

**RESOLUTION NO. 3098****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
DECLARING AREAS TO BE UNDERGROUND UTILITIES DISTRICT NO. 6  
PURSUANT TO ORDINANCE NO. 384 OF THE CITY OF CAPITOLA**

WHEREAS, on September 14, 2000, the City Council of the City of Capitola ordered that a public hearing be held to give notice of intention to declare property in approximately the same area as the property described in Exhibit "A" attached hereto and by this reference made a part hereof; and

WHEREAS, all affected property owners and utility companies within the area described in Exhibit "A" were by mail given notice of the time and place of the public hearing at least ten (10) days prior to the date of the hearing, and notice of the hearing has been duly published as directed in said resolution; and

WHEREAS, the public hearing has been held as stated in said resolution and notices, and all persons interested have been given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that this Council finds, determines and declares that the public necessity, health, safety and general welfare require that the area described in Exhibit "A" attached hereto and made a part hereof be declared to be an Underground Utilities District and said area is hereby declared to be an Underground utilities District pursuant to City Ordinance No. 384.

BE IT FURTHER RESOLVED AND ORDERED that all utilities to be installed in the area described in Exhibit "A" attached hereto shall be installed underground, including up to one hundred feet (100') of customer service lateral, except as specified in Sections 70.5 and 70.6 of Capitola City Ordinance No. 384.

BE IT FURTHER RESOLVED AND ORDERED that this Council finds, determines and declares that the public interest, health, safety and general welfare require that whenever aboveground utilities which are in operation in the area described in Exhibit "A" attached hereto on the date this resolution is adopted, are to be reinstalled in a different location within said area, such utilities shall be reinstalled underground.

BE IT FURTHER RESOLVED AND ORDERED, that within ten (10) days after the passage of this resolution, the City Clerk shall notify all affected utility companies and all affected property owners by mailing them a copy of this resolution and a copy of Capitola City Ordinance No. 384.

BE IT FURTHER RESOLVED AND ORDERED that this Council finds, determines, and declares that the removal of existing poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication or similar associated service within the area specified herein is in the general public interest for the following reasons:

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1. Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities;
2. Said street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic; and
3. Said street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.

BE IT FURTHER RESOLVED, that all poles, overhead wires and associated structures shall be removed and underground installation made in said Underground District No. 6 within the following times:

- A. Underground installation by utility companies and property owners and reconnections not later than September 15, 2004, for Area 6A as designated in Exhibit A; and September 15, 2005, for Area 6B as designated in Exhibit A.
- B. Removal of all overhead Pacific Bell communications facilities no later than 90 days after removal of PG&E overhead electrical facilities.
- C. Removal of poles, overhead wires and other associated overhead structures not later than December 15, 2004 for Area 6A as designated in Exhibit A; and December 15, 2005, for Area 6B as designated in Exhibit A.

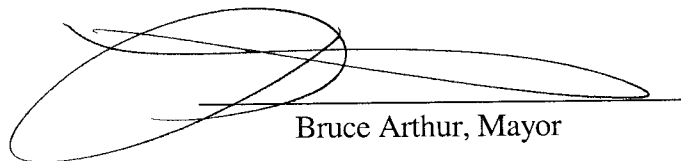
I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 21<sup>st</sup> day of November, 2000, by the following vote:

AYES: Council Members Ortiz, Gualtieri, Norton and Mayor Arthur

NOES: None

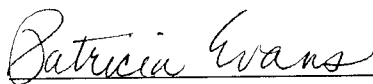
ABSENT: Council Member Harlan

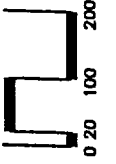
ABSTAIN: None



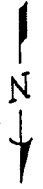
Bruce Arthur, Mayor

ATTEST:

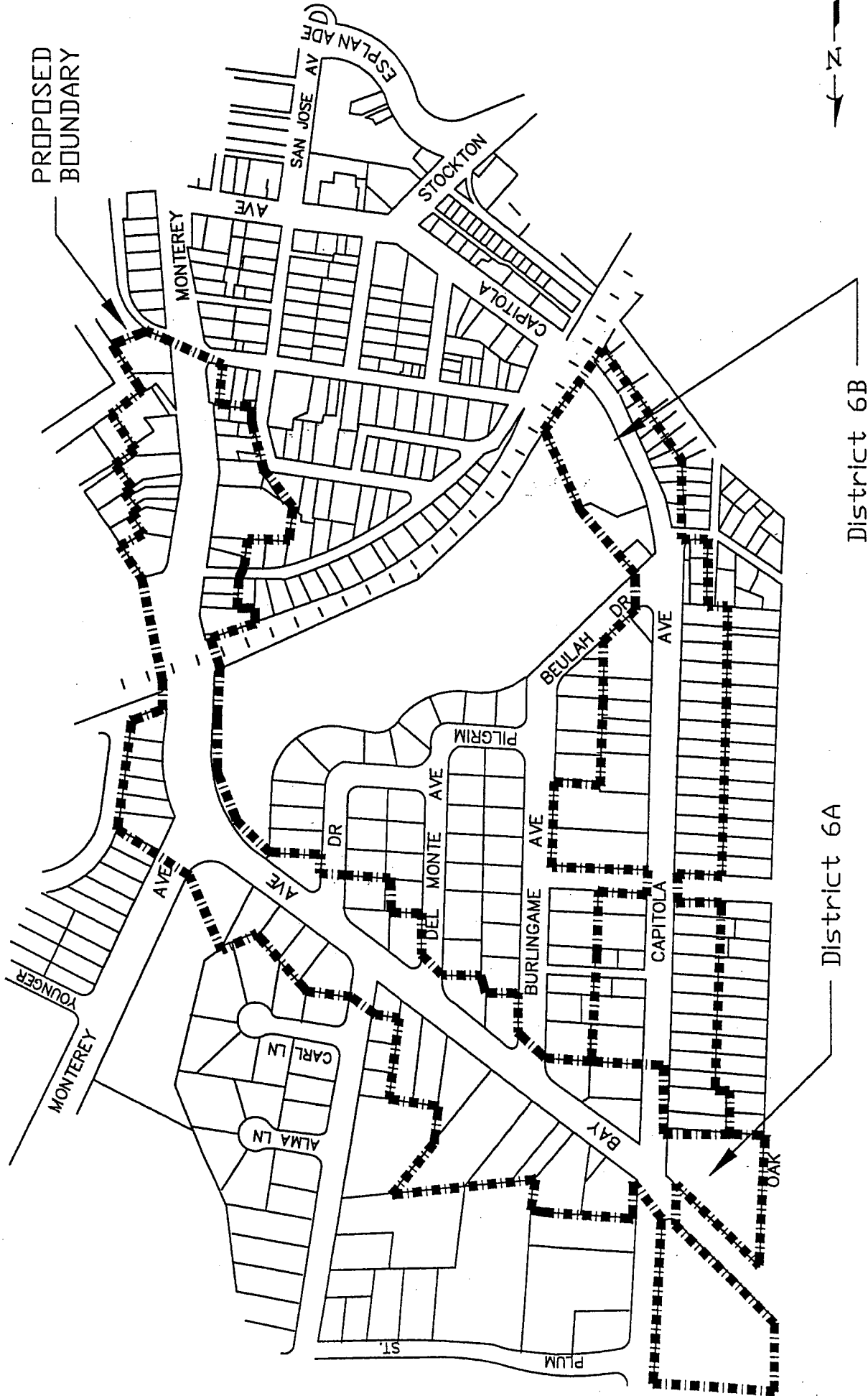
  
 Patricia Evans, Deputy City Clerk



scale:



PROPOSED BOUNDARY



District 6B

District 6A

EXHIBIT 'A'  
 CITY OF CAPITOLA  
 UNDERGROUND DISTRICT NO 6