

RESOLUTION NUMBER R- 306461

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 MORAGA AVENUE PHASE II (MORAGA CT. TO MONAIR DR.) 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 3387 through 3389 of Map CLAIREMONT UNIT NO. 16, Subdivision Map No. 3145.
- Lots 3461 through 3468, 3485 through 3487 and 3613 through 3626 of Map CLAIREMONT UNIT NO. 17, Subdivision Map No. 3306.
- Lots 3488, 3489, 3495 through 3502, and 3604 through 3612 of Map CLAIREMONT UNIT NO. 17, Subdivision Map No. 3306.
- Lots 3535 through 3541, and 3595 through 3603 of Map CLAIREMONT UNIT NO. 17, Subdivision Map No. 3306.

- Lots 3574, 3575, 3593 and 3594 of Map CLAIREMONT UNIT NO. 17, Subdivision Map No. 3306.
- Lots 3542 through 3547, 3568 and 3569 of Map CLAIREMONT UNIT NO. 17, Subdivision Map No. 3306.
- Lots 1 through 10 of Map AVALON, Subdivision Map No. 4140.
- Lots 11 through 19 of Map AVALON, Subdivision Map No. 4140.
- Lots 24 through 29 of Map VILLA MARINA UNIT NO. 1, Subdivision Map No. 4950.
- Lots 37 through 43 of Map VILLA MARINA UNIT NO. 2, Subdivision Map No. 5126.
- Lots 44 through 47 and 59 of Map VILLA MARINA NO. 2, Subdivision Map No. 5126.

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

- MORAGA AVENUE between lines extending northeasterly from the north east corner of Lot 3387 of Map CLAIREMONT UNIT NO. 16 – LOTS 3387-3404, 3433, 3434, 3447-3453, Subdivision Map No. 3145 and northeasterly from the southeast corner of Lot 4 of Map MONAIR ESTATES, Subdivision Map No. 5692.
- TACOMA STREET between line extending southeasterly from the southwest corner of Lot 3468 of Map CLAIREMONT UNIT NO. 18 – LOTS 3461-3474, 3481-3487, 3491, 3613-3626, Subdivision Map No. 3306 and intersection with of Moraga Av.
- FOX PLACE between line extending southeasterly from the lower southeast radius corner of Lot 3489 Map CLAIREMONT UNIT NO. 17 – LOTS 3475-3480, 3488, 3489, 3492-3521, 3604-3612, Subdivision Map No. 3306 and intersection with Moraga Av.
- FOX AVENUE between line extending southeasterly from the east corner of Lot 3612 of Map CLAIREMONT UNIT NO. 17 – LOTS 3475-3480, 3488, 3489, 3492-3521, 3604-3612, Subdivision Map No. 3306 and intersection with Moraga Av.
- WICOPEE PLACE between line extending southeasterly from the southwest corner of Lot 3502 of Map CLAIREMONT UNIT NO. 17 – LOTS 3475-3480, 3488, 3489, 3492-3521, 3604-3612, Subdivision Map No. 3306 and intersection with Moraga Av.
- ECOCHEE AVENUE between line extending southwesterly from the southeast corner of Lot 3595 of Map CLAIREMONT UNIT NO. 17 – LOTS 3522-3541, 3595-3603, Subdivision Map No. 3306 and intersection with Moraga Av.

- ELSINORE PLACE between line extending southwesterly from the southeast corner of Lot 3593 of Map CLAIREMONT UNIT NO. 17 – Lots 3570-3594, Subdivision Map No. 3306 and intersection with Moraga Av.
- KENOSHA AVENUE between line extending southwesterly from the southeast corner of Lot 3574 of Map CLAIREMONT UNIT NO. 17 – Lots 3570-3594, Subdivision Map No. 3306 and intersection with Moraga Av.
- MORAGA PLACE between line extending southwesterly from southwest corner of Lot 3547 of Map CLAIREMONT UNIT NO. 17 – Lots 3542-3566, 3568 & 3569, Subdivision Map No. 3306 and intersection with Moraga Av.
- CADDEN DRIVE between line extending southerly from the bottom of the southeast radius corner of Lot 28 of Map VILLA MARINA UNIT NO. 1 – LOTS 12-36, Subdivision Map No. 4950 and intersection with Moraga Av.

WHEREAS, Exhibit Attachment MORAGA AVENUE PHASE II (MORAGA CT. TO MONAIR DR.) Map, and Exhibit Attachment GENERAL BOUNDARY DESCRIPTION FOR MORAGA AVENUE PHASE II (MORAGA CT. TO MONAIR DR.) 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 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 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  
11/0110  
Or.Dept:E&CP  
ProLaw 2010-02670

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)

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JERRY SANDERS, Mayor