

RESOLUTION NUMBER R- 298450

ADOPTED ON SEP 30 2003

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

WHEREAS, by Resolution No. R-298327, a public hearing was called for on SEP 30 2003, 2003, 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 a certain area of the City of San Diego more particularly described as follows [the District]:

- 252 Corridor Park Underground Utility District (38<sup>th</sup> Street to end of Park Boulevard), as described in Exhibit A to this resolution and more particularly shown on City Engineer's Drawing No. 32613-D, a copy of which is on file in the Office of the City Clerk as Document No. RR-298327 [R-2004-208];  
and

WHEREAS, notice of the 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, the 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:

GENERAL BOUNDARY DESCRIPTION FOR THE 252 CORRIDOR PARK  
UNDERGROUND UTILITY DISTRICT

The 252 CORRIDOR PARK UNDERGROUND UTILITY DISTRICT shall be established to include the following described parcels:

Lots 25 thru 36 of Block 2 of Skinner's Addition of Subdivision Map No. 448.

Parcel of Parcel Map 747.

Lots 9 thru 16 in Block B of Edendale of Subdivision Map No. 1647.

Lots 25 thru 48 in Block 412 of H. C. Skinner's Addition Subdivision Map 140.

Lots 23 and 24 in Block 413 of Resubdivision of Fractional Block 413 and 414 of H. C. Skinner's Addition Subdivision Map No. 111.

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

37<sup>TH</sup> STREET between a line parallel to and 160±ft. north of the northerly line of Beta Street and a line parallel to and 120±ft. south of the southerly line of Beta Street

41<sup>ST</sup> STREET from NATIONAL to BOUNDARY STREET including 50±ft west into LOGAN STREET.

36<sup>ST</sup> STREET from the northerly line of Beta Street north to the beginning of and including the alley to westerly line of 38<sup>th</sup> Street.

Alley between the northerly line of Beta Street north and northeasterly to the southerly line of alley north of and parallel to Beta Street.

All as more particularly shown on City Engineer's Drawing No. 32613 -D

R-298450

**EXHIBIT A**

1. The City Council does hereby find and determine that creation of the above described District is in the general public interest because in the 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 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.

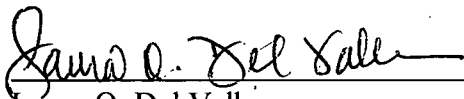
3. The City Manager is hereby authorized to establish a schedule for the underground conversion of all poles, overhead wires, and associated structures in this District.

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 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 City Manager's notification shall be made in the manner provided in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code.

APPROVED: CASEY GWINN, City Attorney

By



Laura O. Del Valle  
Deputy City Attorney

LDV:jc  
08-08-03  
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Or.Dept:E&CP  
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