

OAKLAND CITY COUNCIL
RESOLUTION NO. ~~7899~~ - **78999** C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2004 DEC 22 PM 3:05

INTRODUCED BY
COUNCILMEMBER _____

RESOLUTION ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 236S FOR DEVELOPED SUBDIVISIONS WITH COMPLETED UNDERGROUND UTILITY SERVICE AT ARIANE COURT, A SEGMENT OF DIABLO DRIVE, BISHOPS COURT, OBSERVATION PLACE, SKYLINE CIRCLE AND A SEGMENT OF REDWOOD ROAD, PURSUANT TO ORDINANCE NO. 7769 C. M. S.

WHEREAS, Ariane Court, a segment of Diablo Drive, Bishops Court, Observation Place, Skyline Circle and a segment of Redwood Road are developed subdivisions with a total of 0.85 mile of roadway; and

WHEREAS, these subdivisions now have underground utility service as part of the development and as required by the city's Economic and Community Development Agency (CEDA); and

WHEREAS, undergrounding the utilities in the subdivisions and protecting it with legislation will aesthetically enhance the respective communities; and

WHEREAS, the underground utility conversions were done at no cost to the City of Oakland and at no cost to the owners of properties in the subdivisions because the respective developers fully incurred the costs of providing underground utility service; and

WHEREAS, the establishment of an underground utility will prohibit overhead wires and supporting structures; and

WHEREAS, a public hearing was called for Tuesday, November 16, 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. 236S comprising the areas shown on the attached exhibits A, B, C, D, E and F; 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 4, 2005, and hereby declares that the indicated areas shown in the attached exhibits A, B, C, D, E and F are

established and included in Underground Utility District No. 236S with the boundaries described as follows:

Ariane Court: Beginning from the intersection of the southerly and westerly property lines of parcel A, proceeding upward along the property line until its intersection with the northerly property line of parcel A; continuing south-easterly along the back property lines of parcels A, B, C, D and E, to the meeting point to its meeting point with the easterly property line of parcel E; then extending south-westerly along the property line of parcel E, to the meeting point of the southerly property line of parcel E; continuing easterly to 100 feet, then south-westerly up to 200 feet; continuing westerly to meet the easterly limit of Crestmont Drive, 120 feet from the intersection of the westerly limit of Crestmont Drive and Redwood Road; then extending northerly along Crestmont Drive to the meeting point of the southerly and westerly property lines of parcel A;

A segment of Diablo Drive: Beginning from its intersection with the southerly limit of Skyline Boulevard, proceeding southerly on Diablo Drive up to 258 feet (before the down guy and the wood pole), and wholly inclusive of all four parcels abutting the described limit of Diablo Drive namely, 2, 5, 7 Diablo drive and the vacant parcel adjacent to and easterly of 7 Diablo Drive;

Bishops Court: Beginning from its intersection with the westerly limit of Paso Robles, continuing westerly along the limits of Bishops Court to the end of Bishops Court, approximately 458 feet from Paso Robles, and wholly inclusive of all 5 parcels abutting Bishops Court namely, 10, 12, 16, 18 and 20 Bishops Court;

Observation Place: Beginning from its intersection with the westerly limit of Skyline Boulevard, proceeding westerly within the limits of Observation Place to the end of Observation Place or approximately 300 feet from its intersection with Skyline Boulevard, and wholly inclusive of all 6 parcels abutting Observation Place namely, 1, 15, 23, 27, 25, 22, 16, 12 Observation Place, inclusive of the tract adjacent to and easterly of 12 Observation Place abutting both Observation Place and Skyline Boulevard, and inclusive of the tract adjacent to and easterly of 1 Observation Place, abutting Observation Place, Skyline Boulevard and Elverton Drive;

Skyline Circle: Beginning from the northeasterly corner of 8201 Skyline Circle, continuing south-westerly along the back property lines, up to the meeting point of the back property lines of 8237 Skyline Circle, then continuing south-easterly along the back property lines, up to the meeting point of the back property lines of 8257 Skyline Circle, then extending north-easterly along the back property lines, up to the meeting of the back property lines of 8273 Skyline Circle, then proceeding north-westerly along the westerly limits of Skyline Boulevard, up to its meeting point with the back property line of 8201 Skyline Circle, the beginning point;

A segment of Redwood Road: Beginning from the intersection of the main Redwood Road with the south-easterly limit of Skyline Boulevard, extending south-easterly along the northerly boundary line of the segment of Redwood Road east of the main Redwood Road, continuing easterly along the outer boundary line of this segment Redwood Road, then southerly, then continuing westerly to its meeting point with the easterly limit of the main Redwood road; then proceeding northerly along the easterly limit of the main Redwood Road to its meeting point with Skyline Boulevard, and wholly inclusive of the properties at 5500 and 5550 Redwood Road; and be it

FURTHER RESOLVED: That the purpose for the creation of the Underground Utility District is to assure that no future overhead facilities can be placed within the designated subdivisions; and be it

FURTHER RESOLVED: That the City Attorney and the City Administrator'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.

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. 236S of the adoption of this resolution within ten (10) days after the date of such adoption.

JAN - 4 2005

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20

PASSED BY THE FOLLOWING VOTE:

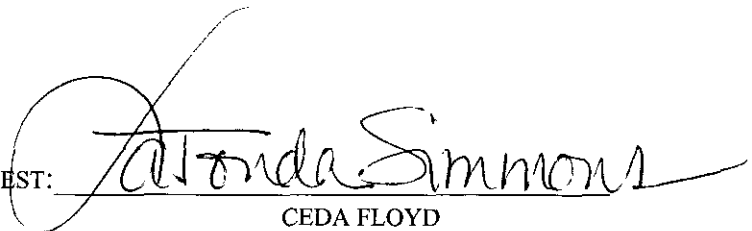
AYES-BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and
PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

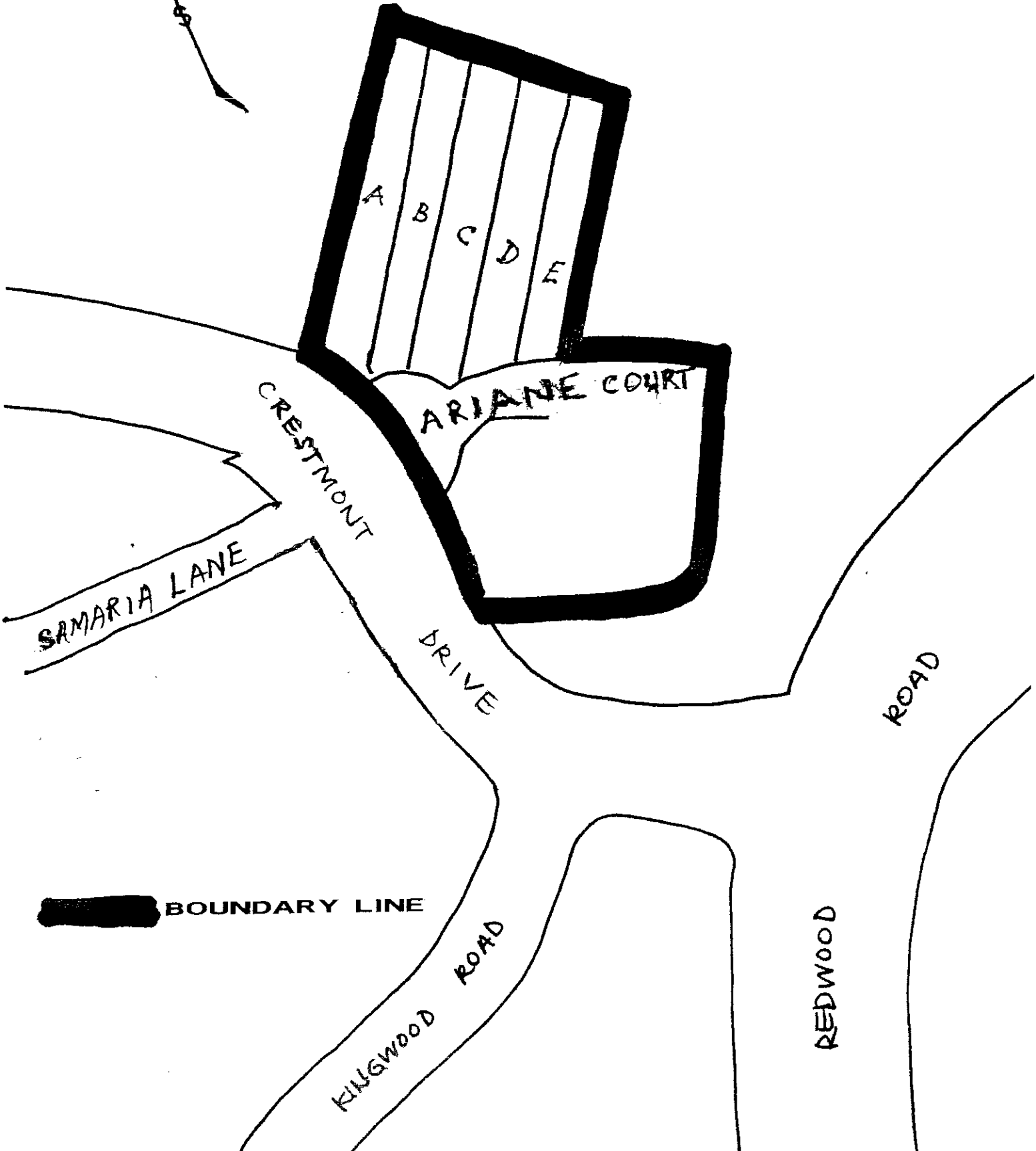
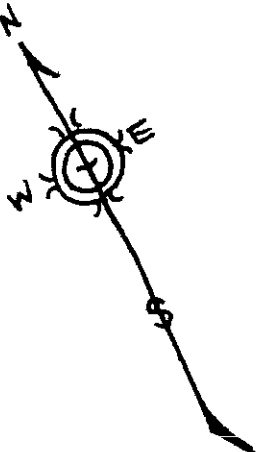
ATTEST:



CEDA FLOYD

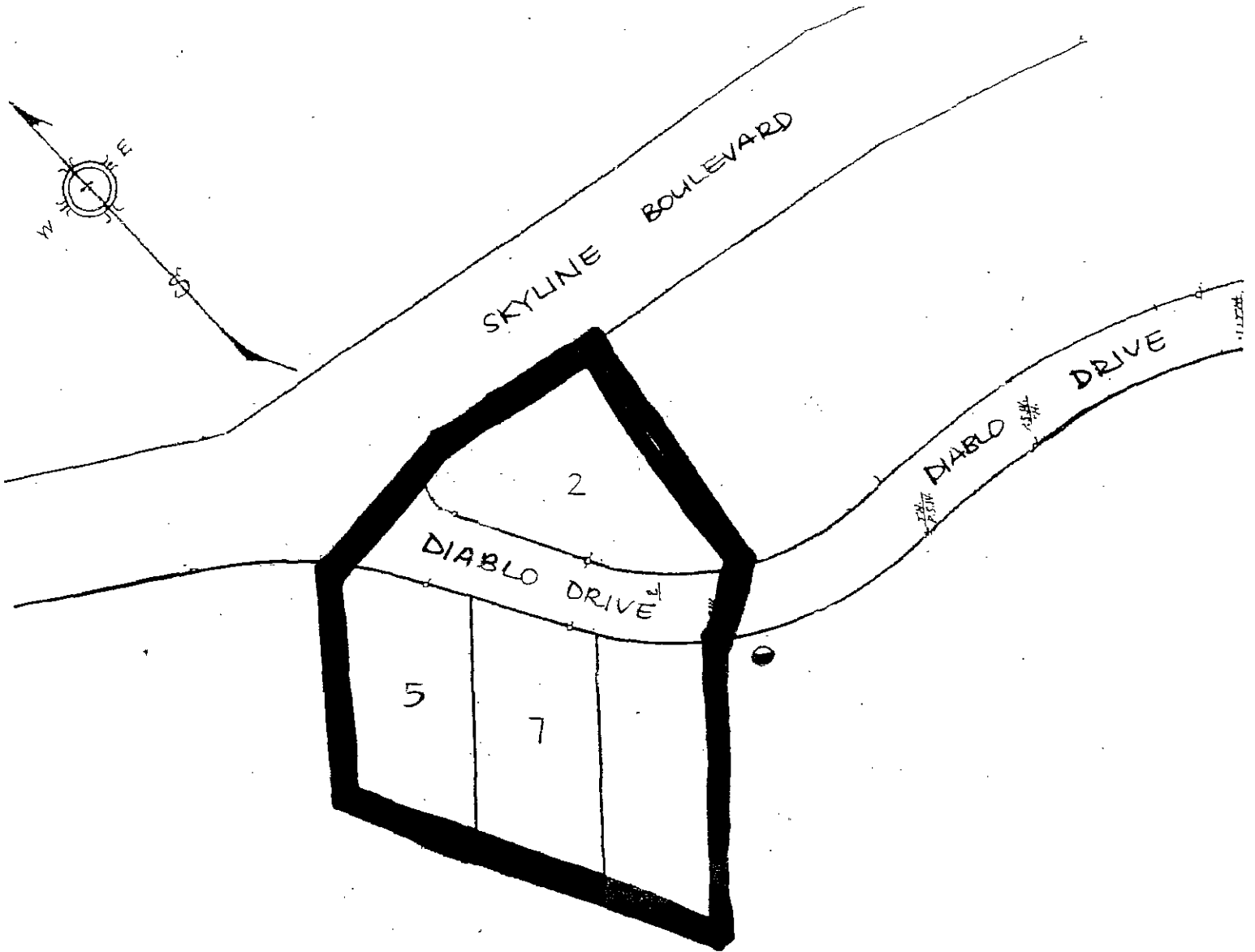
City Clerk and Clerk of the Council
of the City of Oakland, California

ARIANE COURT



A SEGMENT OF DIABLO DRIVE

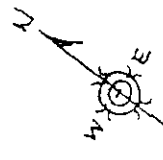
EXHIBIT B



 BOUNDARY LINE

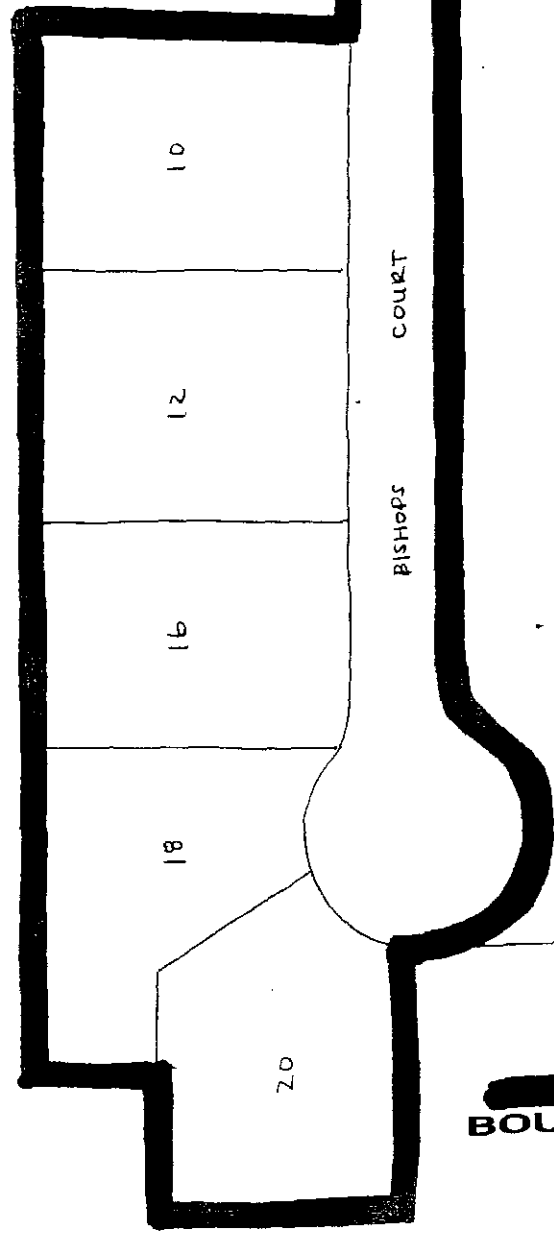
 FIRST WOOD POLE OUTSIDE THE BOUNDARY

BISHOPS COURT



PASO

ROBLES



460 ft

SHEPHERD CANYON

SHEPHERD

BOUNDARY LINE