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(B)

(R-2009-1347)

RESOLUTION NUMBER R- 305033

DATE OF FINAL PASSAGE JUL 09 2009

A RESOLUTION CALLING A PUBLIC HEARING TO DETERMINE WHETHER THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE REQUIRES THE FORMATION OF THE MORAGA AVENUE (MORAGA COURT TO IDLEWILD) SURCHARGE FUNDED UNDERGROUND UTILITY DISTRICT.

WHEREAS, Chapter VI, Article 1, Division 5 of the San Diego Municipal Code establishes a procedure for the creation of underground utility districts and requires as an initial step in such procedure the holding of a public hearing to determine whether the public health, safety or general welfare requires 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 in any such district; and

WHEREAS, Council Policy 600-8, "Underground Conversion of Utility Lines by Utility Company" defines the Council Policy for undergrounding utilities; and

WHEREAS, in accordance with Chapter VI, Article 1, Division 5 of the San Diego Municipal Code and Council Policy 600-8, it has been recommended that the following underground utility district [District] be formed:

- Lots 1967 & 1968 of Map CLAIREMONT UNIT NO. 10, Subdivision Map No. 2929.
- Lots 2802 through 2806 and 2828 through 2834 of Map CLAIREMONT UNIT NO. 12, Subdivision Map No. 2954.
- Lots 3173 through 3199, 3386, 3392 through 3396, 3439 through 3451 and 3460 of Map CLAIREMONT UNIT NO. 16, Subdivision Map No. 3145.
- Lots 3435 through 3438 of Map CLAIREMONT UNIT NO. 16 ANNEX, Subdivision Map No. 3184.

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

- MORAGA AVENUE from its intersection with Moraga Ct. Northwesterly to a line +/- 100 feet Southwesterly of Jemez Dr.
- KAMLOOP AVENUE from a line +/- 90 feet East of Taos Dr. to a line +/- 140 feet West of Moraga Ave.
- GEDDES DRIVE from its intersection with Moraga Ave. to a line +/- 100 feet West of Moraga Ave.
- HOPI PLACE from its intersection with Moraga Ave. to a line +/- 90 feet West of Moraga Ave.
- IDLEWILD WAY from a line +/- 70 feet West of Moraga Ave. to a line +/- 70 feet East of Moraga Ave.

WHEREAS, Exhibit Attachment MORAGA AVENUE UNDERGROUND UTILITY DISTRICT Map, and Exhibit Attachment GENERAL BOUNDARY DESCRIPTION FOR THE MORAGA AVENUE UNDERGROUND UTILITY DISTRICT Legal Description, depicts the above District with greater specificity; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:


1. Notice is hereby given that a public hearing will be held by the Council of the City of San Diego on JUL 27 2009, 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 overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service in the District described above.

2. At such hearing all persons interested shall be given an opportunity to be heard and said hearing may be continued from time to time as may be determined by the City Council.

The decision of the City Council as to the formation of the District as described above shall be final and conclusive.

3. The City Clerk shall notify all affected persons as defined in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code and each utility company concerned of the time and place of the hearing by following the procedure set forth in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code.

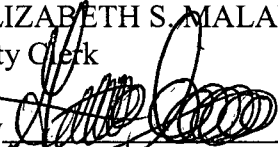
APPROVED: JAN GOLDSMITH, City Attorney

By   
Ryan Kohut  
Deputy City Attorney

RK:sc  
06/24/09  
Or.Dept:E&CP  
R-2009-1347

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 06 2009.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 7-9-09  
(date)

  
JERRY SANDERS, Mayor

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

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