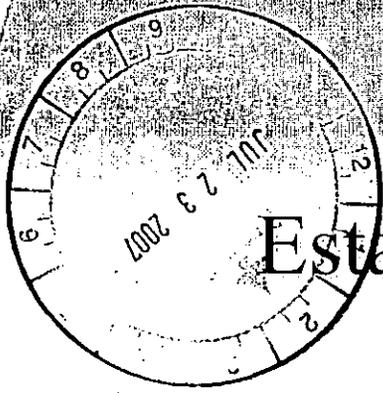


000373



Establishment of Assessment District

No. 4098

Item No. 203

(La Jolla Mesa Vista Neighborhood)

and

Establishment of La Jolla Mesa Vista

Undergrounding Utility District

Item No. 204

July 23, 2007



201
9/10

Utilities Undergrounding Program Background

- Council Policy 600-08, "Underground Conversion of Utility Lines by Utility Company" was established in 1968 and last amended on May 28, 2002.
- The Utilities Undergrounding Program consists of two types of projects:
 - The "20A Program" in respect to SDG&E Rule 20, relates primarily to overhead lines along major city streets. Most residential streets do not qualify.
 - The "Surcharge Program" is funded by the increased franchise fee that was authorized by the California Public Utility Commission. Projects that fall into the surcharge category are typically found in residential areas that do not meet Rule 20A criteria.

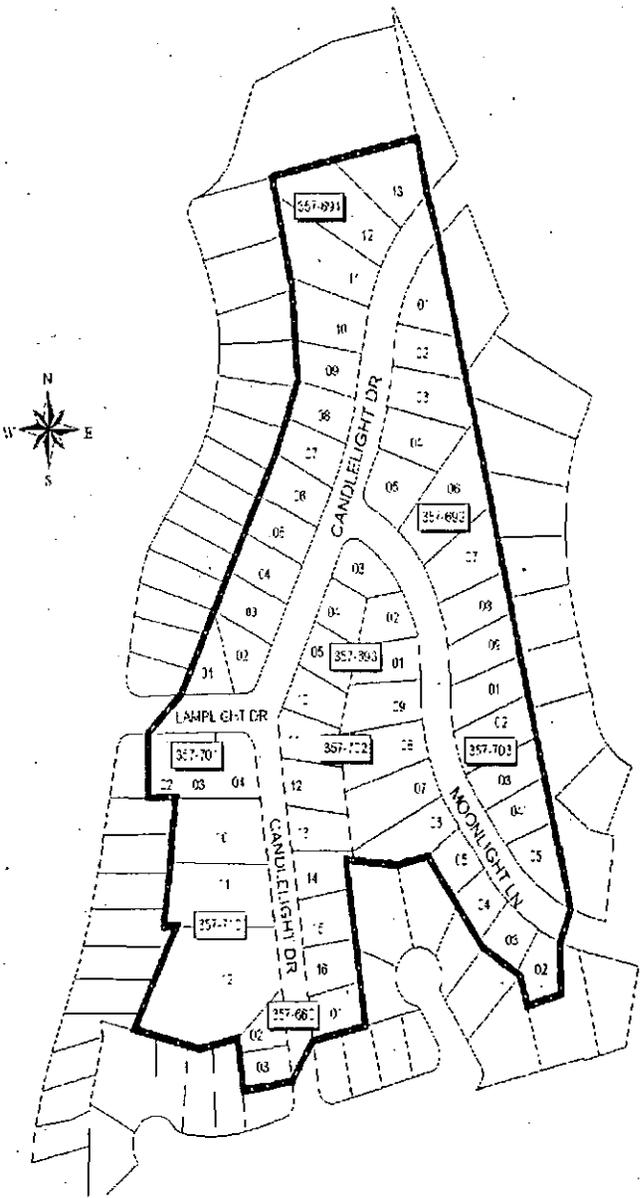


Utilities Undergrounding Program (Background, cont.)

- The Surcharge Program has more than tripled the pace of the undergrounding in the City. This project will be partially funded by the Surcharge Program.
- The City's Master Plan for undergrounding estimates it will take approximately 53 years to complete undergrounding for all residential areas.
- According to the Master Plan, the La Jolla Mesa Vista ("LJMV") Neighborhood will not be allocated until 2028, with the project scheduled to start in 2031.



PROPOSED BOUNDARIES OF
CITY OF SAN DIEGO
LA JOLLA MESA VISTA UNDERGROUNDING
ASSESSMENT DISTRICT NO. 4098
CITY OF SAN DIEGO
COUNTY OF SAN DIEGO, CALIFORNIA



Filed in the office of the City Clerk of the City of San Diego this ___ day of ____, 2007.

By: _____
City Clerk
City of San Diego
State of California

I hereby certify that the within map showing proposed boundaries of Assessment District No. 4098 (La Jolla Mesa Vista Underground Utility Assessment District), City of San Diego, County of San Diego, State of California, was approved by the City Council of the City of San Diego, at a meeting thereof, held on the ___ day of ____, 2007, by its Resolution No. ____.

By: _____
City Clerk
City of San Diego
State of California

Filed this ___ day of ____, 2007, at the hour of ___ o'clock __m., in Book ___ of Maps of Assessment Districts at Page ___ in the Office of the County Recorder in the County of San Diego, State of California.

By: _____
County Recorder,
County of San Diego
State of California

 District Boundary

La Jolla Mesa Vista

Undergrounding Project Costs

- Estimated total project cost to underground facilities within the public right-of-way is \$1,070,412.
- In accordance with CP 600-08, City Council has previously allocated \$380,000. These funds were allocated per Council District 2.
 - Today's actions (Item #204) include the authorization to appropriate and expend these funds.
- Private property conversion costs are the responsibility of each property owner and are estimated at \$2,000* each. (These costs are in addition to the \$1,070,412 total project cost for work in the public right-of-way.)

Can vary by property. Property owners have been encouraged to get bids from qualified contractors.



La Jolla Mesa Vista Undergrounding Project Costs

Project Costs

• Project Construction Cost	\$ 987,912
• Design Cost	\$ 12,500
• Assessment District Formation	\$ 70,000*
• Total	\$1,070,412

Funding Sources

• City Contribution – FY 2005	\$ 280,000
• City Contribution – FY 2006	\$ 100,000
• LJMV Assessment District	\$ 690,412
• Total	\$1,070,412

* Includes Assessment Engineer costs (\$26,500); outside legal counsel (\$15,000); \$25,000 for City staff costs – City Engineering & Capital Projects, Debt Management Department, and City Attorney's Office; and a contingency (\$3,500).



Assessment District – Municipal Improvement Act of 1913

- To accelerate undergrounding of utilities in the LJMV neighborhood, interested LJMV property owners contacted the City regarding forming a special assessment district (“Assessment District”) under the Municipal Improvement Act of 1913 (“1913 Act”) whereby property owners would pay a portion of costs to underground their utilities.
- The 1913 Act provides for local agencies to begin the process to form Assessment Districts to finance certain infrastructure, including the undergrounding of overhead utility lines, upon a successful petition signed by owners of property who want the district formed.



Assessment District — Municipal Improvement Act of 1913, cont.

- At the request of interested property owners, City staff provided assistance with formulating a petition requesting initiation of district formation proceedings under the 1913 Act.
- The petition included a cost estimate and boundary map of the proposed district.
- The petition was signed in favor of forming the District by property owners representing 77% of the land area to be assessed, exceeding the 75% required pursuant to Council Policy 800-03.



Assessment District – Assessments

000381

- If the Assessment District is formed, the City would levy assessments that would be utilized to directly fund the public improvements.
- The assessments that are levied upon each parcel must be based upon the direct and special benefit received by the property, as described in the Engineer's Report.
- Average assessment per parcel is estimated at approximately \$12,400 to be levied as a one-time assessment on the FY 2008 property tax bill (due in two installments: December 2007 and April 2008).



Assessment District — Actions Approved by City Council (June 5, 2007)

000382

- As a result of City Council's adoption of resolutions relating to Assessment District on June 5, 2007: the formal legislative process to form the Assessment District was commenced. Specifically, by adopting the resolutions, the City Council:
 - Accepted the property owner petition;
 - Approved the boundary map of the proposed Assessment District;
 - Declared intention to order the conversion of overhead utilities through formation of an Assessment District; and
 - Approved the Preliminary Engineer's Report and set the date for a public hearing on the Assessment District.



Assessment District Actions Approved by City Council (June 5, 2007)

000383

- Also as a result of the resolutions adopted on June 5, 2007:
 - A Notice of Public Hearing and Ballot was mailed to each property owner.
 - A public hearing was set for today (July 23, 2007) on formation of the proposed district.



Assessment District

Today's Actions (Item #203)

- At the public hearing today, the City Council will receive public testimony and the City Clerk will count the returned ballots.
- If the returned ballots result in a majority protest, the City Council must adopt the resolution declaring the existence of a majority protest and ordering the Abandonment of Proceedings.
- If at least 50% of the returned ballots are cast in favor, the City Council may adopt the resolution declaring the lack of majority protest and confirming the proposed assessments.
- Even if the ballot process is successful, the City Council retains final discretion in authorizing formation of the district, and may adopt the resolution declaring the lack of majority protest and ordering the Abandonment of Proceedings.



Undergrounding Utility District

000385

- Today's actions (Item #204) would begin the process to form the LJMV Undergrounding Utility District.
- Underground Utility Districts require the removal of overhead utilities and prohibits future overhead utilities within said Districts.



Undergrounding Utility District – Today's Actions (Item #204)

000386

- Setting September 10th for a public hearing to consider creating an underground utility district.
- Authorize the appropriation and expenditure of \$380,000 which was previously allocated by the City Council for the LJMV Undergrounding Project.



Today's Actions

(Items #203 and #204)

000387

- In order for the LJMV project to move forward, both items before the City Council today must be approved.



Next Steps

- If today's actions are approved, next steps include:
- July 2007 - Record Notice of Assessment with County.
- Aug. 2007 - Levy one-time assessment on FY 2008 County Property Tax Bills (due December 10, 2007 and April 10, 2008)
- Sept 2007 – Public Hearing on Undergrounding Utility District
- Dec. 2007 - Post 1st installment assessments to Improvement Fund.
Reimburse LJMV HOA funds advanced for formation costs.
- April 2008 - Post 2nd installment assessments to Improvement Fund.
- May 2008 - Start construction of underground improvements.
- April 2009 - Estimated completion of construction.



000389

201
9/10

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)
AC2700849

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
ENGINEERING AND CAPITAL PROJECTS

3. DATE:
June 1, 2007

4. SUBJECT:
PUBLIC HEARING: LA JOLLA MESA VISTA UNDERGROUNDING UTILITY DISTRICT

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)
Afshin Oskoui / Nathan Bruner MS 614

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)
533-3102 / 533-3777

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	30101	63022		9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.	30244			Proposed Assessment District \$690,412
ORGANIZATION	106			
OBJECT ACCOUNT	4279	9544		City Fund Sources (Fund 30100) \$380,000
JOB ORDER	370270			
C.I.P. NUMBER	370270			
AMOUNT	\$380,000	10,000		TOTAL \$1,070,412

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	<i>[Signature]</i>	6/15/07	8	DEPUTY CHIEF	<i>[Signature]</i>	6-26-07
2	EOCP	<i>[Signature]</i>	6/22/07	9	ACCO	<i>[Signature]</i>	6/26/07
3	EAS	<i>[Signature]</i>	6/25/07	10	CITY ATTORNEY	<i>[Signature]</i>	6/27/07
4	LIAISON OFFICE	<i>[Signature]</i>		11	ORIG. DEPT	<i>[Signature]</i>	6/26/07
5	FM	<i>[Signature]</i>	6/25/07	DOCKET COORD: <i>[Signature]</i> COUNCIL LIAISON <i>[Signature]</i>			
6	AUDITOR	<i>[Signature]</i>	6/25/07	COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> ADOPTION			
7				REFER TO: _____ COUNCIL DATE: 7/23/07			

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

(SEE BACK)

11A. STAFF RECOMMENDATIONS: **ADOPT THE RESOLUTION(S).**

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 2

COMMUNITY AREA(S): La Jolla

ENVIRONMENTAL IMPACT: This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines, Section 15302(d), and Public Utilities Commission General Order 131-D dated August 11, 1995.

HOUSING IMPACT: None

CITY CLERK INSTRUCTIONS: Print Docket supporting information both at the time of the Resolution and at the time of the hearing. Send copy of adopted resolution to Nathan Bruner, MS 612, and print and mail Docket Supporting information to the following: CAUSE, c/o Hal Tyvoll, 1511 29th Street, San Diego, CA 92102; Karen Johanson, c/o Charles Wolfinger, 4655 Cass Street, Suite 314, San Diego, CA 92109; Pamela Wayne, 5142 Seagrove Ct., San Diego, CA 92130; and Joan Tukey, 4528 Exbury Court, San Diego, CA 92130.

ATTACHMENTS: Map and general boundary description of the district.

000390

(Continuation of Page 1) 11. PREPARATION OF:

1. Set a date for a public hearing to consider creating an Underground Utility District (District); and
2. Create said District; and
3. Authorizing a \$380,000 increase in the Fiscal Year 2008 Capital Improvements Program Budget in CIP 37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, Fund 30101, Underground Surcharge Fund; providing the City Auditor and Comptroller first certifies with one or more certificates that the funds are or will be on deposit with the City Treasurer; and
4. Authorizing the transfer of \$380,000 from CIP 37-028.0, Annual Allocation Undergrounding City Utilities to CIP 37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, within Fund 30101, Underground Surcharge Fund; and
5. Authorizing the Auditor and Comptroller to appropriate and expend \$380,000 from CIP 37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, Fund 30101, Underground Surcharge Fund for the purpose of utility undergrounding and associated activities as described in the Engineers Report for La Jolla Mesa Vista Underground Utility Assessment District No. 4098; and
6. Authorizing the Mayor to accept \$10,000 from the La Jolla Mesa Vista Homeowners Association for the purpose of funding the proposed formation of the La Jolla Vista Mesa Underground Utility Assessment District and;
7. Authorizing a \$10,000 increase in the Fiscal Year '08 Capital Improvements Program Budget in CIP 370-27.0, La Jolla Mesa Vista Assessment District, in Fund 63022, Private Donations.
8. Authorizing the Auditor and Comptroller to appropriate and expend \$10,000 from CIP 370-27.0, La Jolla Mesa Vista Assessment District, Fund 63022, Private Donations, for the purpose of the undergrounding utilities project, and;
9. Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

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**REPORT TO THE CITY COUNCIL
EXECUTIVE SUMMARY SHEET**

DATE REPORT ISSUED: June 1, 2007 REPORT NO.: n/a (1472)
 ATTENTION: Council President and City Council
 ORIGINATING DEPT.: Engineering and Capital Projects
 SUBJECT: Public Hearing: La Jolla Mesa Vista Undergrounding Utility District
 COUNCIL DISTRICTS: 2
 STAFF CONTACT: Nathan Bruner (619) 533-3777

REQUESTED ACTIONS:

At July 23, 2007 Council Hearing:

1. Set a date for a public hearing date of September 10, 2007 to consider creating an Underground Utility District (District); and
2. Authorizing a \$380,000 increase in the Fiscal Year 2008 Capital Improvements Program Budget in CIP 37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, Fund 30101, Underground Surcharge Fund; providing the City Auditor and Comptroller first certifies with one or more certificates that the funds are or will be on deposit with the City Treasurer; and
3. Authorizing the transfer of \$380,000 from CIP 370280, Annual Allocation Undergrounding City Utilities to CIP 37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, within Fund 30101, Underground Surcharge Fund; and
4. Authorizing the Auditor and Comptroller to appropriate and expend \$380,000 from CIP 37-027.0, La Jolla Mesa Vista Underground Utilities Assessment District, Fund 30101, Underground Surcharge Fund for the purpose of utility undergrounding and associated activities as described in the Engineers Report for La Jolla Mesa Vista Underground Utility Assessment District No. 4098; and
5. Authorizing the Mayor to accept \$10,000 from the La Jolla Mesa Vista Homeowners Association for the purpose of funding the proposed formation of the La Jolla Vista Mesa Underground Utility Assessment District and;
6. Authorizing a \$10,000 increase in the Fiscal Year '08 Capital Improvements Program Budget in CIP 37-027.0, La Jolla Mesa Vista Assessment District, in Fund 63022, Private and Other Contributions.
7. Authorizing the Auditor and Comptroller to appropriate and expend \$10,000 from CIP 37-027.0, La Jolla Mesa Vista Assessment District, Fund 63022, Private and Other Contributions, for the purpose of the undergrounding utilities project, and transfer excess funds, if any, to the appropriate reserves.

At September 10, 2007 Council Hearing:

- 1 Hold Noticed Public Hearing and Create said District;

STAFF RECOMMENDATION:

Adopt the requested actions.

EXECUTIVE SUMMARY:

On June 5, 2007, the City Council passed Resolutions initiating proceedings to form the proposed La Jolla Mesa Vista Undergrounding Utilities Assessment District and the commencement of an assessment ballot procedure. The Council passed a Resolution which set a public hearing date of July 23, 2007 for formation of the proposed assessment district. Should the proposed *Assessment District* be formed, it is recommended that the Council consider the formation of an *Underground Utility District* at a future public hearing. These actions would set a date for a public hearing to consider creation of an *Underground Utility District*. The creation of an *Underground Utility District* is not a necessary action in order to consider creation of the Assessment District. Underground Utility Districts require the removal of overhead utilities and prohibits future overhead utilities within said Districts.

**REPORT TO THE CITY COUNCIL
EXECUTIVE SUMMARY SHEET**

In addition, the Council has previously expressed its desire to cost share \$380,000 from the Underground Surcharge Fund as part of the FY 2005 and FY 2006 Annual Allocation of Undergrounding Projects. These actions would provide the necessary appropriations of those funds to the La Jolla Mesa Vista project concurrent with the creation of the Assessment District.

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, *Underground Utilities Procedural Ordinance* these actions will create the La Jolla Mesa Vista Underground Utility District and will underground all overhead utilities within the designated District.

The formation of this district will require by Ordinance the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary, replacement of street lighting and street restoration.

The expense of the underground installation and removal of overhead facilities within the right-of-way (street and sidewalk area) will be the responsibility of the utility companies in accordance with California Public Utilities Commission (CPUC) Rules and Tariffs and will be financed through the proposed La Jolla Mesa Vista Assessment District No. 4098 and a cost sharing component of the City of San Diego of \$380,000 from the Underground Surcharge Fund (30100), per Council Resolutions 300051 and 300572.

By Ordinance, creation of this Underground Utility District will require all property owner(s) within said District to perform all necessary trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service, including all necessary permits and compliance with minimum conformance as outlined in the SDMC Chapter 14, Article 6, Division 2. Namely, that their electrical panels: (1) are deadfront operated, (2) have a grounding rod; (3) have appropriate operating clearances; and (4) are sufficient load capacity.

FISCAL CONSIDERATIONS:

The estimated construction cost of \$1,070,412 for work within the public right-of-way, will be financed through the proposed La Jolla Mesa Vista Assessment District No. 4098 and a cost sharing component of the City of San Diego of \$380,000 from the Underground Surcharge Fund (30100), per Council Resolutions 300051 and 300572. Property owners are solely responsible for all work on private property necessary to convert their property to underground utility systems.

PREVIOUS COUNCIL COMMITTEE ACTION:

1. Allocation of Underground Conversion Projects for Fiscal Year 2005, Resolution 300051, January 11, 2005, Managers Report 05-001, provided for \$280,000 in cost sharing for the LJMV project.
2. Allocation of Underground Conversion Projects for Fiscal Year 2006, Resolution 300572, June 21, 2005, Managers Report 05-149, provided for \$100,000 in cost sharing for the LJMV project.
3. Approved City Council Resolutions of June 5, 2007 initiating proceedings to form the proposed La Jolla Mesa Vista Undergrounding Utilities Assessment District and setting a

REPORT TO THE CITY COUNCIL
EXECUTIVE SUMMARY SHEET

public hearing date of July 23, 2007 for formation of the proposed assessment district, and the commencement of the assessment ballot procedure.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

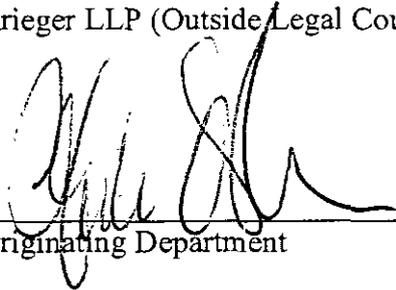
LJMV property owner representatives have worked with Engineering & Capital Projects / Undergrounding Program staff to coordinate with the various utilities to define the project and estimate the costs. At the request of district proponents, Debt Management staff and the City Attorney's Office helped formulate the Petition that was circulated by a primary district proponent.

In addition, the Underground Program Manager and the Debt Management Department sent letters to the LJMV property owners providing information regarding the project and the proceedings being undertaken by the City to consider the formation of the district and the levy of assessments on properties for the purpose of undergrounding the overhead utility lines.

At the point the Petition was prepared and distributed to the community, the Underground Program Manager met with the community at two different locales and times, both at resident's homes, one during the day and one in the evening, to provide information and answer questions regarding the underground process and information regarding the assessment district formation process.

KEY STAKEHOLDERS:

Property owners within the proposed La Jolla Mesa Vista Underground Utility Assessment District. Business entities involved in the formation of the proposed assessment district include Bureau Veritas North America, Inc. (Assessment Engineer) and Best, Best and Krieger LLP (Outside Legal Counsel).

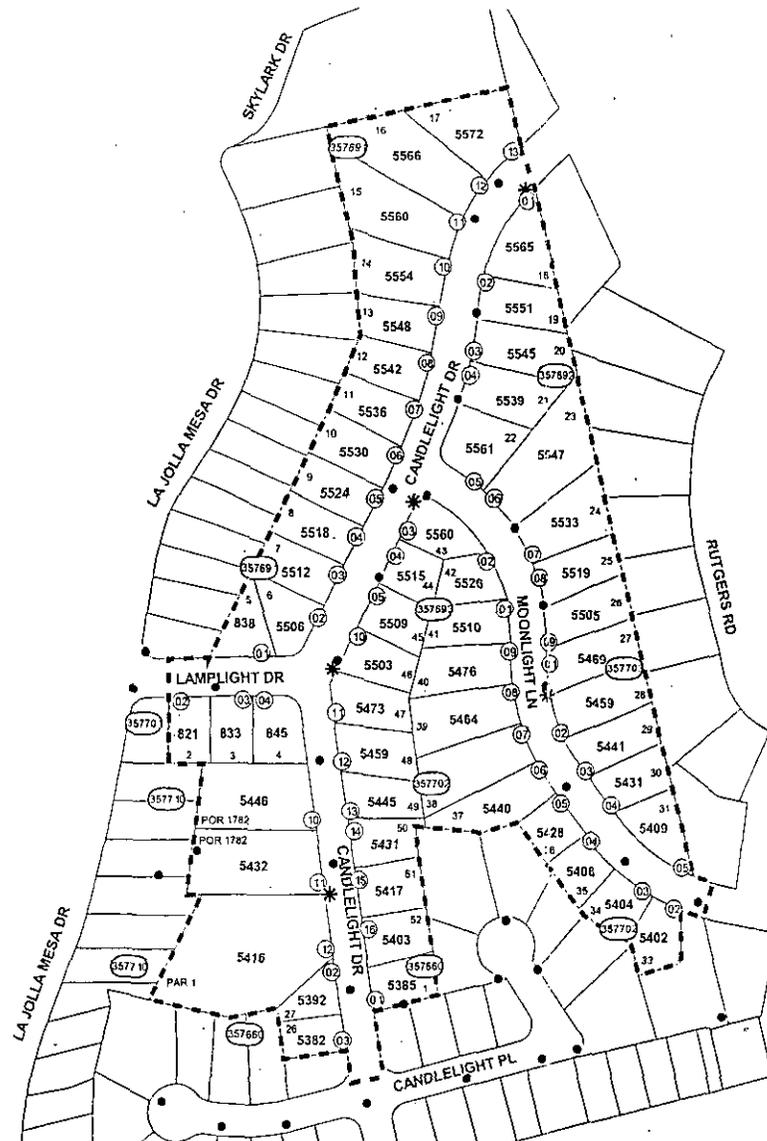


Originating Department



Deputy Chief/Chief Operating Officer

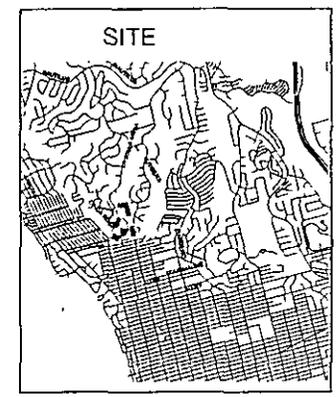
LA JOLLA MESA VISTA PROPOSED UNDERGROUND UTILITY ASSESSMENT DISTRICT



LEGEND

-  MATCH LINE
-  DISTRICT BOUNDARY
-  448-433 ASSESSOR'S BOOK & PAGE NO.
-  ○ ASSESSOR'S PARCEL NO.
-  4752 ADDRESS
-  * PROPOSED STREET LIGHT
-  ● EXISTING POLES

RESOLUTION NO.: _____
DATE ADOPTED: _____



VICINITY MAP



Any individual who has been named in any of the reports of the Board, Director or other officer of the City of San Diego, California, shall be deemed to have accepted the terms and conditions of the City of San Diego, California, and shall be deemed to have accepted the terms and conditions of the City of San Diego, California, and shall be deemed to have accepted the terms and conditions of the City of San Diego, California.

LA JOLLA MESA VISTA PROPOSED UNDERGROUND UTILITY ASSESSMENT DISTRICT				
CITY OF SAN DIEGO, CALIFORNIA ENGINEERING AND CITY PLANNING DEPARTMENT SHEET 1 OF 1 SHEETS				NO NO. 170270
FOR CITY ENGINEER		DATE		DIVISION HEAD
DESCRIPTION	BY	APPROVED	DATE	FILED
LA JOLLA MESA VISTA	MJD			
				DESIGN ENGINEER
				CONTROL CERTIFICATION
				LAWYER'S COORDINATES

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION ESTABLISHING AN UNDERGROUND
UTILITY DISTRICT FINANCED THROUGH THE LA JOLLA
MESA VISTA UNDERGROUND UTILITY ASSESSMENT
DISTRICT NO. 4098 AND THE CITY OF SAN DIEGO
UNDERGROUNDING SURCHARGE FUND FOR THE LA
JOLLA MESA VISTA COMMUNITY PLANNING AREA.

WHEREAS, by Resolution No. R-_____, a public hearing was called for on _____, 2006, at the hour of _____ 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 Districts]:

- a. Lots 2 through 31 & 33 through 52 of Map of La Jolla Mesa Vista Unit No.2
Subdivision Map No. 4551
- b. Portion Lot 1 and Portion Lot 1782 of Pueblo Lands Partition CC 7634
- c. Parcel 1 of PM 17336
- d. Lot 1 of La Jolla Valley Vista Unit No. 3 Map 3742
- e. Lots 26 & 27 of La Jolla Valley Vista Unit No. 2 Map 3494
- f. Candlelight Dr. between a line from the Northeastern corner of 5565 Candlelight Dr. and to the Southeastern corner of 5572 Candlelight Dr. to the Northerly line of Candlelight Place.

- g. Lamplight Dr. between a line parallel to +/- 60 feet east of La Jolla Mesa Dr. to the westerly line of Candelight Dr.
- h. Moonlight Ln. between the southeasterly line of Candlelight Dr. to a line parallel to +/- 25 feet east of 5402 Moonlight Lane.; and

WHEREAS, Exhibit Attachment A, Map, and Exhibit Attachment B, 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:

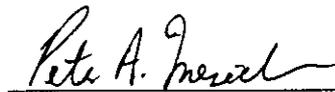
1. The City Council hereby finds and determines that the public health, safety, or general welfare requires the removal of poles, overhead wires, and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television 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 associates structures in each 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.

BE IT FURTHER RESOLVED, that this activity is categorically exempt from CEQA Guidelines Section 15302(d), and Public Utilities Commission General Order 131-D dated August 11, 1995.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Peter A. Mesich
Deputy City Attorney

000400

(R-2007-1276)
(COR.COPY 2)

PAM:cfq
06/20/07
07/10/07 COR.COPY
08/07/07 COR.COPY 2
Or.Dept:E&CP
R-2007-1276

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

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor