RESOLUTION NO. 13-06

A RESOLUTION OF THE OVERSIGHT BOARD OF SUCCESSOR AGENCY TO THE FIREBAUGH REDEVELOPMENT AGENCY GRANTING AN EASEMENT TO PACIFIC GAS & ELECTRIC COMPANY FOR THE PURPOSE OF INSTALLING AN UNDERGROUND UTILITY ALONG THE PORTION OF PROPERTY OF APN 008-080-42S & APN 008-140-35.

WHEREAS, by implementation of AB X1 26 (“AB 26”), which amended provisions of the California Redevelopment Law (Health & Safety Code (“HSC”) § 33000 et seq.) (“CRL”), and the California Supreme Court’s decision in California Redevelopment Association v. Matosantos, as of February 1, 2012, the Firebaugh Redevelopment Agency (“Redevelopment Agency”) was dissolved, the Successor Agency to the Firebaugh Redevelopment Agency (“Successor Agency”) came into existence, and the requirement for the appointment of an Oversight Board to the Successor Agency to the Firebaugh Redevelopment Agency (“Oversight Board”) became effective; and

WHEREAS, on February 1, 2012 all assets, properties, contracts, leases, books and records, buildings, and equipment of the former Redevelopment Agency transferred to the control of the Successor Agency by operation of law; and

WHEREAS, AB 1484 was passed by the California State Legislature and was signed into law by the Governor on June 27, 2012 modifying the provisions of AB 26; and

WHEREAS, HSC Section 34177(e) requires successor agencies to dispose of assets and properties of the former redevelopment agency as directed by the oversight board; provided, however, that the oversight board may instead direct the successor agency to transfer ownership of certain assets pursuant to Section 34181(a); and

WHEREAS, HSC Section 34181(a) states that the oversight board shall direct the successor agency to transfer ownership of those assets of the former redevelopment agency that were constructed and used for governmental purposes to the appropriate public jurisdiction; and

WHEREAS, Pacific Gas & Electric (“PG&E”) has requested certain public utility easements from the Successor Agency, as shown in Exhibit A, to be used for governmental purposes; and

WHEREAS, the Successor Agency desires to transfer the public utility easements to PG&E, subject to approval by the Oversight Board and the Department of Finance.

NOW, THEREFORE, BE IT RESOLVED that the Firebaugh Successor Agency approves transfer of the public utility easements, listed in Exhibit A, to PG&E and the public utility easements will continue to be used for public purposes for the foreseeable future; and

BE IT FURTHER RESOLVED that the Interim City Manager of the City of Firebaugh as Successor Agency to the former Firebaugh Redevelopment Agency, or designee, is hereby authorized to take such actions as are necessary and appropriate to implement this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

The above and foregoing resolution was duly passed and adopted at a regular meeting by the Oversight Board of Successor Agency to the City of Firebaugh Redevelopment Agency, held on the 18th day of April, 2013, by the following vote:

AYES: Knight, Stoppenbrink, Lopez, Minnite, Manfredi, Cline
NOES:
ABSTAIN:
ABSENT: Freitas

APPROVED: [Signature]
Chairperson, Oversight Board

ATTEST:
[Signature]
Secretary, Oversight Board
THE CITY OF FIREBAUGH, an incorporated city,

designated hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to construct, reconstruct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefor, within the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situate in the City of Firebaugh, County of Fresno, State of California, described as follows:

(APN 008-140-35)

Parcel 2 as shown upon the Parcel Map No. 00-01 filed for record April 12, 2001 in Book 61 of Parcel Maps at page 17, Fresno County Records.

Said facilities and easement area are described as follows:

Such underground conduits, pipes, manholes, service boxes, wires, cables, and electrical conductors; aboveground marker posts, risers, and service pedestals; underground and aboveground switches, fuses, terminals, and transformers with associated concrete pads; and fixtures and appurtenances necessary to any and all thereof, as Grantee deems necessary for the distribution of electric energy and communication purposes located within the parcel of land described as follows:

A strip of land of varying widths extending from the northwesterly boundary line of said lands southeasterly 120.00 feet measured along the northeasterly boundary line of said lands and being initially of the uniform width of 8.00 feet lying contiguous to and southeasterly of the said northeasterly boundary line, thence changing from the uniform width of 8.00 feet to the uniform width of 25.00 feet lying 25.00 feet contiguous to the said northeasterly boundary line of said lands and extending southeasterly 20.00 feet along said northeasterly boundary line.

Containing a total of 1460 square feet, more or less.
Grantor further grants to Grantee the right, from time to time, to trim or to cut down any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor shall not erect or construct any building or other structure or drill or operate any well within said easement area.

Grantor further grants to Grantee the right to assign to another public utility as defined in Section 216 of the California Public Utilities Code the right to install, inspect, maintain, replace, remove and use communications facilities within said easement area (including ingress thereto and egress therefrom).

The legal description herein, or the map attached hereto, defining the location of this utility distribution easement, was prepared by Grantee pursuant to Section 8730 (c) of the Business and Professions Code.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

Dated: ________________, ______

THE CITY OF FIREBAUGH, an incorporated city

By________________________

By________________________

I hereby certify that a resolution was adopted on the ___ day of __________, 20___, by the authorizing the foregoing grant of easement. By________________________
Area 4, Fresno
Land Service Office: Fresno
Operating Department: Electric Distribution
USGS location: MDM, T. 12 S., R. 14 E., NE ¼ of the SE ¼ of Section 29
FERC License Number(s): NA
PG&E Drawing Number(s): 30675529-COP2
PLAT NO.: 1214295(Electric)
LD of any affected documents: NA
LD of any Cross-referenced documents: NA
TYPE OF INTEREST: 4, 6, 43
SBE Parcel Number: NA
(For Quitclaims, % being quitclaimed): NA
PM #: 30675529
JCN: NA
County: Fresno
Utility Notice Numbers: NA
851 Approval Application No. NA Decision NA
Prepared By: ADGa
Checked By: B2M3
Revision Number: NA
State of California
County of ____________________________

On ____________________________, before me, ____________________________, Notary Public,

personally 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 of Notary Public

(Seal)

CAPACITY CLAIMED BY SIGNER

[ ] Individual(s) signing for oneself/themselves

[ ] Corporate Officer(s) of the above named corporation(s)

[ ] Trustee(s) of the above named Trust(s)

[ ] Partner(s) of the above named Partnership(s)

[ ] Attorney(s)-in-Fact of the above named Principal(s)

[ ] Other ____________________________
THE CITY OF FIREBAUGH, an incorporated city,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to construct, reconstruct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefor, within the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situate in the City of Firebaugh, County of Fresno, State of California, described as follows:

(APN 008-080-42S)


Said facilities and easement area are described as follows:

Such underground conduits, pipes, manholes, service boxes, wires, cables, and electrical conductors; aboveground marker posts, risers, and service pedestals; underground and aboveground switches, fuses, terminals, and transformers with associated concrete pads; and fixtures and appurtenances necessary to any and all thereof, as Grantee deems necessary for the distribution of electric energy and communication purposes located within the parcel of land described as follows:

A strip of land of the uniform width of 8.00 feet lying contiguous to and southwesterly of the northeasterly boundary line of said lands and extending from the southeasterly boundary line of said lands northwesterly 45.00 feet (measured along said northeasterly boundary line).

Containing a total of 360 square feet, more or less.
Grantor further grants to Grantee the right, from time to time, to trim or to cut down any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor shall not erect or construct any building or other structure or drill or operate any well within said easement area.

Grantor further grants to Grantee the right to assign to another public utility as defined in Section 216 of the California Public Utilities Code the right to install, inspect, maintain, replace, remove and use communications facilities within said easement area (including ingress thereto and egress therefrom).

The legal description herein, or the map attached hereto, defining the location of this utility distribution easement, was prepared by Grantee pursuant to Section 8730 (c) of the Business and Professions Code.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

Dated: ______________________, ______

THE CITY OF FIREBAUGH, an incorporated city

By______________________________

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I hereby certify that a resolution was adopted on the ___ day of _______, 20___,
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TYPE OF INTEREST: 4, 6, 43
SBE Parcel Number: NA
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JCN: NA
County: Fresno
Utility Notice Numbers: NA
851 Approval Application No., NA, Decision, NA
Prepared By: ADGa
Checked By: B2M3
Revision Number: NA
State of California  
County of ________________________________  

On __________________________, before me, __________________________  
Notary Public,  
personally 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.  

__________________________________________  (Seal)  

Signature of Notary Public  

CAPACITY CLAIMED BY SIGNER  

[ ] Individual(s) signing for oneself/themselves  

[ ] Corporate Officer(s) of the above named corporation(s)  

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