

RESOLUTION NO. ____-2021

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL
ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 6 - CHESTNUT
STREET**

WHEREAS, the City of Fort Bragg, has adopted an ordinance, Fort Bragg Municipal Code (FBMC) 12.08, authorizing the City Council to designate areas within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, Chapter 12.08 of the FBMC establishes a procedure for the creation of underground utility districts and requires as the initial step in such procedure the holding of a public hearing to ascertain whether public necessity, health, safety, or welfare requires the removal of poles, overhead wires, and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication or similar associated service in any such district; and

WHEREAS, on September 27, 2021, City Council recommended that such an underground utility district, hereinafter District No. 6 – Chestnut Street, be formed between those properties adjoining Chestnut Street on both the North and South side; between the east line of Main Street; and the west line of Ebbing Way; and

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

WHEREAS, on November 29, 2021, the Assistant Director of Engineering for the City of Fort Bragg has consulted with PG&E to discuss and observe the proposed underground conversion district No. 6 - Chestnut Street and more particularly described in Attachment 2 attached hereto and incorporated herein by reference, meets the criteria established by the rules of the CPUC, to wit,

1. The streets, roads or rights of way in the District are extensively used by the general public and carry a heavy volume of pedestrian or vehicular traffic;
2. The street is considered a major collector as defined in the City's General Plan; and
3. The undergrounding will avoid an unusually heavy concentration of overhead distribution facilities, and

WHEREAS, some \$1,355,848.00 in unallocated utility under-grounding funds are available to the City from the Pacific, Gas and Electric Company; 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 by the City Council of the City of Fort Bragg, that, pursuant to Chapter 12.08 of the Fort Bragg Municipal Code, the above-described area is

hereby declared an Underground Utility District, and is designated as Underground Utility District No. 6 - Chestnut Street of the City of Fort Bragg. Attached hereto, marked Attachment 2 and hereby incorporated as a part of this resolution, is a map delineating the boundaries of said District.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council does hereby fix January 1, 2032 as the date on which affected property owners must be ready to receive underground service, and does hereby order the removal of all poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service within Underground Utility District No. 6 – Chestnut Street on or before May 1, 2032.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Clerk is hereby instructed to notify all affected utilities and all persons owning real property within Underground Utility District No. 6 - Chestnut Street of the adoption of this resolution within ten (10) days after the date of such adoption. Said City Clerk shall further notify said property owners of the necessity that, if they for any person occupying such property desire to continue to receive electric, communication or other similar or associated service, they or such occupant shall, by the date fixed in this resolution, 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, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the Public Utilities Commission of the State of California. Such notification shall be made by mailing a copy of this resolution together with a copy of said Chapter 12.08 of the Fort Bragg Municipal Code, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that:

Section 1. The public interest requires that all existing overhead communication and electric distribution facilities in such district shall be removed [excepting those poles supporting streetlights or traffic signals], overhead wires and associated overhead structures and installation of underground wires and facilities for supplying electric power, communication, or similar associated services within the areas as shown in Attachment 2, attached hereto, with such area being designated as the Underground Utility District No. 6 – Chestnut Street, and

Section 2. That the utility companies, cable television services and other affected services shall commence work on installation of underground facility installation in Underground Utility District No. 6 - Chestnut Street and that as each phase of the project is complete and ready for conversion from overhead to underground utility facilities, all fronting property owners shall be notified by first class letter, postage pre-paid, of the schedule for conversion of all utility service lines, and

Section 3. The electric utility shall use the underground conversion allocation computed pursuant to decisions of the Public Utilities Commission of the State of California for the purpose of providing to each premises in Underground Utility District No. 6 - Chestnut Street requiring it a maximum of one hundred (100) feet of individual electric or communication service trenching and conductor (as well as backfill, paving and conduit, if required) and each other serving utility will provide service trenching and conductor in accordance with its tariffs on file with the California Public Utilities Commission or as required by its Franchise Agreement with the City.

Section 4. The electric utility shall use said underground conversion allowance allocation, for the conversion of electric service panels to accept underground service in the Underground Utility District No. 6 – Chestnut Street, all costs not covered by the electric utility for the installation and maintenance of the conduit and termination box located on, under or within any structure on the premises served, and

Section 5. Each property served from such electric overhead facilities shall have installation in accordance with PG&'s rules for underground service, all electrical facilities changes on the premises necessary to receive service from the underground facilities of PG&E as soon as it is available; and

Section 6. That once all services have been converted from overhead to underground, the PG&E is authorized to discontinue its overhead electric service upon completion of the underground distribution system and all utility companies, cable television services and other affected services shall remove all poles (except as specified above) and associated overhead facilities in Underground Utility District No. 6 – Chestnut Street, by May 1, 2032.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 13th day of December 2021, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, CMC
City Clerk