

RESOLUTION NUMBER R- 290011

ADOPTED ON MAY 04 1998

A RESOLUTION DESIGNATING AUGUST 24, 1998, AS THE DATE ON WHICH ALL PROPERTY IN THE MARKET STREET (12TH STREET TO 26TH STREET) UNDERGROUND UTILITY DISTRICT MUST BE READY TO RECEIVE UNDERGROUND SERVICE AND NOVEMBER 27, 1998, AS THE DATE FOR REMOVING ALL OVERHEAD UTILITY FACILITIES WITHIN THE DISTRICT.

WHEREAS, the Council by Resolution No. R-289528, adopted on December 9, 1997, and by Resolution No. R-289660, adopted on January 20, 1998, established the Market Street (12th Street to 26th Street) Underground Utility District, which required the conversion of certain overhead electric, communication, and community antenna television facilities; and

WHEREAS, pursuant to said resolution, 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 August 24, 1998, is hereby established and designated as the date on which all property within the Market Street (12th Street to 26th Street) Underground Utility District must be ready to receive underground utility service, and that November 27, 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 within fifteen days after the date of this 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 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. 78012 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds.

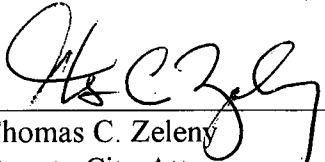
2. That the City Treasurer is authorized to receive these funds from San Diego Gas & Electric Company.

3. That reimbursement payment to all qualified property owners in the subject Market 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 subject Market Street Underground Utility District have been completed.

APPROVED: CASEY GWINN, City Attorney

By

  
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Thomas C. Zeleny  
Deputy City Attorney

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Or.Dept:Eng&CP  
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