

001425	REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO	1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 123 11/18					
TO: CITY ATTORNEY	2. FROM (ORIGINATING DEPARTMENT): Real Estate Assets Department	3. DATE: September 16, 2008					
4. SUBJECT: Easement Exchange with AT&T California – Vineyards Golf Course							
5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.) Lane MacKenzie (619) 236-6050 MS#51A <i>LM</i>	6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.) Stephen Geitz (619) 236-6311 MS# 51A	7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input checked="" type="checkbox"/>					
8. COMPLETE FOR ACCOUNTING PURPOSES							
FUND	DEPT.	9. ADDITIONAL INFORMATION / ESTIMATED COST: Cost: None Fiscal Impact: \$1,590 Processing fee received and deposited into Water Fund 41500, Revenue Account 77438 Job: 923947 Thomas Guide Page 1150D-3					
ORGANIZATION	OBJECT ACCOUNT						
JOB ORDER	C.I.P. NUMBER						
AMOUNT							
10. ROUTING AND APPROVALS							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>A.F. Frank</i>	9/16/08	8	DEPUTY CHIEF	<i>Becky Gray</i>	10/14/08
2	DSD/EAS	<i>Walt Bl</i>	9/22/08	9	CITY ATTORNEY	<i>John Sherman</i>	10/16/08
3	WATER DEPARTMENT	<i>Alfred R</i>	9/27/08	10	ORIGINATING DEPARTMENT	<i>S.L. Fein</i>	10/22/08
4	LIAISON OFFICE	<i>SCD</i>	10/1/08				
5	CFO/FINANCIAL MANAGEMENT	<i>Julie Arnold</i>	10/9/08				
6	EOCP MEMO 5-3-1995			✓			
7	AUDITORS	<i>A. Papp</i>	10/14/08				
		DOCKET COORD: _____				COUNCIL LIAISON: <i>SC 11/4/08</i>	
		COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/>				COUNCIL DATE: 11/15/08	
		REFER TO: _____					
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTION(S) <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
1) Authorize the Mayor or his designee to execute an Easement Deed (Form Of attached) in favor of AT&T California, affecting that portion of the Oaks Tract, as shown on Map No. 1415, recorded February 8, 1912. 2) Authorize the Mayor or his designee to accept a Quitclaim Deed (Form Of attached), executed by AT&T California, conveying back to the City any and all easement rights previously granted by the City, per Right of Way Easement deed recorded November 2, 1993, as Document No. 1993-735031. 3) Authorize the Controller to accept \$1,590 from AT & T California and deposit in Water fund 41500, Revenue Account 77438. Adopt the Resolutions.							
11A. STAFF RECOMMENDATIONS:							
12. SPECIAL CONDITIONS:							
<u>COUNCIL DISTRICT(S):</u>		5					
<u>COMMUNITY AREA(S):</u>		San Pasqual					
<u>ENVIRONMENTAL IMPACT:</u>		This activity is exempt from CEQA, pursuant to State CEQA Guidelines, Section 15061(B)(3), "General Rule".					
<u>ACTION REQUESTED BY:</u>		Real Estate Assets Department					
<u>DESCRIPTIVE LOCATION:</u>		Southwest of San Pasqual Road and Sierra Linda Drive					
<u>ATTACHMENTS:</u>		Easement and Quitclaim Deeds (Forms Of), easement plat and vicinity map aerial.					
<u>CITY CLERK INSTRUCTIONS:</u>		DO NOT RECORD. Please return documents to Real Estate Assets Department, Attn: Steve Geitz, MS# 51A, for further handling.					

001427

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: _____ REPORT NO: _____
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Real Estate Assets Department
SUBJECT: Exchange of Easements with AT&T California
COUNCIL DISTRICT(S): Five - Maienschein
CONTACT/PHONE NUMBER: Stephen L. Geitz (619) 236-6311

REQUESTED ACTION: Council authorization to grant an easement to and accept a quitclaim from AT&T California, for the exchange of property rights, to allow for service upgrade to AT&T communication facilities.

STAFF RECOMMENDATION: Staff recommends authorizing the exchange of easements.

EXECUTIVE SUMMARY: An easement exchange has been requested by AT&T to allow for the installation of upgraded communication cabinet facilities. AT&T is requesting that the City grant an 858 square foot easement area. In exchange, AT&T proposes to quitclaim an existing 669 square foot easement back to the City. The proposed service upgrades will directly benefit the City's Lessee, Vineyards Golf Course operation, in that enhanced television and telephone service will be made possible with the installation of the new communication equipment. Additionally, compared to the existing easement area, the location and configuration of the new easement and proposed facilities is much less intrusive to the ongoing maintenance operations at the golf course, and is therefore desirable to the City's Lessee. Because the easement rights to be exchanged are of equal value, and the City is to benefit directly from the service upgrades, no compensation is to be requested by the City for the new easement rights.

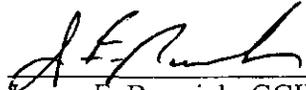
It should be noted that by Resolution R-272774, adopted January 30th, 1989, the City of San Diego was authorized to acquire a one-half interest, along with the City of Escondido, in the parcel affected by the subject easement exchange. As such, the easement and quitclaim documents will require the execution of both Cities to allow for the exchange of property rights.

FISCAL CONSIDERATIONS: A \$1,590 processing fee will be paid to the City of San Diego by AT&T, to cover staff labor and other costs associated with the processing of the easement exchange.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None regarding this specific project or the contemplated exchange of easement rights.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: The Cities of San Diego and Escondido, and their joint Lessee, the Vineyards Golf Course, are the key stakeholders. Projected impacts include enhanced television and telephone service for the Lessee, as well as for the private citizens in the area. The Lessee's utility of the property will also be enhanced by the relocation of the communication equipment.


James F. Barwick, CCIM
Director, Real Estate Assets


William Anderson, FAICP
Deputy Chief/Chief Operating Officer
City Planning and Development



27106005

G703PM

G703WM

27107001

27107005

G704PM

G701PM

27107007

27108161

SUBJECT

G701WW

27108102

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AN EXCHANGE OF REAL PROPERTY EASEMENT RIGHTS WITH PACIFIC BELL TELEPHONE COMPANY AT THE VINEYARDS GOLF COURSE IN ESCONDIDO CALIFORNIA.

WHEREAS, in 1989, The City of San Diego (City) became the one half owner of a parcel of land (Property) located southwest of San Pasqual Road and Sierra Linda Drive in Escondido, California and The City of Escondido (Escondido) is the owner of the other half; and

WHEREAS, the City and Escondido jointly lease the Property to the Vineyards Golf Course for the maintenance and operation of a public golf facility; and

WHEREAS, the Vineyards Golf Course and the surrounding residential community contract for telecommunication services with Pacific Bell, doing business as AT&T, and that company requires legal access to the Property to install and maintain its facilities; and

WHEREAS, the City and Escondido in 1993 granted Pacific Bell a right-of-way easement for electronic communications equipment and commercial power service across the parcel and said easement needs to be expanded and relocated to another portion of the property; and

WHEREAS, Pacific Bell is offering to surrender the 1993 easement in exchange for a new right-of-way easement and pay for the administrative costs of the relocation; and

WHEREAS, the public will be benefited by improved, relocated and expanded communications facilities; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the Mayor or his designee is authorized and empowered to execute, for and on behalf of The City of San Diego, a

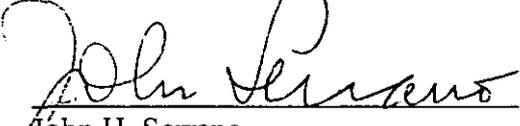
001434

grant of easement document (Deed), a copy of which is on file in the Office of the City Clerk as Document No. RR-_____ to Pacific Bell granting a right-of-way for communications services and facilities maintenance across the Property, as more particularly described in the Deed.

BE IT FURTHER RESOLVED, that the Mayor or his designee is authorized to accept and record the vacation and surrender of the 1993 right-of-way easement in favor of Pacific Bell.

BE IT FURTHER RESOLVED, that the City Comptroller is authorized to accept \$1,590 from Pacific Bell and to deposit such funds into the Water Department Revenue Account 77438.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
John H. Serrano
Deputy City Attorney

JHS:ar
10/16/08
Or.Dept:READ
R-2009-487
MMS# 6685

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

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor