

RESOLUTION NUMBER R- 293979

ADOPTED ON OCT 17 2000

A RESOLUTION ESTABLISHING AN UNDERGROUND UTILITY DISTRICT TO BE KNOWN AND DENOMINATED AS THE C STREET (FROM I-5 TO 24TH STREET) AND C STREET (FROM 28TH STREET TO 29TH STREET) UNDERGROUND UTILITY DISTRICT.

WHEREAS, by Resolution No. R- 293752, a public hearing was called for on Oct. 17, 2000, at the hour of 10:30 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 Boundary Description attached hereto as Exhibit A and incorporated herein, and as more particularly shown in Drawing No. 30689-I-D, entitled "C Street (from I-5 to 24th Street) and C Street (from 28th Street to 29th Street) Underground Utility District," copies of which are on file in the office of the City Clerk as Document Number RR- 293752; 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. 78167 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.

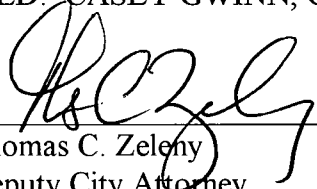
6. Reimbursement payments to all qualified property owners in the C Street (from I-5 to 24th Street) and C Street (from 28th Street to 29th Street) Underground Utility District are hereby authorized as reimbursement for electrical service underground conversion work done on private property, to be reimbursed 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, upon written notice from SDG&E to the City that all electrical service conversions within the subject C Street (from I-5 to 24th Street) and C Street (from 28th Street to 29th Street) 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
08/28/00
Aud.Cert:2100261
Or.Dept:Eng&CP
R-2001-279
Form=uest.res

**BOUNDARY DESCRIPTION FOR THE
C STREET
FROM I-5 TO 24TH STREET
AND 28TH STREET TO 29TH STREET
UNDERGROUND UTILITY DISTRICT**

The C STREET FROM I-5 TO 24TH STREET UNDERGROUND UTILITY DISTRICT shall be established to include the following described parcels:

Lots 3 thru 6, Portion Lots 11 and 12 of BLOCK 24 Lot 7, Portion Lot 8, Portion Lots 11 and 12 of BLOCK 31, Lots 1 thru 5, Lots 7 thru 11, Portion Lots 6 and 12 of BLOCK 30, Portion Lots 6 and 12 of BLOCK 25, Lot 6 of BLOCK 26, Lots 1 thru 5, Lots 7 thru 11 of BLOCK 29, Lots 1 thru 12 of BLOCK 28, Lots 1 thru 6 of BLOCK D of MAP OF CULVERWELL & TAGGERT'S ADDITION, Map No. 249

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

C STREET between the westerly line of 19th STREET and a line parallel to and 100 feet east of the easterly line of 24TH STREET.

19TH STREET between a line parallel to and ± 200 feet north of the northerly line of C STREET and the southerly line of C STREET.

20TH STREET between the southerly line of C STREET and the northerly line of BROADWAY.

21ST STREET between the southerly line of C STREET and the northerly line of BROADWAY.

22ND STREET between the southerly line of C STREET and the northerly line of BROADWAY.

23RD STREET between the southerly line of C STREET and the northerly line of BROADWAY.

24TH STREET between the southerly line of C STREET and the northerly line of BROADWAY.

All as more particularly shown on City Engineer's Drawing No. 30689-D.

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING AC 2100261
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 \$10,000.00 Fund 30244

Purpose Authorizing the expenditure of funds for the C Street from I-5 to 24th Street and C Street from 28th Street to 29th Street Underground Utility District.

Date August 28th, 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	4279	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 _____

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

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AC 2100261