

RESOLUTION NUMBER R- 293139

ADOPTED ON MAY 16 2000

A RESOLUTION ESTABLISHING AN UNDERGROUND
UTILITY DISTRICT TO BE KNOWN AND DENOMINATED
AS THE MARKET STREET (43RD STREET TO 47TH
STREET) UNDERGROUND UTILITY DISTRICT.

WHEREAS, by Resolution No. R- 292905, a public hearing was called for on Tuesday, May 16, 2000, 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. 30121-D, entitled "MARKET STREET (43RD STREET TO 47TH STREET) UNDERGROUND UTILITY DISTRICT," copies of which are on file in the office of the City Clerk as Document No. RR- 292905; and

WHEREAS, notice of such hearing has been given by the City Manager 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 requires 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 Manager is hereby authorized to establish the date by which the property in the District must be ready to receive underground service, and the date when all poles, overhead wires, and associated overhead structures are to be removed and replaced by the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service.

3. The City Manager 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 the date of adoption. The City Manager 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.

4. That the City Auditor and Comptroller is hereby authorized to establish Fund No. 78124 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds.

5. That the City Treasurer is hereby authorized to receive these funds from San Diego Gas & Electric Company.

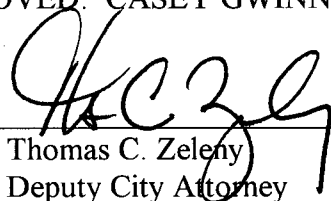
6. That reimbursement payments to all qualified property owners in the subject Market Street (43rd Street to 47th Street) Underground Utility District is hereby authorized as reimbursement for the electrical service underground conversion work done on private property, to be reimbursed from Case 8209 Funds deposited by SDG&E with the City Treasurer for this purpose.

7. 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 Market Street (43rd Street to 47th Street) Underground Utility District have been completed.

8. That the expenditure of an amount not to exceed \$52,000 from Annual Allocation - Undergrounding of City Utilities, CIP 37-028.0, TransNet Fund 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
03/22/00
Aud.Cert:2000918
Or.Dept:Eng&CP
R-2000-1044

**GENERAL BOUNDARY DESCRIPTION FOR THE
MARKET STREET
FROM 43RD STREET TO 47TH STREET
UNDERGROUND UTILITY DISTRICT**

The MARKET STREET FROM 43RD STREET TO 47TH STREET UNDERGROUND UTILITY DISTRICT shall be established to include the following described parcels:

Lot 1 and Portion lots 2-4 and 5-8 of MARKET STREET KNOLL MAP NO. 2434:

Portion lots 1-6 of MAP OF WIEMEYER TRACT MAP NO. 2291:

Portion lots 106 and 107 of CHOLLAS VIEW SUBDIVISION UNIT NO. 1 MAP NO. 3864:

Portions of lot 39 and 40 of MAP OF PORTION OF EX MISSION LANDS OF SAN DIEGO A E HORTON, PROP MAP NO. 283.

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

MARKET STREET Between the easterly line of 43rd STREET and a line parallel to and 240' feet south easterly of the south easterly line of 47th STREET

All as more particularly shown on City Engineer's Drawing No. 30121-D.

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2000918
 ORIGINATING DEPT. NO.: 547

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 \$52,000.00 Fund 30244

Purpose Authorizing the expenditure of funds for the Market Street From (43rd Street to 47th Street) UUD.

Date March 21, 2000

By: *William Kennedy III*
 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	106	4114	370280		30300		\$52,000.00
TOTAL AMOUNT										\$52,000.00

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										

FUND OVERRIDE

R - 293139

AC _____

MAY 16 2000

MARKET STREET FROM 43RD STREET TO 47TH STREET UNDERGROUND UTILITY DISTRICT

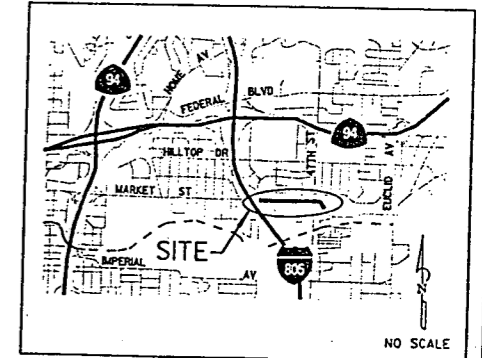
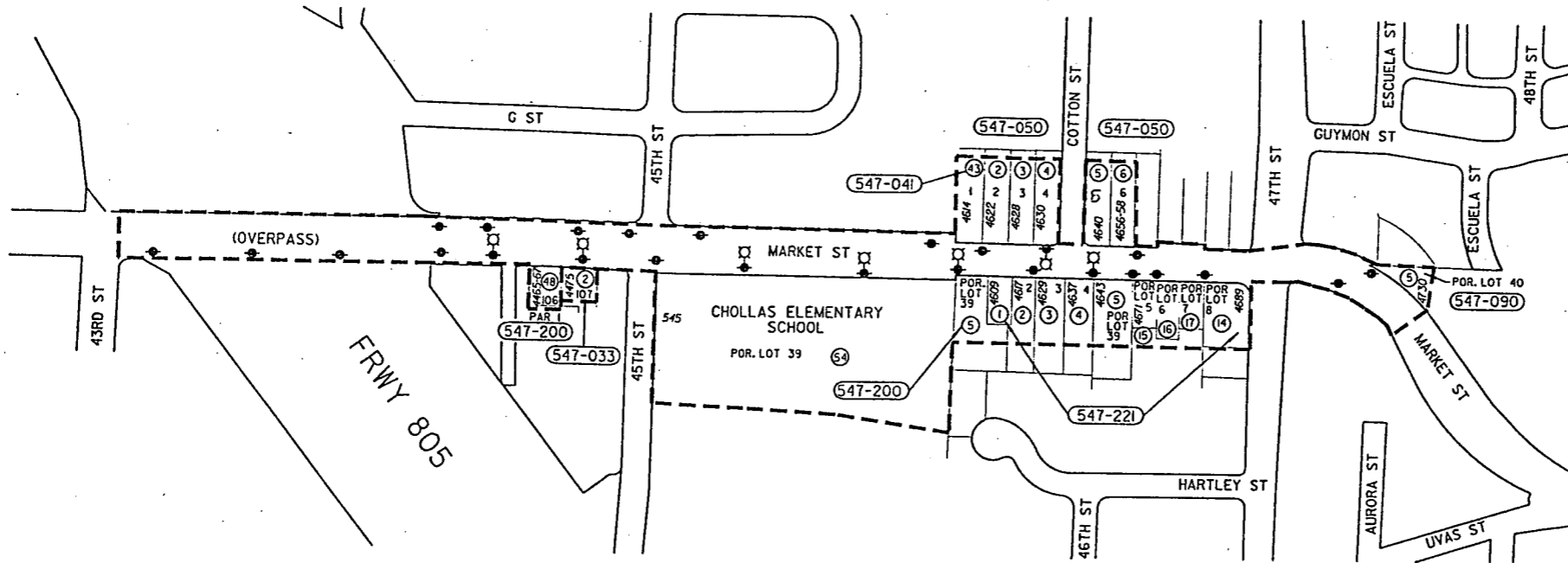
R-293139

LEGEND:

- DISTRICT BOUNDARY
- 448-433** ASSESSOR'S BOOK & PAGE NO.
- ASSESSOR'S PARCEL NO.
- 4752 ADDRESS
- EXISTING POLE
- EXISTING STREET LIGHT

RESOLUTION NO.: _____

DATE ADOPTED: _____



VICINITY MAP



NO SCALE



Every reasonable effort has been made to assure the accuracy of this map. However, neither the RUIS participants nor San Diego Data Processing Corporation assume any liability arising from its use.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

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MARKET STREET FROM 43RD ST. TO 47TH ST. UNDERGROUND UTILITY DISTRICT

CITY OF SAN DIEGO, CALIFORNIA
ENGINEERING AND DEVELOPMENT DEPARTMENT
SHEET 1 OF 1 SHEETS

V.D. NO. 372990

FOR CITY ENGINEER		DATE		DIVISION HEAD	
DESCRIPTION	BY	APPROVED	DATE	FILED	
FILE NO.	DATE	BY	DATE	FILED	DESIGN ENGINEER
					CONTROL CERTIFICATION
					LAWYER COORDINATES
CONTRACTOR	DATE STARTED	INSPECTOR	DATE COMPLETED		30121-D