

RESOLUTION NUMBER R- 306458

DATE OF FINAL PASSAGE DEC 14 2010

RESOLUTION CALLING A PUBLIC HEARING TO
DETERMINE WHETHER THE PUBLIC HEALTH, SAFETY
OR GENERAL WELFARE REQUIRES THE FORMATION OF
THE LINCOLN AVENUE 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" further governs the undergrounding of 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 19 through 26 in Block 164; Lots 13 through 26 in Block 163; Portion of Lot 23 and 24 with a Northerly offset line of ± 90 feet from the Southwest corner of Lot 24 in Block 162; Portion of Lot 23 and 24 with a Northerly offset line of ± 50 feet from the Southeast corner of Lot 24 in Block 162; Portion of Lot 25 and 26 with a Northerly offset line of ± 62 feet from the Southwest corner of Lot 25 in Block 162; Portion of Lot 25 and 26 with a Northerly offset line of ± 78 feet from the Southeast corner of Lot 25 in Block 162; Lots 22 through 24 in Block 161; Portion of Lots 25 through 28 with a Northerly offset line ± 40 feet from the Southwest corner of Lot 25 in Block 161; Portion of Lot 25 and 26 with a Northerly offset line ± 100 feet from the Southeast corner of Lot 25 in Block 161; Lots 24 through 28 in Block 160; Lots 1, 2, 47 and 48 of Blocks 208 through 211; and Lots 1

and 2 of Block 207 of Map UNIVERSITY HEIGHTS D'HEMECOURT MAP AMENDED, Subdivision Map No. LP 8 – PG36.

- Lots 15 through 19 in Block 200; Portion of Lot 20 with an East side having an offset ± 46 feet from the Northeast corner of Lot 20 in Block 199; WABASH PARK; Lot 1, Portion of Lots 2 and 3 with a West side having an offset ± 60 feet from the Southeast corner of Lot 3, and Lots 28 through 30 in Block 196; and Portion of Lots 3 and 4 with West side having an offset ± 60 feet from the Southeast corner of Lot 4 of Block 211 of Map CITY HEIGHTS, Subdivision Map No. 1007.
- Lot 1 of in Block 207 of Map LA BOHEME – PHASE 2 DOC06-483760, Subdivision Map No. 15113.

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

- LINCOLN AVENUE between lines extending southerly from the southwest corner of Lot 24 of Block 164 and southerly from the southeast corner of Lot 25 of Block 160 of Map UNIVERSITY HEIGHTS D'HEMECOURT MAP AMENDED, Subdivision Map No. LP 8 – PG36.
- LINCOLN AVENUE between lines extending southeasterly from the southwest corner of Lot 25 in Block 200 and southerly from the southeast corner of Lot 20 in Block 199 of Map CITY HEIGHTS, Subdivision Map No. 1007.
- WABASH AVENUE between lines extending easterly from the southeast corner of Lot 18 in Block 200 and southeasterly from the northeast corner of Lot 29 in Block 196 of Map CITY HEIGHTS, Subdivision Map No. 1007.
- Alley between lines extending westerly from the northwest corner of Lot 19 in Block 200 & northeasterly from the southeast corner of Lot 3 in Block 196 of Map CITY HEIGHTS, Subdivision Map No. 1007.
- Alley between lines extending westerly from the southwest corner of Lot 26 in Block 160 & westerly from the southwest corner of Lot 47 in Block 211 of Map UNIVERSITY HEIGHTS D'HEMECOURT MAP AMENDED, Subdivision Map LP 8 – PG36.
- 32nd STREET between lines extending easterly from the northeast corner of Lot 26 in Block 161 & easterly from the southeast corner of Lot 47 in Block 210 of Map UNIVERSITY HEIGHTS D'HEMECOURT MAP AMENDED, Subdivision Map LP 8 – PG36.
- Alley between Iowa St. and 32nd St. extending from Lincoln Av. ± 115 feet northerly in Block 161 and ± 90 feet southerly in Block 210 of Map UNIVERSITY HEIGHTS D'HEMECOURT MAP AMENDED, Subdivision Map LP 8 – PG36.

- IOWA STREET between lines ± 90 feet offset from Lincoln Av. in Blocks 161, 162, 209 and 210 of Map UNIVERSITY HEIGHTS D'HEMECOURT MAP AMENDED, Subdivision Map LP 8 – PG36.
- Alley between lines ± 90 feet offset from Lincoln Av. in Blocks 162 and 209 of Map UNIVERSITY HEIGHTS D'HEMECOURT MAP AMENDED, Subdivision Map LP 8 – PG36.
- ILLINOIS STREET between lines ± 90 feet offset from Lincoln Av. in Blocks 162, 163, 208 and 209 of Map UNIVERSITY HEIGHTS D'HEMECOURT MAP AMENDED, Subdivision Map LP 8 – PG36
- Alley between lines ± 90 feet offset from Lincoln Av. in Blocks 163 and 208 of Map UNIVERSITY HEIGHTS D'HEMECOURT MAP AMENDED, Subdivision Map LP 8 – PG36.
- OHIO STREET between lines ± 90 feet offset from Lincoln Av. in Blocks 163, 164, 207 and 208 of Map UNIVERSITY HEIGHTS D'HEMECOURT MAP AMENDED, Subdivision Map LP 8 – PG36
- Alley between lines ± 90 feet offset from Lincoln Av. in Blocks 163 and 207 of Map UNIVERSITY HEIGHTS D'HEMECOURT MAP AMENDED, Subdivision Map Portion.

WHEREAS, Exhibit Attachment LINCOLN AVENUE FROM 30TH STREET TO WASBASH UNDERGROUND UTILITY DISTRICT Map, and Exhibit Attachment GENERAL BOUNDARY DESCRIPTION FOR LINCOLN AVENUE FROM 30TH STREET TO WASBASH 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; and

WHEREAS, a Mitigated Negative Declaration (attached hereto) has been prepared according to the California Environmental Quality Act of 1970 as amended ("CEQA"), and state and local guidelines and regulations adopted pursuant thereto; 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 JAN 25 2011, 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 Districts 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.

4. The City Council shall consider the information contained in the Mitigated Negative Declaration, Project No. 206474 to determine if it has been completed in compliance with CEQA, and state and local guidelines and regulations adopted pursuant thereto, and that

said Mitigated Negative Declaration reflects the independent judgment of the City of San Diego.
as Lead Agency.

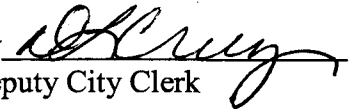
APPROVED: JAN GOLDSMITH, City Attorney

By 
Ryan Kohut
Deputy City Attorney

RK:cfq
11/09/10
Or.Dept:E&CP
ProLaw 2010-02669

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 7 2010.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12/14/10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor