

RESOLUTION NUMBER R- 297712

ADOPTED ON APR 07 2003

A RESOLUTION ESTABLISHING UNDERGROUND UTILITY  
DISTRICTS FINANCED THROUGH THE CITY OF SAN  
DIEGO UNDERGROUNDING SURCHARGE FUND.

WHEREAS, by Resolution No. R-~~297687~~ 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]:

- Pennant Way (Regents Road to Stresemann Street) Underground Utility District,  
as described in Exhibit A to this resolution and more particularly shown on  
Drawing No. 32039-D;
- Carmel Valley Road (I-5 to Torrey Pines Road) Underground Utility District, as  
described in Exhibit B to this resolution and more particularly shown on Drawing  
No. 32365-D;
- La Jolla Scenic Drive North (Sugarman Drive to La Jolla Village Drive)  
Underground Utility District, as described in Exhibit C to this resolution and more  
particularly shown on Drawing No. 32101-D;

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- Soledad Avenue (Hillside Drive to Exchange Place) Underground Utility District, as described in Exhibit D to this resolution and more particularly shown on Drawing No. 32113-D;
- Hidden Valley Road/Via Capri (Torrey Pines to La Jolla Scenic Drive South) Underground Utility District, as described in Exhibit E to this resolution and more particularly shown on Drawing No. 32076-D;
- San Antonio Street (McCall Street to Kellogg Street) Underground Utility District, as described in Exhibit F to this resolution and more particularly shown on Drawing No. 32082-D;
- Abbott Street (West Point Loma Boulevard to Newport Avenue) Underground Utility District, as described in Exhibit G to this resolution and more particularly shown on Drawing No. 32078-D;
- Tenth Avenue (Date Street to Beech Street) Underground Utility District, as described in Exhibit H to this resolution and more particularly shown on Drawing No. 32080-D;
- Meade Avenue (I-805 to 44th Street) Underground Utility District, as described in Exhibit I to this resolution and more particularly shown on Drawing No. 32044-D;
- Meade Avenue (I-805 to New Jersey Street) Underground Utility District, as described in Exhibit J to this resolution and more particularly shown on Drawing No. 32045-D;
- Ocean View Boulevard (I-15 to 42nd Street) Underground Utility District, as described in Exhibit K to this resolution and more particularly shown on Drawing No. 32094-D;

- Scripps Lake Drive (Alderbrook Drive to Scripps Ranch Boulevard) Underground Utility District, as described in Exhibit L to this resolution and more particularly shown on Drawing No. 32110-D;
- Madra Avenue (Del Cerro Boulevard to Park Ridge Boulevard) Underground Utility District, as described in Exhibit M to this resolution and more particularly shown on Drawing No. 32088-D;
- Catocin Drive (Montezuma Road to 63rd Street) Underground Utility District, as described in Exhibit N to this resolution and more particularly shown on Drawing No. 32107-D;
- Orange Avenue (Fairmount Avenue to 54th Street) Underground Utility District, as described in Exhibit O to this resolution and more particularly shown on Drawing No. 32102-D;
- 28th Street (Sampson Street to Harbor Drive) Underground Utility District, as described in Exhibit P to this resolution and more particularly shown on Drawing No. 32079-D;
- Hollister Street (Coronado Avenue to Tocayo Avenue) Underground Utility District, as described in Exhibit Q to this resolution and more particularly shown on Drawing No. 32104-D;
- Leon Avenue (Hollister Street to Saturn Boulevard) Underground Utility District, as described in Exhibit R to this resolution and more particularly shown on Drawing No. 32105-D;

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- Princess Street/Spindrift Drive (Torrey Pines Road to Paseo Dorado) Underground Utility District, as described in Exhibit S to this resolution and more particularly shown on Drawing No. 32111-D;
- Bird Rock Avenue (La Jolla Boulevard to the end of Bird Rock Avenue) Underground Utility District, as described in Exhibit T to this resolution and more particularly shown on Drawing No. 32090-D;
- Hotel Circle South (Phase I) (Taylor Street to Bachman Place) Underground Utility District, as described in Exhibit U to this resolution and more particularly shown on Drawing No. 32043-D;
- Roswell, 51st (Market Street to Kelton Road, 51st past School) Underground Utility District, as described in Exhibit V to this resolution and more particularly shown on Drawing No. 32092-D;
- Camino Del Rio South (Texas Street to Mission Center Road) Underground Utility District, as described in Exhibit W to this resolution and more particularly shown on Drawing No. 32150-D;

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 areas 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

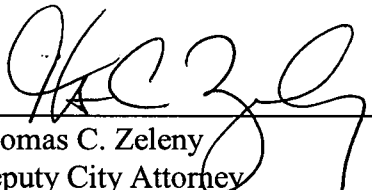
from the lines relocated underground of the supplying utility company subject to applicable rules, regulations and tariffs of the respective utility company on file with the Public Utilities Commission of the State of California (as of the date of adoption of this resolution) and subject to all other 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 \$31,191,811 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 \$31,191,811 from CIP 37-028.0, Fund 30100 - Undergrounding Surcharge Fund, is hereby authorized, solely and exclusively, for the purposes of underground conversion of poles, overhead wires and associated structures, administering the Districts, minor City force work, street restoration, tree replacement, replacement of street lights, archaeological monitoring and other related work, contingent upon receipt of these funds from San Diego Gas and Electric and provided the City Auditor and Comptroller first furnishes one 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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03/27/03 COR. COPY  
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