RESOLUTION NUMBER R- 303862

DATE OF FINAL PASSAGE JUN 2 4 2008

A RESOLUTION ESTABLISHING AN UNDERGROUND UTILITY DISTRICT FOR PATRICK HENRY HIGH BLOCK FINANCED THROUGH THE CITY OF SAN DIEGO UNDERGROUNDING SURCHARGE FUND.

WHEREAS, by Resolution No. R-303777, a public hearing was called for on JUN 17, 2008, at the hour of 200 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 District]:

- Lots 502 through 510 & 512 through 540 of Map SAN CARLOS ESTATES UNIT NO. 13, Subdivision Map No. 5210.
- Lots 1 through 38 of Map SAN CARLOS ESTATES UNIT NO. 13A, Subdivision Map No. 5669.
- Lots 644 through 706 of Map LAKE SHORE UNIT NO. 8, Subdivision Map No. 5674.
- Lots 559 through 562 & 593 through 619 of Map SAN CARLOS ESTATES UNIT NO. 14, Subdivision Map No. 5684.

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

- WANDERMERE DRIVE between a line from the southwestern corner of 6508 Claremore Ave. & the northwestern corner of 6431 Claremore Ave to a line extending northerly from the northeasterly corner of 6735 Wandermere Dr.
- WANDERMERE COURT
- MIRA VISTA LANE

- BELLE HAVEN DRIVE
- BLUEFIELD PLACE
- <u>CLAREMORE AVENUE</u> from its intersection with Del Paso Ave. to its intersection with Wandermere Dr.
- DANVILLE AVENUE
- DANVILLE COURT
- <u>LOCHMOOR DRIVE</u> from its intersection with Murray Park Dr. northerly to its end at 6532 Lochmoor Dr.

WHEREAS, Exhibit Attachment PATRICK HENRY HIGH BLOCK UNDERGROUND UTILITY DISTRICT (Sheet 1 of 1), Map, and Exhibit Attachment GENERAL BOUNDRY DESCRIPTION FOR THE PATRICK HENRY HIGH BLOCK UNDERGROUND UTILITY DISTRICT (Page 1 of 1), 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 One, Division Five 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 One, Division Five 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 associates structures in said District.
- 3. The Mayor is hereby instructed to notify all affected persons as defined in Chapter VI, Article One, Division Five 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 One, Division Five 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 One, Division Five 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

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Ryan Kohut

Deputy City Attorney

RK:cfq 04/16/08 Or.Dept:E&CP R-2008-949

> ELIZABETH S. MALAND City Clerk

By Mam

Approved: <u>6.34.67</u>

Vetoed: _____

(date)

JERRY SANDERS, Mayor

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GENERAL BOUNDARY DESCRIPTION FOR THE PATRICK HENRY HIGH BLOCK UNDERGROUND UTILITY DISTRICT

The PATRICK HENRY HIGH UNDERGROUND UTILITY DISTRICT shall be established to include the following described parcels:

Lots 502 through 510 & 512 through 540 of Map SAN CARLOS ESTATES UNIT NO. 13, Subdivision Map No. 5210.

Lots 1 through 38 of Map SAN CARLOS ESTATES UNIT NO. 13A, Subdivision Map No. 5669.

Lots 644 through 706 of Map LAKE SHORE UNIT NO. 8, Subdivision Map No. 5674.

Lots 559 through 562 & 593 through 619 of Map SAN CARLOS ESTATES UNIT NO. 14, Subdivision Map No. 5684.

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WANDERMERE COURT

MIRA VISTA LANE

BELLE HAVEN DRIVE

BLUEFIELD PLACE

<u>CLAREMORE AVENUE</u> from its intersection with Del Paso Ave. to its intersection with Wandermere Dr.

DANVILLE AVENUE

DANVILLE COURT

<u>LOCHMOOR DRIVE</u> from its intersection with Murray Park Dr. northerly to its end at 6532 Lochmoor Dr.

