

RESOLUTION NUMBER R- 293663

ADOPTED ON AUG 0 8 2000

A RESOLUTION ESTABLISHING AN UNDERGROUND UTILITY DISTRICT TO BE KNOWN AND DENOMINATED AS THE LA JOLLA MESA DRIVE (FROM DEERHILL COURT TO LA JOLLA SCENIC DRIVE) UNDERGROUND UTILITY DISTRICT.

WHEREAS, by Resolution No. R- 293299, a public hearing was called for on AUG 0 1 2000, 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. 300820-1-D, entitled "La Jolla Mesa Drive (from Deerhill Court to La Jolla Scenic Drive) Underground Utility District," copies of which are on file in the office of the City Clerk as Document Number RR- 293299; 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.

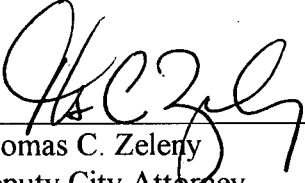
4. The City Auditor and Comptroller is hereby authorized to establish Fund No. 78115 for the purpose of depositing Public Utilities Commission Case 8209 Utility Underground Allocation Funds.

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 La Jolla Mesa Drive (from Deerhill Court to La Jolla Scenic Drive) 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 La Jolla Mesa Drive (from Deerhill Court to La Jolla Scenic Drive) Underground Utility District have been completed.

APPROVED: CASEY GWINN, City Attorney

By   
Thomas C. Zeleny  
Deputy City Attorney

TCZ:mb  
06/05/00  
Aud.Cert:N/A  
Or.Dept:Eng&CP  
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**GENERAL BOUNDARY DESCRIPTION FOR THE  
LA JOLLA MESA DRIVE FROM  
DEERHILL COURT TO LA JOLLA SCENIC DRIVE  
UNDERGROUND UTILITY DISTRICT**

The La Jolla Mesa Drive from Deerhill Court to La Jolla Scenic Drive UNDERGROUND UTILITY DISTRICT shall be established to include the following described parcels:

Lots 1, 2 and 4 of MAP of LA JOLLA CORONA ESTATE, Map No. 3378;  
Lots Par. 1 and Par. 2 of PARCEL MAP NO. 9612  
Lots 11 thru 15, Lot Por 10, Lots 20 thru 23, and lots 26 thru 39 of MAP of MUIRLANDS PANORAMA, Map No. 3329;  
Lot 1, Portion of Lots 2 and 3 of MAP of MUIRLANDS VISTA, UNIT NO. 1, Map No. 3133;

Said district shall also include the following public right-of-way.

LA JOLLA MESA DRIVE between a line parallel to and  $\pm 140$  feet south of the southerly line of DEERHILL COURT and to the northwesterly line of LA JOLLA SCENIC DRIVE.

DEERHILL COURT between the easterly line of LA JOLLA MESA DRIVE to the westerly line of DEERHILL COURT.

COTTONTAIL LANE between a line parallel to and 70 feet west of the southwesterly line of LA JOLLA MESA DRIVE and the southeasterly line of LA JOLLA MESA DRIVE.

CITADEL CIRCLE between the southerly line of CITADEL CIRCLE to the southerly line of LA JOLLA SCENIC DRIVE.

All as more particularly shown on City Engineer's Drawing No. 30082-D

EXHIBIT A

R-293663