

RESOLUTION NUMBER R- 305144

DATE OF FINAL PASSAGE JUL 31 2009

A RESOLUTION ESTABLISHING AN UNDERGROUND UTILITY DISTRICT FOR MORAGA AVENUE (MORAGA COURT TO IDLEWOOD) FINANCED THROUGH THE CITY OF SAN DIEGO UNDERGROUNDING SURCHARGE FUND.

WHEREAS, by Resolution No. R- 305033, a public hearing was called for on JUL 27, 2009, at the hour of 2:00 pm. 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 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; and.

WHEREAS, notice of such hearing has been given by the Mayor to all affected property owners as defined in Chapter VI, Article 1, Division 5 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 1, Division 5 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 associated structures in said District.

3. The Mayor is hereby instructed to notify all affected persons as defined in Chapter VI, Article 1, Division 5 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 1, Division 5 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 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-2009-1348

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 27 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

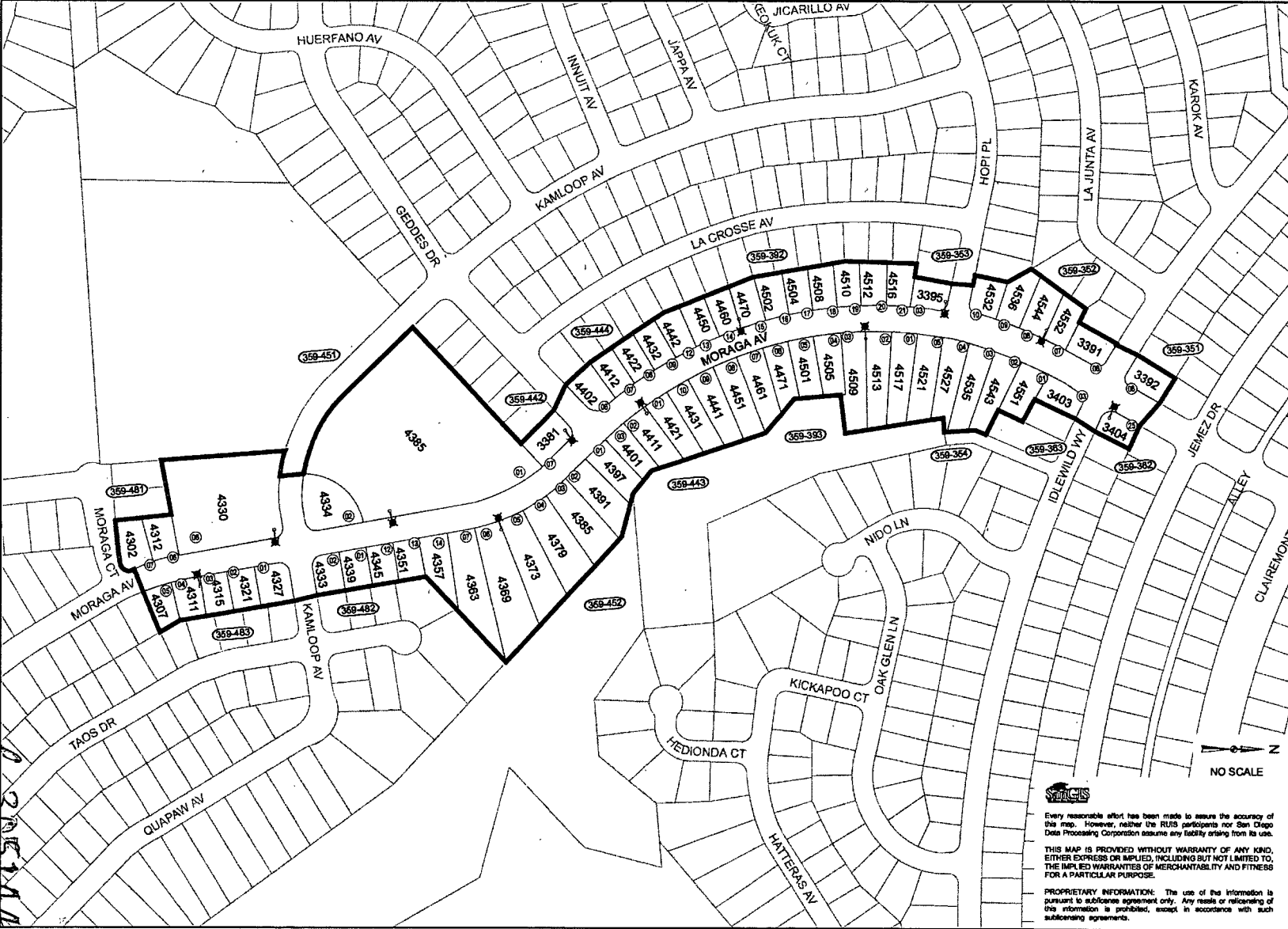
Approved: 7.31.09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

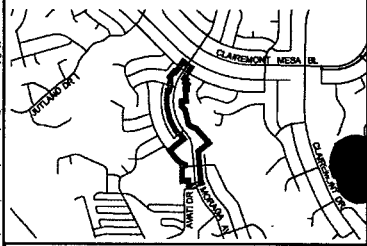
MORAGA AVE (MORAGA CT TO IDLEWILD) UNDERGROUND UTILITY DISTRICT



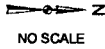
LEGEND

- PROJECT BOUNDARY
- PARCELS
- PROPOSED STREET LIGHTS
- ASSESSOR'S BOOK & PAGE NO.
- ASSESSOR'S PARCEL NO.
- ADDRESS

VICINITY MAP



MORAGA AVENUE (MORAGA CT TO IDLEWILD WY) UNDERGROUND UTILITY DISTRICT



Every reasonable effort has been made to ensure the accuracy of this map. However, neither the RUS participants nor San Diego Data Processing Corporation assume any liability arising from its use.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

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CITY OF SAN DIEGO, CALIFORNIA ENGINEERING AND CAPITAL PROJECTS DEPARTMENT (SHEET 1 OF 1 SHEETS)		W.D. NO. <u>370380</u>
DATE	DATE	DATE
DESCRIPTION	BY	APPROVED
02/20/09	AMS	
AS PER	DATE	DATE
CONTRACTOR	DATE STARTED	DATE COMPLETED
		43817-D

1305144

**GENERAL BOUNDARY DESCRIPTION FOR MORAGA AVENUE UNDERGROUND
UTILITY DISTRICT**

The MORAGA AVENUE UNDERGROUND UTILITY DISTRICT shall be established to include the following described parcels:

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.

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