

RESOLUTION NUMBER R- 290636

ADOPTED ON SEP 08 1998

A RESOLUTION DESIGNATING JANUARY 4, 1999, AS THE DATE ON WHICH ALL PROPERTY IN THE CCDC AREA 1 - PHASE 1, MARKET STREET TO K STREET (6TH AVENUE TO 12TH AVENUE) UNDERGROUND UTILITY DISTRICT MUST BE READY TO RECEIVE UNDERGROUND SERVICE AND APRIL 21, 1999, AS THE DATE ON WHICH ALL OVERHEAD UTILITY FACILITIES IN THE DISTRICT MUST BE REMOVED.

WHEREAS, the Council by Resolution No. R-290112, adopted on May 18, 1998, and Resolution No. R-290223, adopted on June 9, 1998, established the CCDC Area 1 - Phase 1, Market Street to K Street (6th Avenue to 12th Avenue) Underground Utility District, which required the conversion of certain overhead electric, communication, and community antenna television facilities; and

WHEREAS, pursuant to the 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 January 4, 1999, is hereby established and designated as the date on which all property within the CCDC Area 1 - Phase 1, Market Street to K Street (6th Avenue to 12th Avenue) Underground Utility District must be ready to receive underground utility service, and that April 21, 1999, 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 to 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 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, 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:

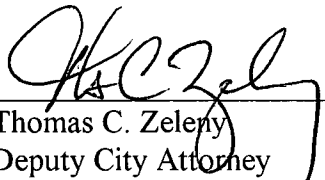
1. That the City Auditor and Comptroller is hereby authorized to establish Fund No. 78105 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds.

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

3. That reimbursement payments to all qualified property owners in the subject CCDC Area 1 - Phase 1, Market Street to K Street (6th Avenue to 12th Avenue) 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 CCDC Area 1 - Phase 1, Market Street to K Street (6th Avenue to 12th Avenue) Underground Utility District have been completed.

APPROVED: CASEY GWINN, City Attorney

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

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