

RESOLUTION NUMBER 3365

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, ESTABLISHING AN UNDERGROUND UTILITY DISTRICT AND ORDERING THE REMOVAL OF POLES, OVERHEAD WIRES AND ASSOCIATED STRUCTURES, AND THE UNDERGROUND INSTALLATION OF WIRES AND FACILITIES FOR SUPPLYING ELECTRIC, COMMUNICATION, OR SIMILAR ASSOCIATED SERVICES

WHEREAS, by its Resolution No. 3304, adopted on September 28, 2004, the City Council of the City of Perris declared its intention to establish an underground utility district in the area described on Exhibit "A" hereto and by this reference incorporated herein (the "District") pursuant to Chapter 13 of the Perris Municipal Code (the "Code"); and

WHEREAS, by such resolution, the City Council set the time and place for a public hearing to determine (i) whether the public necessity, health, safety, or welfare requires the removal of poles, overhead wires, and associated overhead structures within the District and the underground installation of wires and facilities for supplying electric, communications, or similar or associated service and (ii) whether the under grounding of overhead utilities in the proposed District is in the general public interest; and

WHEREAS, on November 30, 3004, the City Council determined to continue said public hearing to January 25, 2005, in order for information to be gathered for the City and notice to be sent to the property owners; and

WHEREAS, pursuant to Section 13.04.030 of the Perris Municipal Code, notice of such hearing has been given to all affected property owners as shown on the last equalized assessment roll and utilities concerned in the manner and for the time required by said Code; and

WHEREAS, the City Manager has consulted with all affected utilities and has prepared a report containing, among other information, a description of the extent of affected utilities' participation and estimates of the total costs to the City and affected property owners. The report, which is on file in the Office of the City Clerk and was presented to the City Council at the Hearing, further contains an estimate of the time required to complete underground installation and removal of overhead facilities; and

WHEREAS, such hearing has been duly and regularly held, and at the hearing all persons interested were given an opportunity to be heard; and

WHEREAS, the City Council finds that Southern California Edison ("SCE") has voluntarily agreed to pay pursuant to its Rule 20(A), all of the costs of conversion (including the costs of users' connections) of the overhead facilities to underground facilities;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS DOES RESOLVE AS FOLLOWS:

Section 1. The recitals stated above are true and correct.

Section 2. The City Council designates the District to include all territory described in Exhibit "A" to this Resolution, which is incorporated herein by reference. Although such description shall govern for all purposes, the District may generally be described as the area spanning Nuevo Road (between Perris Boulevard and Dunlap) and Perris Boulevard (between Nuevo Road and 4th Street).

Section 3. The City Council finds and determines that the public necessity, health, safety, and welfare requires the removal of poles, overhead wires and associated structures in the District, and the underground installation of wires and facilities in the District for supplying electric, communication, or similar associated services.

Section 4. The City Council declares the District to be an underground utility district pursuant to Section 13.04.030 of the Municipal Code and, subject to the provisions of this Resolution, orders the removal of poles, overhead wires and associated structures in the District, and the underground installation in the District of wires and facilities for supplying electric, communication, or similar associated services.

Section 5. The City Council declares that pursuant to this Resolution, the work to be done in the District shall be done in two phases, with the second phase dependent on obtaining the applicable funds to finance the work. The first phase authorized herein and for which Rule 20A funds are currently available shall be in the area (a) along Nuevo Road, commencing 100 feet west of Perris Boulevard and end 100 feet east of Redlands Avenue and (b) along Perris Boulevard between Nuevo Boulevard and 4th Street. SCE and other utility providers will pay for the work to be performed within these portions of the district. The work to be performed along Nuevo Boulevard between Redlands Avenue and Dunlap Drive will be done in a second phase when funds become available for it.

Section 6. The underground installation of wires and facilities in the District for supplying electric, communication, or similar associated services will be completed by January, 2008. The removal of poles, overhead wires and other associated structures will be completed by January 2008.

Section 7. The City Council finds that:

- A. The removal and underground installation ordered pursuant to Section 4 of this Resolution will avoid or eliminate an unusually heavy concentration of overhead distribution facilities;

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- B. The streets, roads and right-of-way located within the District are extensively used by the general public and carry a heavy volume of pedestrian and/or vehicular traffic; and
- C. The streets, roads or right-of-way located within the District join or pass through a civic area.

Section 8. The City Council requests that, as required by Rule 20(A) of the tariff scheduled applicable to the provision of electric service by SCE, SCE, at its expense, replace its existing overhead electric facilities within the District with underground electric facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to SCE have been obtained by SCE. The City Council further requests that SCE pay for the installation of no more than 100 feet of each customer's underground electric service lateral and electric service panel conversion occasioned by the undergrounding from funds available pursuant to Rule 20(A) for such purpose. SCE is authorized to discontinue its overhead service within the District as of January, 2008.

Section 9. Section 4 shall not require the removal of any of the following:

- A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the city engineer;
- B. Poles, or electroliers used exclusively for street lighting;
- C. Overhead wires (exclusive of supporting structures) crossing any portion of the District within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
- D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred volts;
- E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;
- F. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services;

- G. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts; and
- H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

Section 10. The City Clerk is directed to give notice, pursuant to Section 13.04.090 of the Code, to all affected utilities and all persons owning real property within the District following adoption of this Resolution.

Section 11. Whenever a word or phrase defined in Chapter 13.04 of the Code is used in this Resolution, such word or phrase shall have the meaning assigned to it in Section 13.04.010 of the Code.

Section 12. All provisions of Chapter 13 of the Code are applicable to the District.

Section 13. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this 25th day of January, 2005.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Margaret Rey

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 3365 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 25th day of January, 2005, and that it was so adopted by the following called vote:

AYES: Motte, Rogers, Yarbrough, Landers, Busch
NOES:
ABSENT:
ABSTAIN:

City Clerk, Margaret Rey

EXHIBIT "A"
(RESOLUTION NUMBER 3365)

[See Attached Map]