

(R-99-707)

RESOLUTION NUMBER R- 291372

ADOPTED ON MAR 23 1999

A RESOLUTION ESTABLISHING AN UNDERGROUND UTILITY DISTRICT TO BE KNOWN AND DENOMINATED AS THE CCDC AREA 3 PHASE 1 (K STREET TO SOUTH 16TH STREET AND 12TH AVENUE TO 17TH STREET) UNDERGROUND UTILITY DISTRICT.

WHEREAS, by Resolution No. R- 291118, a public hearing was called for on February 23, 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. 29538-1-D, entitled "CCDC AREA 3, PHASE 1 (K STREET TO SOUTH 16TH STREET AND 12TH AVENUE TO 17TH STREET) UNDERGROUND UTILITY DISTRICT," copies of which are on file in the office of the City Clerk as Document No. RR- 291118, 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.

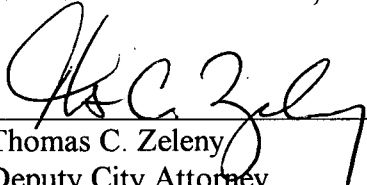
2. The City Council shall by subsequent resolution fix the date on which the property in the district must be ready to receive underground service, and shall by subsequent resolution order the removal of all poles, overhead wires, and associated overhead structures, and the underground installation of 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 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.

APPROVED: CASEY GWINN, City Attorney

By



Thomas C. Zeleny
Deputy City Attorney

TCZ:mb
12/15/98
Or.Dept:Eng&CP
R-99-707
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**GENERAL BOUNDARY DESCRIPTION FOR THE
CCDC - AREA 3 - PHASE 1
K STREET TO S 16TH STREET
(12TH AVENUE TO 17TH STREET)
UNDERGROUND UTILITY DISTRICT**

The CCDC - AREA 3 - PHASE 1 (K STREET TO S 16TH STREET 12TH AVENUE TO 17 TH STREET) UNDERGROUND UTILITY DISTRICT shall be established to include the following described parcels:

Lots A - L of BLOCK 132, Lots A - L of BLOCK 131, Lots A - L of BLOCK 171, Lots A - L of BLOCK 152, Lots A - L of BLOCK 171, Lots A,B,C,H,I,J,K,L and Portion Lots D,E,F, and G of BLOCK 151, Lots A,F,K,L and Portion Lots B - J of Block 153, Lots A - L of Block 169, Lots A - C and J - L of BLOCK 167, Portion Lots A,B,C,J,K,L of BLOCK 168 of DB13 PG 522 - OFFICIAL MAP of HORTONS ADDITION LOCKLING SAN DIEGO;

Lots 1 -23 of BLOCK 38 of M. SHERMAN'S RESUBDIVISION OF BLOCK 38 SHERMANS ADD. MAP 1:

Lots 1-16 of BLOCK 37, Lots 2-10 and Portion Lot 11 of BLOCK 39, Lots 1-12 of BLOCK 52, Lots 1-12 of BLOCK 53, Lots 1-16 of BLOCK 54, Portion Lots 1-3 and Lots 4- 6 of BLOCK 51, Lots 1-16 of BLOCK 55, Lots 1-12 of BLOCK 56, Lots 1-12 of BLOCK 57, Portion Lots 1- 6 of BLOCK 58, Portion Lots 1,2,3,10 and Lots 11 and 12 of BLOCK 72, Lots 1-3 and 10-12 of BLOCK 71 of PLANS OF SHERMAN'S ADDITION TO SAN DIEGO MAP 856:

Portion Lots 14-20, 25-27 and Lots 21-24 of BLOCK 137, Portion Lots 16-20,34-38 and Lots 21-33 of BLOCK 133 of FOX MAP OF MANNASSE & SCHILLERS SUB OF PL 1157;

Parcel A, B and Portion Parcel 2 of MM 36- PUEBLO LANDS.

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

L STREET between the easterly line of 12th AVENUE and the westerly line of 17th STREET;

IMPERIAL AVENUE between a line parallel to and 60 feet west of the westerly line of 13th STREET and a line parallel to and 100 feet east of the easterly line of 17th STREET;

COMMERCIAL STREET between the westerly line of 13th STREET and the easterly line of 17th STREET;

13TH STREET between the southerly line of K STREET and a line parallel to and 150 feet south of the southerly line of COMMERCIAL STREET;

14TH STREET between the southerly line of K STREET and a line parallel to and 140 feet south of the southerly line of COMMERCIAL STREET;

15TH STREET between the southerly line of K STREET and a line parallel to and 130 feet south of the southerly line of COMMERCIAL STREET;

16TH STREET between the southerly line of K STREET and the southerly line of NEWTON AVENUE;

17TH STREET between a line parallel to and 300 feet north of the northerly line of IMPERIAL AVENUE and a line parallel to and 250 feet south of the southerly line of COMMERCIAL STREET;

NATIONAL AVENUE between the southerly line of IMPERIAL AVENUE and the southerly line of S 16th STREET;

NEWTON AVENUE between a line parallel to and 740 feet north westerly of the northerly line of S 16TH STREET and the northerly line of SIGSBEE STREET.

All as more particularly shown on City Engineer's Drawing No. 29538-D.