

RESOLUTION NUMBER R- 290224

ADOPTED ON JUN 09 1998

RESOLUTION ESTABLISHING AN UNDERGROUND UTILITY DISTRICT TO BE KNOWN AND DENOMINATED AS THE CORTEZ HILL (7TH AVENUE TO 10TH AVENUE, A STREET TO CEDAR STREET) UNDERGROUND UTILITY DISTRICT.

WHEREAS, by Resolution No. R- 290010, a public hearing was called for on June 9, 1998, 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, including the described public rights-of-way, as more particularly shown in the Legal Description attached and incorporated as Exhibit A, and as more particularly shown in Drawing No. 29156-D, entitled "CORTEZ HILL (7TH AVENUE TO 10TH AVENUE, AND A STREET TO CEDAR STREET) UNDERGROUND UTILITY DISTRICT," copies of which are on file in the office of the City Clerk as Document No. RR- 290010; 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:

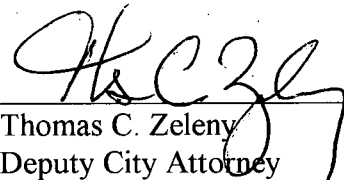
1. The City Council hereby finds and determines that the public health, safety, or general welfare require the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television 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 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 on 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 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 days after the date of adoption. The City Clerk shall further notify 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 the 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 City Clerk's notification shall be made in the manner provided in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code.

APPROVED: CASEY GWINN, City Attorney

By  _____
Thomas C. Zeleny
Deputy City Attorney

TCZ:mb
04/13/98
Or.Dept:Eng&CP
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R. 290224

LEGAL DESCRIPTION FOR THE
CORTEZ HILL (7TH AVENUE TO 10TH AVENUE AND
"A" STREET TO CEDAR STREET)
UNDERGROUND UTILITY DISTRICT

The CORTEZ HILL (7th Avenue to 10th Avenue and "A" Street to Cedar Street) Underground Utility District shall be established to include the following described parcels:

Portion Lots 7 and 8, Lots 9-11 of BLOCK 8; Lots 1-12 of BLOCK 9; Lots 1-12 of BLOCK 16; lots 1-6 of Block 17; Lots 1-12 of BLOCK 10; Lots 1-12 of BLOCK 15; Lot 1 and Portion Lot 5 of BLOCK 18; Lots 1-12 of BLOCK 11; Lots 1-12 of BLOCK 14; Portion Lots 2 and 6; Lots 3-5 of BLOCK 19; Lots 9-12 of BLOCK 12; Lots 1, 2 and 9 of BLOCK 13; of Map of BAY VIEW HOMESTEAD MAP 150.
Lots G and H of BLOCK 189; Lots G and H of BLOCK 188 OF OFFICIAL MAP of HORTONS ADDITION MAP DB13-PG 522.

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

DATE STREET between the Westerly line 7th Avenue and a line parallel to and 100' feet east of the Easterly line of 9th Avenue;

CEDAR STREET between a line parallel to and 50' feet west of the westerly line of 7th Avenue and a line parallel to and 100' feet east of the easterly line of 9th Avenue;

Beech Street between the westerly line of 7th Avenue and the easterly line of 9th Avenue;

Ash Street between the westerly line of 7th Avenue and the easterly line of 9th Avenue;

7th Avenue between the southerly line of Ash Street and northerly line of Date Street;

8th Avenue between the northerly line of "A" Street and the northerly line of Date Street;

9th Avenue between the northerly line of "A" Street and the northerly line of Date Street.

All as more particularly shown on City Engineer's Drawing No. 29156-D

R-290224