

RESOLUTION NUMBER R- 291201

ADOPTED ON JAN 19 1999

A RESOLUTION ESTABLISHING AN UNDERGROUND UTILITY DISTRICT TO BE KNOWN AND DENOMINATED AS THE CCDC AREA 1 – PHASE 1, K STREET TO IMPERIAL AVENUE (6TH AVENUE TO 12TH AVENUE) UNDERGROUND UTILITY DISTRICT.

WHEREAS, by Resolution No. R- 290963, a public hearing was called for on January 19, 1999 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 hereto as Exhibit A and incorporated herein, and as more particularly shown in Drawing No. 28762-D, entitled “CCDC AREA 1 – PHASE 1, K STREET TO IMPERIAL AVENUE (6TH AVENUE TO 12TH AVENUE) UNDERGROUND UTILITY DISTRICT,” copies of which are on file in the office of the City Clerk as Document Number RR- 290963, 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.

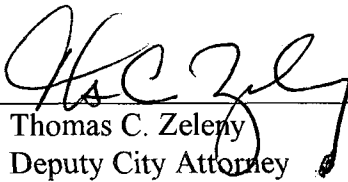
2. The City Council shall by subsequent resolution fix the date on which the property in the district must be ready to receive underground service, and shall by subsequent resolution order the removal of all poles, overhead wires, and associated overhead structures, and the underground installation of 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 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 (as of the date of the 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 existing 69 KV utility lines in the CCDC Area 1 - Phase 1, K Street to Imperial Avenue (6th Avenue to 12th Avenue) Underground Utility District also be converted to underground service, and the associated poles removed, as an exception to the exempt facilities of San Diego Municipal Code section 61.0505(d).

APPROVED: CASEY GWINN, City Attorney

By  _____
Thomas C. Zeleny
Deputy City Attorney

TCZ:mb
11/03/98
12/16/98 Corr. Copy
Or. Dept: Eng&CP
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**LEGAL DESCRIPTION FOR THE
CCDC - AREA 1 - PHASE 1
K STREET TO IMPERIAL AVENUE
(SIXTH AVENUE TO TWELFTH AVENUE)
UNDERGROUND UTILITY DISTRICT**

The CCDC - AREA 1 - PHASE 1 K STREET TO IMPERIAL AVENUE (SIXTH AVENUE TO TWELFTH AVENUE) UNDERGROUND UTILITY DISTRICT shall be established to include the following described parcels:

Lot F of BLOCK 124 of DB 13 PG 522 - OFFICIAL MAP of HORTONS ADDITION LOCKLING SAN DIEGO, Lot F of BLOCK 125, Lot G of BLOCK 126, Lot F of BLOCK 127, Lots A - L of BLOCK 133, Lots A - L of BLOCK 134, Lots A - L of BLOCK 135, Lots A - L of BLOCK 136, Lots A - L of BLOCK 137, Lots A - L of BLOCK 138, Lots A - L of BLOCK 146, Lots A - L of BLOCK 147, Lots A - L of BLOCK 148, Lots A - L of BLOCK 149, Lots A - L of BLOCK 150, Lots B and C of BLOCK 151, Portion Lot L of BLOCK 159, Lots A and L of BLOCK 158, Lot L of BLOCK 157, Lot G and Lot H of BLOCK 124 of DB13 PG 522 - OFFICIAL MAP of HORTONS ADDITION LOCKLING SAN DIEGO;

PORTION Lots 1, 3, and Lot 2 of BLOCK 124 of OFFSET SUBDIVISION MAP 5768;

Lots A - L of BLOCK 125, Lots A - F of BLOCK 126, of DB 13 PG 522 - Official Map of HORTONS ADDITION LOCKING SAN DIEGO;

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

SIXTH AVENUE between the northerly line of K STREET and the southerly line of L STREET;

SEVENTH AVENUE between a line parallel to and 50 feet north of the northerly line of K STREET and a line parallel to and 250 feet south of the southerly line of L STREET;

EIGHTH AVENUE between the Southerly line of J Street and a line parallel to and 100 feet south of the southerly line of Imperial Avenue.

NINTH AVENUE between the southerly line of J STREET and the southerly line of IMPERIAL AVENUE;

TENTH AVENUE between a line parallel to and 50 feet north of the northerly line of K STREET and the southerly line of IMPERIAL AVENUE;

ELEVENTH AVENUE between the northerly line of K STREET and the southerly line of IMPERIAL AVENUE;

TWELFTH AVENUE between a line parallel to and 50 feet north of the northerly line of K STREET and the southerly line of IMPERIAL AVENUE;

K STREET between the westerly line of SIXTH AVENUE and the easterly line of TWELFTH AVENUE;

L STREET between the westerly line of SIXTH AVENUE and the easterly line of TWELFTH AVENUE;

IMPERIAL AVENUE between a line parallel to and 100 feet west of the westerly line of EIGHTH AVENUE and the easterly line of TWELFTH AVENUE;

All as more particularly shown on City Engineer's Drawing No. 28762-D.