

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified Copy of Portion of Proceedings, Meeting of April 7, 1992

RESOLUTION NO. 92-38

**ESTABLISHMENT OF HARRISON AVENUE
UNDERGROUND UTILITY DISTRICT NO. 1**

WHEREAS, by Board Order dated March 10, 1992, a public hearing was called for on April 7, 1992 at the hour of 1:45 p.m. in the Board of Supervisors Chambers in the Courthouse, Eureka, California, 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 associated overhead structures, and the underground installation of wires and facilities for supplying electricity, communications and similar or associated services, within that certain area of Humboldt County described as follows: a wide corridor along the east side of Harrison Avenue from 15th Street to Harris Street;

WHEREAS, the Board of Supervisors of the County of Humboldt, pursuant to Ordinance No. 652 of the County of Humboldt, hereby declares the above described area an Underground utility District, and designates it as Harrison Avenue Underground Utility District No. 1 of the County of Humboldt. Attached hereto marked Exhibit "A", and hereby incorporated as a part of this Resolution is a map and legal description delineating the boundaries of said District;

WHEREAS, the Board of Supervisors hereby sets September 30, 1993, 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 electricity, communications, and similar or associated services within the Harrison Avenue Underground Utility District No. 1 on or before May 27, 1994;

WHEREAS, the Clerk of the Board is hereby instructed to notify all affected utilities and all persons owning real property within the Harrison Avenue Underground Utility District No. 1 of the adoption of said Resolution. Clerk of the Board shall further notify said property owners of the necessity that, if they or any persons occupying such property desire to continue to receive electricity, communications, and similar or associated services, 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 services 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. Reimburse P G & E for the cost of the electrical service lateral in excess of 100 feet from the property owners meter box to the point of service at the property right-of-way line. Such notification shall be made by mailing a copy of this Resolution, together with a copy of said Ordinance No. 652, to all affected property owners as such are shown on the last equalized assessment roll and to the affected utilities;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby finds and determines as follows:

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 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 or vehicular traffic.
3. The area has a substantial majority of property owners favoring undergrounding.

Adopted on motion by Supervisor Pritchard, second by Supervisor Fulkerson, and the following vote:

AYES: Supervisors Dixon, Pritchard, and Fulkerson
NAYS: None
ABSENT: Supervisors Neely and Sparks
ABSTAIN: None

STATE OF CALIFORNIA)
County of Humboldt)^{SS}

I, J. BRUCE RUPP, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

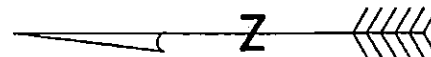
J. BRUCE RUPP

Clerk of the Board of Supervisors
of the County of Humboldt, State
of California

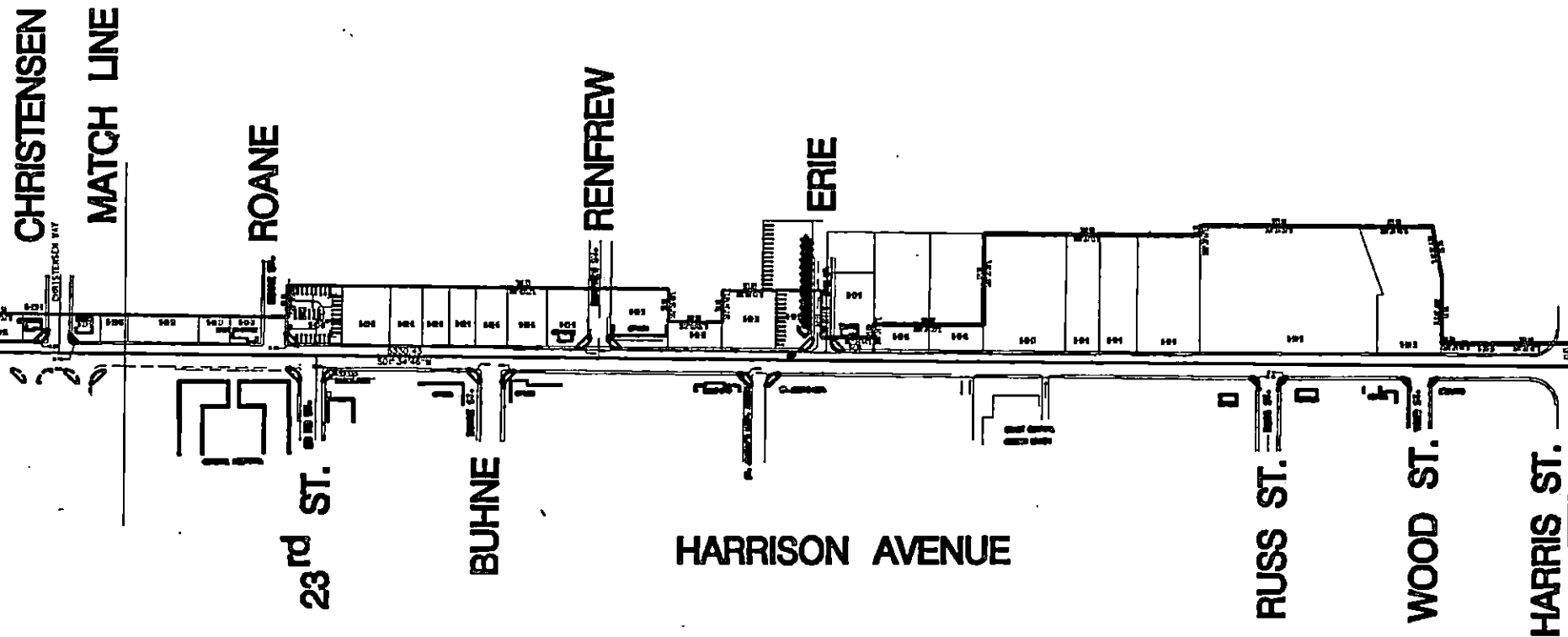
By *Lora Frediani*
LORA FREDIANI, Assistant Clerk
of the Board

April 10, 1992

HARRISON AVENUE
UNDERGROUND UTILITY DISTRICT
NUMBER ONE



SCALE 1" = 300'

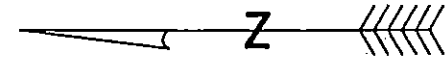


LARGER SCALE MAPS ARE AVAILABLE
FOR PUBLIC REVIEW AT :

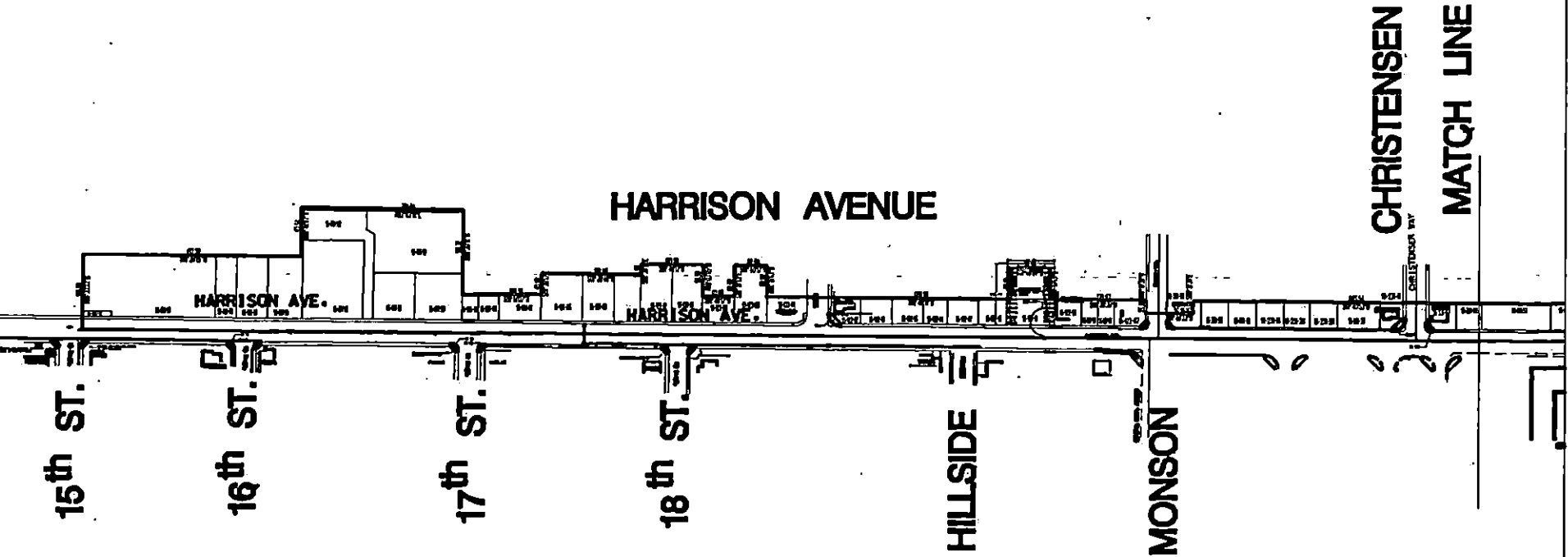
HUMBOLDT COUNTY DEPARTMENT
OF PUBLIC WORKS

1106 SECOND STREET, EUREKA
CA, 95501

**HARRISON AVENUE
UNDERGROUND UTILITY DISTRICT
NUMBER ONE**



SCALE 1" = 300'



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FOR PUBLIC REVIEW AT :**

**HUMBOLDT COUNTY DEPARTMENT
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**1106 SECOND STREET, EUREKA
CA, 95501**

LEGAL DESCRIPTION

Harrison Avenue Underground Utility District No. 1

Beginning at a point four feet west of the section corner common to 23, 24, 25 and 26 T4N, R1W, HB&M. Also known as Eureka City Monument No. _____;

Thence south $1^{\circ} 34' 46''$ west, 5330.43 feet to the section corner common to Sections 25, 26, 35 and 36 T5N, R1W, HB&M;

Thence south $89^{\circ} 07' 50''$ east, 42.83 feet;

Thence north $1^{\circ} 24' 48''$ east, 210.00 feet;

Thence north $1^{\circ} 24' 49''$ east, 30.00 feet more or less to the south property line of that land owned by John and Joan Davies;

Thence south $88^{\circ} 35' 11''$ east, 119.99 feet;

Thence north $79^{\circ} 59' 58''$ east, 101.00 feet;

Thence north $1^{\circ} 24' 46''$ east, 135.88 feet along the rear property line more or less to the southeast corner of that land owned by Allen H. Krohn;

Thence north $1^{\circ} 24' 50''$ east, 293.00 feet;

Thence north $88^{\circ} 35' 44''$ west, 19.18 feet to the southeast corner of that land owned by Jon and Suzanne McBride;

Thence north $1^{\circ} 37' 13''$ east, 399.99 feet more or less to the northeast corner of that land owned by Internal Environment Limited;

Thence north $88^{\circ} 35' 06''$ west, 171.28 feet;

Thence north $1^{\circ} 24' 35''$ east, 199.98 feet more or less to the south property line of that land owned by Roy and Doris Edwards;

Thence north $88^{\circ} 34' 44''$ west, 25.00 feet;

Thence north $1^{\circ} 24' 44''$ east, 97.39 feet;

Thence south $89^{\circ} 06' 04''$ east, 87.33 feet;

Thence north $1^{\circ} 08' 45''$ east, 183.05 feet to the northeast corner of Lot #11 of the revised map of the Darden tract;

Thence north $87^{\circ} 56' 46''$ west, 59.99 feet;

Thence north $2^{\circ} 03' 06''$ east, 100.00 feet;

Thence south $87^{\circ} 56' 46''$ east, 59.99 feet;

Thence north $1^{\circ} 40' 52''$ east, 706.33 feet more or less to the south right-of-way line of Roane Street;

Exhibit "A"

Thence north $88^{\circ} 19' 08''$ west, 60.00 feet;

Thence north $1^{\circ} 40' 53''$ east, 845.54 feet more or less;

Thence north $88^{\circ} 19' 36''$ west, 25.00 feet;

Thence north $1^{\circ} 40' 33''$ east, 90.96 feet more or less to the north right-of-way line of Munson Street;

Thence south $88^{\circ} 19' 36''$ east 25.00 feet;

Thence north $1^{\circ} 38' 35''$ east, 179.97 feet;

Thence south $88^{\circ} 19' 43''$ east, 60.00 feet;

Thence north $1^{\circ} 40' 24''$ east, 74.99 feet;

Thence north $88^{\circ} 19' 34''$ west, 59.91 feet;

Thence north $1^{\circ} 40' 19''$ east, 460.95 feet;

Thence south $88^{\circ} 19' 43''$ east, 60.00 feet;

Thence north $1^{\circ} 40' 17''$ east, 60.00 feet;

Thence north $88^{\circ} 19' 43''$ west, 60.00 feet;

Thence north $1^{\circ} 40' 17''$ east, 60.00 feet;

Thence south $88^{\circ} 03' 05''$ east, 59.99 feet;

Thence north $1^{\circ} 40' 17''$ east, 120.00 feet;

Thence north $88^{\circ} 20' 17''$ west, 20.00 feet;

Thence north $1^{\circ} 30' 40''$ east, 188.00 feet;

Thence north $88^{\circ} 20' 17''$ west, 40.00 feet;

Thence north $1^{\circ} 14' 07''$ east, 150.29 feet;

Thence south $88^{\circ} 20' 12''$ east, 161.32 feet;

Thence north $2^{\circ} 02' 12''$ east, 310.94 feet;

Thence north $88^{\circ} 46' 07''$ west, 93.54 feet;

Thence north $1^{\circ} 39' 06''$ east, 412.50 feet;

Thence north $88^{\circ} 44' 54''$ west, 145.13 feet to the point of beginning.

Distances are based on California Coordinates Zone-1. Multiply called distances by 1.0001084 to obtain ground distances.

Rotate called bearings counter-clockwise $1^{\circ} 23' 53''$ to obtain true bearings.

ORDINANCE NO. 652

ORDINANCE ESTABLISHING REGULATIONS AND PROCEDURES
FOR REMOVAL OF OVERHEAD UTILITY FACILITIES
AND INSTALLATION OF UNDERGROUND FACILITIES
IN UNDERGROUND UTILITY DISTRICTS

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. DEFINITIONS. Whenever in this ordinance the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

- (1) "Commission" shall mean the Public Utilities Commission of the State of California.
- (2) "County" shall mean the County of Humboldt.
- (3) "Board" shall mean the Humboldt County Board of Supervisors.
- (4) "Clerk" shall mean the Clerk of the Humboldt County Board of Supervisors.
- (5) "Director" shall mean the Humboldt County Director of Public Works.
- (6) "Underground Utility District" or "District" shall mean that unincorporated area in the County 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 3 of this ordinance.
- (7) "Person" shall mean and include individuals, firms, corporations, partnerships, and their agents and employees.
- (8) "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 above-ground

within a District and used or useful in supplying electric, communication or similar or associated service.

(9) "Utility" shall include all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices.

SECTION 2. PUBLIC HEARING BY BOARD. The Board 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 unincorporated area of the County and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The 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 (10) 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 Board shall be final and conclusive.

(1) Report by Director. Prior to holding such public hearing, the Director shall consult 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 County 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.

SECTION 3. BOARD MAY DESIGNATE UNDERGROUND UTILITY DISTRICTS BY RESOLUTION. If, after any such public hearing, the Board finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Board 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.

SECTION 4. UNLAWFUL ACTS. Whenever the Board creates an Underground Utility District and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 3 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 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 ordinance.

SECTION 5. EXCEPTION, EMERGENCY OR UNUSUAL CIRCUMSTANCES. Notwithstanding the provisions of this ordinance, overhead facilities may be installed and maintained for a period, not to exceed thirty (30) days, without authority of the Board in order to provide emergency service. The Board may grant special permission on such terms as the Board may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility,

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to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

SECTION 6. OTHER EXCEPTIONS. This ordinance and any resolution adopted pursuant to Section 3 hereof shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

(1) County facilities or equipment installed under the supervision and to the satisfaction of the Director.

(2) Poles, or electroliers used exclusively for street lighting.

(3) 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.

(4) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts.

(5) 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.

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

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

(8) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

SECTION 7. NOTICE TO PROPERTY OWNERS AND UTILITY COMPANIES.

Within ten (10) days after the effective date of a resolution adopted pursuant to Section 3 hereof, the Clerk shall notify all affected utilities and all persons owning real property within the District created by said resolution of the adoption thereof. Said 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, subject to the applicable rules, regulations, and tariffs of the respective utility or utilities on file with the Commission.

Notification by the Clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 3, 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.

SECTION 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 3 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.

SECTION 9. RESPONSIBILITY OF PROPERTY OWNERS. 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 8 and the termination facility on or within said building or structure being served, all in accordance with applicable rules regulations and tariffs of the respective utility or utilities on file with the Commission. If the above is not

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accomplished by any person within the time provided for in the resolution enacted pursuant to Section 3 hereof, the Director 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 (10) days after receipt of such notice.

SECTION 10. SERVICE OF NOTICE. 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 the owner or occupant of such premises, 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. 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 forty-eight (48) hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the Director shall, within forty-eight (48) hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight (8) inches by ten (10) inches in size, be posted in a conspicuous place on said premises.

SECTION 11. CONTENTS OF NOTICE. The notice given by the Director to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if said work is not completed within thirty (30) days after receipt of such notice, the Director 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.

SECTION 12. DISCONNECTION, CONSTRUCTION, ASSESSMENT. If upon the expiration of the thirty (30) day period, the said required

underground facilities have not been provided, the Director 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 Director may in lieu of providing the required underground facilities, authorize 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 Director, he shall file a written report with the Board 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 Board 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 (10) days thereafter.

SECTION 13. NOTICE OF PROTEST HEARING. The Director 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 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 Board will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

SECTION 14. PROTEST HEARING. Upon the date and hour set for the hearing of protests, the Board shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

SECTION 15. LIEN UPON PROPERTY. If any assessment is not paid within five (5) days after its confirmation by the Board, the amount of the assessment shall become a lien upon the property against which the assessment is made by the Director, and the

Director 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 per cent (6%) per annum.

SECTION 16. RESPONSIBILITY OF COUNTY. County shall remove at its own expense all County-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 3 hereof.

SECTION 17. EXTENSION OF TIME. In the event that any act required by this ordinance or by a resolution adopted pursuant to Section 3 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.

SECTION 18. PENALTY. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this ordinance. Any person violating any provision of this ordinance 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 Dollars (\$500.00) or by imprisonment not exceeding six (6) 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 ordinance is

committed, continued or permitted by such person, and shall be punishable therefor as provided for in this ordinance.

SECTION 19. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.


SECTION 20. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after the date of its enactment.

PASSED, APPROVED AND ADOPTED this 26th day of November, 1968, on the following vote, to wit:

AYES: Supervisors: Lindley, Bareilles, Robertson, Mitchell, Rusher.

NOES: Supervisors: None

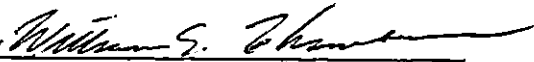
ABSENT: Supervisors: None


Chairman of the Board of Supervisors
of the County of Humboldt, State of
California.

(SEAL)

ATTEST:

FRED J. MOORE, JR.
County Clerk and ex officio Clerk
of the Board of Supervisors of the
County of Humboldt, State of California.

By 
Deputy Clerk