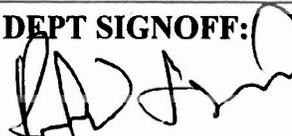


**EL DORADO COUNTY BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL
Meeting of December 5, 2006**

AGENDA TITLE: Latrobe Road Widening Project, Phase 2, Project #66103: Joint Use Agreement with PG&E

DEPARTMENT: Transportation	DEPT SIGNOFF: 	CAO USE ONLY: C
CONTACT: Pete Feild, R/W Manager 		
DATE: 11/21/06 PHONE: X7666		 11/22/06

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:

The Department of Transportation recommends the Board of Supervisors:

- 1) Approve the Joint Use Agreement with Pacific Gas and Electric Company to accommodate the relocation of certain utilities on Latrobe Road, south of Suncastr Lane.
- 2) Authorize the Chairman of the Board to execute the Joint Use Agreement.

CAO RECOMMENDATIONS: *Recommend approval. Laura S. Gull 11/22/06*

Financial impact? () Yes (X) No	Funding Source: () Gen Fund () Other
BUDGET SUMMARY:	Other: _____
Total Est. Cost _____ \$0.00	CAO Office Use Only:
Funding	4/5's Vote Required () Yes (X) No
Budgeted _____	Change in Policy () Yes (X) No
New Funding _____	New Personnel () Yes (X) No
Savings _____	CONCURRENCES:
Other _____	Risk Management <u>N/A</u>
Total Funding _____	County Counsel <u>yes</u>
Change in Net County Cost _____ \$0	Other _____

***Explain**

BOARD ACTIONS:

Vote: Unanimous _____ Or

Ayes:

Noes:

Abstentions:

Absent:

Rev. 04/05

I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors

Date: _____

Attest: Cindy Keck, Board of Supervisors Clerk

By: _____



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

RICHARD W. SHEPARD, P.E.
Director of Transportation

Internet Web Site:
<http://co.el-dorado.ca.us/dot>

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



November 21, 2006

Board of Supervisors
330 Fair Lane
Placerville, CA 95667

**Subject: Latrobe Road Widening Project, Phase 2, Project #66103:
Joint Use Agreement with PG&E**

Meeting Date: December 5, 2006
District/Supervisor: District 2, Helen Baumann

Dear Members of the Board:

Recommendations:

The Department of Transportation recommends the Board of Supervisors:

- 1) Approve the Joint Use Agreement with Pacific Gas and Electric Company to accommodate the relocation of certain utilities on Latrobe Road, south of Suncastr Lane.
- 2) Authorize the Chairman of the Board to execute the Joint Use Agreement.

Reasons for Recommendation(s):

The Latrobe Road Widening Project, Phase 2 will require that certain utilities be relocated from the existing roadway alignment into the new roadway alignment, including crossing Carson Creek in a new bridge structure. Approval of the Joint Use Agreement between PG&E and the County recognizes PG&E's prior rights, their quitclaiming of their rights in the old location, and their continuing rights in the new location within County right of way. This Agreement and the resulting relocation of utilities is necessary to construct the improvements for the Project.

Fiscal Impact:

There are no direct costs associated with the approval of this Joint Use Agreement. However, the actual utility relocation costs will be paid 100% by the County, and a Work Performance Agreement will be presented to the Board of Supervisors in the future, for consideration and approval. Those costs will be paid with bond proceeds currently on deposit in the County Treasury, which are prepayment of impact fees as advanced by the Developer, West Valley LLC.

Net County Cost:

There is no net County cost associated with this agenda item.

Action to be Taken Following Approval:

- 1) Chairman of the Board to execute two original copies of the Joint Use Agreement.
- 2) Board Clerk to retain a copy of the Agreement, and return both original copies to the Right of Way Unit staff for transmittal to PG&E for their execution; upon execution by PG&E, one original will be recorded and upon recordation, said copy will be returned to the Clerk of the Board of Supervisors.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. W. Shepard', written over a light grey circular stamp.

Richard W. Shepard, P.E.
Director of Transportation

Attachments: Vicinity Map
Joint Use Agreement (2)

Latrobe Road Widening Project, Phase 2; Project #66103: Joint Use Agreement with PG&E

CONTRACT ROUTING SHEET

PROCESSING DEPARTMENT:

Department: Transportation
Dept. Contact: Pete Feild, R/W Manager
Phone: 621-7666
Department Head Signature: [Handwritten Signature]

CONTRACTOR:

Name: PG&E
Donny Kennedy
Address: 343 Sacramento Street
Auburn, CA 95603
Phone: 530-889-5089

2006 NOV 20 PM 2:10
EL DORADO COUNTY COURSE [Handwritten Signature]

CONTRACTING DEPARTMENT: Transportation

Compliance with Human Resources requirements? Yes: No: X
Compliance verified by:

COUNTY COUNSEL: (must approve all contracts and MOUs)

Approved: [check] Disapproved: Date: 11/20/06 By: D. Livingston

ASSIGNMENT

Trish/Dave - Please see email from PG&E. I see their point and am willing to rework paragraph 3 staying in. (to PG&E + Richard)
* PETE: AS WE DISCUSSED, I DISAGREE WITH PG&E'S CHARACTERIZATION OF PARAGRAPHS 3 AND 4. EACH PARAGRAPH SERVED TO CONFIRM PG&E'S PRIORITY OVER THE COUNTY WITH RESPECT TO THE JOINT USE AREA - IE, WE COULDN'T KICK THEM OUT BEFORE AND WE CAN'T NOW. ACCORDINGLY, WE APPROVE THIS AGREEMENT IN THE FORM, BUT WE SHOULD FURTHER DISCUSS THIS ISSUE IN ORDER TO CLARIFY FUTURE DECISIONS W/ PG&E RE: UTILITY RELATIONS.

Please forward to Risk Management upon approval. N/A

Table with 2 columns: Index Code (306370) and User Code (66103 J)

RISK MANAGEMENT: (All contracts and MOUs except boilerplate grant funding agreements)

Approved: Disapproved: Date: By:

OTHER APPROVAL (Specify department(s) participating or directly affected by this contract).

Department(s):
Approved: Disapproved: Date: By:

WHEN RECORDED, RETURN TO:
El Dorado County
Board of Supervisors
330 Fairlane Court
Placerville, CA 95667

ORIGINAL

#1

LD #2109-08-0302

JOINT USE AGREEMENT

THIS AGREEMENT, entered into this ____ day of _____, 2006, by and between PACIFIC GAS AND ELECTRIC COMPANY, hereinafter called "Company", and the COUNTY OF EL DORADO, hereinafter called "AGENCY",

WITNESSETH

WHEREAS, Company is the owner in possession of certain rights of way and easements, hereinafter referred to as "Company's easement", described as follows:

The right of way and easement described in the deed from El Dorado Hills Business Park and others to Pacific Gas and Electric Company dated June 23, 1986 and recorded in Book 2601 of Official Records at page 536, El Dorado County Records, a copy marked Exhibit "B" is attached hereto and made a part hereof, and

WHEREAS, Agency has acquired certain lands for realignment and widening of Latrobe Road between Suncast Lane and Golden Foothill Parkway in the vicinity of El Dorado Hills, County of El Dorado, hereinafter referred to as "Agency right of way", which said Agency right of way is subject to Company's easement, and

WHEREAS, Company's facilities installed pursuant to Company's easement will interfere with Agency right of way, and Agency desires to eliminate such interference.

NOW, THEREFORE, Company and Agency hereby mutually agree as follows:

1. The location of Company's easement so far as it now lies within said Agency right of way is hereby changed to the area of land within said Agency right of way, hereinafter referred to as the "Joint Use Area", shown in **bold** on Company drawing marked Exhibit "A" attached hereto and made a part hereof

2. Company does hereby surrender and quitclaim to Agency all of Company's right, title and interest under and by virtue of Company's easement in the old location within said Agency right of way and not included in said Joint Use Area.

3. Company hereby consents to the construction, reconstruction; maintenance or use by Agency of Latrobe Road over, along and upon Company's easement in the Joint Use Area subject to Company's right and easement to use said Joint Use Area for all of the purposes for which Company's easement was acquired and to the terms and conditions herein contained. Company does not by this agreement and shall not be deemed to subordinate its rights in the Joint Use Area to any use which Agency shall make of said area.

4. Except as expressly set forth herein, this agreement shall not in any way alter, modify or terminate any provision of Company's easement or the priority thereof over the title of Agency in said Joint Use Area. Both Agency and Company shall use said Joint Use Area in such a manner as not to interfere unreasonably with the rights of the other. Nothing herein contained shall be construed as a release or waiver of any claim for compensation or damages which Company or Agency may now have or may hereafter acquire resulting from the construction of additional facilities or the alteration of existing facilities by either Agency or Company in such a manner as to cause an unreasonable interference with the use of said Joint Use Area by the other party.

5. This agreement shall inure to the benefit of and be binding upon the successors and assigns of both parties.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate by their respective officials thereunto duly authorized.

PACIFIC GAS AND ELECTRIC COMPANY

COUNTY OF EL DORADO

By _____
Greg Johnston,
Supervisor, Land Rights Protection
Northern Area

BY _____
, Chairman of the Board
El Dorado County Board of Supervisors

Dated: _____

Dated: _____

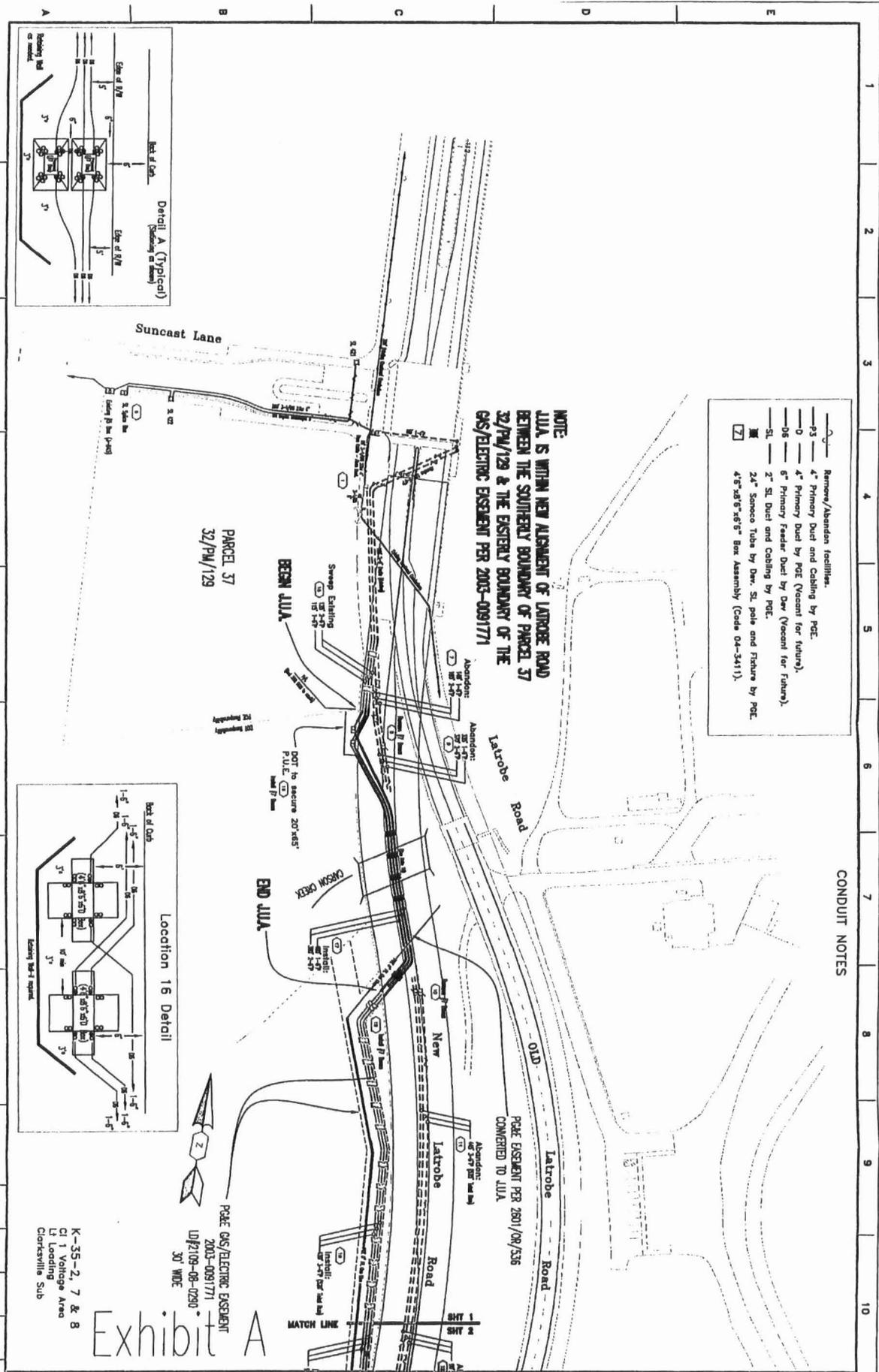
Attest:
Cindy Keck
Clerk of the Board of Supervisors

Deputy Clerk

Dated: _____

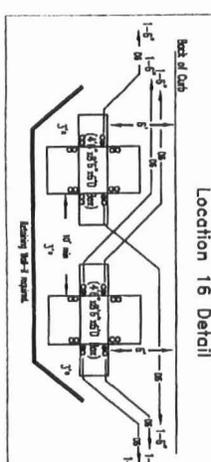
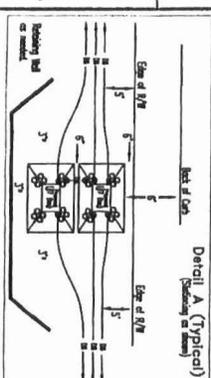
ADMINISTRATIVE INFORMATION BLOCK

North Valley Area
Auburn Land Service Office
Operating Department: Distribution Electric
T. 09 N., R. 08 E., Sec. 14, NE4
FERC License Number:
PG&E Drawing Number: Plat K 35-2, 7 & 8
LD of any affected documents: 2109-08-0156
LD of any Cross-referenced documents: 2109-08-0290
Type of Interest: 4, 43
SBE Parcel Number:
(For Quitclaims, % being quitclaimed): 90%
Order# 30467331
JCN:
County: El Dorado
Utility Notice Numbers:
Prepared By: RLS
Checked By:
Revision Number:



NOTE:
 JUIA IS WITHIN NEW ALIGNMENT OF LATROBE ROAD
 BETWEEN THE SOUTHERLY BOUNDARY OF PARCEL 37
 32/PM/129 & THE EASTERLY BOUNDARY OF THE
 C/S/ELECTRIC EASEMENT PER 2003-0091771

- CONDUIT NOTES**
- P3— 4" Primary Duct and Cabling by PGE.
 - D— 4" Primary Duct by PGE (Veocast for future).
 - 06— 6" Primary Feeder Duct by Dew (Veocast for future).
 - SL— 2" SL Duct and Cabling by PGE.
 - 24" 24" Saneoco Tubes by Dew. SL pole and future by PGE.
 - 45" 45"x68"x8" Box Assembly (Code 04-3411).



POLE C/S/ELECTRIC EASEMENT
 2003-0091771
 LD#2109-08-0290
 30' WIDE

K-35-2, 7 & 8
 CI 1 Voltage Area
 Clearville Sub

LATROBE RD SUNCAAT TO GOLDEN FOOTHILL
 REARRANGE ELECTRIC SUBSTRUCTURES
 WHO EL DORADO COUNTY

NO.	DATE	DESCRIPTION	BY	CHKD	APP'D

ENGINEERING AND PLANNING DEPT.
 4636 MISSOURI FLAT ROAD
 PLACERVILLE CA 95667

PHONE #830-421-7270 FAX #830-421-7244

DATE	NOV. 11 2003
PROJECT	
SHEET	1 OF 3
SCALE	
REV.	

2109-08-0156

PG&E
32-3111 (Rev. 7/85)

AFTER RECORDING
RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
Land Department, Box 7444
Sacramento, CA 95826

033017

OFFICIAL RECORDS
EL DORADO COUNTY-CALIF.
RECORD REQUESTED BY:
PAC. GAS & ELEC. CO.

JUL 29 10 56 AM '86
DOROTHY CARR (4)

Location: City/Uninc _____

Recording Fee \$ 11.00

Documentary Transfer Tax \$ _____

- Computed on Full Value of Property Conveyed, or
- Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
- Consideration or Value Less Than \$100.

Signature of declarant or agent determining tax

Cynthia L. Ambrose

11.00
PO

FOR RECORDER'S USE ONLY

EASEMENT

EL DORADO HILLS BUSINESS PARK, a joint venture composed of Sammy F. Cemo, Maryanne Ingemanson and Latrobe Valley Investors, a limited partnership in which Bill Cotten and Kimbur Resources, a Nevada corporation, are the general partners

first party, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation,

second party, 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 a strip or parcel of land or along a route as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands situate in the _____ County of El Dorado, State of California, described as follows:

APN: 86-080-23

The parcel of land situate in Section 14, Township 9 North, Range 8 East, MDB&M, conveyed by Mary Anne Kojan and Wendellyn Ruth Packard to El Dorado Hills Business Park by the deed dated January 25, 1983 and recorded in Book 2141 of Official Records at Page 578, El Dorado County Records.

Said facilities shall consist of:

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 second party deems necessary located within the strip of land described as follows:

A strip of land of the uniform width of 30 feet lying 15 feet on each side of the line which begins at a point on the southeasterly boundary line of Parcel 37 as shown upon the map filed for record in Book 32 of Parcel Maps at Page 129, El Dorado County Records, and runs thence:

P.G. & E. CO.
COPY

BOOK 2601 PAGE 536

- (1) Southeasterly on a curve to the left having a radius of 1075 feet, the chord of which bears south $54^{\circ}07'13''$ East 182.73 feet; thence
- (2) South $58^{\circ}59'44''$ East 38.47 feet; thence
- (3) South $32^{\circ}56'15''$ East 453.45 feet; thence
- (4) South $42^{\circ}13'43''$ East 324.01 feet; thence
- (5) Along a curve to the right having a radius of 330 feet, the chord of which bears South $25^{\circ}52'22''$ East 185.66 feet; thence
- (6) South $09^{\circ}31'02''$ East 87.03 feet; thence
- (7) Along a curve to the right having a radius of 1415 feet, the chord of which bears South $05^{\circ}03'45''$ East 219.80 feet; thence
- (8) South $00^{\circ}36'30''$ East 1663.40 feet; thence
- (9) Along a curve to the left with a radius of 1075 feet, the chord of which bears South $19^{\circ}36'59''$ East 355.00 feet, more or less to a point on the southerly boundary line of said section 14.

Said point of beginning bears South $45^{\circ}51'52''$ West 15.03 feet distant from the most easterly corner of said parcel 37; the sidelines of said strip of land shall be lengthened or shortened at the northerly and southerly termini thereof so as to terminate in the southeasterly boundary line of said Parcel 37 and the southerly boundary line of said Section 14.

First party shall not erect or construct any building or other structure or drill or operate any well within the strip of land hereinbefore described.

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

IN WITNESS WHEREOF first party has executed these presents this 23rd day of June, 19 86
EL DORADO HILLS BUSINESS PARK

Latrobe Valley Investors

By [Signature]
Bill Cotten, General Partner

[Signature]
Sammy F. Cemo

By [Signature]
Bill Cotten, President
Kimbur Resources, a Nevada Corporation,
General Partner

[Signature]
Maryanne Ingemanson

Executed in the presence of:

WITNESS
Prepared MAG
Checked REH, MJH

SACTO GM 4408399
MAPS J-35
T9N, R8E, MDB&M
SEC 14 E1/2
1/7/86 FILE 10:RW.297

FOR NOTARY'S USE ONLY



Staple

STATE OF CALIFORNIA
COUNTY OF Sacramento } ss.
On this the 23rd day of June, 19 86, before me, the undersigned, a Notary Public in and for said State, personally appeared Bill Cotten

Ack. Partnership

_____, personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as General Partner of partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.
WITNESS my hand and official seal.

Signature Valerie L. Jorgensen

Staple

CAL-377 (Rev. _____)

FOR NOTARY SEAL OR STAMP

CAL-379 (Rev. 8-82) Ack. Corp. as Partner of Partnership

Staple

STATE OF CALIFORNIA
COUNTY OF Sacramento } SS.

On this the 23rd day of June 19 86, before me, the undersigned, a Notary Public in and for said State, personally appeared Bill Cotton

personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the _____ President, and _____

personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the _____ Secretary of Kimbar Resources the corporation that executed the within instrument on behalf of El Dorado Hills Business Park the partnership that executed the within instrument, and acknowledged to me that such corporation executed the same as such partner and that such partnership executed the same.

WITNESS my hand and official seal.
Valerie L. Jorgensen
Valerie L. Jorgensen
Signature



FOR NOTARY SEAL OR STAMP



CAL-375 (Rev. 8-82) Ack. Individual

Staple

STATE OF CALIFORNIA
COUNTY OF Sacramento } SS.

On this the 23rd day of June 19 86, before me the undersigned, a Notary Public in and for said County and State, personally appeared Sammy F. Como

personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

Valerie L. Jorgensen
Signature of Notary



FOR NOTARY SEAL OR STAMP



Staple

STATE OF CALIFORNIA
COUNTY OF Sacramento } SS.

On this the 1st day of July 19 86, before me the undersigned, a Notary Public in and for said County and State, personally appeared Maryanne Jorgenson

personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same.

Valerie L. Jorgensen
Signature of Notary



FOR NOTARY SEAL OR STAMP

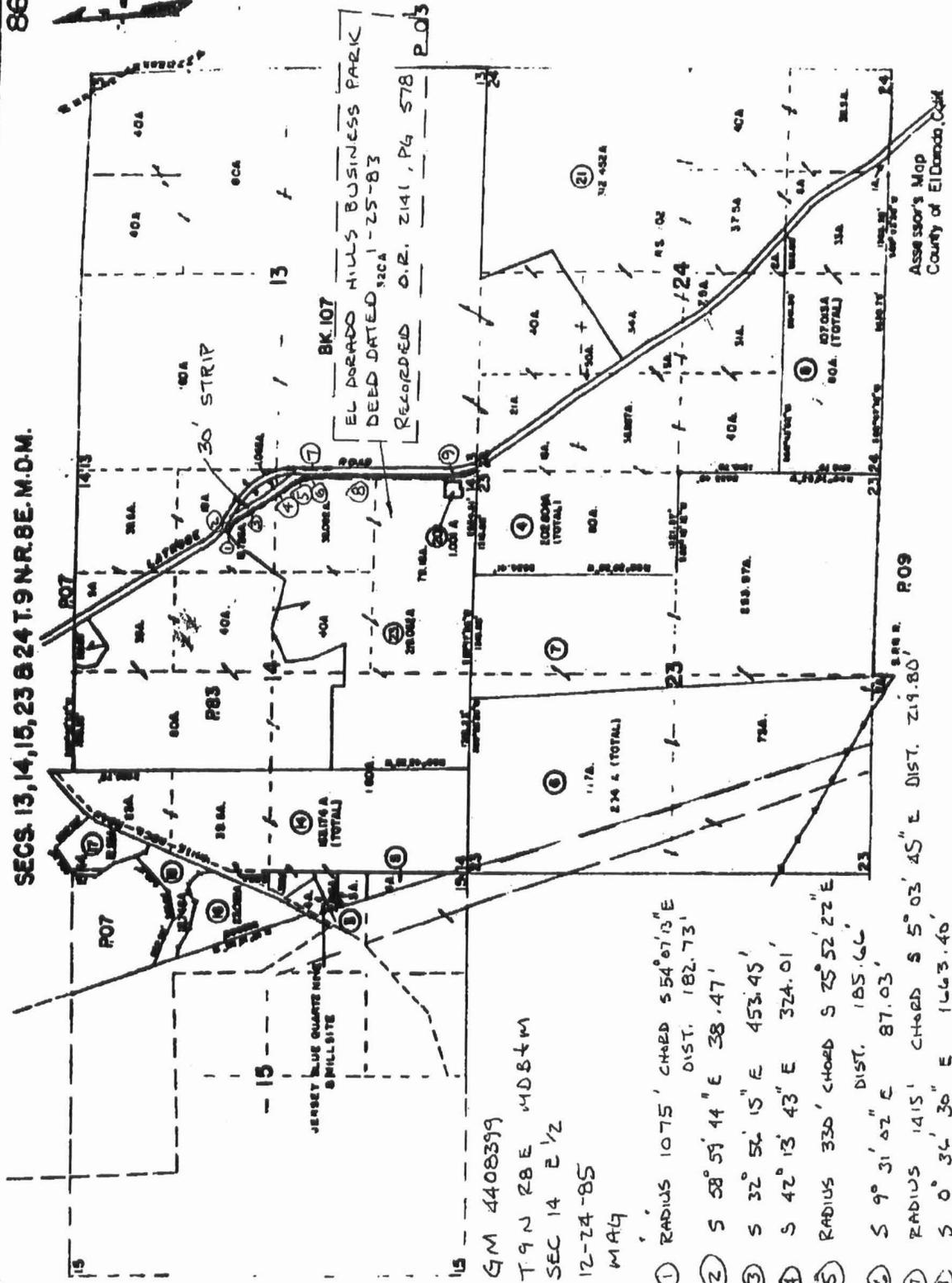


CAL-375 (Rev. 8-82) Ack. Individual

Staple

END DOCUMENT

SECS. 13, 14, 15, 23 & 24 T. 9 N. R. 8 E. M.D.M.



GM 4408399
 T. 9 N. R. 8 E. M.D.B. & M.
 SEC 14 E 1/2
 12-24-85
 MAG

- ① RADIUS 1075' CHORD S 54° 07' 13" E
DIST. 182.73'
- ② S 58° 59' 44" E 38.47'
- ③ S 32° 52' 15" E 453.45'
- ④ S 42° 13' 43" E 324.01'
- ⑤ RADIUS 330' CHORD S 25° 52' 22" E
DIST. 185.66'
- ⑥ S 9° 31' 02" E 87.03'
- ⑦ RADIUS 1415' CHORD S 5° 03' 45" E DIST. 219.80'
- ⑧ S 0° 34' 30" E 1463.40'
- ⑨ RADIUS 1075' CHORD S 2° 53' 56" E DIST. 85.86'

Assessor's Map
 County of El Dorado, Calif