

RESOLUTION NUMBER R- 290557

ADOPTED ON AUG 03 1998

A RESOLUTION CHANGING THE NAME OF THE HARBOR DRIVE (FIFTH AVENUE TO 1000' NORTH OF SIGSBEE STREET) UNDERGROUND UTILITY DISTRICT TO THE HARBOR DRIVE (FIFTH AVENUE TO APPROXIMATELY 2,150' NORTH OF SIGSBEE STREET) UNDERGROUND UTILITY DISTRICT; DESIGNATING SEPTEMBER 21, 1998, AS THE DATE ON WHICH ALL PROPERTY IN THE UNDERGROUND UTILITY DISTRICT MUST BE READY TO RECEIVE UNDERGROUND SERVICE AND NOVEMBER 13, 1998, AS THE DATE FOR REMOVAL OF ALL OVERHEAD UTILITY FACILITIES WITHIN THE DISTRICT.

WHEREAS, the Council by Resolution No. R-267514, adopted on January 20, 1987, established the Harbor Drive (Fifth Avenue to 1000' north of Sigsbee Street) Underground Utility District, which required the conversion of certain overhead electric, communication, and community antenna television facilities; and

WHEREAS, pursuant to that 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; and

WHEREAS, it would be in the best interests of the City that the boundary and name of the subject district be changed to the Harbor Drive (Fifth Avenue to approximately 2,150' north of Sigsbee Street) Underground Utility District; NOW, THEREFORE,

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

1. That the area encompassed by the Harbor Drive (Fifth Avenue to 1000' north of Sigsbee Street) Underground Utility District be reduced to reflect the new legal description, attached as Exhibit A

2. That the name of the Harbor Drive (Fifth Avenue to 1000' north of Sigsbee Street) Underground Utility District be changed to the Harbor Drive (Fifth Avenue to approximately 2,150' north of Sigsbee Street) Underground Utility District.

3. That September 21, 1998, is hereby established and designated as the date on which all property within the Harbor Drive (Fifth Avenue to approximately 2,150' north of Sigsbee Street) Underground Utility District must be ready to receive underground utility service, and that November 13, 1998, is hereby designated as the date on which all overhead utility facilities within the district must be removed.

4. 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 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.

5. 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:

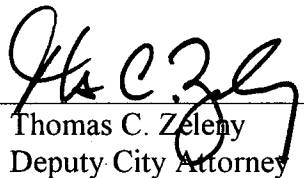
1. That the City Auditor and Comptroller is authorized to establish Fund No. 78104 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds.

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 Harbor Drive (Fifth Avenue to approximately 2,150' north of Sigsbee 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 SDG&E 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 Harbor Drive (Fifth Avenue to approximately 2,150' north of Sigsbee Street) Underground Utility District have been completed.

APPROVED: CASEY GWINN, City Attorney

By  \_\_\_\_\_  
Thomas C. Zeleny  
Deputy City Attorney

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07/20/98  
Or.Dept.Eng&CP  
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LEGAL DESCRIPTION FOR THE HARBOR DRIVE  
(5<sup>TH</sup> AVENUE TO 2,150'± NORTH OF SIGSBEE STREET)  
UNDERGROUND UTILITY DISTRICT

The HARBOR DRIVE (5<sup>TH</sup> AVENUE TO 2,150'± NORTH OF SIGSBEE STREET)

UNDERGROUND UTILITY DISTRICT shall be established to include the following described properties:

All of Block 144, the westerly half of Block 145, all in Horton's Addition Lockling, Deed Book 13, pg. 522; Parcel 10 on SBE Map 863-37-2; Parcel 5 on SBE Map 804-37-24; Parcel 9 on SBE Map 872-37-18; Parcel 11 on SBE Map 863-37-2; Parcel 1 on SBE Map 863-37-2; Parcel 38 on SBE Map 863-37-3M; Parcel 1 on SBE Map 804-37-24F; a portion of the Tidelands - Tenth Avenue Marine Terminal, Miscellaneous Map 18-42-564 between a line parallel with and 1,200' west of the westerly line of Harbor Drive, and the westerly line of Harbor Drive.

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

HARBOR DRIVE between a line parallel with and 100 feet west of the westerly line of 5<sup>th</sup> Avenue and a line parallel with and 2,150'± feet north of the northerly line of Sigsbee Street; 5<sup>th</sup> AVENUE between the center line of "L" Street and the westerly line of Harbor Drive; 6<sup>th</sup> AVENUE between the center line of "L" Street and the westerly line of Harbor Drive; 7<sup>th</sup> AVENUE between the northerly line of Imperial Avenue and the northerly line of Harbor Drive; 8<sup>th</sup> AVENUE between the northerly line of Imperial Avenue and the northerly line of Harbor Drive.

All as more particularly shown on the modified City Engineer's Drawing No. 23191-D and adopted on AUG 03 1998, Resolution No. R-290557.