

RESOLUTION NUMBER R- 293604

ADOPTED ON AUG 01 2000

A RESOLUTION ESTABLISHING AN UNDERGROUND
UTILITY DISTRICT TO BE KNOWN AND DENOMINATED
AS THE BURGNER BOULEVARD (FROM JELLET STREET
TO MILTON STREET) UNDERGROUND UTILITY DISTRICT.

WHEREAS, by Resolution No. R- 293296, a public hearing was called for on August 1, 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 more particularly shown in Drawing No. 30582-D, entitled "Burgener Boulevard (from Jellet Street to Milton Street) Underground Utility District," copies of which are on file in the office of the City Clerk as Document Number RR- 293296; 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. 78155 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.

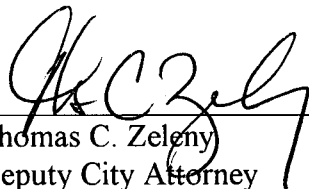
6. Reimbursement payments to all qualified property owners in the Burgener Boulevard (from Jellet Street to Milton Street) Underground Utility District is hereby authorized as reimbursement for the electrical service underground conversion work done on private property, to be reimbursed from Case 8209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

7. 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 Burgener Boulevard (from Jellet Street to Milton Street) Underground Utility District have been completed.

8. The expenditure of an amount not to exceed \$1,000 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
06/05/00
Aud.Cert:2001217
Or.Dept:Eng&CP
R-2000-1439
Form=uest.res

GENERAL BOUNDARY DESCRIPTION FOR THE
BURGENER BOULEVARD FROM JELLET STREET TO MILTON STREET
UNDERGROUND UTILITY DISTRICT

The **BURGENER BOULEVARD FROM JELLET STREET TO MILTON STREET** Underground Utility District shall be established to include the following described parcels:

Lots 208 thru 217; Lots 220 thru 234; Lots 250 thru 261 of Map of CLAIREMONT UNIT No 2 MAP 2757;

Lots 1 thru 15 of Map of CLAIREMONT TERRACE UNIT No 1 MAP 2968.

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

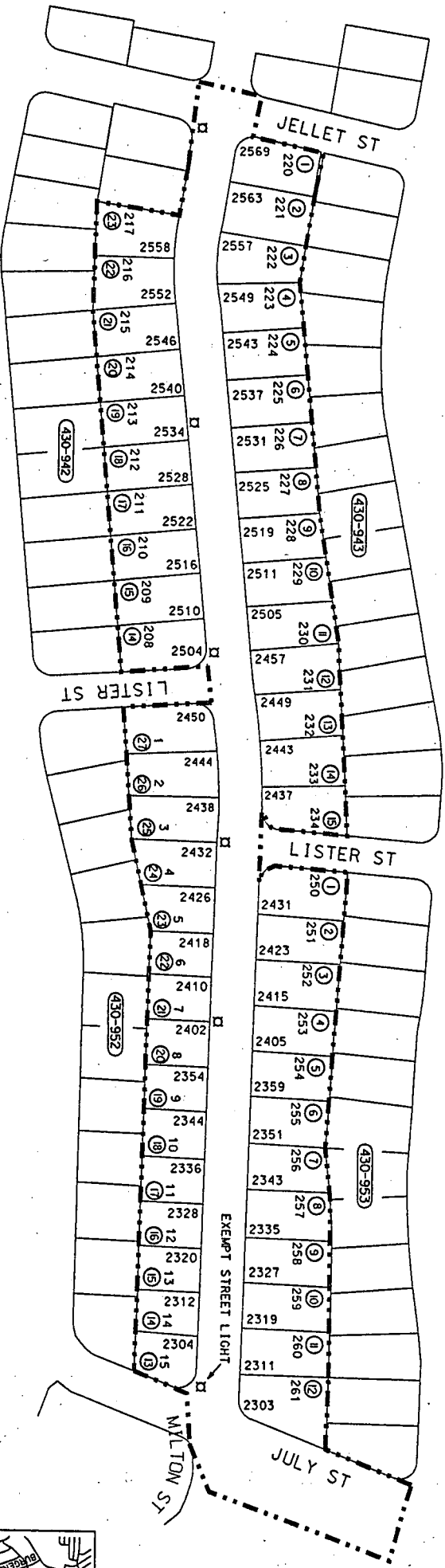
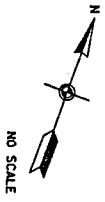
BURGENER BOULEVARD from the northwesterly line of Jellet Street to the southwesterly line of July Street;

JELLET STREET from a line parallel to and 118' west of the westerly line of Burgener Boulevard to the westerly line of Burgener Boulevard;

JULY STREET from the northeasterly line of Burgener Boulevard to the northwesterly line of Deerpark Drive.

All as more particularly shown on City Engineer's Drawing No 30582 - D

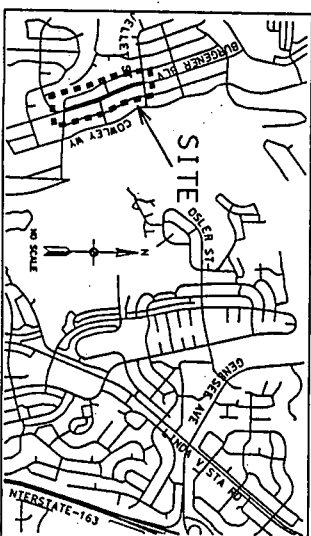
BURGENER BOULEVARD FROM JELLET TO MILTON STREET UNDERGROUND UTILITY DISTRICT



LEGEND:

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

SAN DIEGO COUNTY
 OFFICE OF THE CLERK
 FILED
 DATE ADOPTED: _____
 RESOLUTION NO.: _____
 VVICINITY MAP



Every reasonable effort has been made to assure the accuracy of this map. However, neither the RULS participants nor San Diego Data Processing Corporation assume any liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, TO EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. NO WARRANTY OR LIABILITY shall be incurred by the use of this information. No responsibility is assumed for any loss or damage in accordance with each subdividing agreement.

**BURGENER BOULEVARD
FROM JELLET ST TO MILTON ST
UNDERGROUND UTILITY DISTRICT**

CITY OF SAN DIEGO, CALIFORNIA
 ENGINEER AND PLANNING DEPARTMENT
 PROJECT NO. 373006
 SHEET NO. 1 OF 1

DATE CITY ENGINEER	DATE APPROVED	DATE FILED	DIVISION HEAD

DESIGN: 226-1710
 CHECKED: 228-1710
 DATE: 3/28/82
 DRAWN: 30382-D

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING AC 2001217
 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 \$1,000.00 Fund 30244

Purpose Authorizing the expenditure of funds for the Burgener Boulevard from Jellet Street to Milton Street Underground Utility District.

Date June 1, 2000 By: *Wilson 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	4279	370280		30300		\$1,000.00
TOTAL AMOUNT										\$1,000.00

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- 293296 *L*- 293604

AUG 01 2000

AC 2001217