(R-97-1203)

RESOLUTION NUMBER R- 288714 ADOPTED ON MAY 27 1997

A RESOLUTION DESIGNATING JUNE 30, 1997 AS THE DATE ON WHICH ALL PROPERTY WITHIN LA JOLLA SHORES DRIVE (CALLE FRESCOTA TO RUETTE MONTE CARLO) UNDERGROUND UTILITY DISTRICT MUST BE READY TO RECEIVE UNDERGROUND SERVICE AND SEPTEMBER 22, 1997 AS THE DATE FOR REMOVAL OF ALL OVERHEAD UTILITY FACILITIES WITHIN THE DISTRICT.

WHEREAS, the Council by Resolution No. R-282756 adopted on October 11, 1993, and by Resolution No. R-282963, adopted on November 9, 1993, established La Jolla Shores Drive Underground Utility District, which required the conversion of certain overhead electric, communication, and community antenna television facilities; and

WHEREAS, pursuant to said resolutions, the date on which property in the district had to be ready to receive underground service and the date on which the removal of all poles, overhead wires, and associated overhead structures had to be effected was to be subsequently designated by resolution; NOW, THEREFORE,

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

1. That June 30, 1997 is hereby established and designated as the date on which all property within La Jolla Shores Drive (Calle Frescota to Ruette Monte Carlo) Underground Utility District must be ready to receive underground utility service, and that September 22, 1997 is hereby designated as the date on which all overhead utility facilities within the district must be removed.

- 2. That the City Clerk is hereby directed to give notice to 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 No. R-___288714_____ within fifteen (15) days after the date of such adoption. The City Clerk shall specifically notify the affected persons 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 of the necessary facility changes on their premise 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 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.
- 3. That the City Manager is hereby directed to give notice to such affected persons and affected utilities in accordance with section 61.0511(b) of the San Diego Municipal Code.

BE IT FURTHER RESOLVED, as follows:

- That the City Auditor and Comptroller is authorized to establish Fund No. 78084 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds.
- 2. That the City Treasurer is authorized to receive these funds from San Diego Gas & Electric Company.
- 3. That reimbursement payments to all qualified property owners in the subject La Jolla Shores Underground Utility District is hereby authorized as reimbursement for the electrical service underground conversion work done on private property, to be reimbursed from Case 8209 Funds deposited by San Diego Gas & Electric with the City Treasurer for this purpose.

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- 4. That the City Treasurer is authorized to return to SDG&E undisbursed funds, if any, on written notice from SDG&E to the City that all electrical service conversions within La Jolla Shores Drive Underground Utility District have been completed.
- 5. That the City Auditor and Comptroller is authorized to transfer an amount not to exceed \$10,000 from Annual Allocation Undergrounding of City Utilities, CIP 37-028.0, to Sublet CIP 37-288.2.
- 6. That the expenditure of an amount not to exceed \$10,000 from TransNet Fund No. 30300, CIP 37-288.2, is authorized, solely and exclusive to replace existing street lights in La Jolla Shores Drive Underground Utility District.

APPROVED: CASEY GWINN, City Attorney

Bv

Thomas C. Zeleny

Deputy City Attorney

TCZ:mb 05/13/97

AC No:9701113

Or.Dept:E&CP

R-97-1203

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The City of San Diego

CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

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TOTAL AMOUNT

FUND OVERRIDE AC_9701113