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(D)

(R-2009-1351)

RESOLUTION NUMBER R- 305035

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 FANUEL STREET/CARDENO DRIVE (ARCHER STREET TO TOURMALINE STREET) 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:

- Portion Lot 1784 of PUEBLO LANDS, Map No. 36.
- Portion Lots 18 & 23, Lots 19 through 22 & street closed adjacent & portion alley closed in Block 9; Lots 1 through 40 & street closed adjacent & alley closed in Block 16;
- Lots 19 through 22 & portion alley closed in Block 15 of Map HOLLYWOOD PARK, Subdivision Map No. 1263.

- Lots 78 through 83 of Map CASTLE HILLS TERRACE UNIT NO. 2, Subdivision Map No. 3952.
- Lot 15 of Map BOWAN MANOR UNIT NO. 2, Subdivision Map No. 4303.
- Lot 84 of Map PACIFIC HIGHLANDS UNIT NO. 3, Subdivision Map No. 5862.
- PARCELS 1 through 3 of Parcel Map No. 20013.

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

- CARDENO DRIVE between a line from the Northwesterly corner of 5322 Cardeno St. & its intersection with Tourmaline St.
- FOOTHILLS BOULEVARD between a line from the Southerly corner of 5201 Foothills Blvd. to its intersection with Cardeno Dr.
- TURQUOISE STREET between a line from the Southwesterly corner of 5210 Cardeno St. & its intersection with Cardeno Dr.
- AGATE STREET between a line from the Northwesterly corner of 5224 Cardeno Dr. & its intersection with Cardeno Dr.
- ARCHER STREET between a line from the Northeasterly corner of 1273 Archer St. & its intersection with Cardeno Dr.

WHEREAS, Exhibit Attachment FANUEL STREET/CARDENO UNDERGROUND UTILITY DISTRICT Map, and Exhibit Attachment GENERAL BOUNDARY DESCRIPTION FOR THE FANUEL STREET/CARDENO 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:

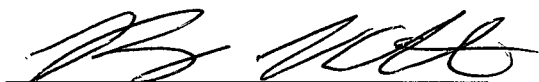
1. Notice is hereby given that a public hearing will be held by the Council of the City of San Diego on JUL 27 2009, at the hour of 2:00pm in the Council Chambers of the City Administration Building, 202 C Street, San Diego, California, to determine

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.

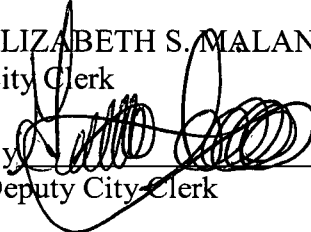
APPROVED: JAN GOLDSMITH, City Attorney

By   
Ryan Kohut  
Deputy City Attorney

RK:sc  
06/24/09  
Or.Dept:E&CP  
R-2009-1351

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