

RESOLUTION NUMBER R- 291377

ADOPTED ON MAR 23 1999

A RESOLUTION ESTABLISHING AN UNDERGROUND UTILITY DISTRICT TO BE KNOWN AND DENOMINATED AS THE NORTH TORREY PINES ROAD (SCIENCE PARK ROAD TO APPROXIMATELY 1100 FEET NORTH OF CALLAN ROAD) UNDERGROUND UTILITY DISTRICT.

WHEREAS, by Resolution No. R- 291269, a public hearing was called for on March 23, 1999 at the hour of 11:00 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. 29678-D, entitled "NORTH TORREY PINES ROAD (SCIENCE PARK ROAD TO APPROXIMATELY 1100 FEET NORTH OF CALLAN ROAD) UNDERGROUND UTILITY DISTRICT," copies of which are on file in the office of the City Clerk as Document No. RR- 291269; 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:

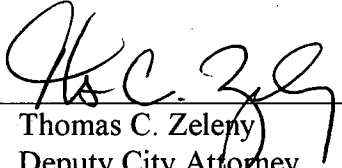
1. The City Council hereby finds and determines that the public health, safety, or general welfare require the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television 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

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Or.Dept:Eng&CP
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**GENERAL BOUNDARY DESCRIPTION FOR THE
NORTH TORREY PINES ROAD
(APPROX. 1100' FEET NORTH OF CALLAN ROAD TO SCIENCE PARK ROAD)
UNDERGROUND UTILITY DISTRICT**

The NORTH TORREY PINES ROAD (APPROX. 1100' FEET NORTH OF CALLAN ROAD TO SCIENCE PARK ROAD) UNDERGROUND UTILITY DISTRICT shall be established to include the following public right-of-way:

NORTH TORREY PINES ROAD: between a line PARALLEL TO AND ± 1100 feet north of the southerly line of CALLAN ROAD and a line parallel to and ± 250 feet south of the southerly line of SCIENCE PARK ROAD.

All as more particularly shown on City Engineer's Drawing No. 29678-D

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