

RESOLUTION NUMBER R- 305036

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 EASTGATE MALL (EASTGATE DRIVE TO I-805) 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:

- Lot 9 of Map EASTGATE INDUSTRIAL CENTER, Subdivision Map No. 12010.

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

- EASTGATE MALL from its intersection with Interstate 805 to its intersection with Eastgate Dr.

WHEREAS, Exhibit Attachment EASTGATE MALL UNDERGROUND UTILITY DISTRICT Map, and Exhibit Attachment GENERAL BOUNDARY DESCRIPTION FOR THE EASTGATE MALL UNDERGROUND UTILITY DISTRICT Legal Description, depict 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

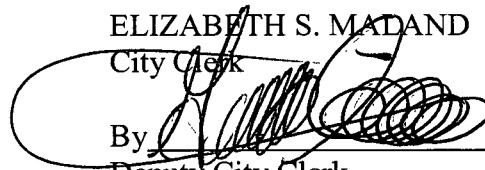
and place of the hearing by following the procedure set forth in Chapter VI, Article 1, Division 5 of the San Diego Municipal Code.

APPROVED: JAN GOLDSMITH, City Attorney

By 
Ryan Kohut
Deputy City Attorney

RK:sc
06/24/09
Or.Dept:E&CP
R-2009-1333

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. MADAND
City Clerk
By 
Deputy City Clerk

Approved: 7-9-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor