

RESOLUTION NUMBER R- 294877

ADOPTED ON MAY 22 2001

A RESOLUTION ESTABLISHING AN UNDERGROUND UTILITY DISTRICT TO BE KNOWN AND DENOMINATED AS THE FAY AVENUE (FROM WEST MUIRLANDS DRIVE TO NAUTILUS STREET) UNDERGROUND UTILITY DISTRICT.

WHEREAS, by Resolution No. R- 294785, a public hearing was called for on May 22, 2001, 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 General Boundary Description attached hereto as Exhibit A and incorporated herein, and more particularly shown in Drawing No. 31131-D, entitled "Fay Avenue (from West Muirlands Drive to Nautilus Street) Underground Utility District," copies of which are on file in the office of the City Clerk as Document Number RR- 294785; 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. 78173 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.

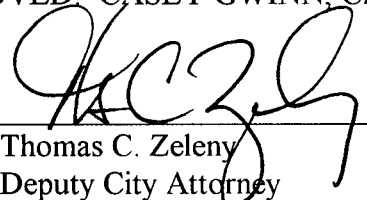
6. Reimbursement payments to all qualified property owners in the Fay Avenue (from West Muirlands Drive to Nautilus Street) Underground Utility District are hereby authorized as reimbursement for the electrical service underground conversion work done on private property, to be reimbursed from Case 8209 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 Fay Avenue (from West Muirlands Drive to Nautilus 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, provided the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for this expenditure are, or will be, on deposit in the City treasury.

APPROVED: CASEY GWINN, City Attorney

By

  
Thomas C. Zeleny  
Deputy City Attorney

TCZ:mb  
04/10/01  
Aud.Cert:  
Or.Dept:Eng&CP  
R-2001-1375  
Form=uest.res

GENERAL BOUNDARY DESCRIPTION FOR THE  
FAY AVENUE  
FROM WEST MUIRLANDS DRIVE TO NAUTILUS STREET  
UNDERGROUND UTILITY DISTRICT

The FAY AVENUE FROM WEST MUIRLANDS DRIVE TO NAUTILUS STREET  
Underground Utility District shall be established to include the following described parcels:

Portion lots 12 thru 18; and portion lots 10 and 11 of the map of MIRIMAR TERRACE MAP  
NUMBER 1750.

Said district shall include the following public Rights of Way:







FAY AVENUE from a line parallel to and 150' north of the northerly line of Nautilus Street to the  
northeast corner of West Muirlands Drive.

WEST MUIRLANDS DRIVE from the northeast corner of West Muirlands Drive and Fay  
Avenue to a line parallel and 181' east of Fay Avenue.

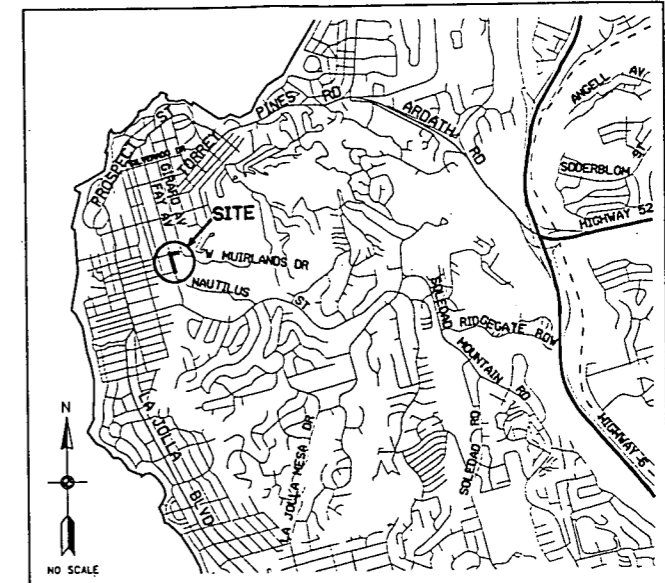
All as more particularly shown on City Engineer's Drawing No 31131-D.

# FAY AVENUE FROM WEST MUIRLANDS DRIVE TO NAUTILUS STREET UNDERGROUND UTILITY DISTRICT

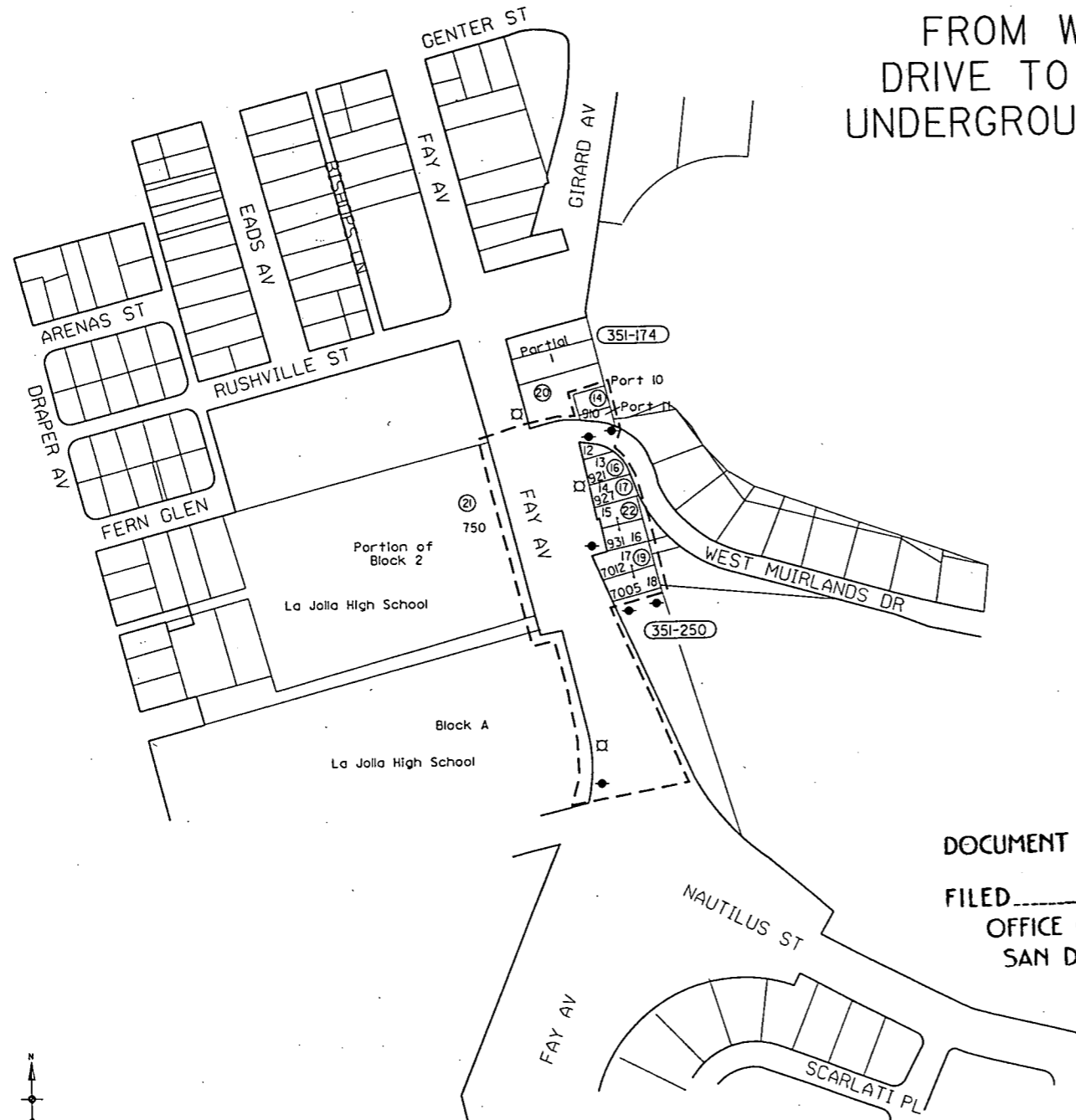
**LEGEND:**

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

VICINITY MAP



294877



DOCUMENT NO. 294785

RESOLUTION NO.: \_\_\_\_\_

FILED APR 23 2001

DATE ADOPTED: \_\_\_\_\_

OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA



**FAY AVENUE  
FROM WEST MUIRLANDS  
DRIVE TO NAUTILUS STREET  
UNDERGROUND UTILITY DISTRICT**

CITY OF SAN DIEGO, CALIFORNIA  
ENGINEERING AND DEVELOPMENT DEPARTMENT  
SHEET 1 OF 1 SHEETS

V.D. NO. 370282

FOR CITY ENGINEER		DATE		DIVISION HEAD
DESCRIPTION	BY	APPROVED	FILED	
FILE NAME:	DATE:			DESIGN ENGINEER
	4/15/2001	SM		CONTROL CERTIFICATION
AS-BUILT				LAMBERT COORDINATES
CONTRACTOR	DATE STARTED			
INSPECTOR	DATE COMPLETED			3131-D

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING AC 2101081  
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 1000.00 Fund 30244/30300

Purpose Authorizing the appropriation and expenditure of funds for administering the Fay Ave., from West Muilands Drive to Nautilus Street Underground Utility District, minor City work force work, replacement of existing street lights, and other related work.

Date 04/10/01 By: Mikki Gutierrez  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1		30244	30244	106	4114	370280				\$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-* 294877

MAY 22 2001

AC 2101081