

RESOLUTION NUMBER R- 297711

ADOPTED ON APR 07 2003

A RESOLUTION ESTABLISHING UNDERGROUND UTILITY
DISTRICTS FINANCED THROUGH SDG&E ANNUAL
ALLOCATION FUNDS (CASE 8209).

WHEREAS, by Resolution No. R- 297688, a public hearing was called for on
April 7, 2003, at the hour of 2:00 p.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 certain
areas of the City of San Diego more particularly described as follows [the Districts]:

- Stresemann/Soderblom Street (Governor Drive to Bloch Street) Underground
Utility District, as described in Exhibit A to this resolution and more particularly
shown on Drawing No. 32038-D;
- Chatsworth Boulevard (Tennyson Boulevard to Dumas Street) Underground
Utility District, as described in Exhibit B to this resolution and more particularly
shown on Drawing No. 32086-D;
- Voltaire Street (Catalina Boulevard to Ebers Street) Underground Utility District,
as described in Exhibit C to this resolution and more particularly shown on
Drawing No. 32179-D;

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- Garrison Street (Clove Street to Rosecrans Street) Underground Utility District, as described in Exhibit D to this resolution and more particularly shown on Drawing No. 32084-D;
- Canon Street (Rosecrans Street to Akron Street) Underground Utility District, as described in Exhibit E to this resolution and more particularly shown on Drawing No. 32083-D;
- 30th Street/Fern (Phase II) (Maple Street to 'A' Street) Underground Utility District, as described in Exhibit F to this resolution and more particularly shown on Drawing No. 32095-D;
- Fairmount Avenue (Thorn Street to Myrtle Avenue) Underground Utility District, as described in Exhibit G to this resolution and more particularly shown on Drawing No. 32179-D;
- Boundary Street (National Avenue to Ocean View Avenue) Underground Utility District, as described in Exhibit H to this resolution and more particularly shown on Drawing No. 32093-D;
- Lisbon Street (69th Street to Jamacha Road) Underground Utility District, as described in Exhibit I to this resolution and more particularly shown on Drawing No. 32091-D;
- Jamacha Road (Meadowbrook Drive to Cardiff Street) Underground Utility District, as described in Exhibit J to this resolution and more particularly shown on Drawing No. 370327-D;

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- 61st Street (Distribution Only) (Division Street to Imperial Avenue) Underground Utility District, as described in Exhibit K to this resolution and more particularly shown on Drawing No. 32096-D;
- Ruffin Road (Balboa Avenue to Clairemont Mesa Boulevard) Underground Utility District, as described in Exhibit L to this resolution and more particularly shown on Drawing No. 32109-D;
- Mesa College Drive (Linda Vista Road to Armstrong Street) Underground Utility District, as described in Exhibit M to this resolution and more particularly shown on Drawing No. 32110-D;
- Luna Avenue (Clairemont Mesa Boulevard to Monongahela Street) Underground Utility District, as described in Exhibit N to this resolution and more particularly shown on Drawing No. 32040-D;
- Linda Vista Road (Napa Street to Azusa Street) Underground Utility District, as described in Exhibit O to this resolution and more particularly shown on Drawing No. 32042-D;
- Gaines Street Block (Riley Street, Gaines Street, Laretta Street, Napa Street, and Azusa Street) Underground Utility District, as described in Exhibit P to this resolution and more particularly shown on Drawing No. 32041-D;
- Princess View Drive (Waring Road to Fontaine Street) Underground Utility District, as described in Exhibit Q to this resolution and more particularly shown on Drawing No. 32116-D;

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- Park Ridge (Murray Park Drive to Windermere Drive) Underground Utility District, as described in Exhibit R to this resolution and more particularly shown on Drawing No. 32097-D;
- Lake Shore Drive (Jackson Drive to City Limits (Baltimore)) Underground Utility District, as described in Exhibit S to this resolution and more particularly shown on Drawing No. 32098-D;
- Island Avenue (15th Street to 30th Street) Underground Utility District, as described in Exhibit T to this resolution and more particularly shown on Drawing No. 32112-D;
- Calle Primera Road (Via Tecero Road to Willow Road) Underground Utility District, as described in Exhibit U to this resolution and more particularly shown on Drawing No. 32360-D;
- Hill Street (Catalina Boulevard to Sunset Cliffs Boulevard) Underground Utility District, as described in Exhibit V to this resolution and more particularly shown on Drawing No. 32085-D;
- Pacifica Drive (Bluffside Avenue to Amity Street) Underground Utility District, as described in Exhibit W to this resolution and more particularly shown on Drawing No. 32081-D;
- Euclid Avenue (Trinidad Way to Manzanares Way) Underground Utility District, as described in Exhibit X to this resolution and more particularly shown on Drawing No. 32099-D; and,

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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 does hereby find and determine that creation of the above described underground utility districts is in the general public interest because in each district: such undergrounding will avoid or eliminate an unusually heavy concentration of overhead facilities; the street or road or right of way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic; the street or road or right of way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public; or the street, road, or right of way is considered an arterial street or major collector.

2. The City Council does hereby find and determine 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-described areas are hereby declared to be underground utility districts in the City of San Diego, and the maps and document referred to above are hereby incorporated as a part of this resolution.

3. The City Manager is hereby authorized to establish a schedule for the underground conversion of all poles, overhead wires, and associated structures in each District.

4. 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 (15) days after the date of such adoption. The City Manager shall further notify said 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 permit installation of all necessary facility changes on their premises, or provide such changes at their own expense, 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 adoption of this resolution) and subject to all other applicable requirements of State law and City ordinances. The Manager's notification shall be made in the manner provided in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code.

5. Authorizing an increase of \$4,178,665 in CIP 37-028.0, Fund 30100 in Fiscal Year 2003 Capital Improvements Program.

6. That an appropriation and expenditure of an amount not to exceed \$4,178,665 from CIP 37-028.0, Fund 30100 - Undergrounding Surcharge Fund, is hereby authorized, solely and exclusively, for the purpose of administering the Districts, minor City force work, street restoration, tree replacement, replacement of street lights, archaeological monitoring and other

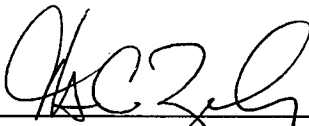
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related work, contingent upon receipt of these funds from San Diego Gas and Electric and provided the City Auditor and Comptroller first furnishes on or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

APPROVED: CASEY GWINN, City Attorney

By 
Thomas C. Zeleny
Deputy City Attorney

TCZ:ccm
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