

RESOLUTION NO. 105-07

**RESOLUTION OF THE MEMBERS OF THE RICHMOND CITY COUNCIL
ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. U.D.2007-1 ON WEST
MACDONALD AVENUE BETWEEN 6TH STREET AND GARRARD BOULEVARD.**

WHEREAS, by Resolution No. __-07, a Public Hearing was held on October 2, 2007, at the hour of 7:00 p.m. in the City Council Chambers of the City of Richmond at City Hall, 1401 Marina Way South, Richmond, California, to ascertain whether public necessity, health, safety, or welfare requires the removal of poles, overhead wires and facilities for supplying electric, communication, or similar or associated services, within that certain area of the City which lies within the underground utility district boundary delineated upon that certain map numbered U.D. No. 2007-1 entitled "Macdonald Avenue Underground District" dated September 5, 2007, and prepared by BKF Engineering for the Engineering Services Department of said City, which is on file in the office of the City Clerk of the City of Richmond, California, and which by this reference is made a part hereof and which a copy of which is submitted with the staff report in support of this resolution; and

WHEREAS, the underground utility district is consistent with the Macdonald Area Economic Revitalization Plan by improving community aesthetics and removing blight;

WHEREAS, notice of such hearing was given to all affected property owners, as shown on the last equalized assessment roll, in the manner required by law; and

WHEREAS, such hearing was regularly held, and all persons interested were given an opportunity to be heard.

NOW THEREFORE, BE IT RESOLVED that the Richmond City Council finds that the public necessity, health, safety, and welfare require 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 services within the underground utility district boundary delineated upon that certain map numbered 2007-1 entitled "Macdonald Avenue Underground Utility District," dated September 5, 2007.

BE IT FURTHER RESOLVED that the Council of the City of Richmond does hereby intend to utilize the California Public Utilities Commission's Rule 20A Tariff requiring complete funding by PG&E to pay for a portion of costs associated with the underground electric distribution within the district.

BE IT FURTHER RESOLVED that the Council of the City of Richmond does hereby fix June 1, 2008 as the date on which affected property owners must be ready to receive underground services and does hereby order the removal of all 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. 2007-1 on or before November 1, 2007.

BE IT FURTHER RESOLVED that the City Engineer is hereby instructed to notify all affected utilities and all persons owning real property within Underground Utility District No. 2007-1 of the adoption of this resolution within ten (10) days after the date of such adoption. Said City Engineer shall 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 or associated service, then they or such occupant shall, by the date fixed in this resolution, provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations, and tariffs of the respective utility or utilities on file with the Public Utilities Commission of the State of California.

BE IT FURTHER RESOLVED that such notification shall be made by mailing a copy of this resolution together with a copy of Chapter 12.48 of the Richmond Municipal Code, to all affected property owners as shown on the last equalized assessment roll of the County of Contra Costa, State of California, and to the affected utilities.

BE IT FURTHER RESOLVED that the Council intends to utilize the California Public Utilities Commission's Rule 20A Tariff requiring funding by PG&E to pay for a portion of the costs associated with the undergrounding of the electric distribution within the district.

BE IT FURTHER RESOLVED that the Council will pay the for installation of each customer's underground electric service lateral occasioned by the undergrounding and pay for the conversion of each customer's electric service panels to accept the underground service. Such costs have not been finalized and are subject to PG&E's implementation and California Utilities Commission's review.

BE IT FURTHER RESOLVED that the Council hereby finds that the Underground Utility District herein created is in the general public interest.

I certify that the foregoing Resolution was passed and adopted by the Richmond City Council at a regular meeting held on October 2, 2007, by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, and Mayor McLaughlin
NOES: None
ABSTENTIONS: None
ABSENT: Councilmember Viramontes

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

LOUISE RENNE, Interim
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution No. 105-07, finally passed and adopted by the Council of the City of Richmond at a meeting held on October 2, 2007.