

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 \_\_\_\_\_

Recording Fee \$ \_\_\_\_\_

Document Transfer Tax \$ \_\_\_\_\_

☐ 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

\_\_\_\_\_  
Signature of declarant or agent determining tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

LD# 2213-19-

AGREEMENT

## Exhibit B

### CONSENT TO COMMON USE

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between PACIFIC GAS AND ELECTRIC COMPANY, hereinafter called "PG&E", and the CITY OF FRESNO, hereinafter called "Agency",

### WITNESSETH

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

The easement and rights granted to PG&E by H.C. Burbidge and Janet D. Burbidge in the deed dated May 19<sup>th</sup>, 1955, and recorded in Book 3618 at Page 170 of the Official Records of Fresno County; and the easement and rights granted to PG&E by Lew Wallace in the deed dated June 29<sup>th</sup>, 1955, and recorded in Book 3645 at Page 265 of the Official Records of Fresno County,

and

WHEREAS, Agency has acquired certain lands for construction of the Veterans Boulevard overpass project in the vicinity of Veterans Boulevard and Golden State Hwy, Fresno, County of Fresno, hereinafter referred to as "Agency right of way",

and

WHEREAS, the Agency right of way occupies a portion of PG&E's easement and is subject to said easement, which said portion is hereinafter referred to as "Area of Common Use" and is described as follows:

The cross-hatched areas designated "Area of Common Use" upon the drawing entitled "PG&E CONSENT TO COMMON USE EXHIBIT MAP", attached hereto and made a part hereof.

NOW, THEREFORE, PG&E and Agency hereby mutually agree as follows:

1. PG&E hereby consents to the construction, reconstruction, maintenance or use by Agency of the Veterans Boulevard overpass project over, along and upon PG&E's easement in the area of common use subject to PG&E's easement and right to use said area of common use for all of the purposes for which PG&E's easement was acquired and to the terms and conditions herein contained. PG&E does not by this consent and shall not be deemed to subordinate its rights in the area of common use to and use which Agency shall make of said area.

2. Except as expressly set forth herein, this agreement shall not in any way alter, modify or terminate any provision of PG&E's easement or the priority thereof over the title of Agency in said area of common use. Both Agency and PG&E shall use said area of common use in such 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 PG&E 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 PG&E in such a manner as to cause an unreasonable interference with the use of said area of common use by the other party.

3. 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.

CITY OF FRESNO,  
a California municipal corporation

PACIFIC GAS AND ELECTRIC COMPANY

By: \_\_\_\_\_  
Scott Mozier, PE, Director  
Department of Public Works

By: \_\_\_\_\_

ATTEST:  
YVONNE SPENCE, CMC  
City Clerk

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
City Attorney's Office

By: \_\_\_\_\_  
Raj Singh Badhesha  
Deputy City Attorney

