

**CITY OF OAKLAND  
AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
2005 FEB -9 PM 12:26

TO: Office of the City Administrator  
ATTN: Deborah A. Edgerly  
FROM: Community and Economic Development  
DATE: February 22, 2005

RE: **ORDINANCE AUTHORIZING THE GRANTING OF TWO PERMANENT UTILITY EASEMENTS TO PACIFIC GAS AND ELECTRIC COMPANY LOCATED AT THE CITY OF OAKLAND FIRE STATION AT 250 FALLON STREET (SITE 1) AND THE EAST SIDE OF FALLON STREET AT VICTORY COURT(SITE 2)FOR THE COMBINED APPRAISED MARKET VALUE OF \$5,070**

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**SUMMARY**

An ordinance has been prepared authorizing the City of Oakland (City) to grant two permanent underground utility easements to Pacific Gas and Electric Company (PG&E). Site 1, a 600 square feet triangular easement, is located east of Fallon Street on Victory Court a non dedicated route owned by the City. Site 2, a 1,000 square feet rectangular easement, is located at the northern border of 250 Fallon Street, the City's Fire Training Site. The easements are required for the realignment of an approximate 1,000 feet long segment of an existing 12 kilovolt (kV) distribution line that serves a large portion of the City of Oakland including the Jack London Square vicinity. The existing overhead distribution line, adjacent to Victory Court, was in place under a revocable license with Union Pacific Railroad (UP). In 1998, UP abandoned the unused spur track and sold the land to a private owner. The land sale revoked the PG&E license. The easements will be granted to PG&E at the appraised value of \$5,070.

Staff recommends adoption of this ordinance.

**FISCAL IMPACTS**

The approval of these easements will generate \$5, 070 to the general fund. The payment will be deposited into the General Purpose Fund (1010), Public Works Agency-Right of Way Management Org (30243) Special Report Sales Account (45511). The Real Estate Division will receive \$1,141 to cover the administrative costs associated with the easement review process. The \$1,141 shall be appropriated to the General Purpose Fund (1010), Real Estate Services Org (88639), Miscellaneous Sales Account (45519).

Item #: \_\_\_\_\_  
Finance and Management Committee  
February 22, 2005

## **BACKGROUND**

Currently, two major utility lines serve the Jack London Square and Laney College areas. The two lines typically represent 2,400 service points. A service point is identified as a unit that can serve a single family residence, apartment building, restaurant, etc. The utility lines are located over what was once a UP railroad spur. The sale of the UP property to a private property owner rendered the overhead utility lines illegal because PG&E did not have an irrevocable license for the use of the airspace.

After the land was sold, PG&E conducted a feasibility study to determine the most effective method of maintaining the utility lines. The findings indicated that keeping the utility lines in the current location requires condemning the new property owners, a decision that, according to PG&E, is both costly and time consuming. The study also considered relocating the utility lines to an existing overhead site. A review of the surrounding area established that the utility poles along Interstate 880 near 5<sup>th</sup> Avenue could accommodate the additional circuits. However, the study also demonstrated that the existing poles, located in a high congested area, would have to be further split and replaced with larger poles. Furthermore, a California Department of Transportation (Caltrans) reconfiguration project requires underground facilities for at least two of the existing poles near the 5<sup>th</sup> Avenue off-ramp. Based on the complexity of moving poles above ground, the projected operation expenditures (i.e., obtaining permits, impeding freeway traffic, replacing poles, upgrading lines, etc.) and the future Caltrans project, PG&E decided against relocating the utility lines overhead.

PG&E concluded that the third alternative, obtaining two easements from the City of Oakland to construct and maintain underground utility facilities parallel to the existing lines serves the most public good and causes the least private damage.

## **KEY ISSUES AND IMPACTS**

The current utility lines serve two vital City of Oakland locales, the Jack London District and Laney Community College. Jack London Square, the City's premier waterfront development, consists of shopping, dining and entertainment that attracts more than 6 million visitors annually. With a student population of approximately 13,000, Laney Community College has the largest enrollment within the Peralta Community College District. A recent City of Residence Patterns study concluded that over one-half of Laney students live in Oakland. Both areas are major destinations and will benefit from the upgraded utility services. Installing the poles underground will decrease visual blight along the City's right of way, reduce the frequency of accidents involving pole collision, and eliminate chemically treating the utility poles.

## **PROJECT DESCRIPTION**

The purpose of this easement is to grant PG& E land rights to re-align an approximate 1,000 foot long segment of an existing 12 kV distribution line that serves a significant portion of the City of Oakland. The easement authorizes PG&E to place the distribution line underground by

constructing and maintaining two utility facilities. The proposed facilities will be located along the eastern end of Victory Court and at the northeastern border of 250 Fallon Street, the City's Fire Training Facility. The Public Works Agency stipulates that all of the facilities shall be underground and that PG&E construct a sidewalk, curb and gutter to City Standard at the corner of Fallon Street and Victory Court. The project is expected to be completed by August 2005.

**SUSTAINABLE OPPORTUNITIES**

Economic: The utility easements are for the benefit of Pacific Gas & Electric. The City will not sustain any economic opportunities.

Environmental: The existing overhead utility poles require regular EPA approved pesticide treatments. In contrast, the proposed underground facilities materials, comprised of mostly plastic and concrete, do not require any chemical treatments and will not cause any subterranean contamination.

Social Equity: Installing the utility facilities underground will reduce visual blight along the street and highway right of way. The new facilities will also benefit the new development projects in the area. The easement will allow legal use of the area to PG&E.

**DISABILITY AND SENIOR CITIZEN ACCESS**

Adoption of this Ordinance will have no direct impact on disabled and senior citizen access.

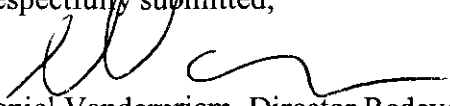
**RECOMMENDATION(S) AND RATIONALE**

Staff recommends granting the proposed easements to PG& E to allow construction, installation and maintenance of underground utility facilities.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the ordinance authorizing the granting of two easements at fair market value to PG&E.

Respectfully submitted,



Daniel Vanderpriem, Director Redevelopment  
Housing and Economic Development Divisions  
Community and Economic Development Agency

Forwarded by: Frank Fanelli, Manager  
Real Estate Services

Prepared by: Ava M. Jourdain,  
Real Estate Services

APPROVED AND FORWARDED TO THE  
FINANCE AND MANAGEMENT COMMITTEE

  
OFFICE OF THE CITY ADMINISTRATOR

Item #: \_\_\_\_\_  
Finance and Management Committee  
February 22, 2005

*[Signature]*  
DEPUTY CITY ATTORNEY  
OFFICE OF THE CITY CLERK  
OAKLAND

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

2005 FEB -9 PM 12: 27

**ORDINANCE NO. \_\_\_\_\_ C. M. S.**

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**ORDINANCE AUTHORIZING THE GRANTING OF TWO PERMANENT UTILITY EASEMENTS TO PACIFIC GAS AND ELECTRIC COMPANY LOCATED AT THE CITY OF OAKLAND FIRE STATION AT 250 FALLON STREET (SITE 1) AND THE EAST SIDE OF FALLON STREET AT VICTORY COURT(SITE 2)FOR THE COMBINED APPRAISED MARKET VALUE OF \$5,070**

**WHEREAS**, the City of Oakland (City) is the owner of an undevelopable excess land parcel east of Fallon Street along Victory Court identified as APN 0000-0440-006, illustrated in Exhibit "A" attached hereto; and

**WHEREAS**, the City is the owner of a parcel of land, commonly know as the City Fire Training Center (Center) located at 250 Fallon Street identified as APN 0000-0455-004-02, illustrated in Exhibit "B"; and

**WHEREAS**, the Pacific Gas & Electric Company (PG&E) maintains a major overhead distribution line adjacent to the City parcels; and

**WHEREAS**, the sale of the adjacent parcel to private property owners revoked PG&E's airspace privileges; and

**WHEREAS**, PG&E has proposed to relocate the utility lines to the City parcels and construct underground facilities; and

**WHEREAS**, PG&E has requested two permanent easements for construction, installation and maintenance of the facilities; and

**WHEREAS**, the easements require approximately 600 square feet from the excess land parcel illustrated in Exhibit "C"; and approximately 1,000 square feet from the Fire Training Center parcel illustrated in Exhibit "D"; and

**WHEREAS**, an independent appraisal has been prepared which established the fair market value of the easements in the amount of \$5,070; and

**WHEREAS**, PG&E has determined that the underground facilities on City property will serve the most public good and cause the least private damage; and

**WHEREAS,** the Public Works Agency has authorized the Real Estate Division to process the permanent easements request with the stipulation that all facilities shall be underground and that PG&E will construct a sidewalk, curb and gutter to City Standards at the northeast corner of Fallon Street and Victory Court; now therefore be it

**RESOLVED:** That the City hereby finds and declares that the requirements to issue two permanent utility easements have been satisfied; and be it

**FURTHER RESOLVED:** That the City hereby authorizes and directs the City Administrator to execute a Grant of Easement to PG&E for the east side of Fallon Street along Victory Court and the northeast border of 250 Fallon, Oakland, Ca; and be it

**FURTHER RESOLVED:** That the \$5, 070 payment by PG&E for the easement will be appropriated and deposited into The General Purpose Fund (1010), Public Works Agency–Right of Way Management Org (30243), Special Report Sales (45511); and be it

**FURTHER RESOLVED:** That Real Estate Division’s administrative costs associated with the easement review process, \$1,141 shall be appropriated to the General Purpose Fund (1010), Real Estate Services Org (88639), Miscellaneous Sales Account (45519); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized and directed to take any and all actions necessary to grant the easement; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is authorized to take all actions necessary to carry out the intent of this Ordinance and to complete the transaction; and be it

**FURTHER RESOLVED:** That the City Attorney shall review and approve as to form and legality all documents and agreements necessary to grant the easement.

**IN AGENCY, OAKLAND, CALIFORNIA PASSED BY THE FOLLOWING VOTE:**

**AYES-** BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, WAN, AND  
CHAIR PERSON DE LA FUENTE

**NOES-**  
**ABSENT-**  
**ABSTENTION-**

**ATTEST:**

\_\_\_\_\_  
LaTonda Simmons  
Interim Secretary to the City Council of the  
City of Oakland, California

**NOTICE AND DIGEST**

**ORDINANCE AUTHORIZING THE GRANTING OF TWO PERMANENT UTILITY EASEMENTS TO PACIFIC GAS AND ELECTRIC COMPANY LOCATED AT THE CITY OF OAKLAND FIRE STATION AT 250 FALLON STREET (SITE 1) AND THE EAST SIDE OF FALLON STREET AT VICTORY COURT(SITE 2)FOR THE COMBINED APPRAISED MARKET VALUE OF \$5,070**

This ordinance provides for the granting of two permanent easements on and near the Oakland Fire Station. Site 1 easement is approximately 600 square feet and Site 2 easement is approximately 1,000 square feet. The easements are being granted to permit Pacific Gas & Electric to construct and maintain underground utility facilities.

# Exhibit A

**Description:**

The land referred to herein is situated in the State of California, County of Alameda, City of Oakland, and is described as follows:

COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERN LINE OF FALLON STREET WITH THE NORTHEASTERN LINE OF THIRD STREET PRODUCED SOUTHEASTERLY; AND RUNNING THENCE ALONG SAID SOUTHEASTERN LINE OF FALLON STREET SOUTH 26° 15' WEST THE BEARING OF SAID SOUTHEASTERN LINE OF FALLON STREET BEING TAKEN AS SOUTH 26° 15' WEST FOR THE PURPOSE OF MAKING THIS DESCRIPTION, 150.00 FEET TO THE ACTUAL POINT OF BEGINNING OF THE PARCEL OF LAND TO BE DESCRIBED; THENCE FROM SAID ACTUAL POINT OF BEGINNING, SOUTH 75° 03' 40" EAST 259.14 FEET TO A POINT FROM WHICH THE CENTER OF A CIRCLE HAVING A RADIUS OF 4,962 FEET BEARS NORTH 17° 58' 15" EAST; THENCE NORTHWESTERLY ALONG THE CIRCUMFERENCE OF SAID CIRCLE, THROUGH A CENTRAL ANGLE OF 2° 57' 16", AN ARC DISTANCE OF 255.86 FEET, TO SAID SOUTHEASTERN LINE OF FALLON STREET; AND THENCE SOUTH 26° 15' WEST ALONG THE LAST-NAMED LINE 20.53 FEET, TO THE ACTUAL POINT OF BEGINNING.

APN: 0000-0440-006

# Exhibit B

## Description:

The land referred to herein is situated in the State of California, County of Alameda, City of Oakland, and is described as follows:

BEGINNING AT A CONCRETE MONUMENT SET AT THE INTERSECTION OF THE NORTHERLY BOUNDARY LINE OF THE RIGHT OF WAY OF THE CENTRAL PACIFIC RAILWAY COMPANY'S FIRST STREET LINE WITH THE WESTERLY BOUNDARY LINE OF 5TH AVENUE EXTENSION AS SAID EXTENSION IS DESCRIBED IN THAT CERTAIN QUITCLAIM DEED FROM SOUTHERN PACIFIC COMPANY, ET AL, TO CITY OF OAKLAND, DATED MARCH 15TH, 1911 AND RECORDED IN DEED BOOK 1901, PAGE 441, ALAMEDA COUNTY RECORDS, AND RUNNING THENCE ALONG SAID RIGHT OF WAY LINE N. 77° 40' 40" W A DISTANCE OF 1108.02 FEET TO A CONCRETE MONUMENT; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N. 77° 09' 48" W. AND HAVING A RADIUS OF 11,409.15 FEET, A DISTANCE 204.88 FEET TO A CONCRETE MONUMENT SET ON A LINE DRAWN PARALLEL TO AND DISTANT 650 FEET EASTERLY FROM THE EASTERLY BOUNDARY LINE OF FALLON STREET, SAID LINE BEING HEREBY FIXED AND DETERMINED AS THE LOW TIDE LINE AS IT EXISTED ON MAY 4TH, 1852; THENCE ALONG SAID AGREED LOW TIDE LINE N. 26° 15' E A DISTANCE OF 1834.93 FEET TO A CONCRETE MONUMENT SET AT THE INTERSECTION OF SAID LINE WITH THE NORTHEASTERLY BOUNDARY LINE OF THAT CERTAIN PIECE OR PARCEL OF LAND DESIGNATED AS "PARCEL NO. 2" IN THAT CERTAIN QUITCLAIM DEED FROM THE SOUTHERN PACIFIC COMPANY AND CENTRAL PACIFIC RAILWAY COMPANY TO THE CITY OF OAKLAND, DATED MARCH 8, 1929 AND RECORDED ON JUNE 20, 1929 IN LIBER 2169 AT PAGE 82, OF THE RECORDS OF COUNTY OF ALAMEDA, STATE OF CALIFORNIA; THENCE ALONG SAID BOUNDARY LINE E 54° 16' 30" E A DISTANCE OF 1146.39 FEET TO A CONCRETE MONUMENT; S. 47° 09' 30" E A DISTANCE OF 260.58 FEET TO A CONCRETE MONUMENT SET ON THE WESTERLY BOUNDARY LINE OF 5TH AVENUE EXTENSION HEREINBEFORE REFERRED TO; THENCE ALONG THE SAID WESTERLY BOUNDARY LINE OF 5TH AVENUE EXTENSION S 48° 01' 45" W A DISTANCE OF 6.11 FEET; S 33° 21' 45" W A DISTANCE OF 538.60 FEET S 14° 29' 45" W A DISTANCE OF 105.20 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING NORTHERLY OF THE SOUTHERLY LINE OF THE RIGHT OF WAY GRANTED TO WESTERN PACIFIC RAILWAY COMPANY BY THE CITY OF OAKLAND BY ITS ORDINANCE NO. 2828 AS DISCLOSED BY A QUITCLAIM DEED RECORDED AUGUST 13TH, 1929 IN BOOK 2214 OF OFFICIAL RECORDS, PAGE 81.

FURTHER EXCEPTING THEREFROM THAT PORTION LYING EASTERLY OF THE WESTERLY LINE OF THE SECOND PARCEL OF LAND DESCRIBED IN THE FINAL ORDER OF CONDEMNATION RECORDED JULY 8TH 1953 IN BOOK 7076 OF OFFICIAL RECORDS, PAGE 155.

APN: 0000-0455-004-02

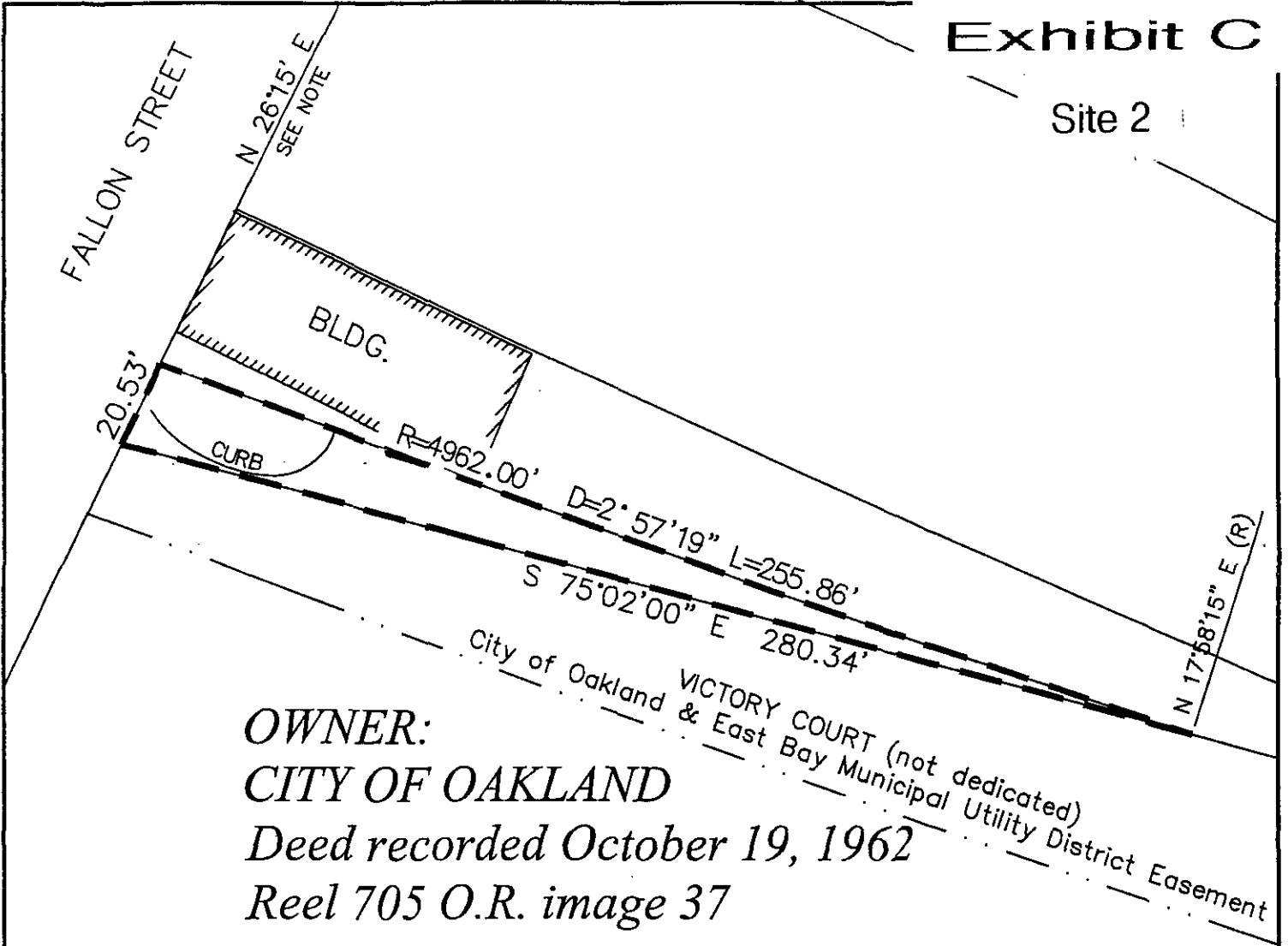
NOTE: THIS LEGAL HAS NOT BEEN CREATED OF RECORD AND IS SHOWN FOR CONVENIENCE ONLY.



**GAS AND ELECTRIC UNDERGROUND EASEMENT**

**Exhibit C**

Site 2



**OWNER:**  
**CITY OF OAKLAND**  
*Deed recorded October 19, 1962*  
*Reel 705 O.R. image 37*

Assessor's Parcel No.  
 0000-0440-006

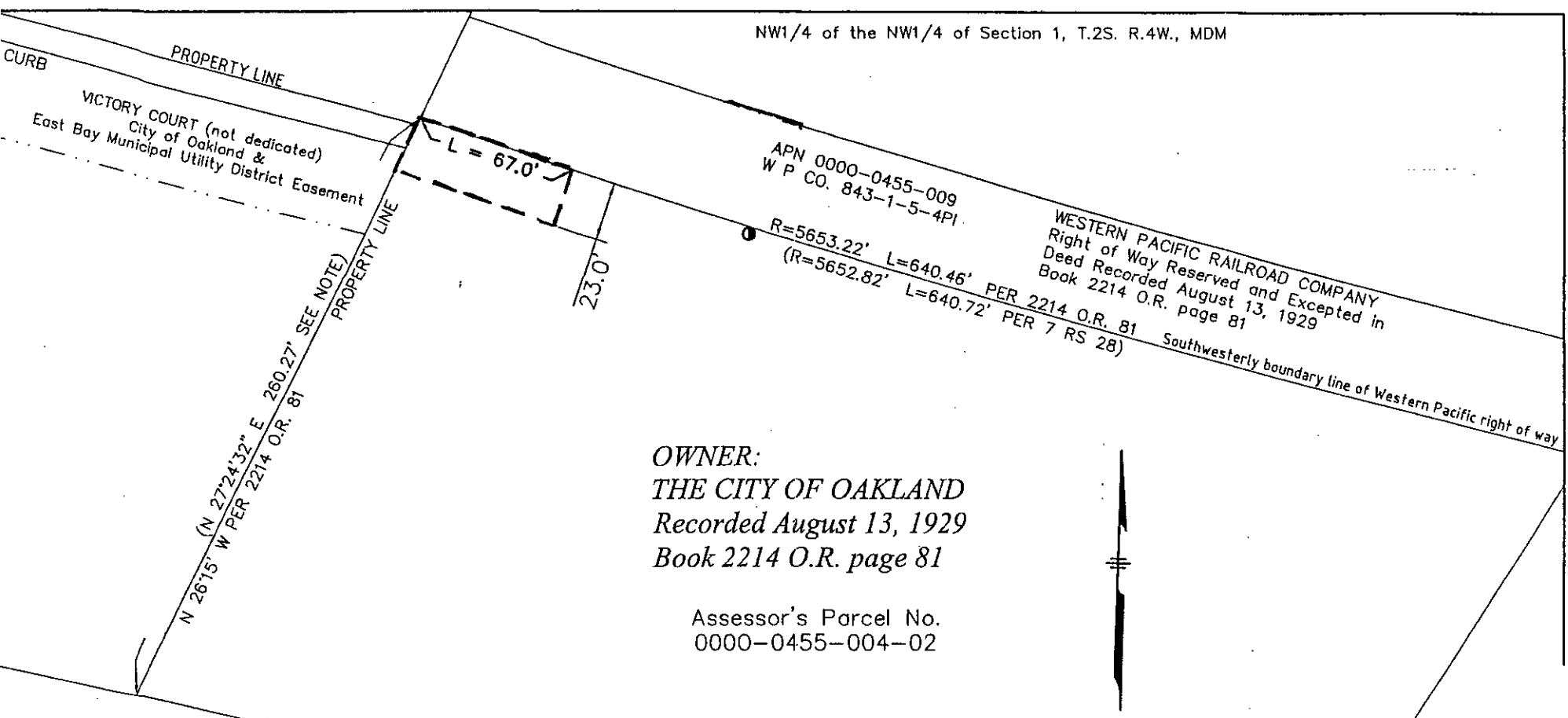
LEGEND:  
 UNDERGROUND ELECTRIC EASEMENT

*PARCEL MAP 1220*  
*Filed August 8, 1973*  
*Book 80 PM page 2*

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



Applicant: <b>FALLON STREET, OAKLAND</b>				SCALE 1" = 40'	DATE 3/5/04
SECTION SE/SE/35	TOWNSHIP 1S.	RANGE 4W.	MERIDIAN MDB&M	COUNTY OF: ALAMEDA	CITY OF: OAKLAND
PLAT MAP G-5-7			REFERENCES	F.B.: <b>PG&amp;E</b>	DR. BY: GPY EAST BAY DIVISION
				1 of 2 SHEET NO.	CH. BY: JAB 30209495-1 DRAWING NO.



NW1/4 of the NW1/4 of Section 1, T.2S. R.4W., MDM

VICTORY COURT (not dedicated)  
City of Oakland &  
East Bay Municipal Utility District Easement

APN 0000-0455-009  
W P CO. 843-1-5-4PI

WESTERN PACIFIC RAILROAD COMPANY  
Right of Way Reserved and Excepted in  
Deed Recorded August 13, 1929  
Book 2214 O.R. page 81

**OWNER:**  
**THE CITY OF OAKLAND**  
Recorded August 13, 1929  
Book 2214 O.R. page 81

Assessor's Parcel No.  
0000-0455-004-02

LEGEND:  
 UNDERGROUND ELECTRIC EASEMENT  
 X NEW POLE  
 ● EXISTING POLE

UNLESS OTHERWISE SHOWN  
ALL COURSES EXTEND TO OR  
ALONG BOUNDARIES C

NOTE  
Bearing and Distance per Record of Survey  
dated October 11, 1968  
Book 7 of Record of Surveys page 28

APPROVED BY								PLAT# :G-5-7
								SUPV. :
								DSCN. :
								DWN. :GPY
								CHKD. :JAB
								O.K. :
								DATE :3/8/04
								SCALES
								1" = 40'
DATE	DESCRIPTION	SEARCH	SEC	COMPS.	SEC	F. B.	SEC	
REVISIONS								

GAS AND ELECTRIC  
UNDERGROUND EASEMENT  
VICTORY COURT, OAKLAND

PACIFIC GAS AND ELECTRIC COMPANY

SEC 36	T. 4S.	R. 2"
COUNTY : ALAMEDA		
DIVISION : EAST BAY		
AUTH # : PM 30209		
SHEET NO. 2 of 2		
30209495-1		

Site 1

Exhibit D