

DEPUTY CITY ATTORNEY
OFFICE OF THE CITY CLERK
OAKLAND

INTRODUCED BY COUNCILMEMBER _____

2005 FEB -9 PM 12: 27

ORDINANCE NO. 12651 C. M. S.

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

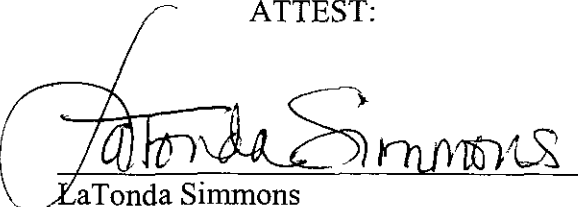
FURTHER RESOLVED: That the City Attorney shall review and approve as to form and legality all documents and agreements necessary to grant the easement.

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

AYES- BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, ~~YAN~~, AND CHAIR PERSON DE LA FUENTE - 7

NOES- 0
ABSENT- 0
ABSTENTION- 0

ATTEST:


LaTonda Simmons

Interim Secretary to the City Council of the City of Oakland, California

In Council: _____ MAR 15 2005

Introduction Date: MAR 1 - 2005

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

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.

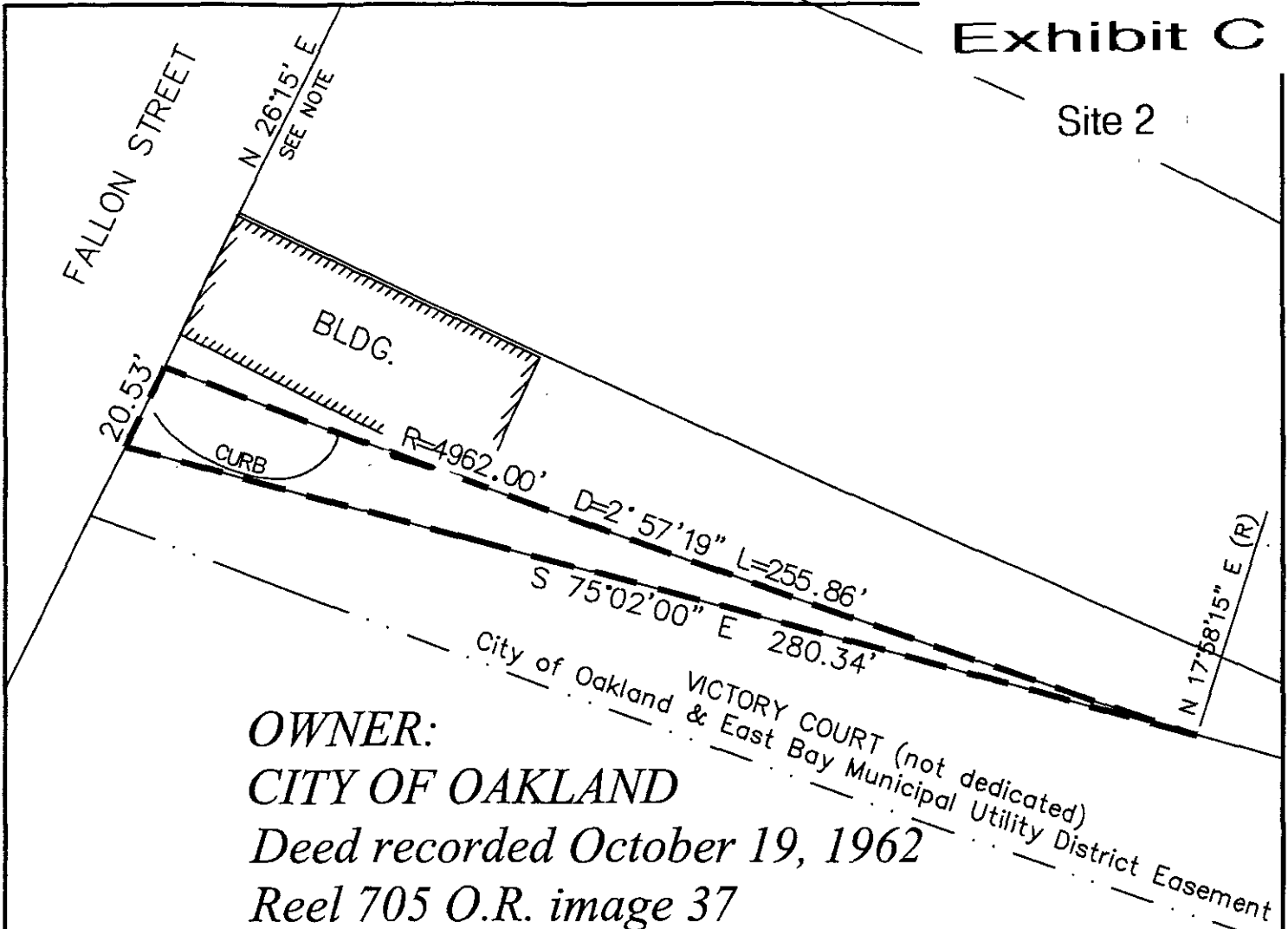
APN: 0000-0455-004-02

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

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

LEGEND:
[---] UNDERGROUND ELECTRIC EASEMENT

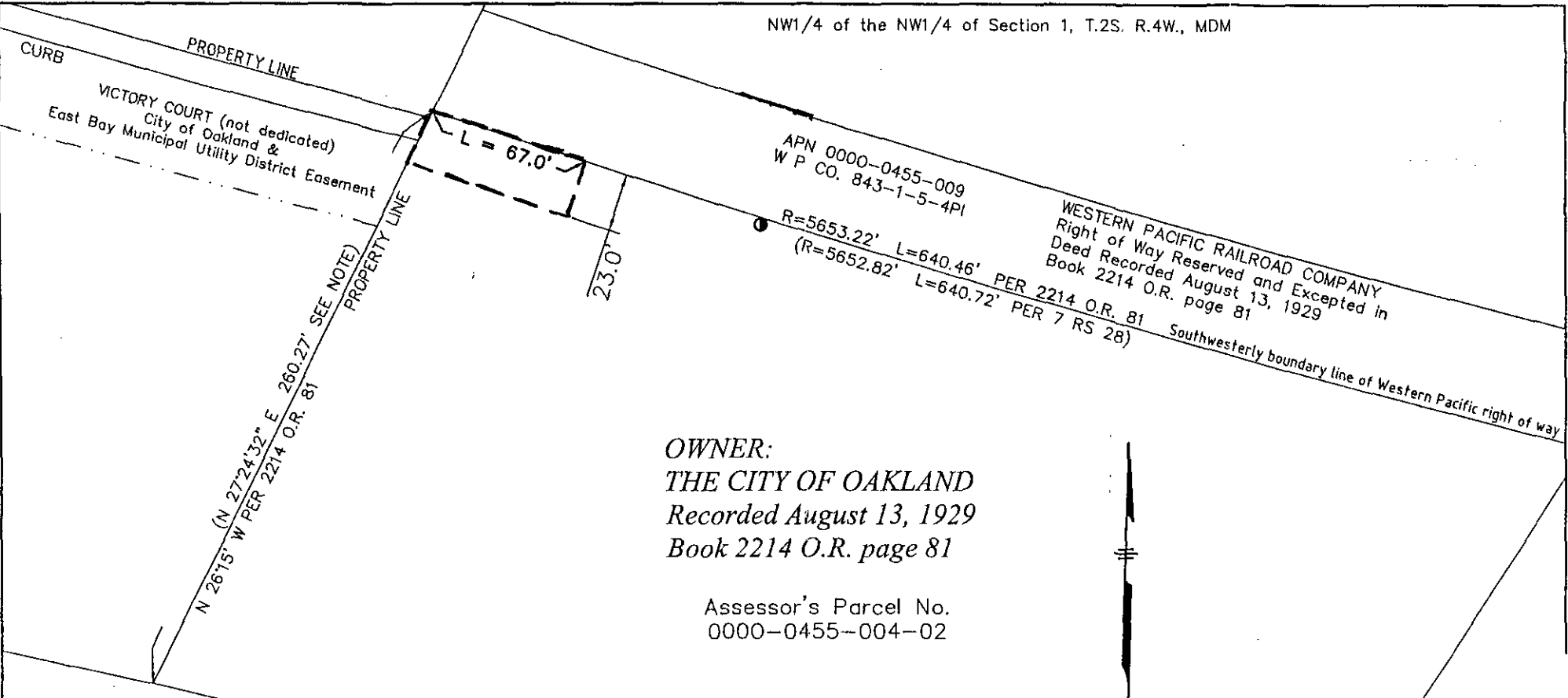
PARCEL MAP 1220
Filed August 8, 1973
Book 80 PM page 2

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



Applicant: FALLON STREET, OAKLAND				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.:	DR. BY: GPY CH. BY: JAB
			PG&E	EAST BAY DIVISION	1 of 2 SHEET NO. 30209495-1 DRAWING NO.

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



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

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

UNLESS OTHERWISE SHOWN
 ALL COURSES EXTEND TO OR
 ALONG BOUNDARIES OF

NO.	DATE	DESCRIPTION	SEARCH	SEC.	COMPS.	SEC.	F. B.	SEC.
REVISIONS								

APPROVED BY: _____
 PLAT# : G-5-7
 SUPV. : _____
 DSGN. : _____
 DWN. : GPY
 CHKD. : JAB
 O.K. : _____
 DATE : 3/8/04
 SCALES : 1" = 40'

**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