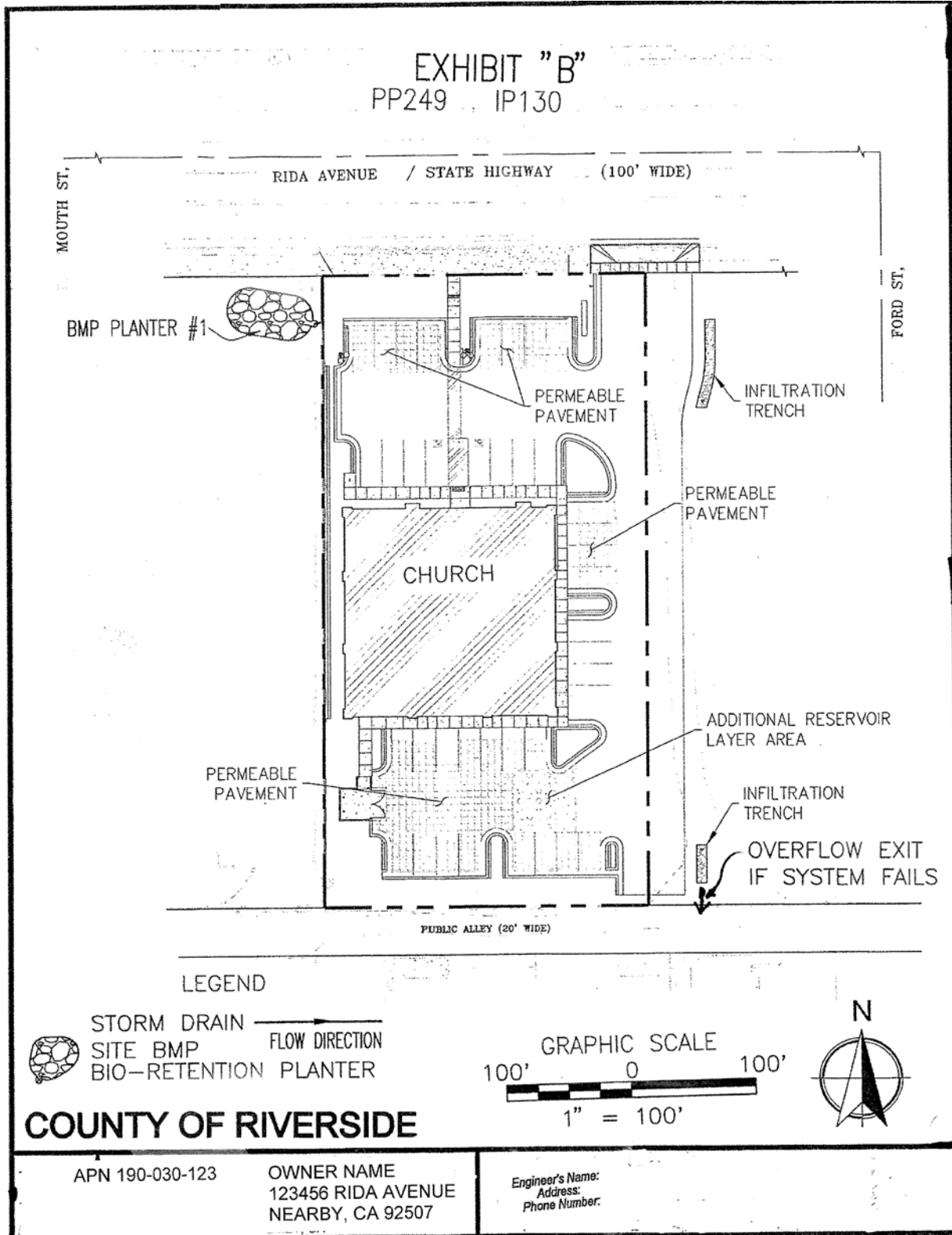


BMP EXHIBIT B EXAMPLE



Joint Use Agreements

Purpose:

A Joint Use Agreement (JUA) is an agreement concept utilized by the Southern California Edison Company.

The basic purpose of the agreement is to perpetuate the superior rights of the Edison Company when a public works project requires that Edison Company facilities (usually power poles) be relocated from an easement position to a franchise position.

Procedures:

1. Determine if the Edison Company does actually have superior property rights with respect to the Edison Company's facilities, which must be relocated.

- a. Require that evidence be submitted as evidence of Edison's prior rights. A written claim letter by the Edison Company is also a good idea to ensure that the owner communicates their claim of prior and superior rights accurately.
- b. An exhibit should be prepared to assist the Survey Division in reviewing the claim of prior rights. The exhibit should show the location of the facilities to be relocated and existing right of way. For County projects, this usually consists of the County's preliminary plans, with the locations of the facilities highlighted.

In the case of a development project, the developer's engineer should be required to submit a more detailed exhibit which shows the location of the facilities to be relocated, existing and proposed right of way, the Edison Company easement(s), and dedication dates with instrument numbers.

- c. Submit request to the Survey Division for review of the claim of prior rights. It should never be assumed that the Edison Company is correct in their claim. The Survey Division will review the claim, and provide a written opinion, with copies of supporting documents.

2. Respond to the Edison Company appropriately

- a. If we disagree with the claim, send Edison Company a letter including supporting documents and the Survey Division memo.
- b. If we agree with the claim, and it is necessary for the facilities to be relocated from Edison easement onto road right of way (franchise), it is appropriate to initiate the Joint Use Agreement procedures.

3. Prepare Legal Description and Plat of Joint Use Area

The Joint Use Agreement will reference a legal description and plat of the "Joint Use Area" This must be prepared by either Survey or the Developer's surveyor or engineer, as appropriate. The Joint Use Area legal and plat must show the area of the public right of way where the Edison Company's facilities are to be installed, and the width of the original easement. Typical width is 30 feet. The Joint Use Area legal and plat must be reviewed and approved by both Edison and County for appropriateness.

4. Prepare and execute Joint Use Agreement

- a. The Edison Company will prepare the actual agreement, using their standard language, which has previously been reviewed by County Counsel. Each specific agreement will, of course, have to be approved as to legal form by County Counsel.
- b. Upon receipt of the agreement from the Edison Company, the agreement is submitted to County Counsel and the Board of Supervisors for approval.
- c. An original, fully executed agreement must be returned to the Edison Company.