

RESOLUTION NUMBER R- 291117

ADOPTED ON JAN 11 1999

A RESOLUTION DESIGNATING FEBRUARY 26, 1999, AS THE DATE ON WHICH ALL PROPERTY IN THE 40TH STREET (LANDIS STREET TO ADAMS AVENUE) UNDERGROUND UTILITY DISTRICT MUST BE READY TO RECEIVE UNDERGROUND SERVICE AND MAY 7, 1999, AS THE DATE ON WHICH ALL OVERHEAD UTILITY FACILITIES IN THE DISTRICT MUST BE REMOVED.

WHEREAS, the City Council by Resolution Numbers R-286464, adopted on October 30, 1995, and R-286653, adopted on November 28, 1995, established the 40th Street (Landis Street to Adams Avenue) Underground Utility District, which required 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 February 26, 1999 is hereby established and designated as the date on which all property within the 40th Street (Landis Street to Adams Avenue) Underground Utility District must be ready to receive underground utility service, and that May 7, 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 the adoption of this resolution. The City Clerk shall specifically notify the affected persons that if they desire to continue receiving 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:

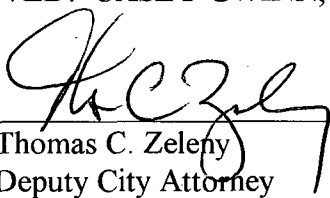
1. That the City Auditor and Comptroller is hereby authorized to establish Fund No. 78106 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds.

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 40th Street (Landis Street to Adams 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 40th Street (Landis Street to Adams Avenue) Underground Utility District have been completed.

APPROVED: CASEY GWINN, City Attorney

By  _____
Thomas C. Zeleny
Deputy City Attorney

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