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(R-2009-1344)

RESOLUTION NUMBER R- 305037

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 TROJAN AVENUE (56TH STREET TO 60TH 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 of Lot 17 & Lots 18 through 24 in Block 13 of Map CERRITOS HEIGHTS UNIT NO. 2, Subdivision Map No. 2010.
- Lots 1 & 2 in Block 2 of Map BELLEVIEW HEIGHTS UNIT NO. 1, Subdivision Map No. 2394.
- Lots 1 through 3 in Block 3 of Map BELLEVIEW HEIGHTS UNIT NO. 1, Subdivision Map No. 2394.

- Lots 1 & 19 in Block 4 of Map BELLEVIEW HEIGHTS UNIT NO. 1, Subdivision Map No. 2394.
- Lot 1 in Block 6 of Map BELLEVIEW HEIGHTS UNIT NO. 1, Subdivision Map No. 2394.
- Lots 1 through 8 in Block 7 of Map BELLEVIEW HEIGHTS UNIT NO. 1, Subdivision Map No. 2394.
- Lot 16 in Block 6 of Map BELLEVIEW HEIGHTS UNIT NO. 2, Subdivision Map No. 2466.
- Lots 9 through 19 in Block 7 of Map BELLEVIEW HEIGHTS UNIT NO. 2, Subdivision Map No. 2466.
- Lot 1 in Block 8 of Map BELLEVIEW HEIGHTS UNIT NO. 2, Subdivision Map No. 2466.
- Lots 1 through 4 in Block 11 of Map BELLEVIEW HEIGHTS UNIT NO. 2, Subdivision Map No. 2466.
- Lots 8 through 13 in Block 13 of Map BELLEVIEW HEIGHTS UNIT NO. 4, Subdivision Map No. 2598.
- Lots 3 through 5 in Block 14 of Map BELLEVIEW HEIGHTS UNIT NO. 4, Subdivision Map No. 2598.
- Lot 1 in Block 15 of Map BELLEVIEW HEIGHTS UNIT NO. 5, Subdivision Map No. 2670.
- Lot 1 in Block 16 of Map BELLEVIEW HEIGHTS UNIT NO. 5, Subdivision Map No. 2670.

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

- TROJAN AVENUE from its intersection with 56th St. to its intersection with 60th St.
- ATHENS STREET between a line from the Southwesterly corner of 4367 Athens St. & the Southeasterly corner of 4366 Athens St. to its intersection with Trojan Ave.
- EAST OVERLOOK DRIVE from its intersection with Trojan Ave. South to a line +/- 70 feet South of Trojan Ave.

- CORINTH STREET from its intersection with Trojan Ave. South to a line +/- 70 feet South of Trojan Ave.
- WEST OVERLOOK DRIVE between a line from the Southwesterly corner of 4375 West Overlook Dr & the Southeasterly corner of 5825 Trojan Ave. to its intersection with Trojan Ave.
- 58TH STREET between a line extending Westerly from the Northwesterly corner of 5806 58th St. to a line extending Easterly from the Southeasterly corner of 4260 58th St.
- VALE WAY between a line from the Southeasterly corner of 5639 Vale Way & the Southeasterly boundary to its intersection with Trojan Ave.

WHEREAS, Exhibit Attachment TROJAN AVENUE UNDERGROUND UTILITY DISTRICT Map, and Exhibit Attachment GENERAL BOUNDARY DESCRIPTION FOR THE TROJAN 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.

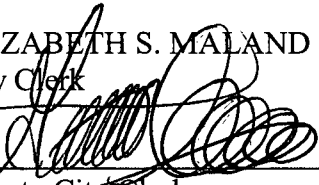
APPROVED: JAN GOLDSMITH, City Attorney

By 
Ryan Kohut
Deputy City Attorney

RK:cfq
06/24/09
Or.Dept:E&CP
R-2009-1344

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