



Doc # 759440
filed 6/9/77
Res # 218449

PERMIT

THIS PERMIT is executed this 25 day of MAY, 1977 by and between the CITY OF SAN DIEGO, a municipal corporation, hereinafter called "CITY" and The Pacific Telephone and Telegraph Company, a corporation, hereinafter called "COMPANY." The CITY hereby grants permission to COMPANY and COMPANY accepts permission from CITY for the purpose of installing a downguy and anchor on that certain strip of land which is shown outlined in red on Exhibit A, attached hereto and by this reference made a part hereof, subject to the following terms and conditions:

1. TERM OF PERMIT

The term of this permit shall be six years, commencing on the date of execution hereof by the CITY. At the expiration of each six year term, unless otherwise terminated, this permit shall be automatically renewed for an additional six year term so long as the telephone pole requires the downguy.

2. HOLD HARMLESS - GENERAL

Company shall at all times indemnify and save City harmless against and pay in full any and all loss, damage or expense that City may sustain, incur or become liable for, resulting in any manner from the construction, maintenance, use, state of repair or presence of Company's facilities installed hereunder and all fixtures and equipment used in connection therewith, including any such loss,

damage or expense arising out of (a) loss of or damage to property, and (b) injury to or death of persons, excepting any loss, damage or expense and claims for loss, damage or expense resulting from the negligent act or acts of the City, its contractors, officers, agents or employees.

3. CITY PERMITTED TO USE SURFACE, SUBSURFACE AND AIRSPACE -
RELOCATION AT NO EXPENSE TO CITY

City reserves the right to use and to grant easements on the surface, and in the subsurface and airspace over, under and about said real property for the installation of such improvements as it shall now or in the future deem necessary, which do not interfere with Company's use of said land. City shall notify Company, in writing, at least thirty (30) days prior to the date when said rights are to be exercised, and in the event that Company shall object to City's proposed use of said real property, City and Company shall endeavor, in good faith, to settle, adjust and compromise such objection. In the event that City and Company are unable to settle, adjust and compromise Company's objection within a reasonable time, Company shall relocate any facilities located within said real property at no expense to City.

4. COMPANY PERMITTED TO KEEP PERMIT AREA CLEAR

COMPANY, its successors or assigns, shall have the following rights when necessary for the operation of said permit area:

- (a) trim or top and keep trimmed or topped, or remove, upon notice to CITY any and all trees situated within said permit area, (b) clear and keep clear all brush and other material situated within

said permit area, and (c) cut such roots within said permit area as necessary for the protection of any improvements located therein by COMPANY. Provided, however, that COMPANY shall not by its activities hereunder cause any damage to adjacent property.

5. PERMIT TO REVERT FOR NON-USE

In the event said permit is no longer required for service or if said permit is not used by COMPANY for a period of six (6) months, whichever is sooner, all rights herein granted shall revert to CITY, its successors or assigns, automatically and without the necessity of reentry or notice and COMPANY shall remove, at its own expense, all facilities installed by COMPANY. COMPANY shall furnish CITY on demand a good and sufficient Quitclaim Deed of all its rights, title and interest in the above described real property.

6. TEMPORARY PERMIT

This temporary permit is granted for a limited period and may be terminated by CITY, its successors and assigns, upon ninety (90) days' notice at any time. Upon receipt by COMPANY, its successors or assigns, of such notice of termination of the permit, said COMPANY, its successors or assigns, agree to vacate the premises and to remove, within a reasonable time thereafter, any and all installations made by it pursuant to this permit, and to restore the premises to the same or as good condition as that which existed prior to granting herein, such removal and restoration to be effected to satisfaction of the City Manager at no expense to CITY.

THE CITY OF SAN DIEGO

Date 5/25/77

By JS
City Manager

THE ABOVE IS ACKNOWLEDGED AND ACCEPTED
THIS 7 DAY OF MARCH, 1977.

Pacific Telephone and Telegraph Company

By SW Dook
Division Manager

APPROVED as to form and legality this 7 day of
June, 1977.

JOHN W. WITT, City Attorney

By VAC LEX HANG
Deputy

FRH:sc
Job 12957
San Pasqual

Property
51-A

RESOLUTION No. 218449

(R- 77-2028)

Adopted on MAY 25 1977

BE IT RESOLVED, by the Council of The City of San Diego as follows:

That the City Manager is hereby authorized and empowered to execute a permit, a form of which is on file in the office of the City Clerk as Document No. 759440, granting to the PACIFIC TELEPHONE & TELEGRAPH COMPANY permission to place a downguy and anchor on City property to support a telephone pole.

APPROVED: JOHN W. WITT, City Attorney

By [Signature]
Harold O. Valderhaug, Deputy

IOV:sml
5-2-77
Mr. Dept.:Property
Job:12957

Renewal

DOCUMENT RR-759440 RESOLUTION NO. R-218449 ORDINANCE NO. _____TERM: Six Years (6) + six Yr. renewal BEGINNING 5/25/77

LEGAL DESCRIPTION:

San Pasqual Villy
Verger DairyPROPERTY FILE CODE: C701WW 010
SIZE: _____

DRAWING NO. _____

PURPOSE: For placement of a downguy & anchor supporting a telephone pole.
REMARKS: Present permit expires 5/24/83. Permit is selfrenewing as Copy as
telephone pole requires the downguy & anchor called tel & tel .
and was asked to renew.RENT: n/a PER ~~XXXXXXX~~ XXXXXXXCREDIT FUND n/a ACCOUNT n/aBILLED ON n/a FOR PERIOD IN ~~ADV/ARRS~~ XXXXXX PENALTY: 5% AFTER n/a 10% AFTER n/a DAYSADDRESS 7337 TRADE ST Room 5410 92121 CONTACT Janett Dawnes
4838 Ronson Court, Room 103 ZIP 92111 PHONE (619) 586-3890
San Diego, CA CA 268-6735

(NAME OF LESSEE)

(BRIEF LEGAL)

(EXPIRATION DATE)

Pacific Tel & Tel/02

San Pasqual Villy

5/24/89

DOCUMENT 759440 RESOLUTION NO. 218449 ORDINANCE NO. _____TERM: Six (6) years + six (6) year renewal BEGINNING 5-25-77
option (indefinite)

LEGAL DESCRIPTION:

Por of Sec 34 T12 R1W
San Pasqual ValleyPROPERTY FILE CODE: CHKJSIZE: Approx. 10' long

DRAWING NO. _____

PURPOSE: For placement of a downguy and anchor supporting a telephone poleREMARKS: Called Pac Telephon - Janett Dawnes (268-6735)
Allen Montgomery on Mar 22, 1983. Permit
to be extended for another six years. OKRENT: -0- PER MO/QTR/YR AND/OR -----CREDIT FUND --- ACCOUNT -----BILLED ON ----- FOR PERIOD IN ADV/ARRS. PENALTY: 5% AFTER --- 10% AFTER ----- DAYSCONTACT Pac. Tel & TelADDRESS 4838 Ronson Ct. Rm. 108 SD ZIP 92111 PHONE 565-0828

(NAME OF LESSEE)

(BRIEF LEGAL)

(EXPIRATION DATE)

PACIFIC TELE. & TELE. CO. San Pasqual
T12S R1W Por Sec 34 5-24-83 PERMITS