

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

UNDERGROUND UTILITY DISTRICT NO. 3, ALONG YUCCA LOMA ROAD BETWEEN, APPLE VALLEY ROAD AND RINCON ROAD.

Summary Statement:

On June 14, 2011, the Town Council approved Resolution 2011-20 which authorizes the initiation of proceedings for the formation of Underground Utility District No. 3. The same Resolution also set June 28, 2011, (continued to July 12, 2011), as the date for a public hearing to determine whether or not the Town should continue with the proceedings to create and implement an underground utility district for the conversion of overhead facilities to underground facilities.

(continued)

Recommended Action:

Open the public hearing.
Close the public hearing.

Adopt Resolution No. 2011-35 " A Resolution of the Town Council of the Town of Apple Valley, California, making a finding that the overhead facilities should be installed underground, declaring the formation of Underground Utility District No. 3 and ordering the installation of utilities underground".

Proposed by: Brad Miller, Engineering **Item Number** _____

T. M. Approval: _____ **Budgeted Item** **Yes** **No** **N/A**

Council Meeting Date: 07/12/11

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The purpose of this proposed underground utility district is to underground the existing utility lines and remove the poles along Yucca Loma Road from Apple Valley Road to Rincon Road adjacent to developed residential lots. This will be a substantial improvement to the area. The estimated cost of this undergrounding project is \$1,800,000. Currently the Town has \$1,995,764 in accumulated Rule 20A funds. Under the California Public Utilities Commission's Rule 20A, undergrounding projects are financed by utility rate money. As a result, there is no financial impact to the Town.

Attached is a Resolution which makes the finding that the overhead facilities should be installed underground, declares the formation of Underground Utility District No. 3 and orders the installation of underground utilities.

RESOLUTION NO. 2011-35

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, MAKING A FINDING THAT THE OVERHEAD FACILITIES SHOULD BE INSTALLED UNDERGROUND, DECLARING THE FORMATION OF UNDERGROUND UTILITY DISTRICT NO. 3 AND ORDERING THE INSTALLATION OF UTILITIES UNDERGROUND.

WHEREAS, the Town Council adopted Resolution no. 2011-20 initiating proceedings to form Underground Utility District No. 3, under the terms of Ordinance No. 95 which provides for the establishment of underground utility districts to provide for the orderly removal of existing poles, overhead wires and associated overhead structures and equipment for supplying electric, communication, community antenna television and similar associated services within the area described in exhibits "A" and "B", attached hereto, and the construction of new underground facilities; and

WHEREAS, the Town Clerk gave notice of the time and place of the hearing to all affected utilities and property owners within the proposed Underground Utility District in the time and manner prescribed under Ordinance No. 95; and

WHEREAS, a public hearing was held on June 28, 2011, (and continued to July 12, 2011), at the Town Council Chambers, located at 14955 Dale Evans Parkway, Apple Valley, California, to determine whether or not the public necessity, health, safety and welfare requires that the Town should continue with the proceedings to create and implement an underground utility district for the conversion of overhead facilities to underground facilities, and the Town Council received and heard oral and written views of persons interested in the formation of said district.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND FIND AS FOLLOWS:

Section 1: The Town Clerk gave notice of the time and place of the hearing to all affected utilities and property owners within the proposed Underground Utility District no. 3 as shown on the last equalized assessment roll or as known to the Town Clerk in the time and manner prescribed under Ordinance No. 95 and Resolution No. 2011-20 adopted on June 14, 2011.

Section 2: The public necessity, health, safety and welfare require formation of an underground utility district for the removal of poles, overhead wires and associated overhead structures within the area described in exhibit "A" and depicted in exhibit "B".

Section 3: The undergrounding of utilities within the area described in exhibit "A" and depicted in exhibit "B", is in the general public interest for the following reasons:

- a) Underground will avoid or eliminate an unusually heavy concentration of overhead distribution facilities;
- b) The street or road right-of-way is extensively used by the general public and carries a heavy volume of pedestrians or vehicular traffic;
- c) The street adjoins or passes through a civic area or a public recreation area or an area of unusual scenic interest to general public;
- d) Yucca Loma Road is considered a Major Road, as identified in the circulation element of the Town's general plan.

Section 4: Underground Utility District No. 3 is hereby declared and described in exhibit "A" and depicted in exhibit "B", both attached to this Resolution and incorporated in it by this reference.

Section 5: The Town Council hereby orders the removal of all existing poles, overhead wires and associated overhead facilities within Underground Utility District No. 3 for supplying electric, communication, community television antenna and associated services within said District. The Town Council orders installed underground all facilities as that term is defined in section 14.38.020 of Ordinance No. 95 which are located within Underground Utility District No. 3.

Section 6: All affected utilities are hereby authorized to discontinue overhead service in Underground Utility District No. 3, subject to the provision of underground service as specified in this Resolution.

Section 7: Pursuant to Southern California Edison's Rule 20 Tariff, Rule 20A funds will be used for the installation of no more than 100 feet of each customer's underground electric service lateral on private property, as well as the conversion of affected property owners meter panels from overhead to underground service. The cost of such meter conversions using Rule 20A funds shall be limited to existing meters, and shall not include permit fees and any upgrades requested by affected owners. Each affected telecommunications provider will also provide the necessary underground facilities on private property including underground service laterals and associated wiring and connections.

Section 8: Property owners shall grant each utility the necessary easements or land rights when it is necessary by the utilities to place their facilities on private property to complete the occasioned undergrounding.

Section 9: The work of removal of all existing poles, overhead wires and associated overhead facilities and the installation of underground facilities must be completed by each utility within Underground Utility District No. 3 not later than December, 2014. Reference is made to Section 14.038.090 of Ordinance No. 95 for allocation of the responsibility between each utility.

Section 10: In compliance with Ordinance No. 95's Section 14.38.080, within thirty (30) days after the adoption of the Resolution, the Town Clerk shall give notice to each utility affected and each property owner within the Underground Utility District No. 3 by mailing a form of notice and a copy of Ordinance No. 95.

Section 11: The Town Clerk shall certify the adoption of this Resolution.

APPROVED and ADOPTED by the Town Council of the Town of Apple Valley this 12 day of July, 2011.

MAYOR

ATTEST:

(SEAL)

TOWN CLERK

EXHIBIT "A"

DESCRIPTION OF UNDERGROUND UTILITY DISTRICT NO. 3

All property within a strip of land approximately one hundred and four (104) feet wide, lying approximately fifty two (52) feet on each side of Yucca Loma Road centerline, beginning at the centerline intersection of Yucca Loma Road and Apple Valley Road and ending one hundred (100) feet East of the centerline intersection of Yucca Loma Road and Rincon Road. All applicable properties being within the boundaries of the Town of Apple Valley, County of San Bernardino, State of California.

Exhibit "B"

Town of Apple Valley Proposed Rule 20A

1.8M for approximately 3,900 feet of undergrounding.

Project will occur within that area that is 52 feet from centerline along the north and south side of Yucca Loma Rd. beginning at the centerline on Apple Valley Rd. ending at 100 feet east of the centerline of Rincon Rd.

