RESOLUTION NO. 2010-32

A RESOLUTION OF THE ALBANY CITY COUNCIL ADOPTING THE BUCHANAN/MARIN OVERHEAD UTILITY CONVERSION DISTRICT (Utility Undergrounding District) ALONG THE NORTH SIDE OF BUCHANAN STREET FROM CLEVELAND AVENUE TO SAN PABLO AVENUE, AND ALONG BOTH SIDES OF MARIN AVENUE FROM SAN PABLO TO MASONIC AVENUES

WHEREAS, the California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground pursuant to Electric Rule 20 and Telecommunication Rule 32, and

WHEREAS, pursuant to certain criteria, CPUC rules allow participating cities to establish legislation authorizing the creation of underground utility districts within which existing overhead electric distribution and telecommunication distribution and service facilities will be converted to underground, and

WHEREAS, the City of Albany, has adopted an ordinance (Chapter 14.4) authorizing the City Council to designate areas within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, the Director of Community Development for the City of Albany has consulted with the affected public utilities and such utilities have agreed that the proposed underground conversion district, designated the Buchanan/Marin Overhead Utility Conversion District and more particularly described in Exhibit C, attached hereto and incorporated herein by reference, meets the criteria established by the rules of the CPUC, to wit:

a. That such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities, and

b. That the streets or roads or right-of-ways in the proposed district are extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic, and

c. That the streets or roads or right-of-ways in the proposed district adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public, and

d. That the streets or roads or right-of-ways in the proposed district are designated arterial streets or major collectors as defined in the Governor's Office of Planning and Research General Plan Guidelines and identified in the adopted General Plan of the City of Albany, and

WHEREAS, each year the City of Albany is notified by PG&E regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations, and

WHEREAS, the Director of Community Development for City of Albany has consulted with PG&E and determined that the City has accumulated Rule 20A work credits or PG&E has agreed that the City may borrow against future credits sufficient to complete the proposed overhead conversion project, and

WHEREAS, the City of Albany and the affected utilities have agreed by letter that each utility shall complete the engineering of their respective portion of the Buchanan/Marin Overhead Utility Conversion Project, and

WHEREAS, the City of Albany and the affected utilities have agreed by letter that PARTY shall be responsible for preparation of the trench profile and composite drawings and that PARTY shall be designated as "trench lead" to manage trenching, installation of substructures, and pavement restoration and such other work, and

WHEREAS, the Director of Community Development of the City of Albany and the affected utilities have agreed on a work schedule which meets their respective capabilities and further agreed to waive any administrative fees, costs or special street restoration requirements for purposes of this project, and

WHEREAS, to the extent required, the City of Albany has agreed to provide easements or rights of way on private property as may be necessary for installation of utility facilities in a form satisfactory to the affected utilities, and

WHEREAS, the City Council of the City of Albany has now received the report from the Director of Public Works recommending that the area identified in Exhibit C should be designated as a overhead utility conversion area within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, upon the recommendation of the Director of Community Development, the City Council of the City of Albany has determined that the proposed Buchanan/Marin Overhead Utility Conversion District is categorically exempt from environmental review pursuant to the California Environmental Quality Act, and

WHEREAS, the City of Albany has notified all affected property owners within the proposed Buchanan/Marin Overhead Utility Conversion District and inviting same to attend a public hearing to discuss formation of the proposed district, and

WHEREAS, the City Council of the City of Albany held public hearings at which time the Council did receive and consider the recommendation of the City Engineer and did hear any and all objections or protests that were raised by the owners of property within the above described district pertaining to designating this area an overhead utility conversion district;

NOW THEREFORE, BE IT RESOLVED, that:

Section 1. The public interest requires the removal of all existing utility poles [excepting those poles supporting streetlights, traffic signals or trolley lines], overhead wires and associated overhead structures and installation of underground wires and facilities for supplying electric power, communication, or similar associated services within the areas as shown in Exhibit C, attached hereto, with such area being designated as the Buchanan/Marin Overhead Utility Conversion District, and

Section 2, That the utility companies, cable television services and other affected services shall commence work on installation of underground facility installation in the Buchanan/Marin District and that as each phase of the project is complete and ready for conversion from overhead to underground utility facilities, all fronting property owners shall be notified by first class letter, postage pre-paid, of the schedule for conversion of all utility service lines, and

Section 3, The electric utility shall use the underground conversion allocation computed pursuant to decisions of the California Public Utilities Commission for the purpose of providing to each premises requiring it in Buchanan/Marin District a maximum of one hundred feet of individual electric service trenching and conductor (as well as backfill, paving and conduit, if required) and each other serving utility shall provide service trenching and conductor in accordance with its rules and tariffs on file with the California

Public Utilities Commission or as required by its Franchise Agreement with the City of Albany, and

Section 4. The electric utility shall use said underground conversion allowance allocation, up to a maximum amount of $1500 per service entrance excluding permit fees, for the conversion of electric service panels to accept underground service in the Buchanan/Marin Overhead Utility Conversion District, and each property owner shall be financially responsible for any and all costs not covered by the electric utility for the installation and maintenance of the conduit and termination box located on, under or within any structure on the premises served, and

Section 5. That upon notification as specified in Section 2, all property owners in the Buchanan/Marin Overhead Utility Conversion District shall have underground electrical entrance facilities installed and inspected pursuant to the City of Albany Electrical Code within sixty (60) days and that should any property owner fail to install satisfactory underground electrical entrance facilities by the date specified in the notice, the electric utility shall notify the Director of Community Development who shall, within thirty (30) days direct the electric utility in writing to discontinue electrical service to the property, without recourse, pursuant to Rule 11 until electrical entrance facilities are ready to accept underground electrical conductors and have passed the necessary inspection requirements, and

Section 6. That once all services have been converted from overhead to underground, the utility companies, cable television services and other affected services shall remove all poles (except as specified above) and associated overhead facilities in Buchanan/Marin Overhead Utilities Conversion District, within ninety (90) days.

Joanne Wile, MAYOR

City of Albany

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- Teen Center PH. (510) 525-0576

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PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 21st day of June, 2010, by the following votes:

AYES: Council Members Atkinson, Javandel, Lieber, Thomsen & Mayor Wile

NOES: None

ABSENT: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 22nd day of June, 2010.

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK