

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

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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

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