

COUNTY OF EL DORADO

330 Fair Lane
Placerville, CA 95667
(530) 621-5390
(530) 622-3645 Fax

SUZANNE ALLEN DE SANCHEZ
Clerk of the Board



BOARD OF SUPERVISORS

JAMES R. SWEENEY
District III

Sent via email

March 29, 2011

Mr. Paul Fluckey
Pacific Gas & Electric Company
4636 Missouri Flat Road
Placerville, California 95667

RE: County of El Dorado APN 048-290-04 – Jacquier Road Utility Relocation

Mr. Fluckey,

First, please see letter of February 23, 2011 from James W. Ware, Director of Transportation, County of El Dorado.

As you may know, besides being a member of the Board of Supervisors, I am a successful Land Surveyor with a practice in El Dorado County since 1971.

I have personally researched this issue and find absolutely no deeded easement to PG&E for the pole located at the southeasterly side of Jacquier Road, near the intersection of Jacquier Road (formerly Oak Grove Road) and the former Smith Flat cut off road; also being near to the northern most corner of APN 048-290-04.

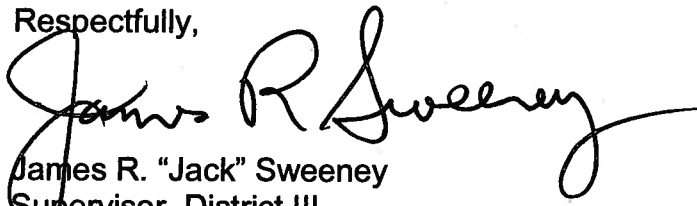
My memory of that parcel may shed some light as to why it was deeded to the County. First, the actual parcel is bordered on its Southerly line by Hangtown Creek; second, it is bordered on the West by Jacquier Road and on the North by the now closed cut off road. The land in between lacked reasonable buildable area and was then considered useless.

Per your opinion of your easement, it is apparent the pole was placed by persons thinking it was in some right-of-way. But it is in the right-of-way of Jacquier Road, NOT the Camino-Placerville & Lake Tahoe Railroad right-of-way.

If you have information that might persuade me otherwise, please provide it to me.

Unless you have a better proposal, I will agendaize this matter for the April 12, 2011, Board of Supervisors Meeting to formalize a request that you remove this pole from our right-of-way at your cost.

Respectfully,

A handwritten signature in black ink that reads "James R. Sweeney". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

James R. "Jack" Sweeney
Supervisor, District III
El Dorado County Board of Supervisors

Attachment

Cc: Jim Ware, El Dorado County Director of Transportation
Randy Pesses, City of Placerville Director of Public Works
Cleve Morris, Placerville City Manager

COUNTY OF EL DORADO

DEPARTMENT OF TRANSPORTATION



MAINTENANCE DIVISION
2441 Headington Road
Placerville CA 95667
Phone: (530) 642-4909
Fax: (530) 642-9238

JAMES W. WARE, P.E.
Director of Transportation

Internet Web Site:
<http://edcgov.us/dot>

MAIN OFFICE
2850 Fairlane Court
Placerville CA 95667
Phone: (530) 621-5900
Fax: (530) 626-0387



February 23, 2011

Pacific Gas & Electric Company
Mr. Paul Fluckey
4636 Missouri Flat Road
Placerville, CA 95667

Subject: Point View Drive Extension Project; Jacquier Road Utility Relocation

Dear Mr. Fluckey,

The County of El Dorado is party to the subject City of Placerville project, by Board of Supervisors Resolution 10-1078. Your company's facilities are occupying County right of way in conflict with the road widening and shall be relocated at your expense under the terms of our franchise agreement. It is my understanding that the City of Placerville has made this request previously and was told PG&E has determined the facilities in conflict rest on a parcel of land which is not road right-of-way, therefore not subject to franchise obligations. In fact, the County-owned parcel was acquired in 1922 to solidify prescriptive rights which had existed since the 1800s and secure the public right-of-way for two County-maintained roads which at one time had formed a triangular intersection.

One leg of the triangle has not been used in the past 20 years as a public road, but that fact does not diminish right-of-way status.

The City of Placerville is scheduled to award a construction contract at its March 22nd City Council meeting, and will begin construction on June 1st. The request by the City of Placerville shall be considered as a request from El Dorado County that your facilities are required to be relocated before construction begins. Please coordinate your relocation activities with the City of Placerville and cc my office.

If you have any questions, please contact me at (530) 621-7533.

Sincerely,


James W. Ware, P.E.
Director of Transportation

JWW/kjt

Attachments