

#337 a  
5/23/06

(R-2006-876)

RESOLUTION NUMBER R- 301490

DATE OF FINAL PASSAGE MAY 31 2006

A RESOLUTION ESTABLISHING UNDERGROUND UTILITY DISTRICTS

WHEREAS, by Resolution No. R- 301416, a public hearing was called for on May 23, 2006, 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]:

- Waring Road/I-8 from Adobe Falls Road to Alvarado Canyon Road, as more fully described in the attachment to this resolution and more particularly shown on Drawing No. 33810-1-D
- La Jolla Mesa Drive from La Jolla Scenic South Drive to Muirlands Drive, as more fully described in the attachment to this resolution and more particularly shown on Drawing No. 33811-1-D
- K Street (Phase 1) from 19<sup>th</sup> Street to 24<sup>th</sup> Street, as more fully described in the attachment to this resolution and more particularly shown on Drawing No. 33817-1-D
- K Street (Phase 2) from 26<sup>th</sup> Street to 30<sup>th</sup> Street, as more fully described in the attachment to this resolution and more particularly shown on Drawing No. 33817-2-D

WHEREAS, notice of such hearing has been given by the Mayor 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 [City Council], as follows:

1. The City Council hereby finds and determines that the public health, safety, or general welfare requires 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 areas are hereby declared to be underground utility districts in the City of San Diego, and the maps and documents referred to above are hereby incorporated as a part of this resolution.

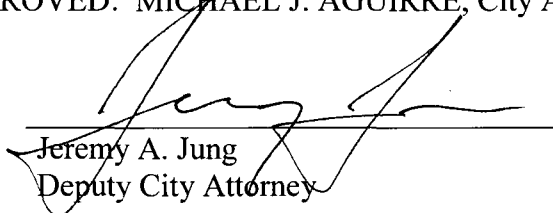
2. The Mayor is hereby authorized to establish schedules for the underground conversion of all poles, overhead wires, and associated structures in each District.

3. The Mayor 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 date of adoption. The Mayor 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 permit the 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 the adoption of this resolution) and subject to all other applicable requirements of State law and City ordinances. The Mayor's notification shall be in the manner provided in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

  
Jeremy A. Jung  
Deputy City Attorney

JAJ:cla

4/12/2006

Aud.Cert: N/A

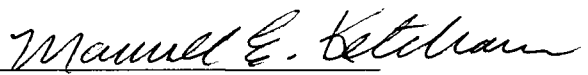
Or.Dept: E&CP

R-2006-876

Attachments: Exhibits A, B, C, D (Legal Description), and E, F, G, and H (Maps)

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of MAY 23 2006.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 5-31-06  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

MAY 23 2006

Passed by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

MAY 31 2006

Date of final passage \_\_\_\_\_

AUTHENTICATED BY:

\_\_\_\_\_  
JERRY SANDERS  
Mayor of The City of San Diego, California.

(Seal)

\_\_\_\_\_  
ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By *Mary Cepeda*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number *R-301490*