

**TOWN OF SAN ANSELMO
RESOLUTION NO. 3402**

**A RESOLUTION ESTABLISHING UNDERGROUND DISTRICT NO. 6
LOCATED ALONG SAN ANSELMO AVENUE FROM SAN RAFAEL AVENUE
TO ROSS AVENUE, ALONG TUNSTEAD AVENUE FROM SAN ANSELMO
AVENUE TO 250 FEET WESTERLY, AND ALONG KIENZT LANE FROM
MAGNOLIA AVENUE TO TAMALPAIS AVENUE**

BE IT RESOLVED by the Council of the Town of San Anselmo as follows:

WHEREAS, a public hearing was called for Tuesday, September 9, 1997 at the hour of 8:00 p.m. in the Town Council Chambers in the Town Hall, San Anselmo, California, to ascertain whether the 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 or associated service, within that certain area of the Town described as follows: San Anselmo Avenue from San Rafael Avenue to Ross Avenue; and

All those properties contained within the boundary of the proposed underground utility district as shown on the map attached hereto marked "Exhibit A", entitled "Town of San Anselmo Underground Utility District No. 6" and dated August 13, 1997; and

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;

WHEREAS, the Council determined after a hearing on the subject that the Underground Utility District herein created is in the general public interest for the following reasons:

- 1) The undergrounding to be accomplished will avoid or eliminate an unusually heavy concentration of overhead distribution facilities.
- 2) The streets, roads or rights of way in the district are extensively used by the general public and carry a heavy volume of pedestrian and vehicular traffic.
- 3) The said streets, roads or rights of way adjoin or pass through a civic area.

- 4) The undergrounding to be accomplished will result in increased safety for pedestrian and vehicular traffic.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of San Anselmo, that pursuant to Ordinance No. 899 of the Town of San Anselmo, the above described area is hereby declared an Underground Utility District, and is designated as Underground Utility District No. 6 of the Town of San Anselmo. Attached hereto, marked Exhibit "A", and hereby incorporated as a part of this resolution, is a map delineating the boundaries of said District.

RESOLVED, FURTHER, that the Council does hereby fix October 1, 1998, 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 with said Underground Utility District on or before January 31, 1999.

RESOLVED, FURTHER, that the electric utility which undertakes underground installation of its facilities 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 property in said Underground Utility District which requires it, a maximum of one hundred feet of individual electric service trenching and conductor, as well as backfill, paving and conduit, if required. 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 Town of San Anselmo.

RESOLVED, FURTHER, each property owner in Underground Utility District No. 6 shall be responsible for the installation and maintenance of the conduit and termination box located on, under or within any structure on the premises served and any associated trenching and conductors (as well as backfill, paving and conduit if required) beyond the initial one hundred feet as described above.

RESOLVED, FURTHER, that notwithstanding any other provisions of Ordinance No. 899, no overhead facilities or wires shall be allowed within the right of way of San Anselmo Avenue.

RESOLVED FURTHER, that the Town Clerk is hereby instructed to notify all affected utilities and all persons owning real property within Underground Utility District No. 6 of the adoption of this resolution within ten (10) days after the date of such adoption. Said Town Clerk shall further notify said property owners of the necessity that, if they or 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

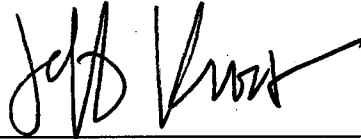
file with the Public Utilities Commission of the State of California. Such notification shall be made by mailing a copy of said Ordinance No. 899, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

The foregoing Resolution was adopted and passed at a regular meeting of the Town Council of the Town of San Anselmo held on September 9, 1997, by the following vote:

AYES: Hodgens, Breen, Overberger, Kroot

NOES: None

ABSENT: Chignell



Jeff Kroot, Mayor

ATTEST:



Debbie Stutsman
Debbie Stutsman, Town Clerk

EXHIBIT "A"

