

RESOLUTION NUMBER R- 306568

DATE OF FINAL PASSAGE JAN 28 2011

A RESOLUTION ESTABLISHING AN UNDERGROUND UTILITY DISTRICT FOR 30TH STREET (OCEANVIEW BLVD. TO K ST.) FINANCED THROUGH THE CITY OF SAN DIEGO UNDERGROUNDING SURCHARGE FUND.

WHEREAS, by Resolution No. R- 306460, a public hearing was called for on DEC 07, 2010, at the hour of 10:00 a.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 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 25 and 26 in Block 331; Portion of Lot 27 and 28 with a south side offset of ± 40 feet from the north side of Lot 28 in Block 331; Lots 21 through 26 in Block 330; and Lot 23 through 27 in Block 329 and Lot 24 through 27 in Block 328 of Map CHOATE S ADD E 1/2 PL 1159, Subdivision Map No. 156.
- Lots 1 through 4 in Block 79; Lots 45 through 48 in Block 79; and Lots 1 through 3 in Block 78; and Lots 47 and 48 in Block 78 of Map POWER SUBS, Subdivision Map No. 190.
- Lots 1 through 11 and Portion of Lot 12 with a west side offset ± 20 feet from Lot 11 in Block 321; Lots 48 and 49 in Block 321; Lots 1, 2, 47 and 48 in Block 322; Portion of Lots 3 and 4 with a north side offset ± 70 feet from south side of Lot 3 in Block 322; Portion of Lot 1 with a west side offset of ± 25 feet from the east side of Lot 1 in Block 323; Portion of Lots 1 through 3 with a north side offset of ± 60 feet from the north side of Lot 3 in Block 323; Lots 47 and 48 in Block 323; Lot 1 and Portion of Lot 2 with west side offset of ± 5 feet from the west side of Lot 1 in Block 324; and Lots 45 through 48 in Block 324 of Map REED & DALEY S ADD, Subdivision Map No. 281.
- Lots 47 and 48 in Block 78; Lots 1, 2, 47 and 48 in Block 77; and Lots 1 through 12 and Portion of Lot 13 with a west side offset ± 20 feet from Lot 12 in Block 321 of Map SEAMAN & CHOATE S ADD, Subdivision Map No. 300.

- Lots 1, 2, 47 and 48 in Block 102; Lots 1 through 3, 47 and 48 in Block 103; Lots 1, 2, 45 through 48 in Block 104 ; and Lots 1 through 6 in Block 105 of Map CENTRAL PARK, Subdivision Map No. 435.

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

- 30TH STREET between lines extending westerly from the northeast corner of Lot 1 of Block 79 in Map POWERS SUB, Subdivision Map No. 190 and westerly from the southeast corner of Lot 48 of Block 324 in Map REED & DALEY S ADD, Subdivision Map No. 281
- Alley between offset lines ± 130 feet in Block 79 of Map POWER SUB, Subdivision Map No. 190 and ± 80 feet in Block 102 of Map CENTRAL PARK, Subdivision Map No. 435 from the centerline of 30th St.
- L STREET between offset lines ± 105 feet in Blocks 78 and 79 of Map POWER SUB, Subdivision Map No. 190 and ± 80 feet in Blocks 102 and 103 of Map CENTRAL PARK, Subdivision Map No. 435 from the centerline of 30th St.
- Alley between offset lines ± 80 feet in Block 78 of Map SEAMAN & CHOATES ADD, Subdivision Map No. 300 and ± 105 feet in Block 103 of Map CENTRAL PARK, Subdivision Map No. 435 from the centerline of 30th St.
- IMPERIAL AVENUE between offset lines ± 80 feet in Block 78 of Map POWER SUB, Subdivision Map No. 190 and ± 80 feet in Block 103 of Map CENTRAL PARK, Subdivision Map No. 435 from the centerline of 30th St.
- Alley between offset lines ± 80 feet in Block 77 of Map SEAMAN & CHOATES ADD, Subdivision Map No. 300 and ± 80 feet in Block 104 of Map CENTRAL PARK, Subdivision Map No. 435 from the centerline of 30th St.
- COMMERCIAL STREET between offset lines ± 80 feet in Blocks 77 and 321 of Map SEAMAN & CHOATES ADD, Subdivision Map No. 300 and ± 130 feet in Blocks 104 and 105 of Map CENTRAL PARK, Subdivision Map No. 435 from the centerline of 30th St.
- VALLEY PLACE between offset line ± 75 feet in Blocks 77 and 321 of Map REED & DALEYS ADD, Subdivision Map No. 281 and centerline of 30th St.
- Alley between offset line ± 130 feet in Blocks 331 of Map CHOATES ADD E 1/2 PL1159, Subdivision Map No. 281 and centerline of 30th St.
- WEBSTER AVENUE between offset lines ± 75 feet in Blocks 321 and 322 of Map REED & DALEYS ADD, Subdivision Map No. 281 and ± 80 feet in Blocks 330 and 331 of Map CHOATES ADD E 1/2 PL1159, Subdivision Map No. 156 from the centerline of 30th St.

- Alley between offset lines ± 100 feet in Block 322 of Map REED & DALEYS ADD, Subdivision Map No. 281 and ± 80 feet in Block 330 of Map CHOATES ADD E 1/2 PL1159, Subdivision Map No. 156 from the centerline of 30th St.
- CLAY AVENUE between offset lines ± 55 feet in Block 323 of Map REED & DALEYS ADD, Subdivision Map No. 281 and ± 80 feet in Block 329 of Map CHOATES ADD E 1/2 PL1159, Subdivision Map No. 156 from the centerline of 30th St.
- Alley between offset lines ± 100 feet in Block 323 of Map REED & DALEYS ADD, Subdivision Map No. 281 and ± 80 feet in Block 329 of Map CHOATES ADD E 1/2 PL1159, Subdivision Map No. 156 from the centerline of 30th St.
- FRANKLIN AVENUE between northerly offset lines ± 50 feet west of the northeast corner of 20' Street Closing in Block 324 of MAP REED & DALEY S ADD, Subdivision Map 281 and northeast corner of Lot 24 in Block 328 of MAP CHOATE S ADD E $\frac{1}{2}$ PL 1159, Subdivision Map 156.
- Alley between offset lines ± 80 feet in Block 324 of Map REED & DALEYS ADD, Subdivision Map No. 281 and ± 55 feet in Block 328 of Map CHOATES ADD E 1/2 PL1159, Subdivision Map No. 156 from the centerline of 30th St.

WHEREAS, Exhibit Attachment 30TH STREET (OCEANVIEW BLVD. TO K ST.) Map, and Exhibit Attachment GENERAL BOUNDARY DESCRIPTION FOR 30TH STREET (OCEANVIEW BLVD. TO K ST.) UNDERGROUND UTILITY DISTRICT Legal

Descriptions, depict 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 One, Division Five 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 One, Division Five 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 One, Division Five 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 One, Division Five 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 One, Division Five of the San Diego Municipal Code.


4. That the Mitigated Negative Declaration [MND], Project No. 206474, on file with the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), and that the final MND, together with any comments received during the public review process

has been reviewed and considered by this Council prior to approving this Project, and that this declaration reflects the independent judgment of the City of San Diego as Lead Agency.

5. That pursuant to California Public Resources Code section 21081.6, the Council adopts the Mitigation Monitoring and Reporting Program, or alternations to implement the changes to the Project as required by this body in order to mitigate or avoid significant effects on the environment.

6. That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

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 JAN 25 2011.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 1.20.11
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

R-306568

