

ORDINANCE NO. 21-014

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
GRANTING A UTILITY EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY,
A CALIFORNIA CORPORATION**

FACTS

1. The City owns and maintains various Rights of Way and parking lots throughout Pacific Grove.
2. The Pacific Gas and Electric Company, a California Corporation, and its successors and assigns shall be the Grantee of this Easement.
3. During the engineering of the “EV Charging Stations” Capital Improvement Project, it has been determined establishment of an easement for Pacific Gas and Electric is required.
4. Article 15(g) of the Pacific Grove City Charter requires the City Council authorize by ordinance acquisition sale, lease, encumbrance, or disposition of any interest in real property.
5. The easement will run parallel to 17th Street, in the City owned Parking lot between Laurel and Lighthouse and 16th and 17th Street.
6. One segment of the easement will be a width of 10 feet for a length of 91 feet, and additional segment of the easement will have a width of 12 feet for a length of 14 feet.
7. A summary of the ordinance, approved by the City Attorney, was published on May 13, 2021.
8. This Ordinance qualifies for an exemption under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301, Existing Facilities, as it relates to permitting and minor alteration of existing public facilities.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing Facts are adopted as findings of the City Council as though set forth in fully within the body of this ordinance.

SECTION 2. The City of Pacific hereby grants an easement to Pacific Gas and Electric Company running parallel to 17th Street in the City-owned parking lot between Laurel and Lighthouse Avenue, and 16th and 17th Streets, where one segment of the easement shall have a

width of 10 feet for a length of 91 feet, and another segment of the easement shall have a width of 12 feet for a length of 14 feet. The easement area is more specifically described as follows: The strip of land of the uniform width of 10 feet, lying 5 feet on each side of the alignment of the underground electric facilities as initially installed hereunder; together with the strip of land of the uniform width of 12 feet, lying 6 feet on each side of the alignment of the pad mounted electric facilities as initially installed hereunder. The approximate locations of said facilities are shown upon Grantee's Drawing No. 35185566.

SECTION 3. This easement shown on Attachment A is described as follows: (APN 006-294-017); Lots 7 through 20 of Block 39 of the Second Addition as shown upon the map entitled "Map of Pacific Grove Retreat" filed for record May 7, 1887 in Volume 1 of Cities and Towns at page 10, Monterey County Records.

SECTION 4. Rights granted by this easement are limited to the right of Grantee from time to time to excavate for, construct, reconstruct, replace (of initial or any other size), remove, maintain, inspect, and use facilities and associated equipment for public utility purposes, including, but not limited to electric, gas, and communication facilities, together with a right of way therefor, on, over, and under the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the easement shown on Attachment A.

SECTION 5. The City further grants rights under this easement for the Grantee, from time to time, to trim or to cut down, without Grantee paying compensation, 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 on the easement, as necessary to comply with state or federal regulations. As an ancillary use of the easement, Grantee shall have the right to use portions of contiguous City land reasonably necessary in connection with excavation, construction, reconstruction, replacement, removal, maintenance, or inspection of Grantee facilities located on the easement.

SECTION 6. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement this Ordinance.

SECTION 7. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 8. In accord with Article 15 of the City Charter, this ordinance shall become effective thirty days following its adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 19th day of May 2021, by the following vote:

AYES: Mayor Peake, Councilmembers Amelio, Coletti, McAdams, Poduri, Smith, and Tomlinson.

NOES: None.

ABSENT: None.

APPROVED:

DocuSigned by:

Bill Peake

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BILL PEAKE, Mayor

ATTEST: **5/24/2021**

DATED: _____

DocuSigned by:

Sandra Kandell

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SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

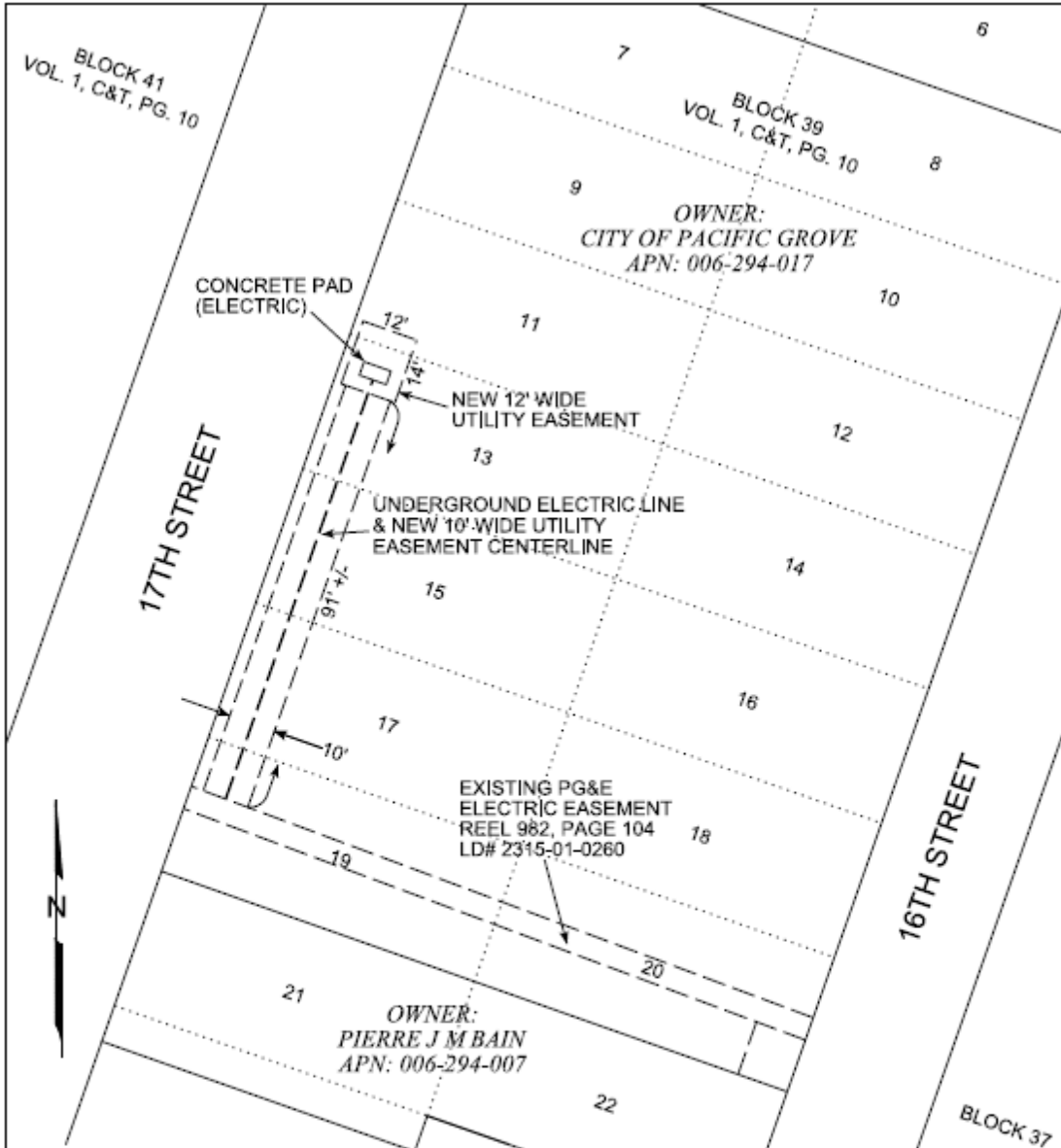
DocuSigned by:

David C. Laredo

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DAVID C. LAREDO, City Attorney

EXHIBIT A



NEW EASEMENT AND FACILITIES LOCATIONS ARE APPROXIMATE.
 RANCHO PUNTA DE PINOS (SW 1/4 OF NE 1/4 OF SECTION 13)
 UNLESS OTHERWISE SHOWN, ALL COURSES EXTEND TO OR ALONG ALL BOUNDARIES OR LINES.

Applicant: CITY OF PACIFIC GROVE				SCALE 1" = 30'	DATE 04/05/2021
SECTION (13)	TOWNSHIP (15 S.)	RANGE (1 W.)	MERIDIAN M,D,B,&M.	COUNTY OF: MONTEREY	CITY OF: PACIFIC GROVE
PLAT MAP REFERENCES I0204 LD 2315-01-0260				F.B.: PG&E	DR.BY: TDMH CENTRAL COAST DIVISION
				35185566 AUTHORIZ	CH.BY: BFF3 35185566 DRAWING NO.