



County of Santa Cruz

DEPARTMENT OF PUBLIC WORKS - REAL PROPERTY DIVISION

701 OCEAN STREET, ROOM 410, SANTA CRUZ, CA 95060-4070
(831) 454-2331 FAX (831) 454-2385 TDD (831) 454-2123

JOHN A. FANTHAM
DIRECTOR OF PUBLIC WORKS

SCOTT C. LOICHTINGER
CHIEF REAL PROPERTY AGENT

AGENDA: JUNE 22, 1999

June 16, 1999

SANTA CRUZ COUNTY BOARD OF SUPERVISORS
701 Ocean Street
Santa Cruz, California 95060

SUBJECT: ABANDONMENT AND SALE OF EXCESS COUNTY RIGHT-OF-WAY, SOQUEL DRIVE IN APTOS, ADJACENT TO APN 039-102-47 & 14

Members of the Board:

As directed by your Board, on March 23, 1999, the Real Property Division has prepared the necessary documents to sell excess portions of the Soquel Drive right-of-way. Stephen L. Fehrman Family Partners I, et. al. (APN 039-102-47) have agreed to a sales price of **\$30,000.00**. Benjamin Popilsky (APN 039-102-14) has agreed to a sales price of **\$13,000.00**.

The subject properties currently have frontage improvements including sidewalks and underground utilities. These property frontage improvements are consistent with the planned County General Plan build out of the Soquel Drive corridor. There are no plans to increase Soquel Drive to more than the two lanes in each direction with a center turn lane, as the existing road is more than sufficient to carry increased **traffic** in the foreseeable future.

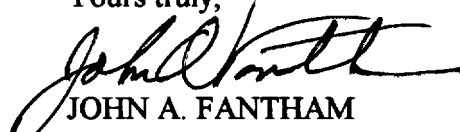
Environmental impact requirements and conformity to the General Plan have been reviewed by the County Planning Department.

It is therefore recommended that the Board of Supervisors take the following action:

1. Adopt the attached resolution vacating the excess County right-of-way.
2. Adopt the attached resolutions approving the sales and authorize the Chairperson of the Board of Supervisors to sign the attached deeds.
3. Accept the offers to purchase the subject property.

4. Direct the Clerk of the Board to return the executed deeds and certified copies of the resolutions for further processing.

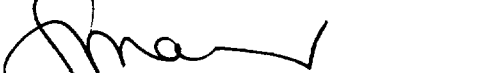
Yours truly,


JOHN A. FANTHAM
Director of Public Works

scl

Attachments

RECOMMENDED FOR APPROVAL:



County Administrative Officer

Copy to: Public Works

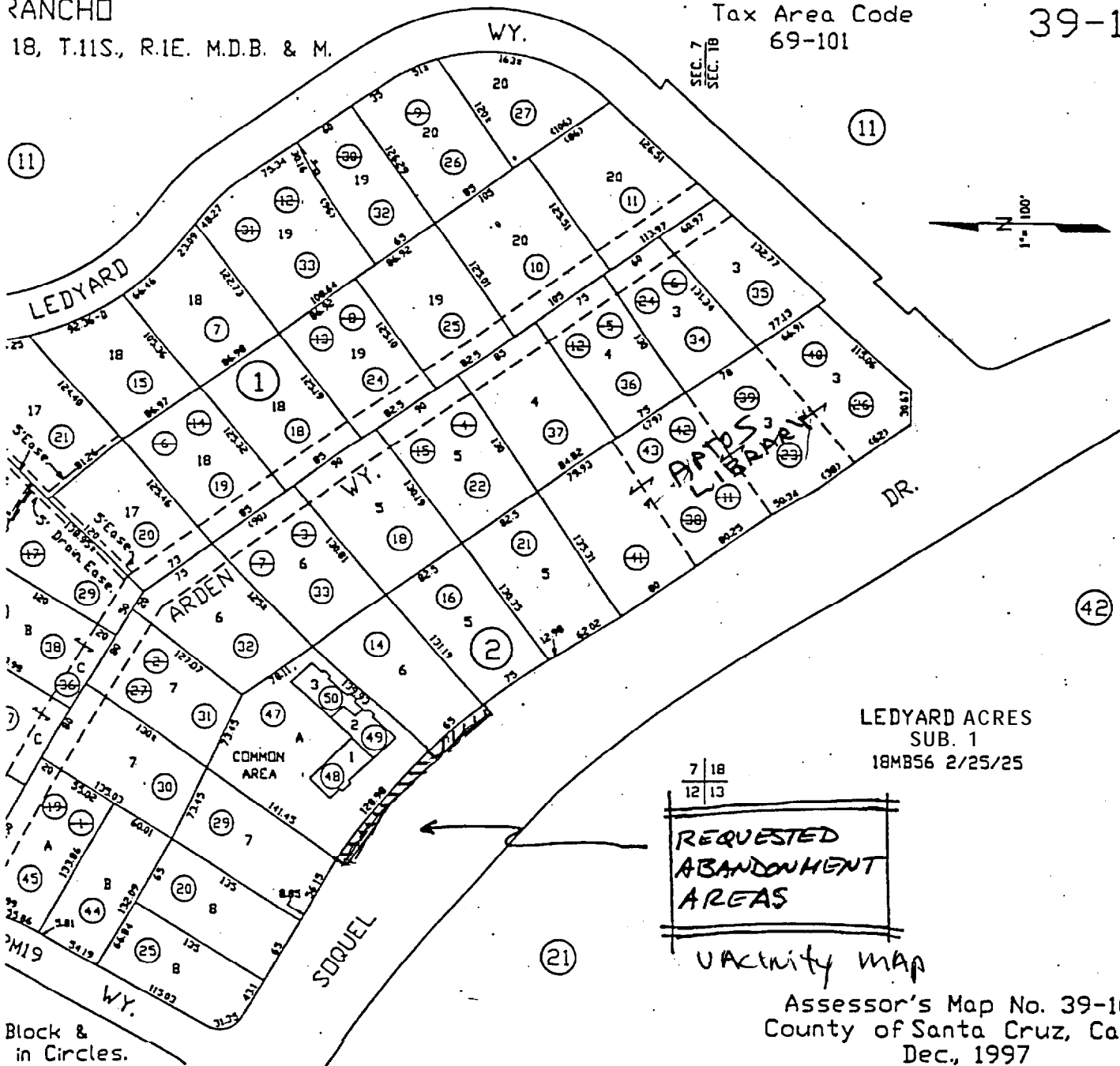
RANCHO

Tax Area Code
69-101

39-10

18, T.11S., R.1E. M.D.B. & M.

SEC. 7
SEC. 18



Block &
in Circles.

Assessor's Map No. 39-10
County of Santa Cruz, Calif
Dec., 1997

APN 39-102-47, 48, 49 & 50

Aptos Dental Condo

Association

PARCEL A, Volume SOPM Page 70

Michael Graber, et al

APN 39-102-14
7551 SOQUEL DRIVE INVESTOR
4350 O.R. 52Z

DR. Popisky

PROPOSED SALE AREAS

Removed
EXIST. POWER POLE
AND ANCHOR (TYP)

17.65 feet

EXISTING CURB
GUTTER & S/W

21.75 feet

126.43 feet

EXIST. SSMH
RIM 177.36
INV. 159.06

WV

WV

291+86.62 CONFORM 35.73

291+00

292+0

91+37.66
12'E-31.98

0+00

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted:

SUMMARILY VACATING A PORTION OF SOQUEL DRIVE
ADJACENT TO APN 039-102-47 & 14

WHEREAS, a portion of Soquel Drive has not been used for a period exceeding five years as a portion of the street nor has any public money been expended for street or highway purposes on the area to be vacated;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the portion of Soquel Drive described in Exhibit "A" attached hereto and made a part hereof is summarily vacated by the County of Santa Cruz.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this ___ day of _____ 1999, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

CHAIRPERSON OF SAID BOARD

ATTEST: _____
Clerk of said Board

Approved as to form:



-C&Assistant County Counsel

Distribution: County Counsel
Public Works
Real Property

EXHIBIT A

SITUATE in the County of Santa Cruz, and being a portion of Soquel Drive as shown on the map entitled 'Parcel Map and Condominium Plan – Lands of Jacobson Family Trust and Stephen Fehrman', recorded in Volume 50 of Parcel Maps at Page 70, Santa Cruz County Records, and being more particularly described as follows:

BEGINNING at the most western corner of Parcel A as shown on the above referenced parcel map: thence from said point of beginning, along a prolongation of the northwestern boundary of said Parcel A

1. South **34°40'30"** West 17.65 feet; thence
2. Along a curve to the right from a tangent bearing South **49°59'50"** East, with a radius of 1642.00 feet, through a central angle of **4°24'42"**, an arc distance of 126.43 feet; thence along the prolongation of the southeastern boundary of said Parcel A
3. North **42°15'00"** East 21.75 feet to the most southern corner of Parcel A: thence along the southwestern boundary of Parcel A
4. Along a curve to the **left** from a tangent bearing North **44°24'17"** West, with a radius of 700.00 feet, through a central angle of **10°33'26"**, an arc distance of 128.98 feet to the point of beginning.

Containing 2,659 square feet, more or less,

Compiled by Mid Coast Engineers, Job No. 97197, April 1999

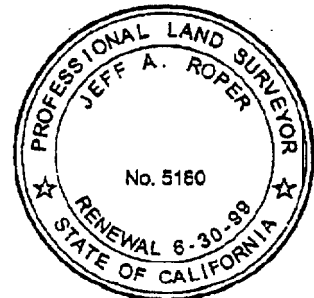


EXHIBIT "A"

0733

EXCEPTING AND RESERVING THEREFROM, PURSUANT TO THE PROVISION OF SECTION 8340 OF THE STREET AND HIGHWAYS CODE AND FOR THE BENEFIT OF PACIFIC BELL, A PERMANENT EASEMENT AND THE RIGHT AT ANY TIME OR FROM TIME TO TIME TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE, REMOVE, RENEW AND ENLARGE LINES OF PIPE, CONDUITS, CABLE, WIRE, POLES AND OTHER CONVENIENT STRUCTURES, EQUIPMENT AND FIXTURES FOR THE OPERATION OF TELEGRAPHIC AND TELEPHONE LINES AND OTHER COMMUNICATION FACILITIES, INCLUDING ACCESS AND THE RIGHT TO KEEP THE PROPERTY FREE FROM INFLAMMABLE MATERIALS AND WOOD GROWTH, AND OTHERWISE PROTECT THE SAME FROM ALL HAZARDS, IN, UPON, OVER AND ACROSS A STRIP OF LAND THREE FEET IN WIDTH THE MOST SOUTHERLY BOUNDARY OF WHICH IS THE MOST SOUTHERLY BOUNDARY OF THE ABOVE DESCRIBED PARCEL.

ALSO EXCEPTING AND RESERVING THEREFROM, PURSUANT TO THE PROVISIONS OF SECTION 8340 OF THE STREETS AND HIGHWAYS CODE, FOR THE BENEFIT OF PACIFIC GAS AND ELECTRIC COMPANY, ALL EXISTING EASEMENTS AND RIGHTS NECESSARY TO MAINTAIN, OPERATE, REPLACE, IMPROVE, REMOVE, OR RENEW THOSE PUBLIC FACILITIES IN PLACE AND IN USE THEREON. NON-DESCRIBED EASEMENTS SHALL BE FIVE FEET ON EITHER SIDE OF THE EXISTING FACILITIES AND SHALL INCLUDE THE RIGHT OF REASONABLE, MINIMUM ENLARGEMENT FOR THE PURPOSE OF ACCOMMODATING LARGER SIZED PIPES, CABLES, OR CONDUITS. THIS RESERVATION SHALL ALSO INCLUDE THE RIGHT FOR REASONABLE ACCESS OVER, UNDER, AND ACROSS SAID PROPERTY, INCLUDING THE RIGHT TO KEEP AND PREVENT ALL ABOVE-SURFACE STRUCTURES FREE FROM INFLAMMABLE MATERIALS AND EXCESS WOOD GROWTH.

BEFORE THE BOARD OF SUPERVISORS
OF THE SANTA CRUZ COUNTY, STATE OF CALIFORNIA
RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted:

RESOLUTION AUTHORIZING EXECUTION OF GRANT DEED
FOR SALE OF SURPLUS COUNTY OWNED PROPERTY
ADJACENT TO APN 039-102-47, SOQUEL DRIVE, APTOS

WHEREAS, the County of Santa Cruz acquired that certain real property described in Exhibit "A" attached hereto, for road purposes; and

WHEREAS, said real property is not required for county purposes and has not been used for a period exceeding five years as a portion of the street nor has any public money been expended, and it appears to be in the best interest of said County to sell said property, and

WHEREAS, Stephen L. Fehrman Family Partners I, L. P.; James A. Jacobson and Deborah B. Jacobson, Co-Trustees of the Jacobson Family Trust, dated November 21, 1980; and Michael Gruber and Sarah H. Gruber, husband and wife have offered to purchase said real property from the County of Santa Cruz for \$30,000.00 cash, which amount has been determined to be reasonable and proper by the County's Real Property Division.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors on behalf of the County of Santa Cruz pursuant to Streets and Highways Code Section 8356 that the real property described in Exhibit "A" is hereby sold to the above described parties and the Chairperson of the Board of Supervisors is hereby authorized and directed to execute a Grant Deed for said property.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 1999, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

CHAIRPERSON OF SAID BOARD

ATTEST: _____
Clerk of said Board

Approved as to form:

D. McLean 6-10-99
Chief Assistant County Counsel

Distribution: County Counsel, Public Works, Real Property

EXHIBIT A

SITUATE in the County of Santa **Cruz**, and being a portion of Soquel Drive as shown on the map entitled 'Parcel Map and Condominium Plan -Lands of Jacobson Family Trust and Stephen **Fehrman**', recorded in Volume 50 of Parcel Maps at Page 70, Santa Cruz County Records, and being more particularly described as follows:

BEGINNING at the most western corner of Parcel A as shown on the above referenced parcel map: thence from said point of beginning, along a prolongation of the northwestern boundary of said Parcel A

1. South **34°40'30"** West 17.65 feet; thence
2. Along a curve to the right from a tangent bearing South **49°59'50"** East, with a radius of 1642.00 feet, through a central **angle of 4°24'42"**, an arc distance of 126.43 feet; thence along the prolongation of the southeastern boundary of said Parcel A
3. North **42°15'00"** East 21.75 feet to the most southern corner of Parcel A: thence along the southwestern boundary of Parcel A
4. Along a curve to the left from a tangent bearing North **44°24'17"** West, with a radius of 700.00 feet, through a central angle of **10°33'26"**, an arc distance of 128.96 feet to the point of beginning.

Containing 2,650 square feet, more or less.

Compiled by Mid Coast Engineers, Job No. 07197, April 1099

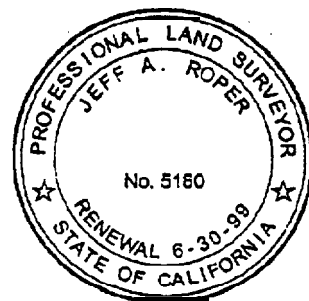


EXHIBIT "A"

EXCEPTING AND RESERVING THEREFROM, PURSUANT TO THE PROVISION OF SECTION 8340 OF THE STREET AND HIGHWAYS CODE AND FOR THE BENEFIT OF PACIFIC BELL, A PERMANENT EASEMENT AND THE RIGHT AT ANY TIME OR FROM TIME TO TIME TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE, REMOVE, RENEW AND ENLARGE LINES OF PIPE, CONDUITS, CABLE, WIRE, POLES AND OTHER CONVENIENT STRUCTURES, EQUIPMENT AND FIXTURES FOR THE OPERATION OF TELEGRAPHIC AND TELEPHONE LINES AND OTHER COMMUNICATION FACILITIES, INCLUDING ACCESS AND THE RIGHT TO KEEP THE PROPERTY FREE FROM INFLAMMABLE MATERIALS AND WOOD GROWTH, AND OTHERWISE PROTECT THE SAME FROM ALL HAZARDS, IN, UPON, OVER AND ACROSS A STRIP OF LAND THREE FEET IN WIDTH THE MOST SOUTHERLY BOUNDARY OF WHICH IS THE MOST SOUTHERLY BOUNDARY OF THE ABOVE DESCRIBED PARCEL. 0730

ALSO EXCEPTING AND RESERVING THEREFROM, PURSUANT TO THE PROVISIONS OF SECTION 8340 OF THE STREETS AND HIGHWAYS CODE, 'FOR THE BENEFIT OF PACIFIC GAS AND ELECTRIC COMPANY, ALL EXISTING EASEMENTS AND RIGHTS NECESSARY TO MAINTAIN, OPERATE, REPLACE, IMPROVE, REMOVE, OR RENEW THOSE PUBLIC FACILITIES IN PLACE AND IN USE THEREON. NON-DESCRIBED EASEMENTS SHALL BE FIVE FEET ON EITHER SIDE OF THE EXISTING FACILITIES AND SHALL INCLUDE THE RIGHT OF REASONABLE, MINIMUM ENLARGEMENT FOR THE PURPOSE OF ACCOMMODATING LARGER SIZED PIPES, CABLES, OR CONDUITS. THIS RESERVATION SHALL ALSO INCLUDE THE RIGHT FOR REASONABLE ACCESS OVER, UNDER, AND ACROSS SAID PROPERTY, INCLUDING THE RIGHT TO KEEP AND PREVENT ALL ABOVE-SURFACE STRUCTURES FREE FROM INFLAMMABLE MATERIALS AND EXCESS WOOD GROWTH.

BEFORE THE BOARD OF SUPERVISORS
OF THE SANTA CRUZ COUNTY, STATE OF CALIFORNIA
RESOLUTION NO. _____

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted:

RESOLUTION AUTHORIZING EXECUTION OF GRANT DEED
FOR SALE OF SURPLUS COUNTY OWNED PROPERTY
ADJACENT TO APN 039-102-14, SOQUEL DRIVE, APTOS

WHEREAS, the County of Santa Cruz acquired that certain real property described in Exhibit "A" attached hereto, for road purposes; and

WHEREAS, said real property is not required for county purposes and has not been used for a period exceeding five years as a portion of the street nor has any public money been expended, and it appears to be in the best interest of said County to sell said property, and

WHEREAS, Benjamin Popilsky, has offered to purchase said real property from the County of Santa Cruz for \$13,000.00 cash, which amount has been determined to be reasonable and proper by the County's Real Property Division Division.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors on behalf of the County of Santa Cruz pursuant to Streets and Highways Code Section 8356 that the real property described in Exhibit "A" is hereby sold to the above described party and the Chairperson of the Board of Supervisors is hereby authorized and directed to execute a Grant Deed for said property.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 1999, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

CHAIRPERSON OF SAID BOARD

ATTEST: _____
Clerk of said Board

Approved as to form:



Chief Assistant County Counsel

Distribution: County Counsel, Public Works, Real Property

EXHIBIT "A"

EXCEPTING AND RESERVING THEREFROM, PURSUANT TO THE PROVISION OF SECTION 8340 OF THE STREET AND HIGHWAYS CODE AND FOR THE BENEFIT OF PACIFIC BELL, A PERMANENT EASEMENT AND THE RIGHT AT ANY TIME OR FROM TIME TO TIME TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE, REMOVE, RENEW AND ENLARGE LINES OF PIPE, CONDUITS, CABLE, WIRE, POLES AND OTHER CONVENIENT STRUCTURES, EQUIPMENT AND FIXTURES FOR THE OPERATION OF TELEGRAPHIC AND TELEPHONE LINES AND OTHER COMMUNICATION FACILITIES, INCLUDING ACCESS AND THE RIGHT TO KEEP THE PROPERTY FREE FROM INFLAMMABLE MATERIALS AND WOOD GROWTH, AND OTHERWISE PROTECT THE SAME FROM ALL HAZARDS, IN, UPON, OVER AND ACROSS A STRIP OF LAND THREE FEET IN WIDTH THE MOST SOUTHERLY BOUNDARY OF WHICH IS THE MOST SOUTHERLY BOUNDARY OF THE ABOVE DESCRIBED PARCEL. 738

ALSO EXCEPTING AND RESERVING THEREFROM, PURSUANT TO THE PROVISIONS OF SECTION 8340 OF THE STREETS AND HIGHWAYS CODE, FOR THE BENEFIT OF PACIFIC GAS AND ELECTRIC COMPANY, ALL EXISTING EASEMENTS AND RIGHTS NECESSARY TO MAINTAIN, OPERATE, REPLACE, IMPROVE, REMOVE, OR RENEW THOSE PUBLIC FACILITIES IN PLACE AND IN USE THEREON. NON-DESCRIBED EASEMENTS SHALL BE FIVE FEET ON EITHER SIDE OF THE EXISTING FACILITIES AND SHALL INCLUDE THE RIGHT OF REASONABLE, MINIMUM ENLARGEMENT FOR THE PURPOSE OF ACCOMMODATING LARGER SIZED PIPES, CABLES, OR CONDUITS. THIS RESERVATION SHALL ALSO INCLUDE THE RIGHT FOR REASONABLE ACCESS OVER, UNDER, AND ACROSS SAID PROPERTY, INCLUDING THE RIGHT TO KEEP AND PREVENT ALL ABOVE-SURFACE STRUCTURES FREE FROM INFLAMMABLE MATERIALS AND EXCESS WOOD GROWTH.

RECORDED AT THE REQUEST OF:

WHEN RECORDED RETURN TO:

Excess R/W Soquel Drive
APN: Adjacent to
039-102-47

GRANT DEED

For value received **COUNTY OF SANTA CRUZ, a political subdivision of the State of California**

GRANTS TO: an undivided 1/3 interest to STEPHEN L. FEHRMAN FAMILY PARTNERS I, L. P.; an undivided 1/3 interest to JAMES A JACOBSON AND DEBORAH JACOBSON, Co-Trustees of the Jacobson Family Trust, dated November 21, 1980; and an undivided 1/3 interest to MICHAEL GRUBER AND SARAH H. GRUBER, husband and wife as joint tenants

all that Real Property situate in the County of Santa Cruz, State of California, described as follows:

For Legal Description See Exhibit "A" Attached Hereto and Made a Part Hereof

STATE OF CALIFORNIA

COUNTY OF SANTA CRUZ

County of _____

CHAIRPERSON, BOARD OF SUPERVISORS

on _____, 19____ before me,
_____, Notary Public, personally appeared

personally known to me (or 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.

WITNESS my hand and official seal.

Signature _____

Dated: _____, 19____

witness: _____

EXHIBIT A

SITUATE in the County of Santa Cruz, and being a portion of Soquel Drive as shown on the map entitled 'Parcel Map and Condominium Plan – Lands of Jacobson Family Trust and Stephen Fehrman', recorded in Volume 50 of Parcel Maps at Page 70, Santa Cruz County Records, and being more particularly described as follows:

BEGINNING at the most western corner of Parcel A as shown on the above referenced parcel map: thence from said point of beginning, along a prolongation of the northwestern boundary of said Parcel A

1. South $34^{\circ}40'30''$ West 17.65 feet; thence
2. Along a curve to the right from a tangent bearing South $49^{\circ}59'50''$ East, with a radius of 1642.00 feet, through a central angle of $4^{\circ}24'42''$, an arc distance of 126.43 feet; thence along the prolongation of the southeastern boundary of said Parcel A
3. North $42'15'00''$ East 21.75 feet to the most southern corner of Parcel A; thence along the southwestern boundary of Parcel A
4. Along a curve to the left from a tangent bearing North $44^{\circ}24'17''$ West, with a radius of 700.00 feet, through a central angle of $10^{\circ}33'26''$, an arc distance of 128.98 feet to the point of beginning.

Containing 2,659 square feet, more or less.

Compiled by Mid Coast Engineers, Job No. 97197, April 1999



EXHIBIT "A"

EXCEPTING AND RESERVING THEREFROM, PURSUANT TO THE PROVISION OF SECTION 8340 OF THE STREET AND HIGHWAYS CODE AND FOR THE BENEFIT OF PACIFIC BELL, A PERMANENT EASEMENT AND THE RIGHT AT ANY TIME OR FROM TIME TO TIME TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE, REMOVE, RENEW AND ENLARGE LINES OF PIPE, CONDUITS, CABLE, WIRE, POLES AND OTHER CONVENIENT STRUCTURES, EQUIPMENT AND FIXTURES FOR THE OPERATION OF TELEGRAPHIC AND TELEPHONE LINES AND OTHER COMMUNICATION FACILITIES, INCLUDING ACCESS AND THE RIGHT TO KEEP THE PROPERTY FREE FROM INFLAMMABLE MATERIALS AND WOOD GROWTH, AND OTHERWISE PROTECT THE SAME FROM ALL HAZARDS, IN, UPON, OVER AND ACROSS A STRIP OF LAND THREE FEET IN WIDTH THE MOST SOUTHERLY BOUNDARY OF WHICH IS THE MOST SOUTHERLY BOUNDARY OF THE ABOVE DESCRIBED PARCEL. 0741

ALSO EXCEPTING AND RESERVING THEREFROM, PURSUANT TO THE PROVISIONS OF SECTION 8340 OF THE STREETS AND HIGHWAYS CODE, FOR THE BENEFIT OF PACIFIC GAS AND ELECTRIC COMPANY, ALL EXISTING EASEMENTS AND RIGHTS NECESSARY TO MAINTAIN, OPERATE, REPLACE, IMPROVE, REMOVE, OR RENEW THOSE PUBLIC FACILITIES IN PLACE AND IN USE THEREON. NON-DESCRIBED EASEMENTS SHALL BE FIVE FEET ON EITHER SIDE OF THE EXISTING FACILITIES AND SHALL INCLUDE THE RIGHT OF REASONABLE, MINIMUM ENLARGEMENT FOR THE PURPOSE OF ACCOMMODATING LARGER SIZED PIPES, CABLES, OR CONDUITS. THIS RESERVATION SHALL ALSO INCLUDE THE RIGHT FOR REASONABLE ACCESS OVER, UNDER, AND ACROSS SAID PROPERTY, INCLUDING THE RIGHT TO KEEP AND PREVENT ALL ABOVE-SURFACE STRUCTURES FREE FROM INFLAMMABLE MATERIALS AND EXCESS WOOD GROWTH.

RECORDED AT THE REQUEST OF:

0742

WHEN RECORDED RETURN TO:

Excess R/W Soquel Drive
Adjacent APN: 039-102-14

GRANT DEED

For value received: **COUNTY OF SANTA CRUZ, a political subdivision of the State of California**

GRANTS TO: **BENJAMIN POPILSKY, an unmarried man**

all that Real Property situate in the County of Santa Cruz, State of California, described as follows:

For Legal Description See Exhibit "A" Attached Hereto And Made A Part Hereof

STATE OF CALIFORNIA

COUNTY OF SANTA CRUZ

County of _____

CHAIRPERSON, BOARD OF SUPERVISORS

on _____, 19____ before me,
_____, Notary Public, personally appeared

personally known to me (or 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.

WITNESS my hand and official seal.

Signature _____

Dated: _____, 19____

Witness: _____

EXCEPTING AND RESERVING THEREFROM, PURSUANT TO THE PROVISION OF SECTION 8340 OF THE STREET AND HIGHWAYS CODE AND FOR THE BENEFIT OF PACIFIC BELL, A PERMANENT EASEMENT AND THE RIGHT AT ANY TIME OR FROM TIME TO TIME TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE, REMOVE, RENEW AND ENLARGE LINES OF PIPE, CONDUITS, CABLE, WIRE, POLES AND OTHER CONVENIENT STRUCTURES, EQUIPMENT AND FIXTURES FOR THE OPERATION OF TELEGRAPHIC AND TELEPHONE LINES AND OTHER COMMUNICATION FACILITIES, INCLUDING ACCESS AND THE RIGHT TO KEEP THE PROPERTY FREE FROM INFLAMMABLE MATERIALS AND WOOD GROWTH, AND OTHERWISE PROTECT THE SAME FROM ALL HAZARDS, IN, UPON, OVER AND ACROSS A STRIP OF LAND THREE FEET IN WIDTH THE MOST SOUTHERLY BOUNDARY OF WHICH IS THE MOST SOUTHERLY BOUNDARY OF THE ABOVE DESCRIBED PARCEL.

ALSO EXCEPTING AND RESERVING THEREFROM, PURSUANT TO THE PROVISIONS OF SECTION 8340 OF THE STREETS AND HIGHWAYS CODE, FOR THE BENEFIT OF PACIFIC GAS AND ELECTRIC COMPANY, ALL EXISTING EASEMENTS AND RIGHTS NECESSARY TO MAINTAIN, OPERATE, REPLACE, IMPROVE, REMOVE, OR RENEW THOSE PUBLIC FACILITIES IN PLACE AND IN USE THEREON. NON-DESCRIBED EASEMENTS SHALL BE FIVE FEET ON EITHER SIDE OF THE EXISTING FACILITIES AND SHALL INCLUDE THE RIGHT OF REASONABLE, MINIMUM ENLARGEMENT FOR THE PURPOSE OF ACCOMMODATING LARGER SIZED PIPES, CABLES, OR CONDUITS. THIS RESERVATION SHALL ALSO INCLUDE THE RIGHT FOR REASONABLE ACCESS OVER, UNDER, AND ACROSS SAID PROPERTY, INCLUDING THE RIGHT TO KEEP AND PREVENT ALL ABOVE-SURFACE STRUCTURES FREE FROM INFLAMMABLE MATERIALS AND EXCESS WOOD GROWTH.