

TOWN OF SAN ANSELMO

ORDINANCE NO. 694

AN ORDINANCE REQUIRING THE UNDERGROUND INSTALLATION OF
ELECTRIC AND COMMUNICATION UTILITY SERVICE ON RED HILL
AVENUE BETWEEN LINCOLN AVENUE AND SEQUOIA DRIVE

The Town Council of the Town of San Anselmo does ordain as follows:

Chapter 8 of Title 7 of the San Anselmo Municipal Code is hereby amended to add the following sections:

Section 7-8.12.

(a) A public hearing held in the manner and within the time required by law has been given to all affected property owners (as shown on the last equalized assessment roll) and to all affected utilities on the subject, whether underground installation or electric and communication utility service should be required on Red Hill Avenue between Lincoln Avenue and Sequoia Drive in the Town of San Anselmo.

(b) The Town Council on conclusion of the public hearing aforesaid finds and determines that public necessity, health, safety, and welfare require the removal of poles, overhead wires and associated overhead structures, and the installation of wires and facilities for supplying electric, communication or similar or associated service by the establishment of an underground utility district on Red Hill Avenue between Lincoln Avenue and Sequoia Drive for the following reasons:

(1) Such undergrounding will eliminate an unusually heavy concentration of overhead distribution facilities;

(2) Red Hill Avenue is extensively used by the general

public and carries a heavy volume of vehicular traffic;

(3) The existing overhead facilities prevent the natural growth of street trees in the center-island area; and

(4) Red Hill Avenue is designated in the San Anselmo General Plan as a "parkway" wherein aesthetics are to be given more than the normal consideration in municipal planning.

Section 7-8.13. The area on Red Hill Avenue between Lincoln Avenue and Sequoia Drive is hereby declared to be an Underground Utility District and is designated as Underground Utility District No. 3 of the Town of San Anselmo. Attached, marked Exhibit "A" and incorporated herein, is a map delineating the boundaries of said District.

Section 7-8.14. The Council hereby fixes October 1, 1976, as the date on which affected property owners must be ready to receive underground service. The underground installation of wires and facilities for supplying electric, communication or similar or associated service within Underground Utility District No. 3 must be completed on or before October 1, 1976. The removal of all poles, overhead wires, and associated overhead structures must be completed by January 1, 1977.

Section 7-8.09(b) and (c) are amended to read as follows:

Section 7-8.09(b). In the event the person owning, operating, leasing, occupying, or renting such property does not comply with the provisions of sub-section (a) of this section within the time provided for in the ordinance enacted pursuant to Section 7-8.03 of this Chapter, the Town Engineer shall post written notice on the property being served and

thirty (30) days thereafter shall have the authority either to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property, after which the affected utility companies may discontinue service to the property, or to cause the required work to be done. In the latter event, the costs and expense of this work shall be assessed against the property benefited and become a lien upon such property. The Town Engineer shall keep an itemized account of the expenses involved in performing the work and shall post conspicuously on the property benefited a verified statement of the expenses, together with a notice of the time and place, when and where said statement shall be submitted to the Council for approval and confirmation. The Town Engineer shall mail another copy of said statement and notice to the person named as the property owner as shown on the last equalized assessment roll after which he shall file his affidavit with the Town Clerk certifying to the manner and time of posting such statement and notice and also as to the mailing of a copy in case a copy was mailed. The time for submitting said statement to the Council for confirmation shall not be less than five (5) days from the posting of said statement and notice on the property.

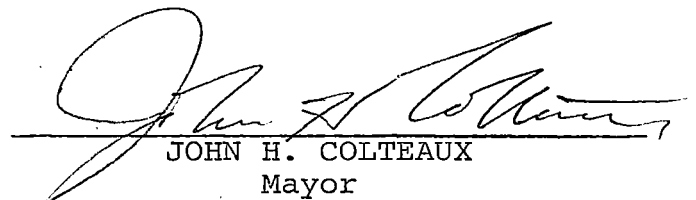
At the time fixed for the hearing on the statement of expenses the Council shall consider the statement and such objections as may be offered against it whereupon it shall modify, amend or confirm the same as submitted; provided, however, the hearing may be continued from time to time. When finally confirmed, the Town Clerk shall transmit a certified

copy to the County Assessor, and the County Tax Collector. Upon final confirmation of the statement, the expenses for the work shall constitute a lien on the real property upon which the same was benefited, and the amount thereof shall be added to the next succeeding tax bill against said property, and shall be collected at the same time and in the same manner as general municipal taxes are collected and shall be subject to the same penalties and procedures in cases of delinquency.

Section 7-8.09(c). In addition to the provisions of paragraph (b) above, noncompliance by any person owning, occupying, operating, leasing or renting such property with the provisions of this section shall also constitute a misdemeanor.

The foregoing ordinance was introduced at a regular meeting of the San Anselmo Town Council held on October 14, 1975, and was thereafter at a regular meeting of the Town Council held on the 28th day of October, 1975, duly passed and adopted by the following vote:

AYES:	Councilmen	Anderson, Capurro, Blinder, Toal, Mayor Colteaux
NOES:	Councilmen	None
ABSENT:	Councilmen	None



JOHN H. COLTEAUX
Mayor

ATTEST:



CAROLINE FOSTER
Town Clerk