

RESOLUTION NUMBER R- 291092

ADOPTED ON DEC 08 1998

RESOLUTION ESTABLISHING AN UNDERGROUND  
UTILITY DISTRICT TO BE KNOWN AND DENOMINATED  
AS THE WEST POINT LOMA BOULEVARD (BRIGHTON  
AVENUE TO SUNSET CLIFFS BOULEVARD) UNDER-  
GROUND UTILITY DISTRICT AND EXPENDING FUNDS.

WHEREAS, by Resolution No. R- 290911, 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, and more particularly shown in Drawing No. 29536-l-D, entitled "WEST POINT LOMA  
BOULEVARD (BRIGHTON AVENUE TO SUNSET CLIFFS BOULEVARD) UNDERGROUND  
UTILITY DISTRICT," copies of which are on file in the office of the City Clerk as Document  
No. RR- 290911; 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.

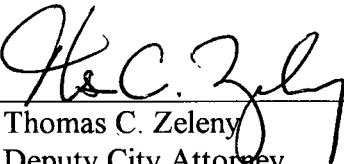
2. The City Council shall by subsequent resolution fix the date on which the property in the district must be ready to receive underground service, and shall by subsequent resolution order the removal of all poles, overhead wires, and associated overhead structures, and the underground installation of 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 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 372974, 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:9900388  
Or.Dept:Eng&CP  
R-99-465  
Form=uest.res

**GENERAL BOUNDARY DESCRIPTION FOR THE  
WEST POINT LOMA BOULEVARD  
(BRIGHTON AVENUE TO SUNSET CLIFFS BOULEVARD)  
UNDERGROUND UTILITY DISTRICT**

The WEST POINT LOMA BOULEVARD (BRIGHTON AVENUE TO SUNSET CLIFFS BOULEVARD) UNDERGROUND UTILITY DISTRICT shall be established to include the following described parcels:

Lots 2-18 of BLOCK 90, Portion lots 1-5 of BLOCK 91, Portion lots 3 and 4 of BLOCK 96, Lots 26-30, 32, 33, 40-52, Portion lot 53 of BLOCK 103, Lots 8-18 of BLOCK 102 of MAP OF OCEAN BAY BEACH MAP 1189:

Lots 4-29 of BLOCK 104, Lots 1-6 of BLOCK 105, Portion lots 1-5 and 8-11 of BLOCK 106 of MAP OF WONDERLAND BEACH MAP 1814:

Lots 4-24 of BLOCK 21 of MAP OF OCEAN BEACH PARK MAP 1167:

Portion lots 14-25, Lots 26-45, Portion lots 46 and 47 of BLOCK 29 of MAP OF OCEAN BEACH PARK ANNEX MAP 1217

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

WEST POINT LOMA BOULEVARD between the southerly line of BRIGHTON AVENUE and the northerly line of SUNSET CLIFFS BOULEVARD;

ABBOTT STREET between a line parallel to and 100 feet north of the northerly line of WEST POINT LOMA BOULEVARD;

CABLE STREET between a line parallel to and 120' feet south westerly of the southerly line of WEST POINT LOMA BOULEVARD;

All as more particularly shown on City Engineer's Drawing No. 29536-D.

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 9900388

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: West Point Loma Blvd (Brighton Ave to Sunset Cliffs Blvd) UUD.

Date October 9, 1998

By:

*Pamela J. Clendock*  
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										

AC-361 (REV 2-92)

FUND OVERRIDE ☐

AC 9900388

R 291092

DEC 08 1998