

#106  
11/27

RESOLUTION NUMBER R- 307856

DATE OF FINAL PASSAGE NOV 27 2012

A RESOLUTION OF THE CITY OF SAN DIEGO  
AUTHORIZING THE GRANT OF AN UNDERGROUND  
UTILITY EASEMENT, ACROSS A PORTION OF PUEBLO  
LOT 1793, TO OPTICACCESS, LLC, FOR HIGH-SPEED  
FIBER OPTIC COMMUNICATION CABLE SYSTEM  
PURPOSES.

WHEREAS, in 2001, Global Photon Systems, Inc., a San Diego company doing business as Global West Network, Inc. (Global), was granted a Right of Entry Permit (Permit) to construct a high-speed fiber optic undersea communications cable system into and between San Francisco, Monterey, San Luis Obispo, Santa Barbara, Los Angeles and San Diego; and

WHEREAS, the cable, which was laid in the Pacific Ocean and comes in to land in each of the above-listed cities, is less than one (1) inch in diameter, carries no electrical power, and transmits only light through the glass fibers; and

WHEREAS, pursuant to the terms of the Permit, in San Diego the undersea cable became an underground cable at Pacific Beach Park, where it runs under Pacific Beach Park until it connects with an underground utility conduit running down the center of Pacific Beach Drive (within the utility franchise area); the Permit gave Global right-of-entry rights to construct the cable system within the Permit area - which is approximately 126 feet in length, by six inches wide, covering approximately 65 square feet of Pacific Beach Park; and

WHEREAS, Global previously requested that it be granted an easement over the same areas where the cable went underground in Pacific Beach Park; however when Global subsequently went into bankruptcy, its request for an easement was abandoned; and

WHEREAS, opticAccess, LLC, a privately held fiber optic-based communications provider servicing the West Coast of the United States acquired Global's network of lines, and is now seeking acquisition of an easement over the same areas for which Global sought an easement; and

WHEREAS, if the easement is granted, the City will receive a processing fee in the amount of \$1,750, and compensation for the easement rights granted in the amount of \$2,500;

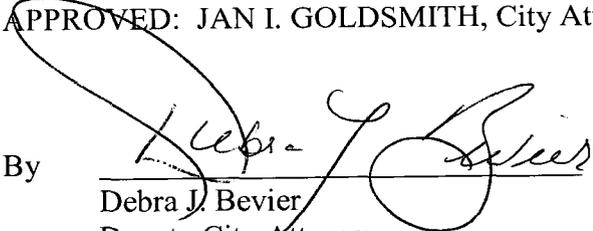
NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a conveyance to opticAccess, LLC, of an underground communications easement across a portion of Pueblo Lot 1793 of the Pueblo Lands of the City of San Diego, in the City of San Diego, County of San Diego, State of California, according to the map thereof made by James Pascoe in 1870, filed as Miscellaneous Map No. 36, is authorized.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the revenues received as processing fees, and the revenues received as compensation for the easement rights conveyed, shall be deposited into Fund 100000.

APPROVED: JAN I. GOLDSMITH, City Attorney

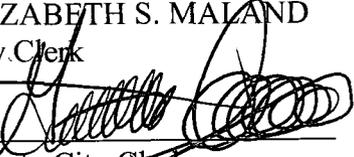
By

  
Debra J. Bevier  
Deputy City Attorney

DJB:mm  
October 4, 2012  
Or.Dept: READ  
PL No. 450254

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 11/27/12.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 11.27.12  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor