along said right of way, on a non tangent curve to the left, from a tangent that bears, South 89°44'06" East, with a radius of 45.00 feet, through a central angle of 48°11'20", for a distance of 37.85 feet to the Point of Beginning of the hereinabove described parcel of land.

Containing 2,344 square feet (0.05 acres), more or less.

Basis of Bearings: Between found well monuments in the centerline of Lancaster Drive as shown on said map of Holiday Park Subdivision No. 5, filed for record November 3, 1972 in Book 179 of Maps, at Pages 37-39, Sonoma County Records, as N 25°40'47" W.

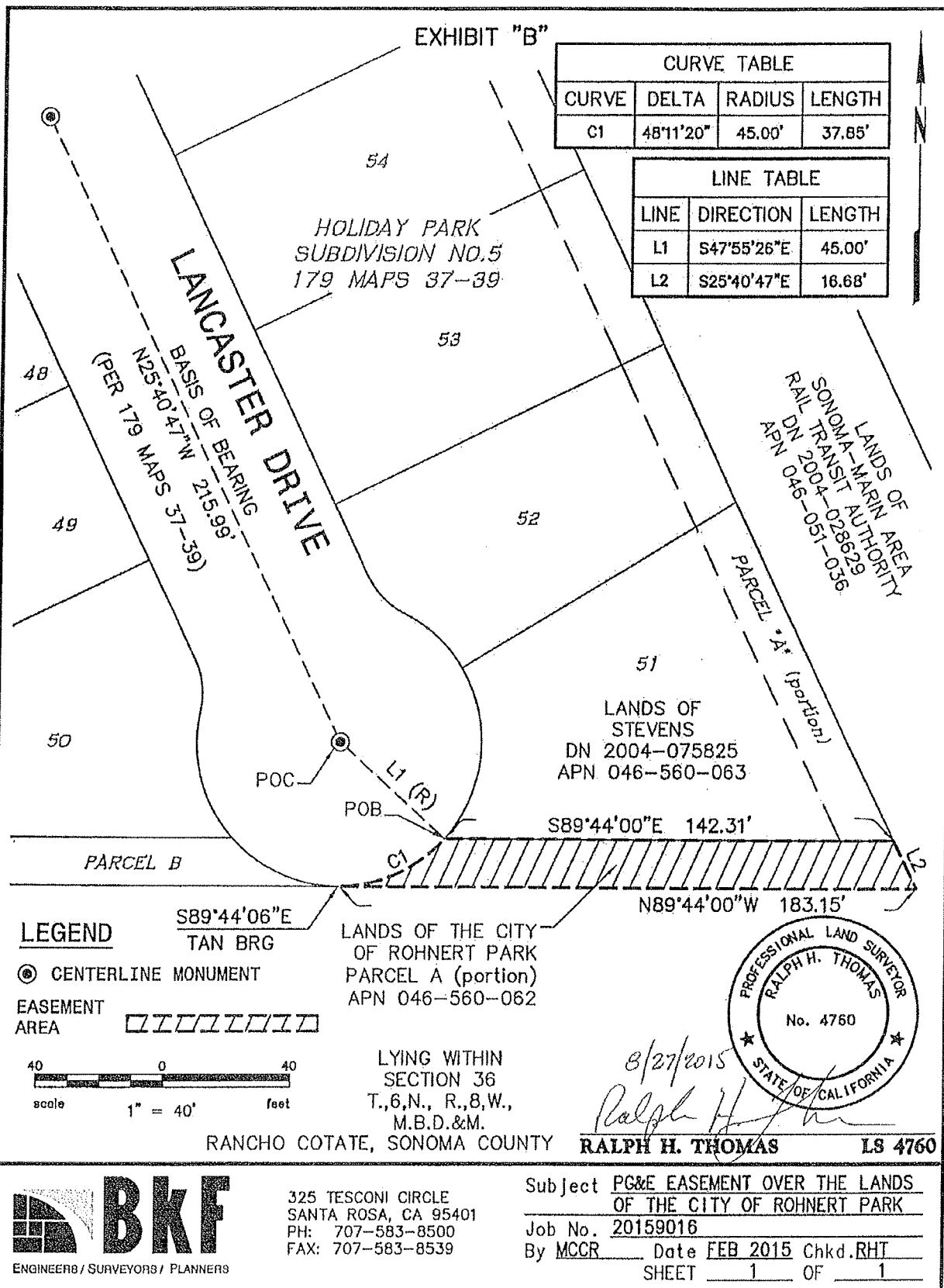
Prepared By:

BKF ENGINEERS



Ralph H. Thomas
L.S. No. 4760

Dated: 8/27/2015



Plot Aug 27, 2015 at 3:16pm

159016_EXHB-LANCASTER.dwg © 2015 BKF ENGINEERS

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.

Area 7 North Coast

Land Management Office: Santa Rosa

Operating Department: Electric Distribution

USGS location (MDM, T6N, R8W, Sec 36, SE1/4 of NE1/4)

RANCHO COTATE

FERC License Number(s): N/A

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

PLAT NO.: LL-2906

LD of any affected documents: N/A

LD of any Cross-referenced documents: N/A

TYPE OF INTEREST: 4,6,43

SBE Parcel Number: N/A

(For Quitclaims, % being quitclaimed): N/A

PM# 31116101, Ops: 0070

JCN: N/A

County: Sonoma

Utility Notice Numbers: N/A

851 Approval Application No. N/A Decision N/A

Prepared By: WDCF/JP1R

Checked By: CSSB CSSB

S:\GenlSvcs\Land\R_W 2015\SONOMA\31116101 8942 Lancaster Dr. Rohnert Park, SMART RR\31116101_rev2015.doc