

RESOLUTION NUMBER R- 293329

ADOPTED ON JUN 20 2000

A RESOLUTION ESTABLISHING AN UNDERGROUND  
UTILITY DISTRICT TO BE KNOWN AND DENOMINATED  
AS THE BALBOA AVENUE (FROM KEARNY VILLA ROAD  
TO RUFFIN ROAD) UNDERGROUND UTILITY DISTRICT.

WHEREAS, by Resolution No. R- 293083, a public hearing was called for on June 20, 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, as more particularly shown in the Legal Description, attached hereto as Exhibit A and incorporated herein, and as more particularly shown in Drawing No. 30467-D, entitled "Balboa Avenue (from Kearny Villa Road to Ruffin Road) Underground Utility District," copies of which are on file in the office of the City Clerk as Document Number RR- 293083; 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 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 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 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. The City Auditor and Comptroller is hereby authorized to establish Fund No. 78141 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds.

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

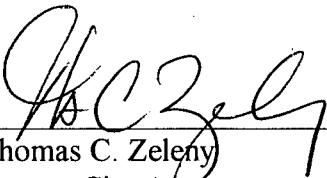
6. Reimbursement payments to all qualified property owners in the Balboa Avenue (from Kearny Villa Road to Ruffin Road) Underground Utility District is hereby authorized as reimbursement for the electrical service underground conversion work done on private property, to be reimbursed from Case 8209 Funds deposited by SDG&E with the City Treasurer for this purpose.

7. 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 subject Balboa Avenue (from Kearny Villa Road to Ruffin Road) Underground Utility District have been completed.

8. The expenditure of an amount not to exceed \$10,000 from Annual Allocation – Undergrounding of City Utilities, CIP 37-028.0, TransNet Fund No. 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  
04/20/00  
Aud.Cert:2001031  
Or.Dept:Eng&CP  
R-2000-1226  
Form=uest.res

GENERAL BOUNDARY DESCRIPTION FOR THE  
BALBOA AVENUE ( FROM KEARNY VILLA ROAD TO RUFFIN ROAD )  
UNDERGROUND UTILITY DISTRICT

The **BALBOA AVENUE (FROM KEARNY VILLA ROAD TO RUFFIN ROAD)** Underground Utility District shall be established to include the following described parcels:

Portion of Lot 8 of CITY OF SAN DIEGO INDUSTRIAL PARK UNIT No 2 MAP 4113;

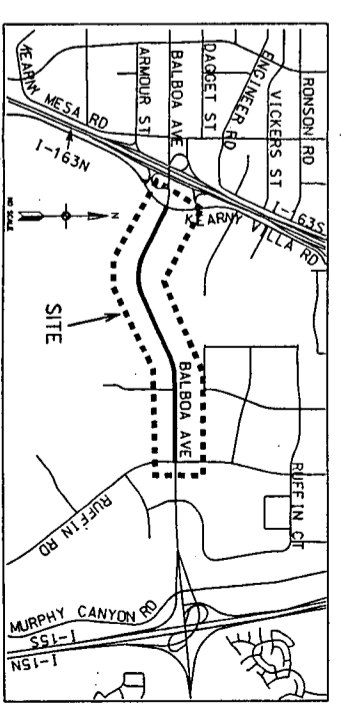
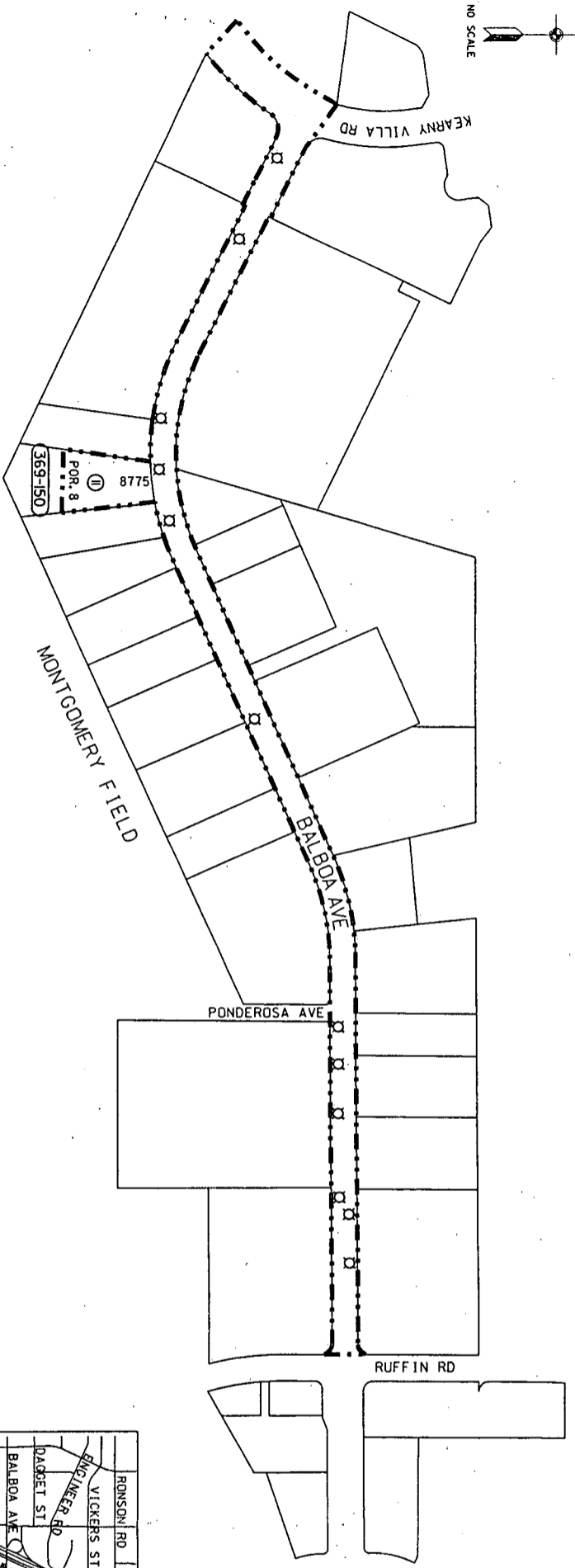
**Said district shall include the following public Rights of Way:**

BALBOA AVENUE from the westerly line of Kearny Villa Road to the westerly line of Ruffin Road;

KEARNY VILLA ROAD from the southeasterly line of Balboa Avenue to a line parallel to and 395' southeast of the southeasterly line of Balboa Avenue.

All as more particularly shown on City Engineer's Drawing No 30470-D.

# BALBOA AVENUE FROM KEARNY VILLA ROAD TO RUFFIN ROAD UNDERGROUND UTILITY DISTRICT



Every reasonable effort has been made to assure the accuracy of this map. However, neither the RUS 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, FITNESS FOR A PARTICULAR PURPOSE, MERCHANTABILITY AND FITNESS FOR PROPRIETARY JURISDICTION. The use of this information is subject to a separate agreement only. Any reuse or reliance on this information is prohibited, except in accordance with such authorizing agreements.

|  |                |
|--|----------------|
| <b>BALBOA AVE<br/>FROM KEARNY VILLA RD TO RUFFIN RD<br/>UNDERGROUND UTILITY DISTRICT</b>                 |                |
| <b>CITY OF SAN DIEGO CALIFORNIA</b><br>Engineering and CAPITAL PROJECTS DEPARTMENT<br>SHEET 1 OF 1 SHEET |                |
| NO. 372998   | DATE COMPLETED |
| DESIGN ENGINEER  | DATE STARTED   |
| CONTROL ESTIMATION   | DATE COMPLETED |
| 239-1725.1730  | 30479-D        |
| LAMBERT CONSULTANTS  |                |

VICINITY MAP

DOCUMENT NO. **293083**  
 FILED **MAY 15 2000**  
 OFFICE OF THE CITY CLERK  
 SAN DIEGO, CALIFORNIA

RESOLUTION NO.: **293083**  
 DATE ADOPTED: **MAY 15 2000**

- LEGEND:
- DISTRICT BOUNDARY
  - ASSESSOR'S BOOK & PAGE NO.
  - ASSESSOR'S PARCEL NO.
  - ADDRESS
  - EXISTING STREET LIGHT

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING DEPT. NO.: AC 2001031  
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 \$10,000.00 Fund 30244

Purpose Authorizing the expenditure of funds for the Balboa Avenue from Kearny Villa Road to Ruffin Road (UUD).

Date 19-Apr-2000 By: W. 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 | 30244 | 106  | 4114    | 370280    |                   | 30300       |          | \$10,000.00 |
|                 |       |       |       |      |         |           |                   |             |          |             |
|                 |       |       |       |      |         |           |                   |             |          |             |
|                 |       |       |       |      |         |           |                   |             |          |             |
| TOTAL AMOUNT    |       |       |       |      |         |           |                   |             |          | \$10,000.00 |

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 \_\_\_\_\_

Purp \_\_\_\_\_

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* - 293329

JUN 20 2000

AC \_\_\_\_\_