

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, ESTABLISHING UNDERGROUND  
UTILITY DISTRICT NUMBER FRE-96

WHEREAS, on August 16, 2018, the Council adopted Resolution No. 2018 -162 which called for a public hearing on August 16, 2018, at the hour of 10:00 a.m., in the Council Chambers of the City Hall, 2600 Fresno Street, Fresno, California, to ascertain whether the public necessity, health, safety, or welfare require the full removal of poles, overhead wires, and associated overhead structures and the full removal of poles, overhead wires, and associated overhead structures and the full underground installation of wires and facilities for supplying electric, communication, cable television, or similar associated service within the area generally located along Church Avenue between Walnut and Martin Luther King Blvd., Walnut Avenue between Church Avenue and Grove Avenue and Martin Luther King Blvd. between Church Avenue and Grove Avenue as shown on the map entitled Underground Utility District No. FRE-96 (UUD FRE-96), attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, notice of such hearing have 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 Chapter 13, Article 6, of the Fresno Municipal Code; and

WHEREAS, such hearing has been duly and regularly held, and all persons interested have been given an opportunity to be heard.

WHEREAS, it has been recommended that an underground utility district be formed along Church Avenue between Walnut and Martin Luther King Blvd., Walnut



Avenue between Church Avenue and Grove Avenue and Martin Luther King Blvd. between Church Avenue and Grove Avenue (the District), as shown on the map entitled Underground Utility District No. FRE-96, which is attached hereto as Exhibit "A" and incorporated herein by this reference, and is on file in the Office of the City Clerk of the City of Fresno, at Fresno City Hall, 2600 Fresno Street, Fresno, California.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Chapter 13, Article 6, Section 604 of the Fresno Municipal Code, the Council of the City of Fresno does hereby find that public necessity, health, safety, and welfare require the full removal of poles, overhead wires, and associated overhead structures and the full underground installation of wires, and facilities for supplying electric, communication, cable television, or similar associated service and underground installation thereof within the area designated in Exhibit "A" because of the safety benefits associated with improvements.

BE IT FURTHER RESOLVED that the Council of the City of Fresno does hereby adopts and approves the map attached as Exhibit "A" as the description of the designated area comprising the UUD FRE-96.

BE IT FURTHER RESOLVED that the Council of the City of Fresno does hereby fix July 1, 2021, as the date by which affected property owners must be ready to receive underground service and does hereby order the full removal of poles, overhead wires, and associated overhead structures and the full underground installation of wires, and facilities for supplying electric, communication, cable television or similar associated service within UUD FRE-96 on or before December 31, 2021.

BE IT FURTHER RESOLVED, that the utility which undertakes underground installation of its facilities shall use the underground conversion allocation computed

pursuant to decisions of the California Public Utilities Commission for the purpose of providing service to each premise in UUD FRE-96 requiring it (a maximum of one hundred feet of individual electric service trenching and conductor [as well as backfill, paving and conduit, if required]). Rule 20A conversion allocation funds shall be available for conversion of electric service panels (not to exceed \$1500 per panel, excluding permit fees) to accept the new underground service facilities pursuant to the California Public Utilities Commission Advice Letter 1930-E. Each other serving utility will provide service trenching and conductor in accordance with its tariffs on file with the California Public Utilities Commission or as required by its Franchise Agreement with the City. Each property owner in UUD FRE-96 shall be responsible for the installation and maintenance of the conduit and termination box located on, under or within any structure on the premises served.

BE IT FURTHER RESOLVED that the Public Works Director or the Assistant Public Works Director or his designee has the authority granted by Council to sign and/or execute various underground utility district agreements, of a routine or minor nature with Pacific Gas and Electric. Examples of agreements that would fall under this resolution are Rule 20A General Conditions, Rule 20A Electric Panel Service Conversions, Letter of Street Light Agreement and any other minor or routine action which would require an agreement.

BE IT FURTHER RESOLVED that the following exceptions in said UUD FRE-96 be made and they are hereby authorized:

a. Equipment appurtenant to underground facilities such as surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, and concealed ducts.

b. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the Public Works Director.

BE IT FURTHER RESOLVED, that the City Clerk, within thirty (30) days after the adoption of this Resolution, shall give notice as required by Section 13-608 of the Fresno Municipal Code.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2018  
Mayor Approval/No Return: \_\_\_\_\_, 2018  
Mayor Veto: \_\_\_\_\_, 2018  
Council Override Vote: \_\_\_\_\_, 2018

YVONNE SPENCE, MMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

BY: \_\_\_\_\_  
Raj Singh Badhesha Date  
Senior Deputy City Attorney