



# CITY OF LONG BEACH

# H-3

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard 9<sup>th</sup> Floor • Long Beach, CA 90802 • (562) 570-6383 • Fax (562) 570-6012

December 7, 2010

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION

Receive the supporting documentation into the record, conclude the hearing and determine that it is in the general public interest to mandate the undergrounding of utilities, as specified in City of Long Beach Assessment District No. 08-01, and declare the ordinance creating an underground utility district along the Toledo between Second Street and the Geneva Walkway read the first time and laid over to the next regular meeting of the City Council for final reading. (District 3)

## DISCUSSION

In response to a request from the majority of property owners, on December 16, 2008, City Council adopted RES-08-0159, creating an assessment district for the undergrounding of utilities along a portion of The Toledo as shown on the attached Exhibit A. On June 2, 2010, the City entered into a contract for the first phase of the work, involving the installation of underground conduits within the public right-of-way. That work is now complete. The second phase of this project involves the installation of underground service connections to the individual properties outside of the public right-of-way. This work must be carried out by the individual property owners at their own expense. It is in the general public interest to require the installation of such underground service connections, because failure to do so shall result in the continued need to maintain unsightly and deteriorating overhead wires, support poles, and associated above-ground structures.

In order to ensure that all of the property owners do this work in a timely fashion, it is recommended that an underground utility district be created, pursuant to Municipal Code Section 15.48. These regulations provide a process for ordering the installation of service connections on private property, compliance deadlines, and penalties for failing to carry out the work by these deadlines. A report specifying the recommended date by which property owners must complete all facility changes on their premises necessary to receive services, and an estimate of the time required to complete the underground installation, is attached as Exhibit B.

This matter was reviewed by Assistant City Attorney Heather A. Mahood on November 9, 2010 and by Budget Management Officer Victoria Bell on November 11, 2010.

SUSTAINABILITY

All concrete work will include recycled waste ash, diverting these materials from our landfills.

TIMING CONSIDERATIONS

The installation of underground service connections to each and every individual property is critical to the success of Assessment District No. 08-01. Establishing an underground utility district on December 7, 2010, will provide for the earliest possible completion of the final phase of this project.

FISCAL IMPACT

There is no fiscal impact to the City associated with the requested action. The costs of the improvement project within the street right-of-way will be paid solely from prepaid assessments and the proceeds of the improvement bonds that were issued. Work that will be required between the street and each individual structure on the street will be done and paid for by the respective property owners. There is no local job impact associated with the recommendation.

SUGGESTED ACTION

Approve recommendation.

Respectfully submitted,



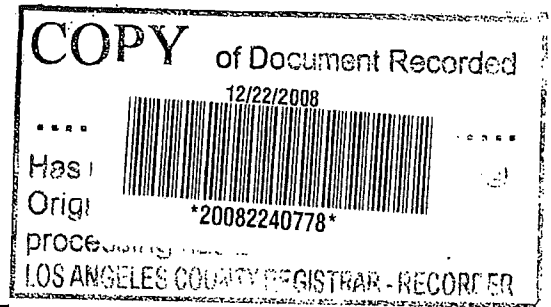
MICHAEL P. CONWAY  
DIRECTOR OF PUBLIC WORKS

MPC:MAC:SC:bs  
Attachments:  
Exhibit A – Notice of Assessment  
Exhibit B – Engineer's Report  
Ordinance

APPROVED:

  
\_\_\_\_\_  
PATRICK H. WEST  
CITY MANAGER

**RECORDING REQUESTED AND  
AFTER RECORDATION RETURN TO:**  
City Clerk  
City of Long Beach  
333 W. Ocean Boulevard  
Long Beach, CA 90802



**NOTICE OF ASSESSMENT**

**CITY OF LONG BEACH  
Assessment District No. 08-01  
(The Toledo Utility Undergrounding)**

Pursuant to the requirements of Section 3114 of the Streets and Highways Code of California (hereinafter, the "Section"), the undersigned City Clerk of the City of Long Beach, County of Los Angeles, State of California, hereby gives notice that an assessment diagram and assessment were recorded in the office of the City Engineer of the City, who is the Superintendent of Streets of the City, as provided for in the Section, and relating to the real property more particularly described on that certain assessment diagram filed in accordance with the Section, in Book 193 of Maps of Assessment and Community Facilities Districts at Page 18 in the office of the County Recorder of the County of Los Angeles.

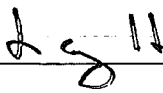
Notice is further given that upon the recording of this Notice in the office of the County Recorder of the County of Los Angeles, the several assessments assessed on the lots, pieces and parcels as shown on the filed assessment diagram shall become a lien upon the lots or portions of lots assessed, respectively.

In addition to the several assessments assessed on the lots, pieces and parcels shown on the filed assessment diagram, each lot, piece or parcel as shown on the filed assessment diagram which have unpaid assessments shall be additionally assessed annually (i) the amount not to five hundred dollars (\$500) per parcel, subject to an annual increase based on the annual change in the Consumer Price Index (CPI), during the preceding year ending in January, for all Urban Consumers in the Los Angeles, Riverside, and Orange County areas (or such higher amount as may be permitted if Section 8682 of the California Streets and Highways Code is amended to permit a higher amount) to cover certain administrative and collection charges as authorized by the Improvement Bond Act of 1915, and (ii) an amount specified in the assessment proceedings to pay costs of the City with respect to the registration of bonds and compliance with federal arbitrage laws, as permitted under Section 8682.1 of the California Streets and Highways Code.

Reference is made to the diagram and assessment roll for this assessment district recorded in the office of the Superintendent of Streets of said City.

The name or names of the assessed owners as they appear on the latest secured assessment roll are set forth in Exhibit "A" hereto attached and by reference incorporated herein.

Dated: Dec. 22, 2008

  
\_\_\_\_\_  
City Clerk  
City of Long Beach

**EXHIBIT A**

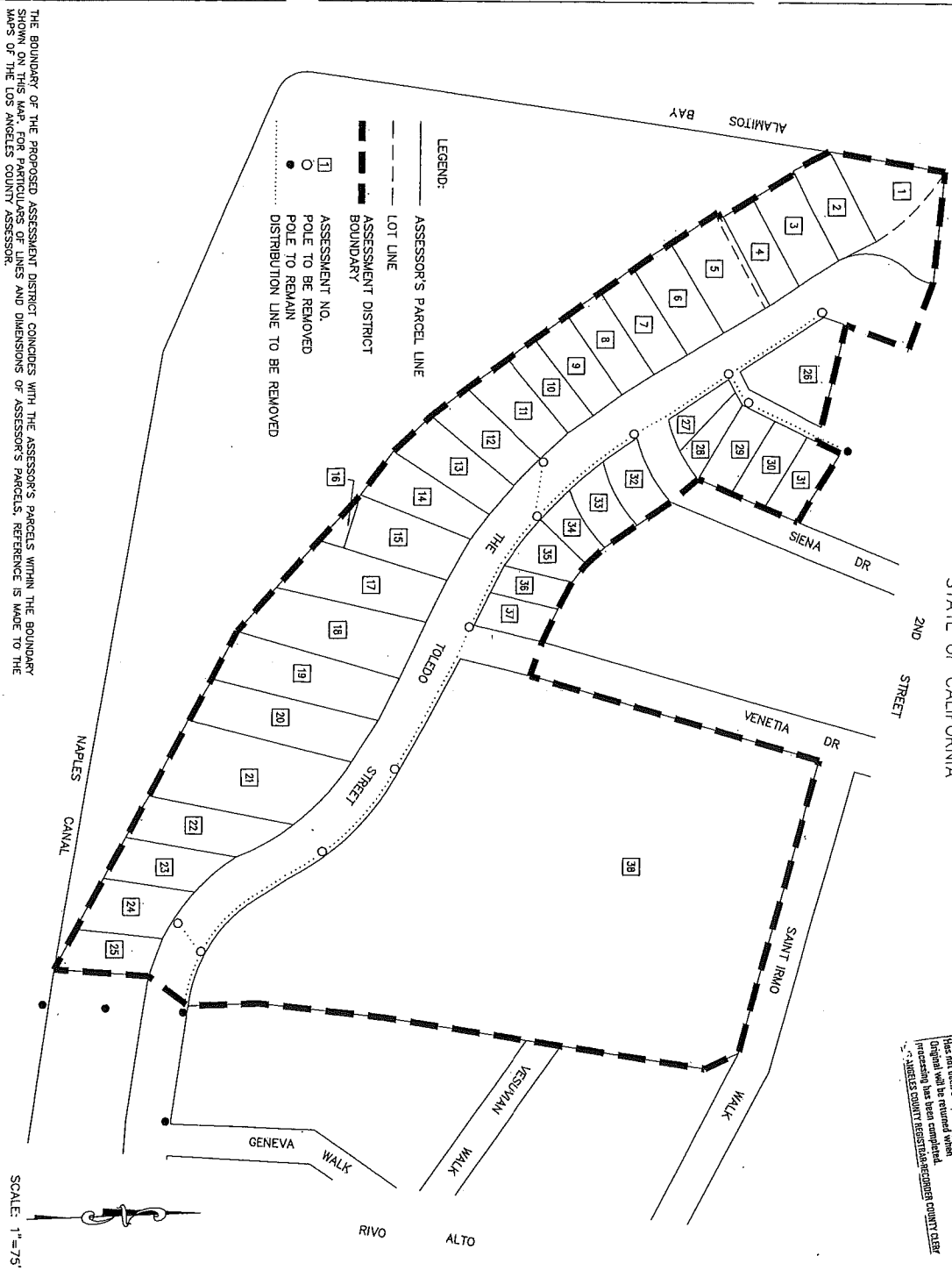
**LIST OF PROPERTY OWNERS**

**CITY OF LONG BEACH  
Assessment District No. 08-01  
(The Toledo Utility Undergrounding)**

<b>Assessment Number</b>	<b>Assessor's Parcel Number</b>	<b>Property Owner Name</b>
1	7244-016-021	THACKER, JACK W
2	7244-016-022	WOOD, JAMES AND PATRICIA
3	7244-016-012	WRIGHT, JANE M TR
4	7244-016-024	WOOD, JAMES T AND PATRICIA A TRS
5	7244-016-026	GUMBINER, ROBERT TR
6	7244-016-028	GUMBINER, ROBERT TR
7	7244-016-030	GUMBINER, ROBERT TR
8	7244-016-032	MARTIN, GARY J AND JUDITH M TRS
9	7244-016-034	CONTE, PHILIP J TR
10	7244-016-020	MORAN, RONALD L AND LORIE TRS
11	7244-016-036	KING, WILLIAM R JR TR
12	7244-016-038	WHEELER, H H JR TR
13	7244-016-018	RALSTON, WILLIAM A TR
14	7244-016-040	SEAVER, RICHARD C TR
15	7244-019-018	WILLIAMS, GRIFFITH AND SANDI TRS
17	7244-019-028	FRIEDLAND, SCOTT A
18	7244-019-026	NEWMAN, ANNE P TR
19	7244-019-015	UTECHT, FRANCIS A AND GRACE H TRS
20	7244-019-014	ZUCCHERO, JOSEPH G AND KAREN S
21	7244-019-013	ZUCCHERO, JOSEPH G AND KAREN S
22	7244-019-020	PERLEY, JULES M TR
23	7244-019-021	BRACKEN, MARJORIE J
24	7244-019-022	MARSHALL, FRANK G AND KATHLYN TRS
25	7244-019-012	TILLMAN, DAVID B CO TR
26	7244-015-010	ELAM, AMOS A AND MARY E TRS
27	7244-015-011	MYRTLE, ROBERT C AND ALICE E TRS
28	7244-015-012	PATTERSON, ROBERT W AND JULIE E
29	7244-015-013	MARTIN, GARY J AND JUDITH M TRS
30	7244-015-014	GUMBINER, ROBERT TR
31	7244-015-015	CHENG, KATHERINE W TR
32	7244-014-039	REKER, EDWARD A AND LIZA
33	7244-014-018	GARRANA, RANDA M TR
34	7244-014-019	ADLER, RICHARD A AND LUANN TRS
35	7244-014-020	BAHARIAN MEHR, NADER
36	7244-014-021	BETSON, JOYCE E TR
37	7244-014-022	GEIER, MARY G TR
38	7244-017-900	LONG BEACH UNIFIED SCHOOL DIST

ASSESSMENT DIAGRAM FOR  
ASSESSMENT DISTRICT NO. 08-01  
(THE TOLEDO UTILITY UNDERGROUNDING)  
CITY OF LONG BEACH, COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA

THE BOUNDARY OF THE PROPOSED ASSESSMENT DISTRICT COINCIDES WITH THE ASSESSOR'S PARCELS WITHIN THE BOUNDARY SHOWN ON THIS MAP. FOR PARTICULARS OF LINES AND DIMENSIONS OF ASSESSOR'S PARCELS, REFERENCE IS MADE TO THE MAPS OF THE LOS ANGELES COUNTY ASSESSOR.



**COPY** of the same recorded  
This has not been compared with original.  
Original will be resubmitted when  
recessing has been completed.  
LOS ANGELES COUNTY REGISTER/REGISTRAR/COUNTY CLERK

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT THE  
HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN BOOK \_\_\_\_\_ OF  
MAPS OF ASSESSMENTS AND COMMUNITY  
FACILITIES DISTRICTS AT PAGE \_\_\_\_\_ IN THE  
OFFICE OF THE COUNTY RECORDER, IN THE  
COUNTY OF LOS ANGELES, STATE OF  
CALIFORNIA.

COUNTY RECORDER  
COUNTY OF LOS ANGELES

RECORDED IN THE OFFICE OF THE  
SUPERINTENDENT OF STREETS OF THE CITY  
OF LONG BEACH THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
20\_\_\_\_.

*[Signature]*  
SUPERINTENDENT OF STREETS

AN ASSESSMENT WAS LEVIED BY THE CITY  
COUNCIL ON THE LOTS, PIECES AND PARCELS  
OF LAND SHOWN ON THIS ASSESSMENT  
DIAGRAM. SAID ASSESSMENT WAS LEVIED ON  
THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.  
REFERENCE IS MADE TO THE ASSESSMENT  
ROLL RECORDED IN THE OFFICE OF THE  
SUPERINTENDENT OF STREETS FOR THE EXACT  
AMOUNT OF EACH ASSESSMENT LEVIED  
AGAINST THE PARCELS SHOWN ON THIS  
ASSESSMENT DIAGRAM.

*[Signature]*  
CITY CLERK

FILED IN THE OFFICE OF THE CITY CLERK OF  
THE CITY OF LONG BEACH THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 20\_\_\_\_.

*[Signature]*  
CITY CLERK

ASSESSMENT DIAGRAM FOR  
ASSESSMENT DISTRICT NO. 08-01  
(THE TOLEDO UTILITY UNDERGROUNDING)  
CITY OF LONG BEACH, COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA

**HARRIS & ASSOCIATES**  
PROGRAM MANAGERS  
CONSTRUCTION MANAGERS  
CIVIL ENGINEERS

DATE: JULY 24, 2008 SHEET 1 OF 1.

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# **Engineer's Report**

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for

**The required undergrounding of utility  
lines on The Toledo Assessment District  
No. 08-01  
(The Toledo Utility Undergrounding)**

**Prepared under the provisions of the  
Long Beach Municipal Code 15.48.120.C**

**October 28, 2010**

## **I. Description of the Work**

The proposed work includes the undergrounding of electric, telephone and cable service lines and facilities along The Toledo south of Second Street and west of Geneva Walkway, providing new underground service as described in the Final Engineer's Report for the Assessment District No. 08-01 (The Toledo Utility Undergrounding)

## **II. Work Phases:**

- 1. Installation of underground conduits to carry electrical, cable and telephone communication lines, along with vaults for transformers and hand-hole connections, within the public street right-of-way. The plan for this work was designed by Southern California Edison, Verizon Telephone and Charter Cable. This work was completed as of October 1, 2010.**
- 2. Installation of the conduits on private property from the edge of the public right of way to the point of connection at the house.**
- 3. Installation of wires, cables, transformers and associated facilities in the conduit and underground structures by the utility companies.**
- 4. Energization of the new underground system and final connection to the homes. Removal of overhead resident service drops.**
- 5. Removal of existing overhead power, telephone and cable wires and lines. Removal of the utility poles and repair of the sidewalk paving.**

**III. Project timeline:**

**Phase 1 was completed by the City on October 1, 2010.**

**Phase 2 shall be completed by each property owner at their expense within 90 days from the City issued notice that underground service is available for connection, which was issued on or before November 10, 2010.**

**Phase 3 shall be completed by the utility companies by January 30, 2011.**

**Phase 4 shall be completed by the utility companies within 60 days of the completion of Phase 2.**

**Phase 5 shall be completed by the utility companies within 60 days of the completion of Phase 4**

**This report is submitted on the 7th day of December, 2010.**



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**MARK CHRISTOFFELS, P.E.  
CITY ENGINEER  
CITY OF LONG BEACH  
STATE OF CALIFORNIA**



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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH CREATING THE TOLEDO  
UNDERGROUND UTILITY DISTRICT PURSUANT TO  
LONG BEACH MUNICIPAL CODE CHAPTER 15.48

WHEREAS, the City has received a request from property owners located  
on The Toledo between Second Street and the Geneva Walkway ("The Toledo  
Underground District") for the creation of an underground utility district; and

WHEREAS, on December 7, 2010 the City Council conducted a hearing as  
to whether it is in the public interest to create such a district, and has determined that the  
public interest shall be served by such a district.

The City Council of the City of Long Beach ordains as follows:

Section 1. The City Council has received a request for the  
undergrounding of The Toledo Underground District which conforms to PUC  
requirements for Rule 20B projects and an assessment district has been formed for the  
area in order to provide funding for the undergrounding of utilities (the "project").

Section 2. The City Engineer has prepared a report and submitted it to  
the City Council which contains a description of the project, a date by which property  
owners must complete all facility changes on the premises necessary to receive service  
from the underground facilities of the utilities, and an estimate of the time required to  
complete the underground installation and removal of poles, overhead wires and  
associated overhead structures.

Section 3. On December 7, 2010, the City Council conducted a public  
hearing and considered evidence as to whether the project is in the general public

1 interest, and the City Council hereby determines that the completion of such work is in  
2 the general public interest.

3           Section 4.    The Toledo Underground District is hereby created, and all  
4 existing poles, overhead wires and associated overhead structures shall be removed  
5 within that District, and each property served from such poles, wires and associated  
6 overhead structures shall have installed, in accordance with the utilities' rules for  
7 underground service as approved by the Public Utilities Commission, all facility changes  
8 on the premises necessary to receive service from the underground facilities as soon as  
9 it is available, and authorizes the utilities to discontinue service. Upon the effective date  
10 of this Ordinance, it shall be unlawful for any person or utility to erect, construct, place,  
11 keep, maintain, continue, employ or operate poles, overhead wires and associated  
12 overhead structures in The Toledo Undergrounding District, except for a reasonable time  
13 necessary to perform the work of connecting utilities to the underground facilities.

14           Section 5.    The City Clerk shall certify to the passage of this ordinance by  
15 the City Council and cause it to be posted in three (3) conspicuous places in the City of  
16 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
17 Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664