

Jan 8<sup>th</sup> 2013 #102

(R-2013-301)

RESOLUTION NUMBER R- 307957

DATE OF FINAL PASSAGE JAN 23 2013

A RESOLUTION OF THE CITY OF SAN DIEGO  
AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO  
GRANT AND EXECUTE UTILITY EASEMENT DEEDS, AND  
OTHER ASSOCIATED CONVEYANCE DOCUMENTS, FOR  
UTILITY EASEMENTS THAT ARE BOTH UNDER 10,000  
SQUARE FEET IN SIZE AND HAVE FAIR MARKET VALUES  
OF \$10,000 OR LESS.

WHEREAS, annually, the Real Estate Assets Department receives numerous requests from utility companies (e.g., SDG&E, AT&T, Cox) for utility easements that will cross over City-owned real property; and

WHEREAS, those requested utility easements generally range in size from as little as 90 square feet (6' x 15') to over 2.81 acres (184' x 797'), with fair market values that range from \$2,500 to almost \$200,000 - - although approximately eighty percent (80%) of the requests are for easements that are under 10,000 square feet in size and that have fair market values of under \$10,000; and

WHEREAS, in order to streamline the process for conveying utility easements that are both under 10,000 square feet in size and have fair market values of \$10,000 or less, this action seeks authority for the Mayor, or his designee, to grant and execute utility easement deeds, and other associated transfer documents, required for such requested utility easement conveyances. The authority sought is requested to include the ability to grant utility easements (that are under 10,000 square feet in size and with fair market values of \$10,000 or less) for which the City does

not request payment from the grantee, based on the benefit that the granting of the easement will confer upon the City; and

WHEREAS, if granted, the authorization sought will not affect any of the City's other existing processes which are to be followed prior to granting such utility easements, but will require that the Real Estate Assets Department annually report to the City Council concerning the utility easements that have been granted by the Mayor, or his designee, and the revenues that have been received in payment for those utility easements; and


WHEREAS, all revenues received from the conveyance of such utility easements over general fund properties will be deposited into Capital Outlay Fund 400002, and all revenues received from the conveyance of such utility easements over enterprise department properties will be deposited in the applicable enterprise fund which is normally used for depositing revenues from land interest conveyances; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor, or his designee, is authorized to grant and execute utility easement deeds, and other associated transfer documents, for utility easements that are under 10,000 square feet in size and that have fair market values of \$10,000 or less. The grant of this authority shall include authorization for the Mayor, or his designee, to grant utility easements (that are under 10,000 square feet in size and with fair market values of \$10,000 or less) for which the City does not request any payment for the easement from the grantee, based on the benefit that the granting of the easement will confer upon the City; shall not affect any of the City's other existing processes which are to be followed prior to granting such utility easements; and shall require that the Real Estate Assets Department annually report to the City Council concerning the utility easements that have been granted by

the Mayor, or his designee, and the revenues that have been received in payment for those utility easements.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
Debra J. Bevier  
Deputy City Attorney

DJB:mm  
December 13, 2012  
Or.Dept: READ  
PL No. 487170

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 8 2013

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: \_\_\_\_\_

1/23/13  
(date)

  
BOB FILNER, Mayor

Vetoed: \_\_\_\_\_

(date)

\_\_\_\_\_  
BOB FILNER, Mayor