

RESOLUTION 10-R-12737

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
FORMING UNDERGROUND UTILITY DISTRICT NO. 7 ALONG THE WEST SIDE
OF SAN VICENTE BOULEVARD FROM WILSHIRE BOULEVARD TO CLIFTON
WAY AND CLIFTON WAY FROM SAN VICENTE BOULEVARD TO LA CIENEGA
BOULEVARD

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY RESOLVES
AS FOLLOWS:

Section 1. At its meeting on March 2, 2010 at the City Hall Council Chamber, 455 North Rexford Drive, Beverly Hills, California, the City Council duly and regularly held a public hearing 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 an area designated as "Underground Utility District No. 7" (the "District"), pursuant to Chapter 3 of Title 6 of the Beverly Hills Municipal Code.

Section 2. Notice of the March 2, 2010 hearing was given to all affected property owners as shown on the last equalized assessment roll and to all utilities concerned in the manner and for the time required by law.

Section 3. At the public hearing all interested persons were given an opportunity to be heard.

Section 4. At the public hearing the Director of Public Works and Transportation presented to the City Council for consideration a report containing information on the proposed undergrounding, including, but not limited to, the extent of the utilities' participation, estimates of the total costs to the City and affected property owners, and an estimate of the time required to complete the removal and underground installation.

Section 5. After considering the report of the Director of Public Works and Transportation, the testimony and evidence of any interested parties and other information presented to the City Council, the City Council hereby finds and determines that the public necessity, health, safety and welfare require the removal of overhead facilities and the installation of underground facilities within the District for the following reasons:

- a) The undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities;
- b) 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; and
- c) The streets, roads or rights-of-way in the District adjoin or pass through a civic area or an area of unusual scenic interest to the general public.

Section 6. Pursuant to Title 6, Chapter 3 of the Beverly Hills Municipal Code, the City Council hereby declares the District an Underground Utility District, designated as "Underground Utility District No. 7."

Section 7. The area comprising the District is described as those portions of the street rights-of-way listed below:

- a) along the west side of San Vicente Boulevard from Wilshire Boulevard to Clifton Way; and
- b) Clifton Way from San Vicente Boulevard to La Cienega Boulevard.

A map entitled "Underground Utility District No. 7" that graphically delineates the boundaries of the District is attached hereto as Exhibit A. The map is on file in the office of the City Clerk.

Section 8. The City Council hereby orders 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 the District. Such removal and underground installation shall be accomplished, and affected property owners shall have underground service available, no later than December 31, 2013.

Section 9. In accordance with the rules and regulations of the California Public Utilities Commission, the public utilities allocate funds each year for undergrounding facilities within the City. If it becomes apparent that the accumulated amount of funds will be insufficient to complete the removal of overhead facilities and installation of underground facilities along any of the portions of the street rights-of-way listed in Section 7 of this Resolution by the date set forth in Section 8 of this Resolution, the City reserves the right to exclude such street rights-of-way from the District. Such exclusion shall not affect the City's right to include such street rights-of-way in a subsequent underground utility district.

Section 10. Pursuant to Section 6-3-11 of the Beverly Hills Municipal Code, 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 such overhead facilities are required to be removed by this Resolution, except as such 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, and for such reasonable time required to remove such facilities after such work has been performed.

Section 11. The City Clerk is hereby directed to mail a copy of this resolution together with a copy of Chapter 3 of Title 6 of the Beverly Hills Municipal Code to all affected property owners as shown on the last equalized assessment roll and to all affected utilities with ten days after adoption of this resolution. The 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 to receive such service from the lines of

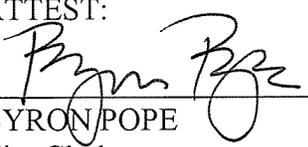
the supplying utility or utilities at a new location, subject to the applicable rules, regulations, and tariffs of the respective utility or utilities on file with the Public Utilities Commission.

Section 12. The City Clerk shall certify to the adoption of this Resolution and shall cause this Resolution and his certification to be entered into the book of Resolutions of this City.

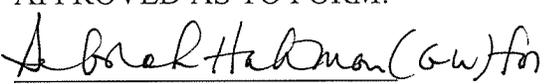
Adopted: March 2, 2010



NANCY KRASNE
Mayor of the City of
Beverly Hills, California

ATTEST:


BYRON POPE (SEAL)
City Clerk

APPROVED AS TO FORM:


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:


DAVID D. GUSTAVSON
Director of Public Works & Transportation

EXHIBIT A

BH/LA City Boundary



This Map is for Informational
Purposes Only. All Information
Herein Should Be Field Verified
To Ensure Accuracy.
11/12/09
N.T.S.

Underground Utility District No. 7

