

RESOLUTION NUMBER R- 289060

ADOPTED ON AUG 11 1997

A RESOLUTION DESIGNATING DECEMBER 10, 1997 AS THE DATE ON WHICH ALL PROPERTY IN THE 43rd STREET (DELTA STREET TO LOGAN AVENUE) UNDERGROUND UTILITY DISTRICT MUST BE READY TO RECEIVE UNDERGROUND SERVICE AND MARCH 23, 1998 AS THE DATE FOR THE REMOVAL OF ALL OVERHEAD UTILITY FACILITIES WITHIN THE DISTRICT.

WHEREAS, the Council by Resolution No. R-286462 adopted on October 30, 1995 and by Resolution No. R-286655, adopted on November 28, 1995, established the 43rd Street (Delta Street to Logan Avenue) 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 December 10, 1997 is hereby established and designated as the date on which all property within the 43rd Street (Delta Street to Logan Avenue) Underground Utility District must be ready to receive underground utility service, and that March 23, 1998 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- 289060 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:

1. That the City Auditor and Comptroller is authorized to establish Fund No. 78091 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.

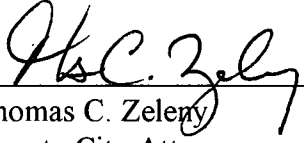
3. That reimbursement payments to all qualified property owners in the subject 43rd Street Underground Utility District is hereby authorized as reimbursement for the electrical service underground conversion work done on private property, to be reimbursed from Case 8209 Funds deposited by San Diego Gas & Electric with the City Treasurer for this purpose.

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 the 43rd Street 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 37-291.3.

6. That the expenditure of an amount not to exceed \$10,000 from TransNet Fund No. 30300, CIP 37-291.3, is authorized, solely and exclusively to replace existing street lights in the 43rd Street Underground Utility District.

APPROVED: CASEY GWINN, City Attorney

By  _____
Thomas C. Zeleny
Deputy City Attorney

TCZ:mb
07/24/97
AC No:9800106
Or.Dept:E&CP
R-98-100
Form=uset.res

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 9800106

ORIGINATING
DEPT. NO.:

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 \$ 10000 Fund 30244
 Purpose Authorizing the transfer of funds from CIP 37-028.0 to Sublet CIP 37-291.3 and expenditure of funds for the 43rd Street Underground Utility District
 Date July 23, 1997 By: _____

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		30300		\$10,000.00
TOTAL AMOUNT										\$10,000.00

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 July 23, 1997 By: Pamela S. Cladebeck
 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

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