



## CITY COUNCIL STAFF REPORT

DATE: FEBRUARY 6, 2013

CONSENT AGENDA

SUBJECT: APPROVE THE SALE AND GRANT OF AN EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY OVER CITY OWNED PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF GENE AUTRY TRAIL, NORTH OF PAR ROAD, IN THE AMOUNT OF \$19,500 TO PERMIT THE INSTALLATION AND MAINTENANCE OF ELECTRICAL FACILITIES.  
(APNs 681-141-015 and 680-020-070)

FROM: David H. Ready, City Manager

BY: David Barakian, Director of Public Works  
Douglas Holland, City Attorney

---

### SUMMARY

Southern California Edison has offered the City \$19,500 for an easement over approximately 16,610 square feet of city owned land on the east side of Gene Autry Trail, north of Par Road. The affected City property consists of: (a) a lot which is used as a landscaped pedestrian walkway to the Tahquitz Creek Bridge and (b) a portion of the Tahquitz Creek Golf Course.

### RECOMMENDATION:

Approve the sale and grant of an easement to Southern California Edison over a portion of City owned land generally located on the east side of Gene Autry Trail, north of Par Road (APNs 681-141-015 and 680-020-070) to allow the installation and maintenance of electrical supply systems and authorize the City Manager to execute the Grant of Easement.

### ANALYSIS

Southern California Edison has offered to purchase an easement over a portion of city owned property near the Tahquitz Creek Bridge and the Tahquitz Creek Golf Course. The purpose of the easement is to accommodate newly installed electrical supply systems that are necessary to serve Edison customers in the City. Edison has offered to purchase the easement for \$19,500, consistent with an appraisal Edison commissioned and the City has reviewed. The easement will not interfere with the ability or the right of the City to maintain its municipal and governmental uses of the affected property. It is not anticipated

ITEM NO. 2H

---

that any widening of Gene Autry Trail will be required. In the event the City undertakes a change of grade of Gene Autry, Edison has agreed to raise or lower the top casting of any vault to match the change of grade at its sole cost and expense.

FISCAL IMPACTS

The City will receive a one-time payment of \$19,500 for the easement.



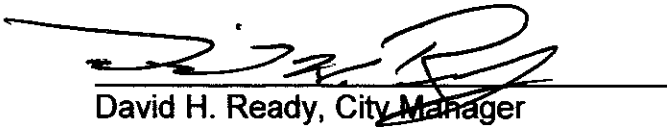
---

Douglas Holland  
City Attorney



---

David Barakian, Director of Public Works



---

David H. Ready, City Manager

Attachment: Grant of Easement (including maps of easement areas)

RECORDING REQUESTED BY



SOUTHERN CALIFORNIA  
**EDISON**

An EDISON INTERNATIONAL Company

WHEN RECORDED MAIL TO

**SOUTHERN CALIFORNIA EDISON COMPANY**

Real Properties  
2131 Walnut Grove Avenue, 2<sup>nd</sup> Floor  
Rosemead, CA 91770

Attn: Distribution/TRES

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT OF  
EASEMENT**

DOCUMENTARY TRANSFER TAX \$ NONE (VALUE AND CONSIDERATION LESS THAN \$100.00)	DISTRICT	WORK ORDER	IDENTITY	MAP SIZE
	Palm Springs	6579-4859 TD408402	9-4867	
SCE Company	FIM: 594-1924-5	APPROVED:	BY	DATE
SIG. OF DECLARANT OR AGENT DETERMINING TAX FIRM NAME	595-1924-5 595-1926-9 APN: 681-141-015 680-020-070	Real Properties	SLS/BKM	6/29/12

CITY OF PALM SPRINGS (hereinafter referred to as "Grantor"), hereby grants to SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, its successors and assigns (hereinafter referred to as "Grantee"), an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time, overhead and underground electrical supply systems and communication systems (hereinafter referred to as "systems"), consisting of poles, guys and anchors, crossarms, wires, underground conduits, cables, vaults, manholes, handholes, and including aboveground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, in, on, over, under, across and along that certain real property in the County of Riverside, State of California, described as follows:

FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

This legal description was prepared pursuant to Sec. 8730© of the Business & Professions Code. For the purpose of this Easement, poles, guys, anchors, crossarms and above-ground wires may only be installed in the event that the underground system fails or is in need of repair or maintenance or other work (e.g., the upgrade of such systems). Such temporary above ground equipment shall be removed within a reasonable period of time following the completion of repairs, maintenance or other work on or to the underground systems. Notwithstanding the foregoing, Grantee may install and or maintain vaults, manholes, handholes, and other aboveground enclosures, markers, and concrete pads on the subject property which are not subject to removal.

Grantor agrees for himself, his heirs and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, planter boxes, earth fill or other structures except walls and fences on the hereinbefore described easement area. The Grantee, and its contractors, agents and employees, shall have the right to trim or top such trees and to cut such roots as may endanger or interfere with said systems and shall have free access to said systems and every part thereof, at all times, for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on said property of the Grantor, the Grantee shall make the same in such a manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable; and (3) Grantee shall provide Grantor with reasonable notice prior to conducting any non-emergency work requiring excavation that will result in an outage and will take reasonable measures to prevent any undue interference with Grantor's use and enjoyment of the underlying property.

The Grantee agrees, by the acceptance of this instrument, that in the event the said systems shall interfere with the development of the above-described property of the Grantor(s) to the extent Grantee's systems now or hereinafter installed interfere with a future change of grade in and to Grantor's roads, Grantee shall, at Grantee's cost and expense, upon written request and upon being provided Grantor's Plans for such change of grade (provided such Plans are of reasonably sufficient detail) raise or lower the top casting of any existing vault to match the change of grade. Grantee shall not be obligated to raise or lower any other portion of its Systems (including, but not limited to the vault or conduit bank), unless Grantee agrees to pay Fifty Percent of the cost to raise or lower any such portion of its system.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**GRANTOR**

CITY OF PALM SPRINGS

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

**GRANTEE**

SOUTHERN CALIFORNIA EDISON COMPANY, a corporation

By: \_\_\_\_\_  
Dino J. LaBanca,  
Real Properties Department

Date: \_\_\_\_\_

State of California )  
 )  
County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_, personally  
(here insert name and title of the officer)

appeared \_\_\_\_\_  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(This area for notary stamp)

State of California )  
 )  
County of \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_, personally  
(here insert name and title of the officer)

appeared \_\_\_\_\_  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(This area for notary stamp)

EXHIBIT "A"-LEGAL DESCRIPTION

THE LANDS DESCRIBED HEREIN ARE SITUATED IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

VARIOUS STRIPS OF LAND LYING WITHIN LOT 52 OF TRACT NO. 2159, AS PER MAP RECORDED IN BOOK 41, PAGE 74, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID STRIPS BEING DESCRIBED AS FOLLOWS:

PARCEL 1 (FOR UNDERGROUND SYSTEMS ONLY)

A STRIP OF LAND 6.00 FEET WIDE LYING 3.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 52; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT NORTH 89°50'30" EAST 57.76 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID SOUTHERLY LINE NORTH 50°22'34" EAST 4.53 FEET; THENCE NORTH 0°09'30" WEST 60.68 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE NORTH 22°46'33" WEST 13.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B"; THENCE NORTH 22°46'33" WEST 3.00 FEET TO A POINT OF ENDING.

THE SIDELINES SHALL BE LENGTHENED OR FORESHORTENED TO TERMINATE SOUTHERLY IN SAID SOUTHERLY LINE OF LOT 52, AND AT THE ANGLE POINTS.

PARCEL 2 (FOR UNDERGROUND SYSTEMS ONLY)

A STRIP OF LAND 6.00 FEET WIDE LYING 3.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE AFOREMENTIONED POINT "A"; THENCE NORTH 22°27'33" EAST 16.00 FEET TO A POINT OF ENDING.

EXCEPT THEREFROM ANY PORTION LYING WITHIN PARCEL 1 DESCRIBED HEREINABOVE.

PARCEL 3 (FOR OVERHEAD SYSTEMS ONLY)

A STRIP OF LAND 10.00 FEET WIDE LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE AFOREMENTIONED POINT B; THENCE SOUTH 89°50'30" WEST 5.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°50'30" EAST 20.00 FEET TO A POINT OF ENDING.

PARCEL 4 (FOR UNDERGROUND SYSTEMS ONLY)

A STRIP OF LAND 5.00 FEET WIDE, THE WESTERLY SIDELINE BEING THE SOUTHERLY PROLONGATION OF THE EASTERLY RIGHT OF WAY LINE OF GENE AUTRY TRAIL (FORMERLY BOGIE ROAD), 50.00 FOOT HALF-WIDTH, AS SHOWN ON A RECORD OF SURVEY FILED IN RECORD OF SURVEY BOOK 67, PAGES 69 AND 70, RECORDS OF SAID COUNTY, THE EASTERLY SIDELINE BEING A LINE CONCENTRIC WITH AND 5.00 EASTERLY OF SAID SOUTHERLY PROLONGATION, AND BOUNDED TO THE NORTH AND SOUTH BY THE NORTH AND SOUTH LINES OF SAID LOT 52.

PARCELS 1 THROUGH 4 ARE SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART THEREOF.

VARIOUS STRIPS OF LAND LYING WITHIN PARCEL 1 OF PARCEL MAP NO. 20508, AS PER MAP RECORDED IN BOOK 128, PAGES 49 AND 50, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID STRIPS BEING DESCRIBED AS FOLLOWS:

PARCEL 5 (FOR UNDERGROUND SYSTEMS ONLY)

A STRIP OF LAND 15.00 FEET WIDE, THE NORTHWESTERLY SIDELINE BEING THE SOUTHEASTERLY RIGHT OF WAY LINE OF GENE AUTRY TRAIL (FORMERLY BOGIE ROAD), 50.00 FOOT HALF-WIDTH, AS SHOWN ON A RECORD OF SURVEY FILED IN RECORD OF SURVEY BOOK 67, PAGES 69 AND 70, RECORDS OF SAID COUNTY, THE SOUTHEASTERLY SIDELINE BEING A LINE CONCENTRIC WITH AND 15.00 SOUTHEASTERLY OF SAID RIGHT OF WAY LINE, BOUNDED TO THE SOUTH BY THE SOUTH LINE OF SAID PARCEL 1 AND BOUNDED TO THE NORTH BY THE SOUTHERLY LINE OF THE LAND DESCRIBED IN DOCUMENT NO. 2001-455078 RECORDED SEPTEMBER 19, 2001, OFFICIAL RECORDS OF SAID COUNTY.

PARCEL 6 (FOR OVERHEAD SYSTEMS ONLY)

THAT PORTION OF THE HEREINABOVE DESCRIBED PARCEL 5 DESCRIBED AS FOLLOWS:

A STRIP OF LAND 10.00 FEET WIDE LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT A POINT ON THE CENTERLINE OF SAID GENE AUTRY TRAIL, SAID POINT BEING THE NORTHERLY TERMINUS OF THAT CERTAIN CENTERLINE CURVE SHOWN ON SAID RECORD OF SURVEY AS BEING CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 2758.43 FEET, A CENTRAL ANGLE OF 32°57'50" AND A LENGTH OF 1587.00 FEET, A RADIAL LINE TO SAID NORTHERLY TERMINUS BEARS NORTH 56°45'39" WEST; THENCE SOUTHWESTERLY 591.76 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°17'42"; THENCE LEAVING SAID CENTERLINE ON A RADIAL LINE TO SAID CURVE SOUTH 69°03'21" EAST 50.00 FEET TO A POINT ON SAID SOUTHEASTERLY RIGHT OF WAY LINE OF GENE AUTRY TRAIL, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID RADIAL LINE 15.00 FEET TO SAID LINE CONCENTRIC WITH AND 15.00 FEET SOUTHEASTERLY OF SAID RIGHT OF WAY LINE.

THE SIDELINES SHALL BE LENGTHENED OR FORESHORTENED TO TERMINATE NORTHWESTERLY IN SAID SOUTHEASTERLY RIGHT OF WAY LINE OF GENE AUTRY TRAIL, AND SOUTHEASTERLY IN SAID LINE CONCENTRIC WITH AND 15.00 FEET SOUTHEASTERLY OF SAID RIGHT OF WAY LINE.

PARCELS 5 AND 6 ARE SHOWN ON EXHIBIT "C" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART THEREOF.

PARCELS 1, 2, 4 AND 5 (FOR UNDERGROUND SYSTEMS ONLY) CONTAIN 16,260 S.F., MORE OR LESS.

PARCELS 3 AND 6 (FOR OVERHEAD SYSTEMS ONLY) CONTAIN 350 S.F., MORE OR LESS.

It is the intention of the Grantor(s), by this conveyance, to grant an easement only over the above-described property of the Grantor(s).

It is understood and agreed that the above description is approximate only, it being the intention of the Grantor(s) to grant an easement for said systems as constructed. The centerline of the easement shall be coincidental with the centerline of said systems as constructed in, on, over, under, across, and along the Grantor(s) property.

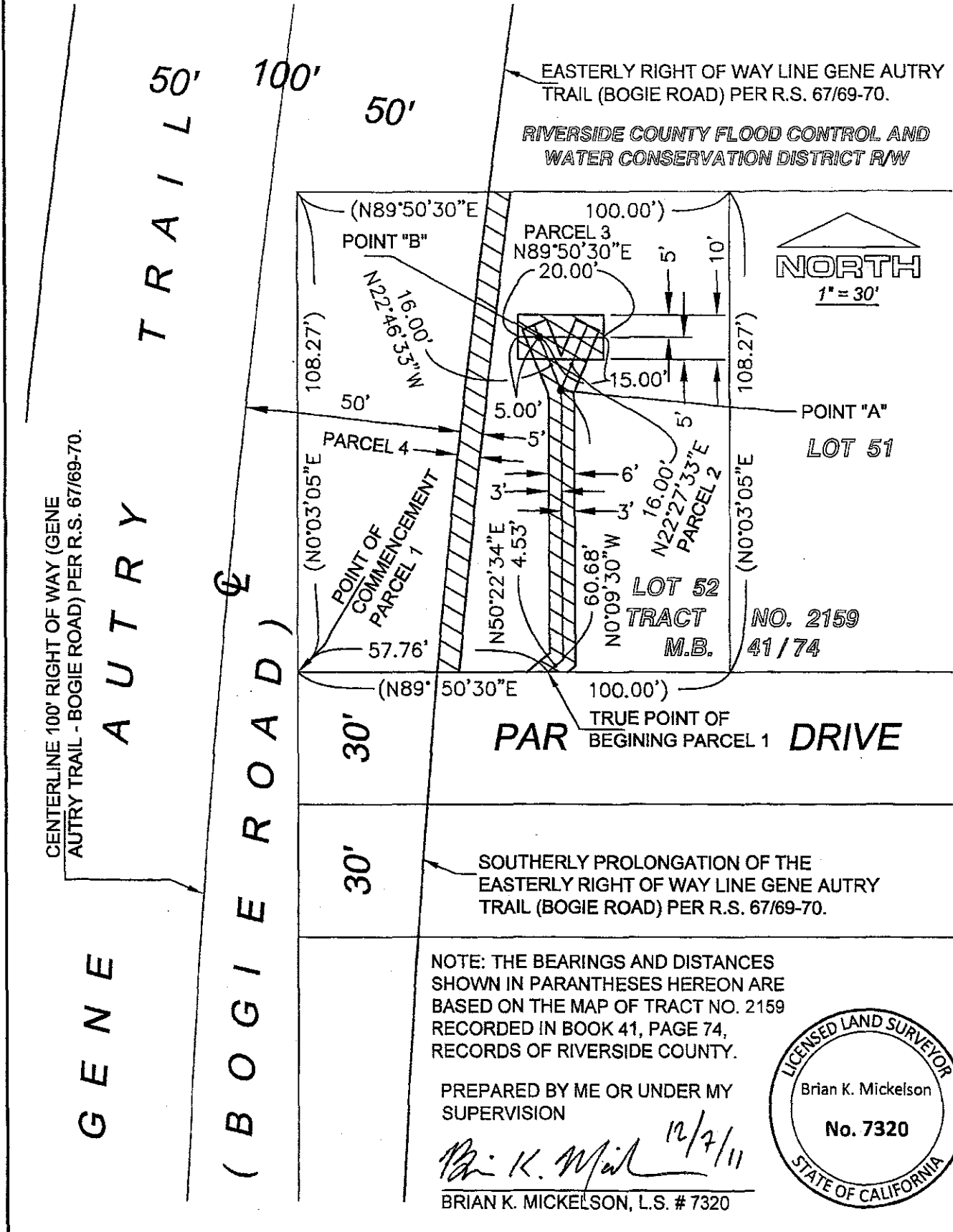
This legal description was prepared pursuant to Sec. 8730(c) of the Business & Professions Code.

  
BRIAN K. MICKELSON, L.S. # 7320



# EXHIBIT "B"

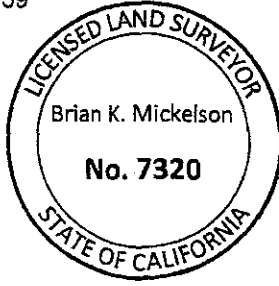
## SKETCH TO ACCOMPANY LEGAL DESCRIPTION



NOTE: THE BEARINGS AND DISTANCES SHOWN IN PARANTHESES HEREON ARE BASED ON THE MAP OF TRACT NO. 2159 RECORDED IN BOOK 41, PAGE 74, RECORDS OF RIVERSIDE COUNTY.

PREPARED BY ME OR UNDER MY SUPERVISION

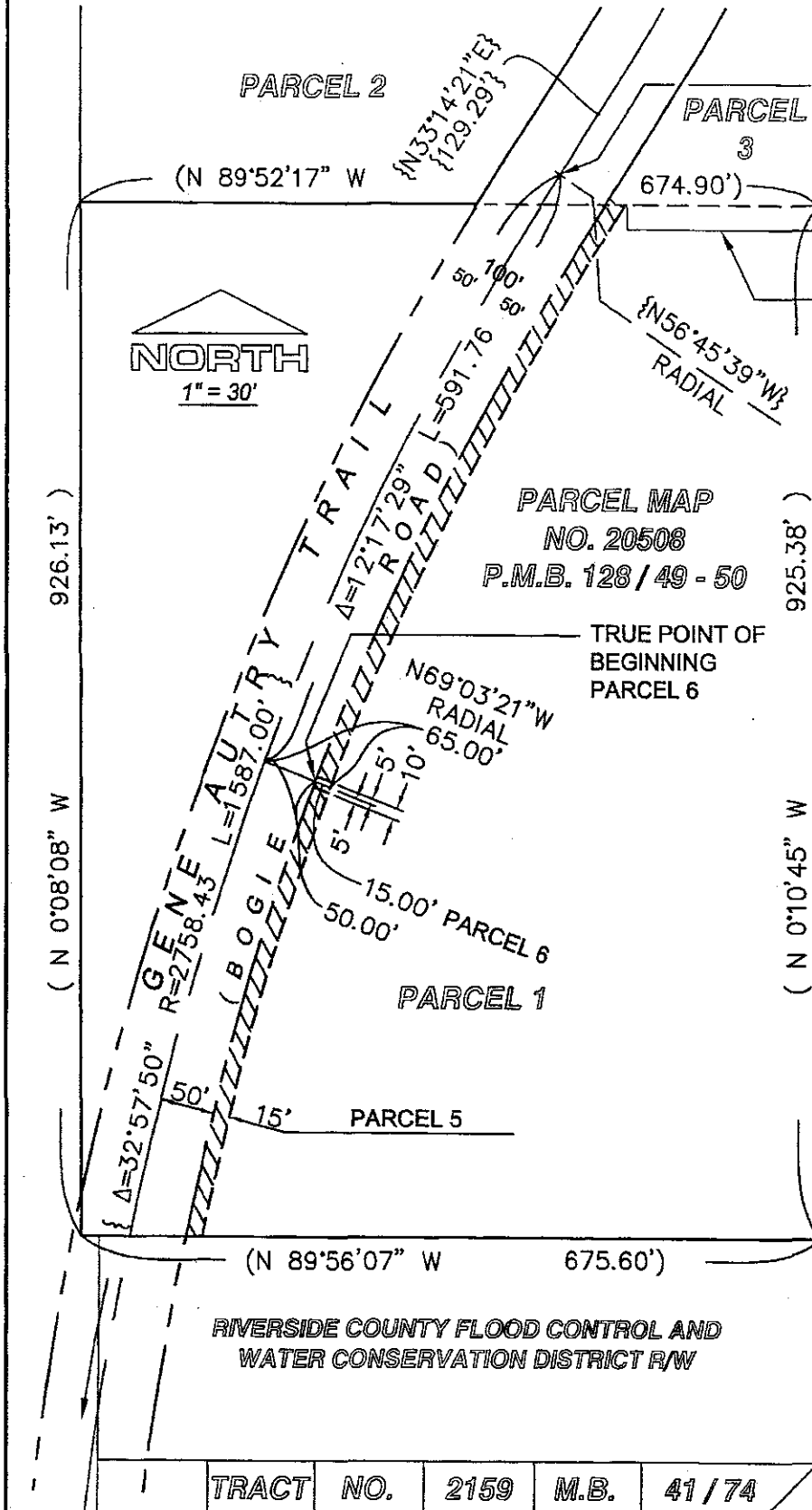
*Brian K. Mickelson* 12/7/11  
 BRIAN K. MICKELSON, L.S. # 7320





# EXHIBIT "C"

## SKETCH TO ACCOMPANY LEGAL DESCRIPTION



POINT OF COMMENCEMENT PARCEL 6

SOUTHERLY LINE OF DOC. # 2001-455078, O.R.

NOTE: THE BEARINGS AND DISTANCES SHOWN IN (PARANTHESES) HEREON ARE BASED ON PARCEL MAP NO. 20508 FILED IN BOOK 128 OF PARCEL MAPS, PAGES 49 AND 50; BEARINGS AND DISTANCES SHOWN IN {BRACKETS} HEREON ARE BASED ON RECORD OF SURVEY RSB 67/69-70, BOTH RECORDS OF RIVERSIDE COUNTY.

PREPARED BY ME OR UNDER MY SUPERVISION

*Brian K. Mickelson* 12/7/11

BRIAN K. MICKELSON, L.S. # 7320



RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT RW

TRACT	NO.	2159	M.B.	41/74
-------	-----	------	------	-------