

RESOLUTION NUMBER R- 293608

ADOPTED ON AUG 01 2000

A RESOLUTION ESTABLISHING AN UNDERGROUND UTILITY DISTRICT TO BE KNOWN AND DENOMINATED AS THE PACIFIC BEACH DRIVE (FROM MISSION BOULEVARD TO EVERTS STREET) UNDERGROUND UTILITY DISTRICT.

WHEREAS, by Resolution No. R- 293369, 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 as more particularly shown in Drawing No. 27072-D, entitled "Pacific Beach Drive (from Mission Boulevard to Everts Street) Underground Utility District," copies of which are on file in the office of the City Clerk as Document Number RR- 293369; 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. 78120 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds.

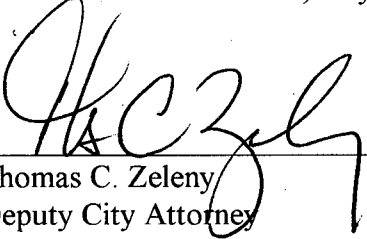
5. The City Treasurer is hereby authorized to receive these funds from San Diego Gas & Electric Company.

6. Reimbursement payments to all qualified property owners in the Pacific Beach Drive (from Mission Boulevard to Everts 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 Pacific Beach Drive (from Mission Boulevard to Everts Street) Underground Utility District have been completed.

APPROVED: CASEY GWINN, City Attorney

By


Thomas C. Zeleny
Deputy City Attorney

TCZ:mb
06/07/00
Aud.Cert:N/A
Or.Dept:Eng&CP
R-2000-1513
Form=uest.res

**GENERAL BOUNDARY DESCRIPTION FOR THE
PACIFIC BEACH DRIVE
FROM MISSION BOULEVARD TO EVERTS STREET
UNDERGROUND UTILITY DISTRICT**

The PACIFIC BEACH DRIVE FROM MISSION BOULEVARD TO EVERTS STREET UNDERGROUND UTILITY DISTRICT shall be established to include the following described parcels:

Lot 6 of BLOCK 9, lots 1 - 7 of BLOCK 10, lots 3 and 4 of BLOCK 11 of BRAEMAR EXTENSION MAP NO. 1927:

Lots A and B of BRAEMAR EXTENSION RESUBDIVISION NO.1 MAP NO. 4416:

Portion lots 22 - 24 and lot 14 of SOUTHERN TITLE GUARANTY COMPANY'S SUBDIVISION OF PUEBLO LOT 1801 CITY OF SAN DIEGO, CALIFORNIA MAP NO. 1864:

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

PACIFIC BEACH DRIVE Between a line parallel to and 140 feet westerly of the north westerly line of BAYARD STREET and a line parallel to and 25 feet north easterly of the north easterly line of EVERTS STREET:

ALLEY BLOCK 4 between the southerly line of PACIFIC BEACH DRIVE and a line parallel to and 40 feet north of the north easterly line of PACIFIC BEACH DRIVE:

ALLEY BLOCK 9 between the southerly easterly line of PACIFIC BEACH DRIVE and a line parallel to and 40 feet south easterly of the south easterly line of PACIFIC BEACH DRIVE:

CASS STREET between the south westerly line of PACIFIC BEACH DRIVE and a line parallel to and 100 feet north westerly of the north westerly line of PACIFIC BEACH DRIVE:

WEST BRAIRFIELD DRIVE between the south westerly line of PACIFIC BEACH DRIVE and a line parallel to and 250 feet south westerly of the south westerly line of PACIFIC BEACH DRIVE:

EAST BRAIRFIELD DRIVE between the north easterly line of PACIFIC BEACH DRIVE and a line parallel to and 193 feet south easterly of the south easterly line of PACIFIC BEACH DRIVE:

DAWES STREET between a line parallel to and 193 feet south easterly of the south easterly line of PACIFIC BEACH DRIVE and a line parallel to and 100 feet north westerly of the north westerly line of PACIFIC BEACH DRIVE:

EVERTS STREET between a line parallel to and 100 feet south easterly of the south easterly line of PACIFIC BEACH DRIVE and a line parallel to and 100 feet north westerly of the north westerly line of PACIFIC BEACH DRIVE:

All as more particularly shown on City Engineer's Drawing No.27072-D.