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RESOLUTION NUMBER R- 306866

DATE OF FINAL PASSAGE JUN 28 2011

RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A NON-EXCLUSIVE AERIAL EASEMENT IN FAVOR OF PACIFIC BELL TELEPHONE COMPANY, A CALIFORNIA CORPORATION DBA AT&T CALIFORNIA.

WHEREAS, Pacific Bell Telephone Company, a California Corporation dba AT&T California (AT&T), is preparing to run fiber cable to a cell site located at 20891 Viento Valle in Escondido, California; and

WHEREAS, a portion of AT&T's proposed path for the fiber cable requires the cable to cross over property owned by the City of San Diego (City); this is because AT&T must run the cable between two existing SDG&E poles located on City-owned property; and

WHEREAS, in order to run the cable between the two existing SDG&E poles, AT&T is requesting an aerial easement from the City, which aerial easement, generally described, would lie across a portion of the South half (S ½) of the Northeast quarter (NE ¼) of Section 31, Township 12 South, Range 1 West, San Bernardino Base and Meridian, County of San Diego, State of California, according to the deed filed in the Office of the County Recorder San Diego County Official Records Book 1007, page 323, recorded April 1, 1940; and

WHEREAS, the requested aerial easement would be located completely within an easement area previously granted to SDG&E according to document No. 76000200347 recorded November 18, 1918, book No. 770, page 38, and AT&T specifically agrees that the rights granted to AT&T through the aerial easement shall automatically extinguish upon termination of

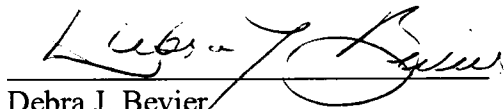
SDG&E's rights to the easement area granted to SDG&E according to document No. 76000200347 recorded November 18, 1918, book No. 770, page 38; and

WHEREAS, AT&T has agreed to pay \$2,500 for the aerial easement, which sum shall be deposited in Water Fund 400004. Additionally AT&T has paid a City processing fee of \$1,590 to cover staff time and expenses for processing the aerial easement; NOW, THEREFORE,

BE IT RESOLVED, that the Mayor, or his designee, is hereby authorized to execute a non-exclusive Grant of Easement in favor of Pacific Bell Telephone Company, a California corporation dba AT&T California, its successors, assigns, lessees and agents, for the placement of fiber cable, which will be attached to SDG&E facilities located within an easement previously granted to SDG&E, and which, generally described, will be across a portion of the South half (S ½) of the Northeast quarter (NE ¼) of Section 31, Township 12 South, Range 1 West, San Bernardino Base and Meridian, County of San Diego, State of California, according to the deed filed in the Office of the County Recorder San Diego County Official Records Book 1007, page 323, recorded April 1, 1940.

APPROVED: JAN I. GOLDSMITH, City Attorney

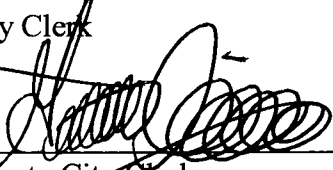
By


Debra J. Bevier
Deputy City Attorney

DJB:mm
05/03/2011
Or.Dept:READ
R-2011-940

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 21 2011.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6.28.11
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor