CITY OF CARMEL-BY-THE-SEA
PUBLIC IMPROVEMENT AUTHORITY AGENDA

Mayor Dave Potter, Council Members Jeff Baron,
Karen Ferlito, Bobby Richards, and Carrie Theis
Contact: 831.620.2000 www.ci.carmel.ca.us

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

PUBLIC IMPROVEMENT AUTHORITY SPECIAL MEETING
Tuesday, November 7, 2023
4:30 PM

The PIA Special Meeting will take place immediately following the Regular City Council Meeting

HYBRID MEETING - This meeting will be held in person and via teleconference. The public is welcome to attend the meeting in person or remotely via zoom, however, the meeting will proceed as normal even if there are technical difficulties accessing Zoom. The City will do its best to resolve any technical issues as quickly as possible. To view or listen to the meeting from home, the livestream on YouTube is online here: https://www.youtube.com/@CityofCarmelbytheSea/streams

To participate in the meeting via Zoom, copy and paste this link into your browser: https://ci-carmel-ca-us.zoom.us/j/86721067021 Meeting ID: 867 210 67021 Passcode: 022734 Dial in: (253) 215-8782

PUBLIC APPEARANCES - Limited to items on the agenda

CONSENT AGENDA

Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Council, Authority, Board or Commission or the public may ask that any items be considered individually for purposes of Council, Authority, Board or Commission discussion and/ or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.

e used to adopt all recommended actions.

1. Resolution PIA 2023-001, authorizing the Public Improvement Authority Chairman to execute an Easement Deed granting a 10-foot wide easement in the Vista Lobos parking lot to Pacific Gas and Electric for installation of electrical facilities to power City EV charging stations

ADJOURNMENT

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, outside the Park Branch Library, NE corner of Mission Street and 6th Avenue, the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage http://www.ci.carmel.ca.us in accordance with applicable legal requirements.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda, received after the posting of the agenda will be available for public review at City Hall located on Monte Verde Street between Ocean and Seventh Avenues during regular business hours.

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).

CITY OF CARMEL-BY-THE-SEA
PUBLIC IMPROVEMENT AUTHORITY
Staff Report

November 7, 2023
CONSENT AGENDA

TO:	Honorable Chair and Public Improvement Authority Directors
SUBMITTED BY:	Robert Harary, P.E, Director of Public Works
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution PIA 2023-001, authorizing the Public Improvement Authority Chairman to execute an Easement Deed granting a 10-foot wide easement in the Vista Lobos parking lot to Pacific Gas and Electric for installation of electrical facilities to power City EV charging stations

RECOMMENDATION:

Adopt Resolution PIA 2023-001 (**Attachment #1**), authorizing the Public Improvement Authority Chairman to execute an Easement Deed granting a 10-foot wide easement in the Vista Lobos parking lot to Pacific Gas and Electric (PG&E) for installation of electrical facilities to power City EV charging stations.

BACKGROUND/SUMMARY:

On December 8, 1988, the City Council adopted Council Resolution 88-141 in which the City of Carmel-by-the-Sea and the City of Carmel-by-the-Sea Parking Authority entered into a Joint Exercise of Powers Agreement to establish the Carmel-by-the-Sea Public Improvement Authority (Authority). On the same date, the Authority adopted Authority Resolution 88-01 for financing the acquisition of certain real property to be used for public purposes (the Vista Lobos parking lot), for a purchase price of $2,542,000. Both Resolutions are included for reference as **Attachment #2**.

In December 2022, the City Administrator executed a contract with PG&E to install a new transformer and electrical equipment, valued at $200,000 but at no cost to the City, to provide discounted power to new EV charging stations along the southern row of the Vista Lobos parking lot. As planned, two new, dual charging stations, plus one new high capacity station for the new electric street sweeper, will be installed. This plan would also reroute the existing, dual capacity EV charging station that is currently powered from the near-capacity electrical panel for the Vista Lobos building, and benefit from the discounted power rates via the new transformer system.

In June 2023, Council adopted Resolution 2023-067 approving the carryover of 25 Fiscal Year (FY) 2022/23 Capital Improvement Projects into the FY 2023/24 Capital Improvement Program. One such project is the Electrical Panel Upgrades for Vista Lobos, City Hall, Fire Station, and other facilities with an initial budget of $75,000. These panels are at or near capacity, and in some cases, circuits trip with additional loads.

In July 2023, Council awarded a Professional Services Agreement with Advance Design Solutions to provide electrical engineering services for the installation of new EV charging stations at the Vista Lobos parking lot and upgrades/replacements of existing electrical panels at several other facilities. The design work is progressing on schedule and budget at this time.

In order for PG&E to proceed with installation of their transformer and electrical equipment, they are requiring the property owner, the Authority, to execute an Easement Deed as shown in **Attachment #3.** This would grant a 10-foot wide permanent easement near the southeast corner of the parking lot to PG&E for installation, inspections, and repairs of their equipment. The installation of these electric facilities is critical to allow the City to install additional EV charging stations at the Vista Lobos parking lot.

FISCAL IMPACT:

There is no cost to execute this Easement Deed. Design of the Vista Lobos EV charging stations will be charged to the Capital Projects Account #301-311-00-43008.

PRIOR CITY COUNCIL ACTION:

In December 1988, the City Council adopted Council Resolution 88-141 authorizing the establishment of the Carmel-by-the-Sea Public Improvement Authority, and the Authority adopted Authority Resolution 88-01 for financing the acquisition of the Vista Lobos parking lot.

In June 2023, Council adopted Resolution 2023-067 approving the carryover of 25 FY 2022/23 Capital Improvement Projects, including the Electrical Panel Upgrades for Vista Lobos. In July 2023, Council awarded an Agreement with Advance Design Solutions for electrical engineering services for the installation of EV charging stations at the Vista Lobos parking lot.

ATTACHMENTS:

Attachment #1 - PIA Resolution 2023-001
Attachment #2 - Council Resolution 88-141 and Authority Resolution 88-01
Attachment #3 - Easement Deed to PG&E for Vista Lobos EV Charing Stations

CITY OF CARMEL-BY-THE-SEA
PUBLIC IMPROVEMENT AUTHORITY

RESOLUTION NO. PIA 2023-001

A RESOLUTION OF THE CARMEL-BY-THE-SEA PUBLIC IMPROVEMENT AUTHORITY AUTHORIZING THE PUBLIC IMPROVEMENT AUTHORITY CHAIRMAN TO EXECUTE AN EASEMENT DEED GRANTING A 10-FOOT WIDE EASEMENT IN THE VISTA LOBOS PARKING LOT TO PACIFIC GAS AND ELECTRIC FOR INSTALLATION OF ELECTRICAL FACILITIES TO POWER CITY EV CHARGING STATIONS

WHEREAS, on December 8, 1988, the City of Carmel-by-the-Sea and the City of Carmel-by-the-Sea Parking Authority entered into a Joint Exercise of Powers Agreement to establish the Carmel-by-the-Sea Public Improvement Authority (Authority); and

WHEREAS, on the same date, the Authority adopted Authority Resolution 88-01 for financing the acquisition of the Vista Lobos parking lot; and

WHEREAS, in December 2022, the City Administrator executed a contract with Pacific Gas and Electric (PG&E) to install a new transformer and electrical equipment, valued at $200,000 but at no cost to the City, to provide discounted power to new EV charging stations along the southern row of the Vista Lobos parking lot; and

WHEREAS, in June 2023, Council adopted Resolution 2023-067 approving the carryover of 25 Fiscal Year (FY) 2022/23 Capital Improvement Projects into the FY 2023/24 Capital Improvement Program, including the Electrical Panel Upgrades Project for Vista Lobos and other facilities; and

WHEREAS, in order for PG&E to proceed with installation of the transformer and electrical equipment required for the additional EV charging stations, the Authority, as property owner, must execute an Easement Deed granting to PG&E a 10-foot wide easement near the southeastern corner of the Vista Lobos parking lot.

NOW THEREFORE, BE IT RESOLVED THAT THE CARMEL-BY-THE-SEA PUBLIC IMPROVEMENT AUTHORITY DOES HEREBY:

Authorize the Carmel-by-the-Sea Public Improvement Authority Chairman to execute an Easement Deed granting a 10-foot wide easement in the Vista Lobos parking lot to Pacific Gas and Electric for installation of electrical facilities to power City EV charging stations.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE CARMEL-BY-THE-SEA PUBLIC IMPROVEMENT AUTHORITY this 7th day of November, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:	ATTEST:
__________________________	__________________________
Dave Potter Chair	Nova Romero, MMC Authority Secretary

Attachment 2

RESOLUTION NO. 88–141

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL–BY–THE–SEA AUTHORIZING FORMATION OF JOINT POWERS AUTHORITY WITH THE PARKING AUTHORITY OF THE CITY OF CARMEL–BY–THE–SEA, AUTHORIZING ACQUISITION OF PROPERTY BY SUCH JOINT POWERS AUTHORITY AND LEASE PURCHASE OF SUCH PROPERTY BY THE CITY, APPROVING RELATED LEASE AGREEMENT, TRUST AGREEMENT AND OFFICIAL STATEMENT, AND AUTHORIZING SALE OF $950,000 PRINCIPAL AMOUNT OF CERTIFICATES OF PARTICIPATION, APPOINTING SPECIAL COUNSEL AND OFFICIAL ACTIONS

WHEREAS, the City and the Parking Authority of the City of Carmel–By–The–Sea (the "Parking Authority") are authorized pursuant to the laws of the State of California to enter into an agreement for the joint exercise of powers, and the City and the Parking Authority wish to enter into that certain Joint Exercise of Powers Agreement dated December 8, 1988, (the "Joint Exercise of Powers Agreement") for the purpose of forming the City of Carmel–By–The–Sea Public Improvement Authority (the "Authority") as a public body; and

WHEREAS, the City wishes at this time to finance the acquisition of certain real property to be used for public purposes of the City (the "Property"), and to that end the City has requested the Authority to enter into an Installment Sale Agreement dated as of December 1, 1988, (the "Installment Sale Agreement") by and between the Authority and Thomas H. Handley (the "Seller"), pursuant to which the Authority will agree to purchase the Property from the Seller for a purchase price of $2,542,000 to be paid in the amount of $500,000 in cash payable upon the purchase of such property (the "Cash Payment") with the remainder of such purchase price to be financed by the payment of installment payments payable by the Authority to the Seller (the "Installment Payments") pursuant to the Installment Sale Agreement; and

WHEREAS, in order to provide funds to pay the Cash Payment and other costs related to the acquisition and improvement of the Property and related off–site improvements, the Authority proposes to lease the Property to the City pursuant to the Lease Agreement dated as of December 1, 1988, (the "Lease Agreement") and to enter into the Trust Agreement dated as of December 1, 1988, (the "Trust Agreement") by and among the City, the Authority and The Bank of California as trustee (the "Trustee"), under which the Trustee agrees to execute and deliver $950,000 principal amount of Certificates of Participation (the "Certificates of Participation") to finance the Cash Payment and other related costs; and

WHEREAS, the firm of Dinkelspiel Belmont & Co., as financial adviser to the City (the "Financial Adviser"), is assisting the City and the Authority in the sale of the Certificates to a prospective purchaser, and in that connection said firm has presented to the City a form of Purchase Agreement to be entered into among the City, the Authority and such purchaser (the "Purchase Agreement"); and

WHEREAS, the City Council wishes at this time to authorize all proceedings relating to such financing of the Property, the sale of the Certificates of Participation and the execution and delivery of all agreements and documents relating thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carmel-By-The-Sea as follows:

Section 1. Formation of Joint Powers Authority. The City Council hereby authorizes the officers and staff members of the City to assist in the organization of a joint powers authority between the City and the Parking Authority, to be known as the City of Carmel-By-The-Sea Public Improvement Authority (the "Authority"). The City Council hereby authorizes and directs the Mayor to execute and the City Clerk to attest the Joint Exercise of Powers Agreement forming the Authority, in substantially the form on file with the City Clerk together with any changes therein deemed advisable by the City Administrator.

Section 2. Lease of Property From Authority; Approval of Lease Agreement. The City Council hereby approves the lease purchase of the Property by the City from the Authority pursuant to and in accordance with the terms and provisions of the Lease Agreement in substantially the form on file with the City Clerk together with any changes therein or additions thereto deemed advisable by the City Administrator. The City Council hereby authorizes and directs the Mayor to execute, and the City Clerk to attest and affix the seal of the City to, said form of the Lease Agreement for and in the name of the City. The schedule of Lease Payments set forth in Exhibit B-1 to the Lease Agreement shall conform to the schedule of principal and interest payments represented by the Certificates of Participation, determined pursuant to Section 4 hereof.

Section 3. Trust Agreement. The City Council hereby approves the Trust Agreement in substantially the form on file with the City Clerk together with any changes therein or additions thereto deemed advisable by the City Administrator. The City Council hereby authorizes and directs the Mayor to execute, and the City Clerk to attest and affix the seal of the City to, said form of the Trust Agreement for and in the name of the City.

Section 4. Sale of Certificates of Participation. The City Council hereby approves the sale of the Certificates of Participation by negotiation with a purchaser, which may be any underwriting firm, bank or other financial institution or investor, pursuant to that certain Purchase Agreement in substantially the form on file with the City Clerk, with any changes therein or additions thereto deemed advisable by the City Administrator, whose execution of said agreement shall be conclusive evidence of his approval of any such changes or additions. The Certificates of Participation shall be substantially as described in the form of Preliminary Official Statement on file with the City Clerk and hereinafter approved. The City Administrator is hereby authorized and directed for and in the name and on behalf of the City to approve the selection of any such purchaser and to execute and deliver said form of Purchase Agreement upon submission of a proposal by said purchaser to acquire the Certificates of Participation, which proposal is acceptable to the City Administrator, provided, however, that the purchase price to be paid for the Certificates of Participation shall be at least ninety-seven and one-half percent (97-1/2%) of the par value thereof, and the weighted average rate of interest represented by the Certificates of Participation shall not exceed ten percent (10%) per annum. The City Administrator is hereby delegated the authority to approve the terms of any such offer with respect to the Certificates of Participation, provided that such offer is in form and substance acceptable and is within the limitations set forth in this Resolution.

Section 5. Official Statement. The City Council hereby approves the preliminary Official Statement describing the financing described herein, in the form submitted by the Financial Adviser and on file with the City Clerk, together with any changes therein or additions thereto deemed advisable by the City Administrator, whose execution of the final Official Statement shall be conclusive evidence of his approval of any such changes or additions. The City Council approves and authorizes the distribution by the Financial Adviser of said preliminary Official Statement to prospective purchasers of the Certificates of Participation, and authorizes and directs the City Administrator to execute the final form of the Official Statement on behalf of the City.

Section 6. Engagement of Special Counsel. In connection with the delivery of the Certificates of Participation and the documents relating thereto, the City Council hereby authorizes the engagement of Jones Hall Hill & White, A Professional Law Corporation, to act as special legal counsel to the City upon the terms and conditions set forth in the proposed form of agreement between the City and such firm in the form on file with the City Clerk. The City Administrator is hereby authorized and directed to execute said agreement on behalf of the City.

Section 7. Official Actions. The Mayor, the City Administrator, the City Clerk, the Director of Administrative Services and the City Attorney are each authorized and directed in the name and on behalf of the City to make any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they or any of them might deem necessary or appropriate in order to consummate any of the transactions contemplated by the documents approved pursuant to this Resolution. Whenever in this resolution any officer of the City is authorized to execute or attest any document or take any action, such execution, attestation or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in the case such officer shall be absent or unavailable.

Section 8. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

PASSED, APPROVED AND ADOPTED this 8th day of December, 1988, by the following vote:

AYES: Fischer, White, Wright, Grace
NOES: Laiolo
ABSENT: None

Jean Grace
Mayor
JEAN GRACE

Attest:

By: Jeanne Brehmer
City Clerk
JEANNE BREHMER

CERTIFICATION OF CITY CLERK

I, JEANNE BREHMER, the undersigned, City Clerk of the City of Carmel-by-the-Sea, County of Monterey, State of California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 88-141 adopted by the City Council of the City of Carmel-by-the-Sea at its Special Meeting of 8 December 1988.

DATED: 27 December 1988

Jeanne Brehmer

JEANNE BREHMER, City Clerk

RESOLUTION NO. 88–01

RESOLUTION OF THE CITY OF CARMEL–BY–THE–SEA PUBLIC IMPROVEMENT AUTHORITY AUTHORIZING ACQUISITION OF PROPERTY AND LEASE OF SUCH PROPERTY TO THE CITY OF CARMEL–BY–THE SEA, APPROVING RELATED LEASE AGREEMENT, TRUST AGREEMENT, ASSIGNMENT AGREEMENT AND OFFICIAL STATEMENT, AND AUTHORIZING SALE OF $950,000 PRINCIPAL AMOUNT OF CERTIFICATES OF PARTICIPATION AND OFFICIAL ACTIONS

WHEREAS, the City of Carmel-By-The-Sea (the "City") and the Parking Authority of the City of Carmel-By-The-Sea (the "Parking Authority") have established the City of Carmel-By-The-Sea Public Improvement Authority (the "Authority") as a public body; and

WHEREAS, the City wishes at this time to finance the acquisition of certain real property to be used for public purposes of the City (the "Property"), and to that end the City has requested the Authority to enter into an Installment Sale Agreement dated as of December 1, 1988, (the "Installment Sale Agreement") by and between the Authority and Thomas H. Handley (the "Seller"), pursuant to which the Authority will agree to purchase the Property from the Seller for a purchase price of $2,542,000 to be paid in the amount of $500,000 in cash payable upon the purchase of such property (the "Cash Payment") with the remainder of such purchase price to be financed by the payment of installment payments payable by the Authority to the Seller (the "Installment Payments") pursuant to the Installment Sale Agreement; and

WHEREAS, in order to provide funds to pay the Cash Payment and other costs related to the acquisition and improvement of the Property, the Authority proposes to lease the Property to the City pursuant to the Lease Agreement dated as of December 1, 1988, (the "Lease Agreement") and to assign certain of its rights under the Lease Agreement to The Bank of California as trustee (the "Trustee") pursuant to the Assignment Agreement dated as of December 1, 1988, by and between the Authority and the Trustee (the "Assignment Agreement"); and

WHEREAS, for such purpose the Authority proposes to enter into the Trust Agreement dated as of December 1, 1988, (the "Trust Agreement") by and among the City, the Authority and The Bank of California as trustee (the "Trustee"), under which the Trustee agrees to execute and deliver $950,000 principal amount of Certificates of Participation (the "Certificates of Participation") to finance the Cash Payment and other related costs; and

WHEREAS, the firm of Dinkelspiel Belmont & Co., as financial adviser to the City (the "Financial Adviser"), is assisting the City and the Authority in the sale of the Certificates to a prospective purchaser, and in that connection said firm has presented to the Authority a form of Purchase Agreement to be entered into among the City, the Authority and such purchaser (the "Purchase Agreement"); and

WHEREAS, the Authority wishes at this time to authorize all proceedings relating to such financing of the Property, the sale of the Certificates of Participation and the execution and delivery of all agreements and documents relating thereto;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Carmel-By-The-Sea Public Improvement Authority as follows:

Section 1. Acquisition of Property from Seller; Approval of Installment Sale Agreement. The Board of Directors hereby approves the acquisition of the Property by the Authority from the Seller pursuant to and in accordance with the terms and provisions of the Installment Sale Agreement in substantially the form on file with the Secretary together with any changes therein or additions thereto deemed advisable by the Executive Director. The Board of Directors hereby authorizes and directs the Chairman to execute, and the Secretary to attest and affix the seal of the Authority to, said form of the Acquisition Agreement for and in the name of the Authority.

Section 2. Lease of Property to City; Approval of Lease Agreement. The Board of Directors hereby approves the lease of the Property by the Authority to the City pursuant to and in accordance with the terms and provisions of the Lease Agreement in substantially the form on file with the Secretary together with any changes therein or additions thereto deemed advisable by the Executive Director. The Board of Directors hereby authorizes and directs the Chairman to execute, and the Secretary to attest and affix the seal of the Authority to, said form of the Lease Agreement for and in the name of the Authority. The schedule of Lease Payments set forth in Exhibit B-1 to the Lease Agreement shall conform to the schedule of principal and interest payments represented by the Certificates of Participation, determined pursuant to Section 5 hereof.

Section 3. Assignment Agreement. The Board of Directors hereby approves the Assignment Agreement in substantially the form on file with the Secretary together with any changes therein or additions thereto deemed advisable by the Executive Director. The Board of Directors hereby authorizes and directs the Chairman to execute, and the Secretary to attest and affix the seal of the Authority to, said form of the Assignment Agreement for and in the name of the Authority.

Section 4. Trust Agreement. The Board of Directors hereby approves the Trust Agreement in substantially the form on file with the Secretary together with any changes therein or additions thereto deemed advisable by the Executive Director. The Board of Directors hereby authorizes and directs the Chairman to execute, and the Secretary to attest and affix the seal of the Authority to, said form of the Trust Agreement for and in the name of the Authority.

Section 5. Sale of Certificates of Participation. The Board of Directors hereby approves the sale of the Certificates of Participation by negotiation with a purchaser, which may be any underwriting firm, bank or other financial institution, pursuant to that certain Purchase Agreement in substantially the form on file with the Secretary, with any changes therein or additions thereto deemed advisable by the Executive Director, whose execution of said agreement shall be conclusive evidence of his approval of any such changes or additions. The Certificates of Participation shall be substantially as described in the form of Preliminary Official Statement on file with the Secretary and hereinafter approved. The Executive Director is hereby authorized and directed for and in the name and on behalf of the Authority to approve the selection of any such purchaser and to execute and deliver said form of Purchase Agreement upon submission of a proposal by said purchaser to acquire the Certificates of Participation, which proposal is acceptable to the Executive Director, provided, however, that the purchase price to be paid for the Certificates of Participation shall be at least ninety-seven and one-half percent (97-1/2%) of the par value thereof, and the weighted average rate of interest represented by the Certificates of Participation shall not exceed ten percent (10%) per annum. The Executive Director is hereby delegated the authority to approve the terms of any such offer with respect to the Certificates of Participation, provided that such offer is in form and substance acceptable and is within the limitations set forth in this Resolution.

Section 6. Official Statement. The Board of Directors hereby approves the preliminary Official Statement describing the financing described herein, in the form submitted by the Financial Adviser and on file with the Secretary, together with any changes therein or additions thereto deemed advisable by the Executive Director, whose execution of the final Official Statement shall be conclusive evidence of his approval of any such changes or additions. The Board of Directors approves and authorizes the distribution by the Financial Adviser of said preliminary Official Statement to prospective purchasers of the Certificates of Participation, and authorizes and directs the Executive Director to execute the final form of the Official Statement on behalf of the Authority.

Section 7. Official Actions. The Chairman, the Executive Director, the Treasurer, the Secretary and all other officers of the Authority are each authorized and directed in the name and on behalf of the Authority to make any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they or any of them might deem necessary or appropriate in order to consummate any of the transactions contemplated by the documents approved pursuant to this Resolution. Whenever in this resolution any officer of the Authority is authorized to execute or attest any document or take any action, such execution, attestation or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in the case such officer shall be absent or unavailable.

Section 8. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

PASSED, APPROVED AND ADOPTED this 8th day of December, 1988, by the following vote:

AYES: Fischer, Little, White, Wright, Grace
NOES: None
ABSENT: None

Jean Grace
Chairman
JEAN GRACE

Attest:

By: Jeanne Brehmer
Secretary
JEANNE BREHMER

CERTIFICATION OF THE SECRETARY TO THE CARMEL-BY-THE-SEA PUBLIC IMPROVEMENT AUTHORITY

I, JEANNE BREHMER, the undersigned, Secretary to the Carmel-by-the-Sea Public Improvement Authority, County of Monterey, State of California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 88-01 adopted by the Carmel-by-the-Sea Public Improvement Authority at its Special Meeting of 8 December 1988.

DATED: 27 December 1988

Jeanne Brehmer

JEANNE BREHMER, Secretary
Carmel-by-the-Sea Public
Improvement Authority

EVCN Charging Network Easement (Rev.10/17)

Attachment 3

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, N10A, Room 1015
P.O. Box 770000
San Francisco, California 94177

Location: City/~~Uninc~~ Carmel-By-The-Sea
Recording Fee $__________
Document Transfer Tax $ 0.00
[x] This is a conveyance where the consideration and Value is less than $100.00 (R&T 11911)
[ ] Computed on Full Value of Property Conveyed, or
[ ] Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
[ ] Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

____
Signature of declarant or agent determining tax

LD# 2316-01-

EASEMENT DEED

PM#35419734, 1110 - ZIS 4 TORRES STREET CARMEL-BY-THE-SEA

CARMEL-BY-THE-SEA PUBLIC IMPROVEMENT AUTHORITY, a joint powers authority,

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 Carmel-By-The-Sea, County of Monterey, State of California, described as follows:

(APN 010-104-001)

The parcel of land described and designated PARCEL II in the deed from T. H. Handley to Grantor dated December 27, 1988 and recorded in Reel 2314 of Official Records at page 638, Monterey 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; electric vehicle charging supply equipment, bollards and/or curbs or other associated safety equipment, associated signage; 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 strips of land of the uniform width of 10 feet, lying 5 feet on each side of the alignment of the facilities as initially installed hereunder. The approximate location of said facilities are shown upon Grantee's Drawing Number 35419734 attached hereto and made a part hereof.

Grantee agrees that on receiving a request in writing, it will at Grantor's expense, survey, prepare and record a "Notice of Final Description" referring to this instrument and setting forth a description of said strips of land.

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).

In the event upon termination of the electric vehicle charging station contract as set forth in said terms and conditions, Grantee shall upon written demand therefor execute and deliver to Grantor a good and sufficient quitclaim of said easement and right of way or such portion thereof conveyed in this document, at Grantor's expense.

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.

In exercising its easement rights hereunder, Grantee shall not unreasonably interfere with, disrupt, or materially adversely affect Grantor's business operations or access rights at the property owned by Grantor.

Dated: ____________________, _______.

CARMEL-BY-THE-SEA PUBLIC IMPROVEMENT AUTHORITY, a joint powers authority

By____

I hereby certify that a resolution was adopted on the ____ day of __________, 20____, by the

____

authorizing the foregoing grant of easement.

By____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of ________________________________)

On ________________________, before me, ____,
Here insert name and title of the officer

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)

[ ] 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 ______________________________

L.D. No. 2316-01-

Attachment 3

LEGEND:

- - - - - - EXISTING TIE-IN FACILITIES

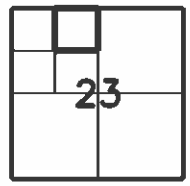
——— SUBJECT PARCEL

— — — PROPOSED EASEMENT CENTERLINE, (APPROXIMATE)

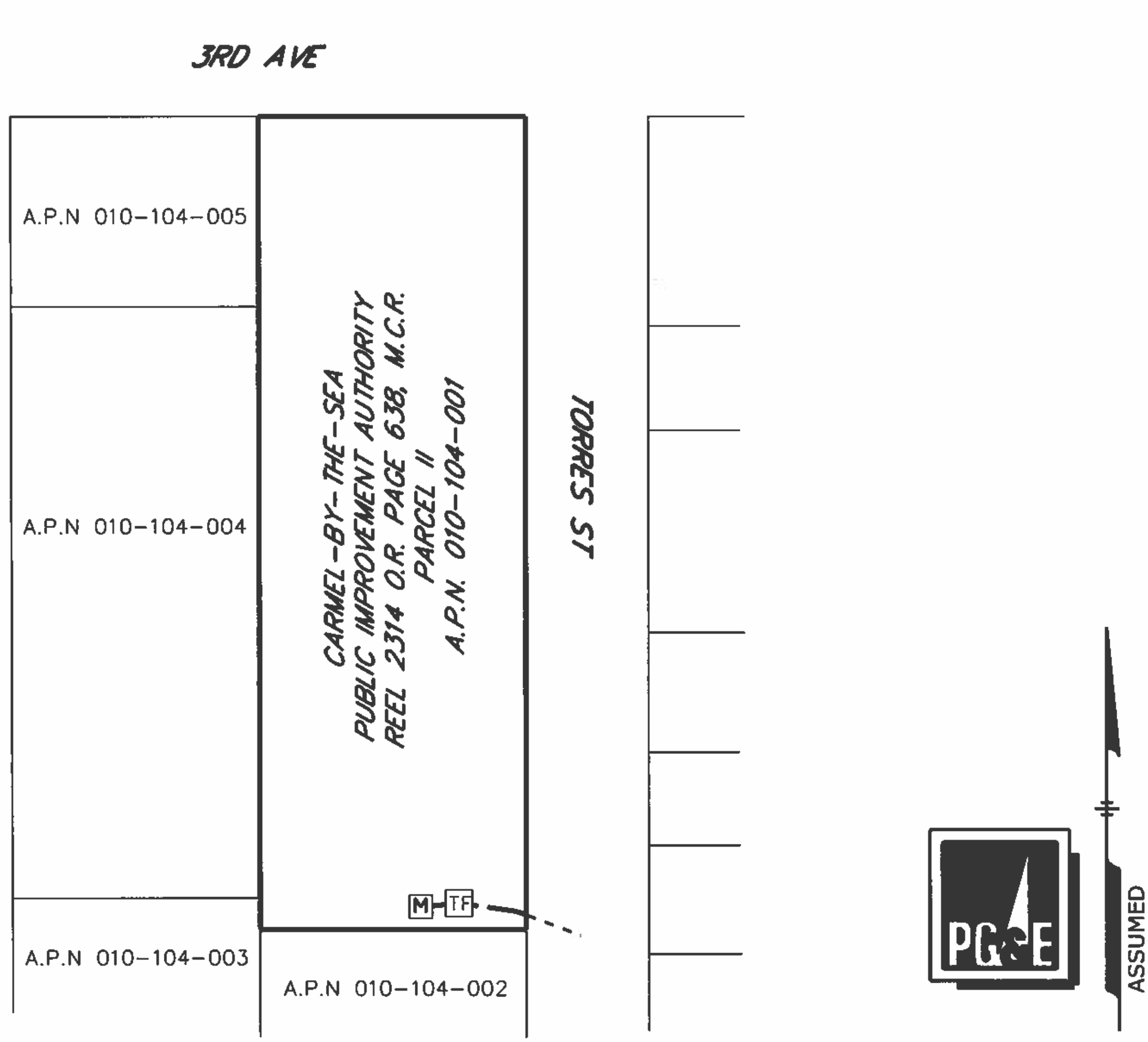
M.C.R. MONTEREY COUNTY RECORDS

TF PROPOSED PAD-MOUNTED TRANSFORMER LOCATION

M PROPOSED 400A ELECTRIC SERVICE METER LOCATION



REAL PROPERTY SITUATED IN THE N.E./4 OF THE N.W./4 OF SECTION 23...



UNLESS OTHERWISE SHOWN ALL COURSES EXTEND TO OR ALONG ALL BOUNDARIES OR LINES

APPLICANT: CARMEL-BY-THE-SEA PUBLIC IMPROVEMENT AUTHORITY 4 TORRES STREET, CARMEL-BY-THE-SEA, 93923 (EV FLEET)					SCALE: N/A	DATE: 04/22/23
SECTION 12	TOWNSHIP 16 S.	RANGE 01 W.	MERIDIAN: M.D.B.M.	COUNTY OF MONTEREY	CITY OF CARMEL-BY-THE-SEA	
				F.B.: N/A DR. BY: L.C. CH. BY: PRFB		
PG&E DIST. PLAT MAP: ELECTRIC J0214A PG&E L.D. REFERENCES: N/A				AREA 3, CENTRAL COAST DIV.	125276437 AUTHORIZ.	*35419734 DRAWING No.*

Attach to LD: 2316-01-
Area, Region, or Location: 3; Central Coast Division
Land Service Office: Fresno
Line of Business: Electric Charging Station (95), Electric Distribution (43)
Business Doc Type: Easements
MTRSQ: 23.16.01.23.41
FERC License Number: N/A
PG&E Drawing Number: 35419734
Plat No.: Electric J0214A
LD of Affected Documents: N/A
LD of Cross-Referenced Documents: N/A
Type of interest: Communication Easements (6), Electric Underground Easements (4), Utility Easement (86)
SBE Parcel: N/A
% Being Quitclaimed: N/A
Order or PM: 35419734
JCN: N/A
County: Monterey
Utility Notice Number: N/A
851 Approval Application No: N/A; Decision: N/A
Prepared By: LC
Checked By: PRFB