

(R-99-467)

RESOLUTION NUMBER R- 291091

ADOPTED ON DEC 08 1998

A RESOLUTION ESTABLISHING AN UNDERGROUND UTILITY DISTRICT TO BE KNOWN AND DENOMINATED AS THE EASTGATE MALL (GENESEE AVENUE TO TOWNE CENTER DRIVE) UNDERGROUND UTILITY DISTRICT AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, by Resolution No. R- 290908, a public hearing was called for on December 8, 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, more particularly shown in the Legal Description attached as Exhibit A and incorporated herein, as more particularly shown in Drawing No. 29537-D, entitled "EASTGATE MALL (GENESEE AVENUE TO TOWNE CENTER DRIVE) UNDERGROUND UTILITY DISTRICT," copies of which are on file in the office of the City Clerk as Document No. RR- 290908; 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 to 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 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 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 Clerk's notification shall be made in the manner provided in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$30,000 from Annual Allocation - Undergrounding of City Utilities, CIP 37-028.0, Sublet 372972, TransNet Fund No. 30300, is hereby authorized, solely and exclusively to provide funds to administer the District, pay for minor City Force work, replace existing street lights, and other related work.

APPROVED: CASEY GWINN, City Attorney

By  _____
Thomas C. Zeleny
Deputy City Attorney

TCZ:mb
10/15/98
Aud.Cert:9900390
Or.Dept:Eng&CP
R-99-467
Form=uest.res

**GENERAL BOUNDARY DESCRIPTION FOR THE
EASTGATE MALL
(GENESEE AVENUE TO TOWNE CENTRE DRIVE)
UNDERGROUND UTILITY DISTRICT**

The EASTGATE MALL (GENESEE AVENUE TO TOWNE CENTRE DRIVE)
UNDERGROUND UTILITY DISTRICT shall be established to include the following public rights-of-
way:

EASTGATE MALL between the westerly line of GENESEE AVENUE and the westerly line of
TOWNE CENTRE DRIVE:

All as more particularly shown on City Engineer's Drawing No. 29537-D.

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 9900390

ORIGINATING

DEPT. NO.: 543

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 \$ 30,000.00 Fund _____
 Purpose Public Hearing: Eastgate Mall (Genesse Ave to Towne Centre Drive) UUD
 Date October 9, 1998 By: *Pamela S. ...*

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	30244	30244	106	4279	370280		30300		\$30,000.00
TOTAL AMOUNT										\$30,000.00

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 _____ By: _____

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

AC 9900390

R-291091

DEC 08 1998