

OAKLAND CITY COUNCIL
RESOLUTION NO. 78304 C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

INTRODUCED BY
COUNCILMEMBER _____

2004 JAN -7 PM 3:39



RESOLUTION ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 234: 48TH STREET, BETWEEN TELEGRAPH AND SHATTUCK AVENUES, TO BE FUNDED UNDER CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) RULE 20B AND PURSUANT TO ORDINANCE NO. 7769 C.M.S.

WHEREAS, 48th Street, between Telegraph and Shattuck Avenues, has an overhead electrical and communication facilities and it is used by the general public; and

WHEREAS, this section of 48th Street connects two arterial streets that link North Oakland to the City of Berkeley; and

WHEREAS, undergrounding the utilities on this segment of 48th Street will aesthetically enhance a section of the North Oakland business community; and

WHEREAS, the Rule 20B project on 48th Street will be paid for by Temescal Place, Inc., PG&E, SBC and Comcast; and

WHEREAS, the City Manager or her designee must enter into agreements with Temescal Place, Inc., PG&E and SBC in accordance with CPUC Rules 20 and 32 in order to facilitate payments for the implementation of Underground Utility District No. 234; and

WHEREAS, a public hearing was called for Tuesday, January 20, 2004, at the hour of 7:00 p.m. in Oakland, California, to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication or similar or associated service within Underground Utility District No. 234 comprising the area shown on the attached Exhibit A; and

WHEREAS, notice of such hearing has been given to all affected property owners as shown on the last equalized assessment roll and the utilities concerned in the matter and for the time required by law; and

WHEREAS, such hearing has been duly and regularly held and all interested persons have been given the opportunity to be heard; now, therefore, be it

RESOLVED: That the City Council of the City of Oakland hereby adopts and incorporates the report of the Public Works Agency Director dated January 20, 2004, and hereby declares that the indicated area shown in the attached Exhibit A is established and included in Underground Utility District No. 234 hereinafter described as follows:

From the meeting point of the northerly and easterly property lines of 4801 Telegraph Avenue at Telegraph Avenue, and from the meeting point of the northerly and easterly property lines of 4799 Telegraph Avenue at Telegraph Avenue, continuing westerly along the northerly property line of 4801 Telegraph Avenue, and along the northerly property lines of 4799 Telegraph Avenue and 4734 Shattuck Avenue, to the westerly limit of Shattuck Avenue; and from the meeting point of the northerly and easterly property lines of 4799 Telegraph Avenue at Telegraph Avenue, and from the meeting point of the southerly and easterly property lines of 4799 Telegraph Avenue at Telegraph Avenue, continuing westerly, along the northerly and southerly property lines of 4799 Telegraph Avenue and 4734 Shattuck Avenue, to the westerly property line of 4734 Shattuck Avenue at Shattuck Avenue; and be it

FURTHER RESOLVED: That the City Council of the City of Oakland authorizes the City Manager or her designee to negotiate and enter into agreements with Temescal Place, Inc., PG&E and SBC on cost sharing and payments, up-front payment for engineering, payment for joint-trench substructure work and for all related work, provided the City Attorney is satisfied with limits of City liability; and be it

FURTHER RESOLVED: That the City Council of the City of Oakland accepts and appropriates funds from the developer, Temescal Place, Inc. or its representative; and be it

FURTHER RESOLVED: That the City Council of the City of Oakland authorizes the City Manager or her designee to expend the funds from the developer, Temescal Place, Inc. or its representative to pay PG&E, SBC and the City of Oakland respectively for engineering design and for other works related to the implementation of Underground Utility District No. 234; and be it

FURTHER RESOLVED: That the underground installations by the utility companies and Comcast shall be made to coordinate with the planned street reconstruction within the limits of Underground Utility District No. 234; and be it

FURTHER RESOLVED: That the underground installations by the utility companies, Comcast and the City, as well as the removal of poles, overhead wires and associated overhead structures by the utility companies and Comcast within Underground Utility No. 234, shall be completed no later than July 31, 2004; and be it

FURTHER RESOLVED: That the City Attorney and the City Manager's Budget Director have approved this resolution, and a copy is on file in the City Clerk's Office; and be it

FURTHER RESOLVED: That pursuant to section 6 of Underground Utility Ordinance No. 7769 C.M.S., the following exceptions to the order for the removal and underground installations are hereby authorized:

- a. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the Electrical Services Division Manager.
- b. Poles, or electroliers used exclusively for street lighting.

- c. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.
- d. Equipment appurtenant to underground facilities, such as surface mounted transformers; pedestal mounted terminal boxes and meter cabinets, and concealed ducts.
- e. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.
- f. Overhead utility service to the properties at 4799 Telegraph Avenue and 4734 Shattuck Avenue off wood poles located outside the district on Telegraph Avenue and Shattuck Avenue respectively.
- g. Anchor and down guy in the sidewalk area at 4734 Shattuck Avenue, in front of the westerly property line of 4734 Shattuck Avenue; and be it

FURTHER RESOLVED: That the City Clerk is hereby instructed to notify or cause to notify all affected utilities and Comcast and all persons owning real property within Underground Utility District No. 234 of the adoption of this resolution within ten (10) days after the date of such adoption. Said City Clerk shall further notify or cause to notify said property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication or other similar associated service, they or such occupant shall, by the designated date, provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utilities or Comcast on file with the Public Utilities Commission of the State of California. Such notification shall be by mailing a copy of this resolution together with a copy of said Ordinance No. 7769 C.M.S. to affected property owners as shown on the last equalized assessment roll and to the affected utilities and Comcast.

JAN 20 2004

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

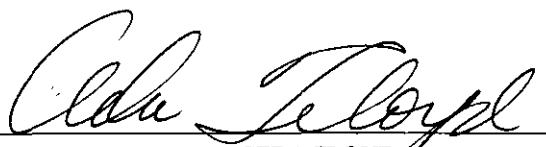
AYES- ~~BROOKS~~, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and
PRESIDENT DE LA FUENTE - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

EXCUSED - BROOKS - 1

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California