

RESOLUTION NUMBER R- 299810

ADOPTED ON NOV 09 2004

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

WHEREAS, by Resolution No. R299628, a public hearing was called for on NOV 09, 2004, 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 certain areas of the City of San Diego more particularly described as follows [the District]:

- District CCDC Area 1, Phase 2, Job 2, from Beech Street to Cedar Street and State Street to 7<sup>th</sup> Avenue, as described in Exhibit A to this resolution and more particularly shown on Drawing No. 33316-D; and

WHEREAS, notice of such hearing has been given by the City Clerk 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, that 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 area is hereby declared to be 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.

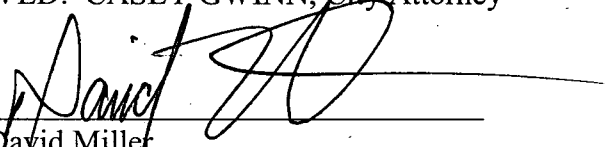
BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to establish a schedule for the underground conversion of all poles, overhead wires, and associated structures.

BE IT FURTHER RESOLVED, that 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.

APPROVED: CASEY GWINN, City Attorney

By

  
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David Miller  
Deputy City Attorney

DM:nda  
08/25/04  
Aud.Cert:N/A  
Or.Dept:E&CP  
R-2005-227

**GENERAL BOUNDARY DESCRIPTION FOR THE  
CCDC AREA 1 PHASE II, JOB 2  
BEECH STREET FROM BEECH STREET TO CEDAR STREET,  
AND STATE STREET TO 7<sup>TH</sup> AVENUE  
UNDERGROUND UTILITY DISTRICT**

The CCDC AREA 1 PHASE II, JOB 2, BEECH STREET FROM BEECH STREET TO CEDAR STREET, AND STATE STREET TO 7<sup>TH</sup> AVENUE UNDERGROUND UTILITY DISTRICT shall be established to include the following described parcels:

Lots 7 thru 11, Portion Lot 6 of BLOCK 33, Lots 1, 2 and 6 of BLOCK E of MAP OF CCI-1874 MIDDLETOWN, Map No. CCI-1874;

LOT 1 OF Block 208 ½, Lots L and G of BLOCK 197, Lots A, I, J, and L of BLOCK 207, Lots C and G of BLOCK 206, Lots A and L of BLOCK 200, Lot 2 of BLOCK 214, and Lots I thru K of BLOCK 203 of map of HORTONS ADDITION LOCKLING, Map No. DB13 PG 522;

Lots 4 thru 8 of BLOCK 8, Lot 12 of BLOCK 7 of MAP OF BAY VIEW HOMESTEAD, SAN DIEGO, Map No. 150;

Lot 1 of BLOCK 8 of MAP OF WINDEGARDNER SUBDIVISION, Map No. 5234.

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

UNION STREET Between the northerly line of ASH STREET to the northerly line of DATE STREET.

CEDAR STREET Between the easterly line of STATE STREET to the westerly line of UNION STREET.

BEECH STREET a line parallel to and ± 176 feet east of the easterly line of UNION STREET.

BEECH STREET Between the easterly line of FRONT STREET to the westerly line of 4<sup>TH</sup> AVENUE.

CEDAR STREET Between the easterly line of Front Street to the westerly line of 4<sup>TH</sup> AVENUE.

1<sup>ST</sup> AVENUE Between the northerly line of ASH STREET to the northerly line of CEDAR STREET.

2<sup>ND</sup> AVENUE Between the northerly line of ASH STREET to the northerly line of CEDAR

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**EXHIBIT A**

STREET.

3<sup>RD</sup> AVENUE Between the northerly line of ASH STREET to the northerly line of CEDAR STREET.

6<sup>TH</sup> AVENUE Between the northerly line of BEECH STREET to the southerly line of INTERSTATE 5.

CEDAR STREET Between a line parallel to and  $\pm 99$  feet west of the westerly line of 6<sup>TH</sup> AVENUE to the westerly line of 7<sup>TH</sup> AVENUE

All as more particularly shown on City Engineer's Drawing No. 33316-D.

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**EXHIBIT A**