

RESOLUTION NUMBER R- 286741

ADOPTED ON DEC 05 1995

A RESOLUTION ESTABLISHING AN UNDERGROUND UTILITY DISTRICT TO BE KNOWN AND DENOMINATED AS THE MT ABERNATHY (BALBOA AVENUE TO CLAIREMONT MESA BOULEVARD) UNDERGROUND UTILITY DISTRICT.

WHEREAS, by Resolution No. R- 286468, a public hearing was called for on November 28, 1995 at the hour of 10:00 a.m. in the Council Chambers of the City Administration Building, 202 C Street, San Diego, California, to determine whether the public health, safety or general welfare requires the removal of poles, overhead wires and associated structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service within that certain area of the City of San Diego more particularly described as follows:

Lots 39 and 40 of TRIUMPH ANNEX UNIT 3  
MAP 7357; Lots 9-10, 25-33, 44-47, and 65-67  
of TRIUMPH UNIT NO. 1 MAP 4645; Lots 260-262,  
265-270 and 313-316 of TRIUMPH UNIT NO. 5  
MAP 4949; Lots 201, 229-230, 248, 250-257 of  
TRIUMPH UNIT NO. 4 MAP 5495; Lots 1-11 of  
TRIUMPH ANNEX 1 MAP 4632.

Said district shall also include the following described public rights-of-way:

MT. ABERNATHY AVENUE from the northerly line of Balboa Avenue to a line parallel to and 200 feet north of the northerly line of Printwood Way; all of MT. ABERNATHY WAY; BAKEWELL STREET between a line parallel to and 100 feet west of the westerly line of Mt. Abernathy Avenue to a line parallel to and 50 feet east of the easterly line of Mt.

Abernathy Avenue; CAMBER DRIVE from a line parallel to and 100 feet west of the westerly line of Mt. Abernathy Avenue to a line parallel to and 50 feet west of the westerly line of Mt. Abernathy Avenue; CASTLETON DRIVE from a line parallel to and 100 feet west of the westerly line of Mt. Abernathy Avenue to a line parallel to and 50 feet west of the westerly line of Mt. Abernathy Avenue; CHANDLER DRIVE from a line parallel to and 100 feet west of the westerly line of Mt. Abernathy Avenue to a line parallel to and 80 feet east of the easterly line of Mt. Abernathy Avenue; BIRKDALE WAY between a line parallel to and 50 feet west of the westerly line of Mt. Abernathy Avenue and the westerly line of Mt. Abernathy Avenue; PRINTWOOD WAY from the westerly line of Mt. Abernathy Avenue to a line parallel to and 50 feet west of the westerly line of Mt. Abernathy Avenue.

all as more particularly shown on Drawing No. D-27985 entitled

"MT. ABERNATHY AVENUE (BALBOA AVENUE TO CLAIREMONT MESA

BOULEVARD) UNDERGROUND UTILITY DISTRICT," copies of which are on file in the office of the City Clerk as Document No. RR- 286468

and attached hereto and incorporated herein as Exhibit A; and

WHEREAS, notice of such hearing has been given by the City Clerk to all affected property owners as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code, and the utilities concerned in the manner and for the time required by law; and

WHEREAS, such hearing has been duly and regularly held and all persons interested have been given an opportunity to be heard; NOW, THEREFORE,

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

1. The City Council does hereby find and determine that the public health, safety and general welfare require the removal of

poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service within the area set forth above and that pursuant to Chapter VI, Article 1, Division 5 of the San Diego Municipal Code, the above-described area is hereby declared to be an underground utility district in the City of San Diego, and the maps and document referred to above are hereby incorporated as a part of this resolution.

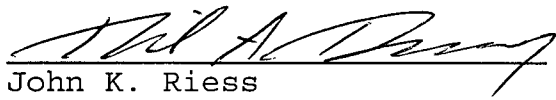
2. The City Council shall by subsequent resolution fix the date upon which the property in the district must be ready to receive underground service, and shall by subsequent resolution order the removal of all poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service.

3. The City Clerk be and he is hereby instructed to notify all affected persons as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code, and all affected utility companies of the adoption of this resolution within fifteen (15) days after the date of such adoption. The City Clerk shall further notify said affected persons as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code of the necessity that if they desire to continue to receive electric, communication, community antenna television or similar or associated service they shall provide at their own expense all necessary facility changes on their premises so as to receive

underground service from the lines relocated underground of the supplying utility company subject to applicable rules, regulations and tariffs of the respective utility company on file with the Public Utilities Commission of the State of California (as of the date of adoption of this resolution) and subject to all other applicable requirements of State law and City ordinances. The Clerk's notification shall be made in the manner provided in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code.

APPROVED: JOHN W. WITT, City Attorney

By

  
for John K. Riess  
Senior Deputy City Attorney

JKR:pev  
10/20/95  
Or.Dept:Eng.  
R-96-460  
Form=r.uest

**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 9600464

ORIGINATING

DEPT. NO.: 544

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ 18,973 Fund 30244/30303  
 Purpose Authorizing the expenditure of funds for the Mt.Abernathy Ave (Balboa Ave. to Clairemont Mesa Blvd.)  
Underground Utility District  
 Date October 19, 1995 By: *[Signature]*

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
01	0	30244	30244	106	4279	370280		30303		\$18,973.00
TOTAL AMOUNT										\$18,973.00

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ \_\_\_\_\_  
 Vendor \_\_\_\_\_  
 Purpose \_\_\_\_\_  
 Date \_\_\_\_\_ By: \_\_\_\_\_

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

**DEC 05 1995**

AC 9600464

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