

SUBJECT: CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA EDISON COMPANY AND PACIFIC BELL TELEPHONE COMPANY

SOURCE: Public Works Department – Engineering Division

COMMENT: AT&T/Pacific Bell is requesting an easement from the City of Porterville for the purpose of installing and maintaining underground electrical supply and communication system facilities located within the southwesterly portion of a City-owned parcel along the north right-of-way of Westfield Avenue approximately 100 feet east of Beverly Street. These facilities, consisting of a VRAD cabinet and underground conduit with fiber cable, are necessary for the enhancement of communication services to the immediate neighborhood.

The proposed easement area is 10-feet wide by 16.5-feet long, located adjacent to the north right-of-way of Westfield Avenue and the westerly portion of the City-owned parcel.

AT&T has offered \$4,000 for the easement, which they consider fair market value based on past easement purchases.

RECOMMENDATION: That the City Council:

1. Accept AT&T's request to have the City convey an easement for the installation and maintenance of aboveground and underground electrical and communication facilities;
2. Accept AT&T's \$4,000 easement compensation;
3. Authorize the Mayor and City Clerk to sign the Grant of Easement; and
4. Authorize the City Clerk to mail the signed Grant of Easement to AT&T for recordation.

ATTACHMENTS: Resolution
Grant of Easement
Exhibit "A" - Legal Description
Exhibit "B" - Locator Map

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Dir. BS Appropriated/Funded MB CM J

Item No. 7

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING A GRANT DEED OF EASEMENT TO SOUTHERN CALIFORNIA
EDISON COMPANY AND PACIFIC BELL TELEPHONE COMPANY

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby grants to Southern California Edison Company, a California Corporation and Pacific Bell Telephone Company, a California Corporation doing business as AT&T California, its successors and assigns, lessees and agents, an easement and right-of-way to construct, install, use, operate, inspect, repair, replace and remove at any time and from time to time underground conduits, wires, cables, service pedestals or boxes, other electrical conductors and appurtenances for communication purposes; together with aboveground structures with electronic communication equipment and other related appurtenances necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, over, across, upon, and under that certain real property in the City of Porterville, County of Tulare, State of California, described as follows:

See Grant of Easement document attached hereto and made a part hereof by reference, consisting of four pages.

BE IT FURTHER RESOLVED that the foregoing has been authorized by the City Council for the City of Porterville.

PASSED, APPROVED AND ADOPTED this 3rd day of June, 2014.

Cameron J. Hamilton, Mayor

ATTEST:
John Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

RECORDED AT THE REQUEST OF:
PACIFIC BELL / AT&T R/W
C/o Geneva McJunkin
5555 E. OLIVE AVENUE
FRESNO, CA. 93727

WHEN RECORDED RETURN TO:
PACIFIC BELL / AT&T R/W
C/o Geneva McJunkin
5555 E. OLIVE AVENUE
FRESNO, CA. 93727

The undersigned Grantor declares no Documentary Transfer Tax Due
Pacific Bell/AT&T Agent _____

9324019 SD56 R/W File #TUL82685-01
9324019.doc

Sec.22, T.21S, R.27E
A.P.N.: 246-021-025

GRANT OF EASEMENT

City of Porterville, a Municipal Corporation, hereinafter referred to as "Grantor(s)", hereby grant(s) to Southern California Edison Company, a California Corporation and Pacific Bell Telephone Company, a California Corporation doing business as AT&T California, its associated and affiliated companies, its and their successors, assigns, lessees and agents, hereinafter referred to as "Grantees", the right from time to time to construct and install communication and electrical facilities (including ingress thereto and egress therefrom) over, across, upon and under the hereinafter described real property and to use, operate, inspect, repair, replace and remove said facilities, or any of them, together with an exclusive right of way and easement therefore. Said facilities shall consist of the following: underground conduits, wires, cables, service pedestals or boxes, other electrical conductors and appurtenances for communication purposes; together with aboveground structures with electronic communication equipment, associated paving and other appurtenances related thereto. Said real property is in the City of Porterville, County of Tulare, State of California, and is described as follows:

SEE EXHIBIT "A" AND EXHIBIT "B", ATTACHED HERETO AND MADE A PART HEREOF.

Recorded May 1979- Document 1979R28833.

Parcel No. 2:

The East 25 feet of lot 82 of Tract No 307, in the County of Tulare, State of California, as per map recorded in Book 22, Page 64 of Maps in the office of the County Recorder of said County.

This legal description was prepared pursuant to Section 8730C of the Business and Professions Code.

Grantor(s) grant to Grantees the right to trim such tree foliage and to cut such limbs and roots on said easement property as may be necessary for the protection of said facilities.
Grantees shall be responsible for damage caused intentionally or by any negligent act or omission of Grantees, its agents or employees while exercising the rights granted herein.

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

Executed this _____ day of _____ 2014

City of Porterville, a Municipal Corporation

Cameron J. Hamilton, Mayor

John D. Lollis, City Clerk

STATE OF CALIFORNIA

COUNTY OF _____

On _____
before me, _____ a Notary Public
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 the 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

9324019
ATT100113-19

EXHIBIT "A"
LEGAL DESCRIPTION

City of Porterville
Tulare County
A.P.N. 246-021-025

An easement, over and across all that portion of Lot 82 of Tract No. 307, recorded November 18, 1959, in Volume 22 of Maps, at Page 64, Tulare County Records, in a portion of the Northwest quarter of Section 22, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, described as follows:

The West 10.00 feet of the East 25.00 feet, measured along the South line, of the South 16.50 feet, measured along the East line, of said Lot 82.

See attached Exhibit "B"



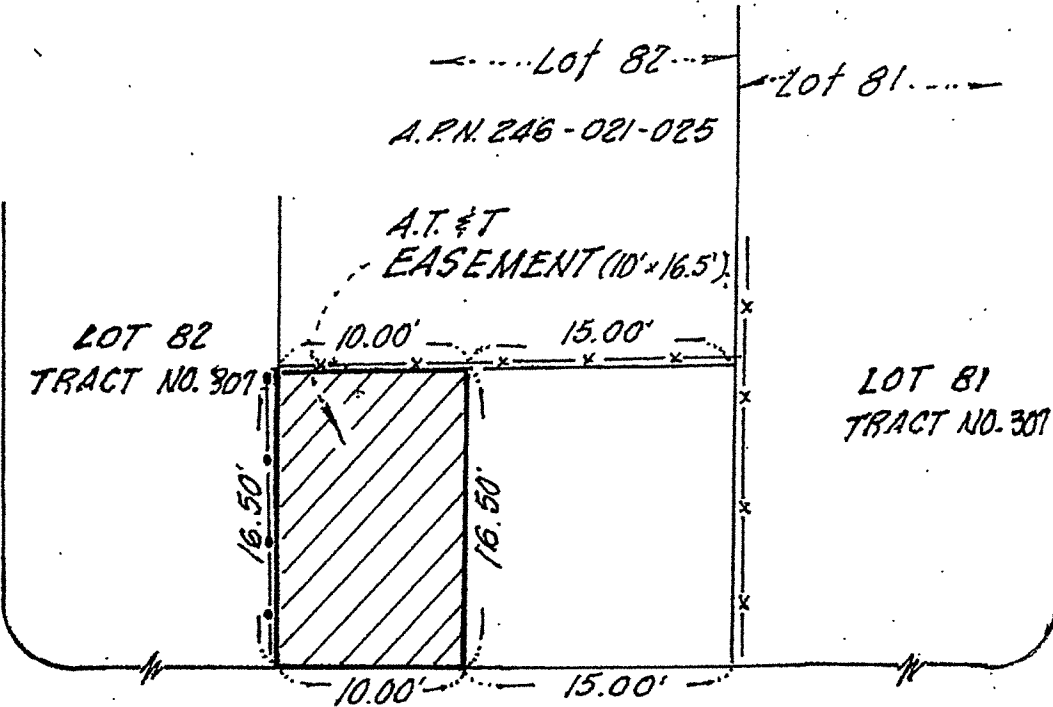
9324019

EXHIBIT "B"

Porterville
Tulare County
A.P.N. 246-021-025

BEVERLY ST.

ATKINS WAY



WESTFIELD AVE. (AVE. 164)



--x--x-- = Existing board fence
 --•--•-- = Existing Chain Link Fence

Scale: 1" = 10'



Prepared by Communication Consultants

Surveyed Feb. 20, 2014