

**RESOLUTION NO. 99-77**

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 99-01, NORTH CHINA LAKE BOULEVARD FROM INYOKERN ROAD TO 1000' NORTH OF DRUMMOND AVENUE**

**BE IT RESOLVED BY THE RIDGECREST CITY COUNCIL** as follows:

**WHEREAS**, by Resolution No. 99-71, a public hearing was called for on September 1, 1999 at the hour of 6:00 p.m. in the Council chambers in the City Hall, Ridgecrest, California, to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated facilities for supplying electric, communication or similar or associated service on North China Lake Boulevard, from Inyokern Road to 1000' North of Drummond Avenue.

**WHEREAS**, notice of such hearing has been given to all affected property owners as shown on the last equalized assessment roll and utilities concerned in the manner and for the time required by law; and

**WHEREAS**, such hearing has been duly and regularly held, and all persons interested have been given an opportunity to be heard.

**NOW, THEREFORE, BE IT RESOLVED** that the Ridgecrest City Council hereby finds and determines that the public necessity, health, safety and welfare require the removal of poles, overhead wires and associated structures, and the underground installation of wires and facilities for supplying electric communication, or similar or associated service on North China Lake Boulevard from Inyokern Road to 1000' North of Drummond Avenue. As described on Exhibit A attached hereto and made a part hereof, and such described area is hereby established as underground utility district No. 99-01.

**BE IT FURTHER RESOLVED**, that the Council finds:

- a) That such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities;
- b) The street or road right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
- c) The street or road right-of-way 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 overhead structures shall be removed and underground installations be made in said underground utility district within the following times:

a) Underground installation by utility companies and property owners and reconnections not later than September 1, 2001;

b) Removal of poles, overhead wires and other associated structures not later than September 1, 2001.

**BE IT FURTHER RESOLVED**, such removal and underground installation shall be accomplished at the cost of the Southern California Edison company using budgeted Rule 20A undergrounding funds and such advanced Rule 20A funds as are found necessary to use, except that property owners within said designated area as are to receive service from said underground facilities shall provide facilities on their respective properties to receive such service at their own cost.

**BE IT FURTHER RESOLVED**, that the City Clerk, within ten (10) days after the adoption of this resolution, shall mail a copy hereof and a copy of Chapter XVIII, Sections 1 through 12 of the Ridgecrest Municipal Code to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

**APPROVED AND ADOPTED** this 1st day of September, 1999 by the following vote:

AYES: Mayor Darnell, Council Members Carter, Holloway, Morgan, and Rollins

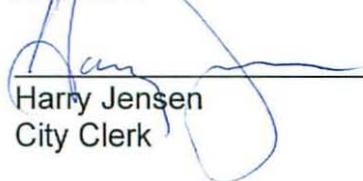
NOES: None

ABSTAIN: None

ABSENT: None

  
\_\_\_\_\_  
Donna Darnell, Mayor

ATTEST:

  
\_\_\_\_\_  
Harry Jensen  
City Clerk

## CHAPTER XVIII

### UNDERGROUND UTILITY DISTRICTS

#### 18-1 Definitions.

As used in this Chapter:

a. "*Commission*" shall mean the Public Utilities Commission of the State of California.

b. "*Underground Utility District*" or "*District*" shall mean that area in the City within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of section 18-3 of this chapter.

c. "*Person*" shall mean and include individuals, firms, corporations, partnerships, and their agents and employees.

d. "*Poles, overhead wires and associated overhead structures*" shall mean poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a District and used or useful in supplying electric, communication or similar or associated service.

e. "*Utility*" shall mean and include all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. (Ord. No. 88, §1)

#### 18-2 Public Hearing by Council.

The Council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least ten days prior to the date thereof. Each

such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive. (Ord. No. 88, §2)

**18-3 Report by City Engineer.**

Prior to such public hearing, the City Engineer shall consult with all affected utilities and shall prepare a report for submission at such hearing containing, among other information, the extent of such utilities' participation and estimates of the total costs to the City and affected property owners. Such report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities. (Ord. No. 88, §3)

**18-4 Council May Designate Underground Utility Districts by Resolution.**

If, after any such public hearing the Council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Council shall, by resolution, declare such designated area an Underground Utility District and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials, and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. No. 88, §4)

**18-5 Unlawful Acts.**

Whenever the Council creates an Underground Utility District and orders the removal of poles, overhead wires and associated overhead structures therein as provided in section 18-4 hereof, it shall be unlawful for any person or utility to

erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the District after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 18-9 hereof, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this chapter. (Ord. No. 88, §5)

**18-6 Exception, Emergency or Unusual Circumstances.**

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed ten days, without authority of the Council in order to provide emergency service. The Council may grant special permission, on such terms as the Council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. (Ord. No. 88, §6)

18-6.1 *Other Exceptions.* In any resolution adopted pursuant to section 18-4 hereof, the City may authorize any or all of the following exceptions:

- a. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Engineer.
- b. Poles, or electroliers used exclusively for street lighting.
- c. Overhead wires (exclusive of supporting structures) crossing any portion of a District within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a District, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.
- d. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts.
- e. Overhead wires attached to the exterior surface of a

building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street.

f. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services.

g. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts.

h. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. (Ord. No. 88, §7)

**18-7 Notice to Property Owners and Utility Companies.**

Within ten days after the effective date of a resolution adopted pursuant to section 18-4 hereof, the City Clerk shall notify all affected utilities and all persons owning real property within the District created by said resolution of the adoption thereof. Said City Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location.

Notification by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to section 18-4, together with a copy of this ordinance, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. (Ord. No. 88, §8)

**18-8 Responsibility of Utility Companies.**

If underground construction is necessary to provide utility service within a District created by any resolution adopted pursuant to section 18-4 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission. (Ord. No. 88, §9)

**18-9 Responsibility of Property Owners.**

a. Every person owning, operating, leasing, occupying or renting a building or structure within a District shall construct and provide that portion of the service connection on his property between the facilities referred to in section 18-8 and the termination facility on or within said building or structure being served. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to section 18-4 hereof, the City Engineer shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within ten days after receipt of such notice.

b. The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to General Delivery, City of Ridgecrest. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within 48 hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the City Engineer shall, within 48 hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by ten inches in size, to be posted in a conspicuous place on said premises.

c. The notice given by the City Engineer to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if such work is not completed within 30 days after receipt of such notice, the City Engineer will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

d. If upon the expiration of the 30 day period, the said required underground facilities have not been provided, the City Engineer shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the City Engineer shall in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the City Engineer, he shall file a written report with the City Council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than ten days thereafter.

e. The City Engineer shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing to the person possessing such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the Council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

f. Upon the date and hour set for the hearing of protests, the Council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

g. If any assessment is not paid within five days after its confirmation by the Council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the City Engineer, and the City Engineer is directed to turn over to the Assessor and Tax Collector a notice of lien on each of said properties on which the assessment has not been paid, and said Assessor and Tax Collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which

said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per annum. (Ord. No. 88, §10)

18-10 Responsibility of City.

City shall remove at its own expense all City-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to section 18-4 hereof. (Ord. No. 88, §11)

18-11 Extension of Time.

In the event that any act required by this chapter or by a resolution adopted pursuant to section 18-4 hereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances, beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. No. 88, §12)

18-12 Penalty.

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred (\$500.00) dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this chapter is committed, continued or permitted by such person, and shall be punishable therefor as provided for in this chapter. (Ord. No. 88, §13)

## ENGINEER'S REPORT

### UNDERGROUND UTILITY DISTRICT NO. 99-01 NORTH CHINA LAKE BOULEVARD BETWEEN INYOKERN ROAD AND APPROXIMATELY 1000' NORTH OF DRUMMOND AVENUE

#### 1. Scope

This Underground Utility District is located on North China Lake Boulevard from Inyokern Road to Approximately 1000' North of Drummond Avenue and is for the undergrounding of utilities using Rule 20A funds.

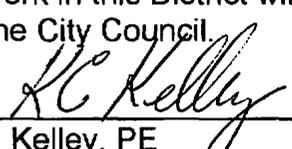
#### 2. Cost

All costs of undergrounding will be paid from Rule 20A funds accrued to The City of Ridgecrest and the County of Kern for this purpose. None of the properties affected by this project have any overhead utility services. No owners will be required to change an existing service.

It is estimated that this project will cost \$2,500,000.00. Ridgecrest will contribute their accrued allocation of Rule 20 funds and the balance will be paid for with Rule 20A funds allocated to the County of Kern and made available to the City of Ridgecrest for this project. (Kern County Resolution 99-246) The City will contribute all of its available Rule 20A allocation to the project. The current allocation is about \$80,000 and another \$80,000 should be available in the year 2000. In return for the allocation from the County the City has agreed to be the lead agency for the project.

#### 3. Time Schedule

A meeting was held with the utilities involved and it was determined that all work in this District will be completed in four years from the date of formation by the City Council.

  
\_\_\_\_\_  
K.C. Kelley, PE  
City Engineer

Dated: 8/26/99



**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF KERN, STATE OF CALIFORNIA**

In the matter of:

AUTHORIZING THE CITY OF RIDGECREST TO  
USE A PORTION OF THE FUNDS ALLOCATED TO  
KERN COUNTY FOR CONVERTING OVERHEAD  
UTILITY LINES TO UNDERGROUND ALONG CHINA LAKE BLVD.  
PROVIDED CONSTRUCTION COMMENCES PRIOR TO JANUARY 1, 2001

Resolution No. 99-246  
Reference No. \_\_\_\_\_

I, DENISE PENNELL, Clerk of the Board of Supervisors of the County of Kern, State of California, hereby certify that the following resolution, on motion of Supervisor Patrick, seconded by Supervisor Peterson, was duly and regularly adopted by the Board of Supervisors of the County of Kern at an official meeting thereof on the 24th day of August, 1999, by the following vote and that a copy of the resolution has been delivered to the Chairman of the Board of Supervisors.

AYES: McQuiston, Perez, Patrick, Peterson  
Parra

DENISE PENNELL  
Clerk of the Board of Supervisors  
County of Kern, State of California

NOES: None

ABSENT: None



BY: Gray A. Denny  
Deputy Clerk

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**RESOLUTION**

**SECTION 1. WHEREAS:**

(a) In 1968, the California Public Utilities Commission decided Case No. 8209 which established a program (commonly referred to as an "Undergrounding" Program) under which regulated electric utilities are required to budget funds annually for use by communities they serve to convert utility overhead distribution lines to underground; and

(b) Southern California Edison's (S.C.E.) program (commonly referred to as the "Rule 20A" Program) provides that uncommitted funds in a county's undergrounding account may be transferred to a city or cities within a county with the County's approval; and

(c) S.C.E.'s program provides that uncommitted carryovers above a certain level in each community may be reallocated to those communities with a more active conversion program; and

(d) As of January, 1999, the available funds in Kern County Unincorporated Area's Rule 20A account, for converting S.C.E. facilities is three million three hundred and twenty six-thousand dollars (\$3,326,000); and

(e) The Engineering & Survey Services Department Director has recommended that if construction begins prior to January 1, 2001, this Board approve the transfer of up to two million four hundred and fifty thousand dollars (\$2,450,000) of Kern County Unincorporated Area's Southern California Edison Rule 20A allocation to the City of Ridgecrest for a proposed undergrounding project on China Lake Blvd. from Iriyokern Road to approximately 1000 feet north of Drummond Avenue in the City of Ridgecrest; and

(f) The total estimated cost of the project is two million five hundred and fifty thousand dollars (\$2,550,000), of which the City of Ridgecrest will be responsible for funding any difference by using their allocated 20A funds; and

(g) Southern California Edison has indicated that construction of this project is likely to commence during the year 2000.

**SECTION 2.** NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors of the County of Kern, State of California, as follows:

1. This Board does hereby authorize the City of Ridgecrest to utilize an amount not to exceed two million four hundred and fifty thousand dollars (\$2,450,000) from the funds allocated by S.C.E. to the County of Kern for undergrounding existing overhead facilities within the unincorporated area of Kern County, provided construction begins prior to January 1, 2001.

2. The funds allocated by this Resolution are to be used in accomplishing the conversion of existing overhead facilities on China Lake Boulevard from Inyokern Road to approximately 1000 feet north of Drummond Ave.

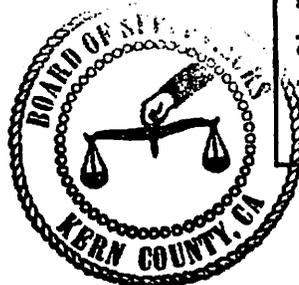
3. If the City project does not commence construction before January 1, 2001, this authorization to reallocate funds is void.

4. The Clerk of the Board shall forward a certified copy of this Resolution to the following:

- a. Southern California Edison  
Attn: Glen Stultz  
10180 Telegraph Rd.  
Ventura, CA 93004
- b. City of Ridgecrest
- c. Pacific Bell
- d. Engineering & Survey Services Department
- e. County Administrative Office
- f. Planning Director
- g. County Counsel

COPIES FURNISHED:
<i>See Above</i>
<i>Auditor</i>
<i>8-26-99 ja</i>

GF:lsp  
C:WINDOWS\WP(WP).BK1



<b>STATE OF CALIFORNIA</b>	
<b>COUNTY OF KERN</b>	
I, Denise Pennell, Clerk of the Board of Supervisors do hereby certify the foregoing to be a full, true and correct copy of the original.	
<i>Resolution 99-246</i>	
on file in my office.	
Witness my hand and seal of the Board of Supervisors.	
This	<i>26th</i> day of <i>August</i> 19 <i>99</i>
DENISE PENNELL	
Clerk of the Board of Supervisors	
Seal	By <i>Judy A. Henny</i> Deputy

