

201  
9/10/07

RESOLUTION NUMBER R- 302972

DATE OF FINAL PASSAGE SEP 20 2007

A RESOLUTION ESTABLISHING AN UNDERGROUND UTILITY DISTRICT FINANCED THROUGH THE LA JOLLA MESA VISTA UNDERGROUND UTILITY ASSESSMENT DISTRICT NO. 4098 AND THE CITY OF SAN DIEGO UNDERGROUNDING SURCHARGE FUND FOR THE LA JOLLA MESA VISTA COMMUNITY PLANNING AREA.

WHEREAS, by Resolution No. R- 302865, a public hearing was called for on September 10, 2007, 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]:

- a. Lots 2 through 31 & 33 through 52 of Map of La Jolla Mesa Vista Unit No.2 Subdivision Map No. 4551
- b. Portion Lot 1 and Portion Lot 1782 of Pueblo Lands Partition CC 7634
- c. Parcel 1 of PM 17336
- d. Lot 1 of La Jolla Valley Vista Unit No. 3 Map 3742
- e. Lots 26 & 27 of La Jolla Valley Vista Unit No. 2 Map 3494
- f. Candlelight Dr. between a line from the Northeastern corner of 5565 Candlelight Dr. and to the Southeastern corner of 5572 Candlelight Dr. to the Northerly line of Candlelight Place.

- g. Lamplight Dr. between a line parallel to +/- 60 feet east of La Jolla Mesa Dr. to the westerly line of Candlelight Dr.
- h. Moonlight Ln. between the southeasterly line of Candlelight Dr. to a line parallel to +/- 25 feet east of 5402 Moonlight Lane.; and

WHEREAS, Exhibit Attachment A, Map, and Exhibit Attachment B, Legal Description, depicts the above District with greater specificity; and

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, 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 document 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 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.

BE IT FURTHER RESOLVED, that this activity is categorically exempt from CEQA Guidelines Section 15302(d), and Public Utilities Commission General Order 131-D dated August 11, 1995.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Peter A. Mesich  
Deputy City Attorney

PAM:cfq  
06/20/07  
07/10/07 COR.COPY  
08/07/07 COR.COPY 2  
Or.Dept:E&CP  
R-2007-1276

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 10 2007.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 9-20-07  
(date)

  
JERRY SANDERS, Mayor

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

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

**The City of San Diego**  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2700849

ORIGINATING

DEPT. NO.: 545

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \$390,000.00 Fund: 30101/30244/106/370280, 63022

Purpose: Authorizing a \$390,000 increase to CIP 370-27.0, La Jolla Mesa Vista Assessment District for the purpose of undergrounding utilities project.

Date: June 25, 2007

By: Faye Ponder-Price

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/	EQUIP	FACILITY	AMOUNT
1	0	30244	30244	106	4279	370280					\$380,000.00
2	0	63022			9544						10,000.00
<b>TOTAL AMOUNT</b>											\$390,000.00

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \_\_\_\_\_

Vendor: \_\_\_\_\_

Purpose: \_\_\_\_\_

Date: June 25, 2007

By: \_\_\_\_\_

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/	EQUIP	FACILITY	AMOUNT
<b>TOTAL</b>											

FUND OVERRIDE

AC 2700849

**R-302972**

SEP 10 2007