

HOLLY L. WOLCOTT  
CITY CLERK

City of Los Angeles  
CALIFORNIA

OFFICE OF THE  
CITY CLERK

SHANNON D. HOPPE  
EXECUTIVE OFFICER

**Council and Public Services Division**  
200 N. Spring Street, Room 395  
Los Angeles, CA 90012  
General Information - (213) 978-1133  
FAX: (213) 978-1040

When making inquiries relative  
to this matter, please refer to  
the Council File No.



PATRICE Y. LATTIMORE  
ACTING DIVISION MANAGER

[clerk.lacity.org](http://clerk.lacity.org)

ERIC GARCETTI  
MAYOR

October 19, 2018

TO: ALL AFFECTED UTILITIES AND PROPERTY OWNERS

RE: ESTABLISHMENT OF AN UNDERGROUND UTILITY DISTRICT (6th STREET VIADUCT)

On October 3, 2018, the Los Angeles City Council approved a Resolution establishing an Underground Utility District (6th Street Viaduct) in conformance with Ordinance No. 145148 for the area shown on the attached map. The Resolution became effective on October 5, 2018.

In conformance with Ordinance No. 145148, this notice is to inform all affected utilities, and all persons owning real property within the district, and such affected property owners of the necessity that, if they or any person occupying such property desires to continue to receive utility 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 Public Utilities Commission of the State of California, or the Board of Water and Power Commissioners of the City of Los Angeles, whichever has jurisdiction over the respective utility involved.

Enclosures:

Council action  
Copy of Resolution  
Map of Underground Utility District  
Copy of Ordinance 145148

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Council File No.: 17-0724

CLERK.LACITY.ORG

## OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

October 5, 2018

**Council File No.:** 17-0724

**Council Meeting Date:** October 03, 2018

**Agenda Item No.:** 29

**Agenda Description:** COMMUNICATION FROM THE BUREAU OF ENGINEERING and RESOLUTION relative to the establishment of an Underground Utility District in conformance with Ordinance No. 145148 along portions of the area bounded by the 101 Freeway on the east, 7th Street on the south, 4th Street on the north, and Mateo Street on the west.

**Council Action:** COMMUNICATION FROM THE BUREAU OF ENGINEERING AND RESOLUTION - ADOPTED

**Council Vote:**

YES	BOB BLUMENFIELD
YES	MIKE BONIN
ABSENT	JOE BUSCAINO
YES	GILBERT A. CEDILLO
YES	MITCHELL ENGLANDER
YES	MARQUEECE HARRIS-DAWSON
YES	JOSE HUIZAR
YES	PAUL KORETZ
YES	PAUL KREKORIAN
YES	NURY MARTINEZ
YES	MITCH O'FARRELL
YES	CURREN D. PRICE
YES	MONICA RODRIGUEZ
YES	DAVID RYU
YES	HERB WESSON

A handwritten signature in cursive script, appearing to read "Holly L. Wolcott".

HOLLY L. WOLCOTT  
CITY CLERK

Adopted Report(s)

**Title**

Attachment to Report dated 09/25/2018 - Resolution  
Report from Public Works: Engineering

**Date**

09/25/2018  
09/25/2018

## RESOLUTION

### ESTABLISHMENT OF AN UNDERGROUND UTILITY DISTRICT (6TH STREET VIADUCT)

WHEREAS, the Sixth Street Viaduct Replacement project, the Sixth Street Park, Arts, River and Connectivity (PARC) Improvements project, and various Active Transportation Program (ATP) Improvements projects, collectively known herein as the Project, require the removal of approximately 2.6 miles of overhead utility facilities along Mateo Street, Santa Fe Avenue, 6th Street, Mission Road, Clarence Street, Anderson Street, Jesse Street, and Myers Street, collectively known herein as the Designated Area and shown in the attached map; and,

WHEREAS, the properties on Mission Road between 6th Street and Jesse Street, and Jesse Street between Mission Road and Myers Street, shall be referred to as ATP 1 Part 1 of the Designated Area; and,

WHEREAS, the properties on Myers Street between Jesse Street and 7th Street shall be referred to as ATP 1 Part 2 of the Designated Area; and,

WHEREAS, the properties on Jesse Street between Clarence Street and Anderson Street, Clarence Street between Jesse Street and 4th Street, 6th Street between Clarence Street and Anderson Street, and Anderson Street between Jesse Street and 6th Street, including the northwest corner of 6th Street and Anderson Street, shall be referred to as ATP 2 of the Designated Area; and,

WHEREAS, the properties on Santa Fe Avenue between 4th Street and 7th Street, Mateo Street between Santa Fe Avenue 7th Street, and 6th Street between Mateo Street and Mesquit Street, shall be referred to as ATP 3 of the Designated Area; and,

WHEREAS, the Project represents over \$530 million worth of public improvements that will provide a new 3,500 linear foot Viaduct, 12 acres of public open space, over 19,000 linear feet of new or reconstructed sidewalk, 17,000 linear feet of bicycle facilities, 3 new traffic signals, 50 ADA ramps, 30 curb extensions, 4 new pedestrian activated crosswalks, 80 new shade trees, and pedestrian level lighting in the Arts District and Boyle Heights; and,

WHEREAS, an Underground Utility District can be declared in conformance with Ordinance No. 145,148, which establishes regulations and procedures for the removal of overhead utility facilities and their replacement with new underground facilities in a process known as conversion; and,

WHEREAS, the utility companies are required to plan, finance, and carry out the conversion of their utility lines to underground by January 1, 2020 for ATP 1 Part 1, March 1, 2021 for ATP 1 Part 2, October 1, 2022 for ATP 2, and September 1, 2026 for ATP 3; and,

WHEREAS, the California Public Utilities Commission, through Rule 32, and the Los Angeles Department of Water and Power, through Rule 20A, require all the utilities in the Designated Area to comply with a designation of the area so described and designated as an Underground Utility District, and remove the overhead utility facilities and place them underground; and,

WHEREAS, all private property owners located within the ATP 1 Part 1 of the Designated Area shall be required to convert to receive underground utility service by January 1, 2020; and,

WHEREAS, all private property owners located within the ATP 1 Part 2 of the Designated Area shall be required to convert to receive underground utility service by March 1, 2021; and,

WHEREAS, all private property owners located within the ATP 2 of the Designated Area shall be required to convert to receive underground utility service by October 1, 2022; and,

WHEREAS, all private property owners located within the ATP 3 of the Designated Area shall be required to convert to receive underground utility service by September 1, 2026.

NOW, THEREFORE, BE IT RESOLVED that the Council has held a public hearing on July 31, 2018, at 10:00 a.m., in the John Ferraro Council Chambers, Room 340, City Hall, 200 North Spring Street, Los Angeles, CA 90012 to find if public necessity, health, safety or welfare requires such conversion within the Designated Area; and,

BE IT FURTHER RESOLVED that the Council, on May 25, 2018, adopted the findings contained in the Los Angeles Department of Water and Power report dated April 17, 2018 relative to the formation of an Underground Utility District within the Designated Area; and,

BE IT FURTHER RESOLVED that the Council finds that the public necessity, health, safety or welfare requires the conversion of parts of Mateo Street, Santa Fe Avenue, 6th Street, Mission Road, Clarence Street, Anderson Street, Jesse Street, and Myers Street, within the Designated Area, to an Underground Utility District; and,

BE IT FURTHER RESOLVED that Mateo Street, Santa Fe Avenue, 6th Street, Mission Road, Clarence Street, Anderson Street, Jesse Street, and Myers Street, within the Designated Area as shown on the attached map, be declared an Underground Utility District in accordance with the provisions of Ordinance No. 145,148; and,

BE IT FURTHER RESOLVED that the conversion work pursuant to Ordinance No. 145,148 for the Underground Utility District on Mateo Street, Santa Fe Avenue, 6th Street, Mission Road, Clarence Street, Anderson Street, Jesse Street, and Myers Street, within the Designated Area, is hereby ordered; and,

BE IT FURTHER RESOLVED that, pursuant to Ordinance No. 145,148, the conversion of the

Underground Utility District for ATP 1 Part 1 of the Designated Area be completed by January 1, 2020; and,

BE IT FURTHER RESOLVED that, pursuant to Ordinance No. 145,148, the conversion of the Underground Utility District for ATP 1 Part 2 of the Designated Area be completed by March 1, 2021; and,

BE IT FURTHER RESOLVED that, pursuant to Ordinance No. 145,148, the conversion of the Underground Utility District for ATP 2 of the Designated Area be completed by October 1, 2022; and,

BE IT FURTHER RESOLVED that, pursuant to Ordinance No. 145,148, the conversion of the Underground Utility District for ATP 3 of the Designated Area be completed by September 1, 2026; and,

BE IT FURTHER RESOLVED that within 15 days after the effective date of this resolution, the City Clerk shall notify all affected utilities and all persons owning real property within the Designated Area and notify affected property owners of the necessity such that, if they or any person occupying such property desire to continue to receive utility service, they or the occupant shall provide all necessary facility changes on their premises to receive such services from the lines of the supplying utilities at a new location.

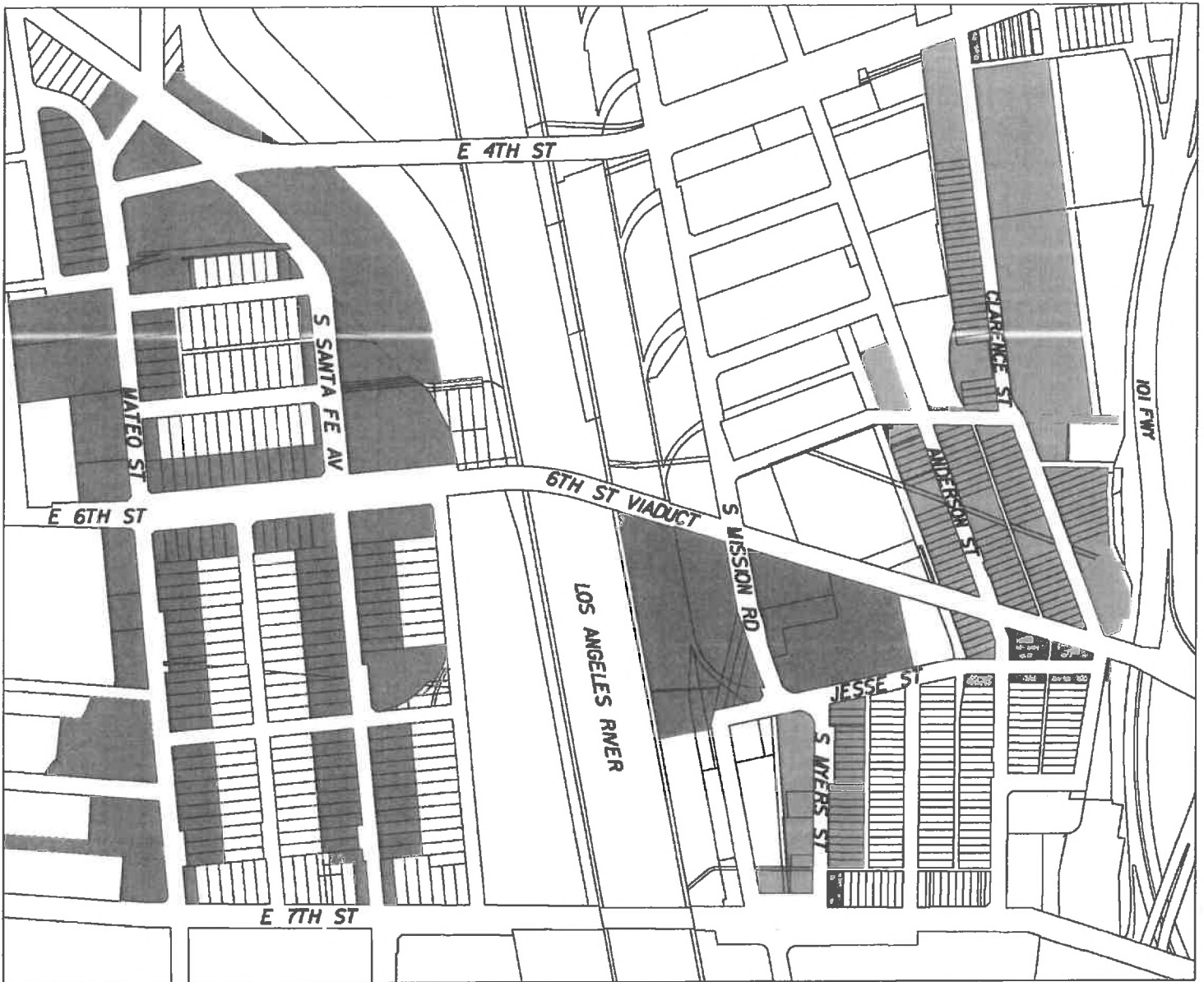
I hereby certify that the foregoing resolution was adopted by the council of the City of Los Angeles at its meeting of OG 1 3 2016.



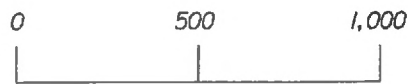
Holly L. Wolcott, City Clerk

By: *Erika L. ...*  
Deputy

# PROPOSED ARTS DISTRICT - PICO GARDENS UNDERGROUND UTILITY DISTRICT



- PHASE A (ATP 1 PART 1)
- PHASE B (ATP 1 PART 2)
- PHASE C (ATP 2)
- PHASE D (ATP 2)



8/17/2018

2 cal

145148

ORDINANCE NO. \_\_\_\_\_

1  
2  
3 An Ordinance of the City of Los Angeles establishing  
4 regulations and procedures for the removal of overhead  
5 utility facilities and the installation of underground  
6 facilities by means of underground utility districts.

7  
8 THE PEOPLE OF THE CITY OF LOS ANGELES

9 DO ORDAIN AS FOLLOWS:

10  
11 Section 1. Definitions. Whenever in this ordinance  
12 the words or phrases hereinafter in this section defined are  
13 used, they shall mean:

14 (a) "Commission" - the Public Utilities Com-  
15 mission of the State of California or the Board of  
16 Water and Power Commissioners of the City of Los  
17 Angeles, whichever has jurisdiction over the  
18 respective utility involved herein.

19 (b) "Committee" - the Technical Advisory Com-  
20 mittee which shall consist of representatives of  
21 the City Engineer (Chairman), the Department of  
22 Water and Power, the Chief Engineer and General  
23 Manager of the Department of Public Utilities and  
24 Transportation and the affected communication  
25 utilities.

26 (c) "District" or "Underground Utility District" -  
27 that area in the City within which poles, overhead  
28 wires, and associated overhead structures are  
29 prohibited as such area is described in a Resolution  
30 adopted pursuant to the provisions of Section 4 of  
31 this ordinance.

32 (d) "Person" - any private or governmental entity



1 including individuals, firms, corporations, partner-  
2 ships, and their agents and employees.

3 (e) "Poles, overhead wires and associated over-  
4 head structures" - poles, towers, supports, wires,  
5 conductors, guys, stubs, platforms, crossarms,  
6 braces, transformers, insulators, cutouts, switches,  
7 communication circuits, appliances, attachments and  
8 appurtenances located above ground within a District  
9 and used or useful in supplying electric, communica-  
10 tion or similar or associated service.

11 (f) "Resolution" - a resolution adopted by the  
12 Council pursuant to Section 4 of this ordinance.

13 (g) "Utility" - includes all persons supplying  
14 electric, communication or similar or associated  
15 service by means of electrical materials or devices.  
16 For the purposes of this ordinance, and without  
17 limitation of the definition herein; the Bureau  
18 of Street Lighting, Department of Public Works,  
19 of the City of Los Angeles, shall be a "utility."

20 (h) "Conversion" - the removal of existing  
21 poles, overhead wires and associated overhead  
22 structures and the installation of new under-  
23 ground facilities to serve new or existing  
24 customers.

25 Sec. 2. Public Hearing. The Council may from  
26 time to time call public hearings to ascertain whether the  
27 public necessity, health, safety or welfare requires con-  
28 version within designated areas of the City. The City Clerk  
29 shall notify all utilities concerned, and all affected  
30 property owners as shown on the last equalized assessment roll,  
31 by mail of the time and place of such hearings at least 15  
32 days prior to the date thereof. Each such hearing shall be

1 open to the public and may be continued from time to time.  
2 At each such hearings all persons interested shall be given  
3 an opportunity to be heard. The decision of the Council on  
4 all matters involved in the creation of a district shall be  
5 final and conclusive.

6 Sec. 3. Reports. Prior to the Council's calling  
7 such public hearing, the Committee shall submit a report to  
8 Council containing, among other information, the extent of  
9 each utility's participation and estimates of the total  
10 costs to the City, to the utilities and to each affected  
11 property owner within a designated area of the City. Such  
12 report shall also contain an estimate of the time required  
13 to complete such conversion. In addition, the Committee  
14 shall report to Council, annually, a recommended orderly  
15 program for the creation of districts within the City of Los  
16 Angeles where existing overhead lines will be converted to  
17 underground.

18 Sec. 4. Resolution. If, after any such public  
19 hearing the Council finds that the public necessity, health,  
20 safety or welfare requires such conversion within the  
21 designated area, the Council shall, by Resolution, declare  
22 all or part of such area an Underground Utility District,  
23 and order such work. The Resolution shall include a  
24 description of the area and shall fix a reasonable time with-  
25 in which such conversion shall be accomplished and within  
26 which affected property owners must be ready to receive under-  
27 ground service, giving due regard to the availability of  
28 necessary labor, materials and equipment.

29 Sec. 5. Unlawful Acts. Whenever the Council  
30 adopts a Resolution, it shall be unlawful for any person or  
31 utility to erect, construct, place, keep, maintain, continue,  
32 employ or operate poles, overhead wires and associated over-  
33 head structures in the District after the date when said

overhead facilities are required to be removed by such Resolution, except as otherwise provided in this ordinance.

Sec. 6. Exception - Emergency or Unusual Circumstances. Notwithstanding the provisions of this ordinance, overhead facilities may be installed to provide emergency service. Further, the Board of Public Works 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, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

Sec. 7. Other Exceptions. This ordinance and any Resolution adopted pursuant to Section 4 shall, unless otherwise provided in such Resolution, not apply to the following types of facilities:

(a) 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.

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

(c) Overhead wires attached to the exterior 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.

(d) Antennae, associated equipment and supporting structures.

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

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

(g) Lighted signs or marquees encroaching within public streets or public utilities easements, existing under proper legal authority, provided the electrical service does not require overhead wires.

Sec. 8. Notification. Within 15 days after the effective date of a Resolution, the City Clerk shall so notify all affected utilities and all persons owning real property within the District and shall notify such affected property owners of the necessity that, if they or any person occupying such property desires to continue to receive utility 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 City Clerk shall be made by mailing a copy of the Resolution, together with a copy of this ordinance, to the affected utilities, and to affected property owners as shown on the last equalized assessment roll.

Pursuant to Section 38793 of the Government Code of the State of California, if any property owner, after due notice, refuses to comply within a reasonable time to effect the removal of his existing overhead utility lines and

1 prepare his property to accept underground utility lines,  
2 the City may cause such work to be done and assess the costs  
3 thereof against the property, and such assessment shall  
4 become a lien against the property. The assessment may be  
5 collected at the same time and in the same manner as ordinary  
6 municipal ad valorem taxes are collected, and shall be subject  
7 to the same penalties and the same procedure and sale in case  
8 of delinquency as provided for such taxes. All laws ap-  
9 plicable to the levy, collection and enforcement of municipal  
10 ad valorem taxes shall be applicable to such assessment.

11 Sec. 9. Responsibility of Utility Companies. The  
12 supplying utility shall furnish that portion of the conduits,  
13 conductors and associated equipment required to be furnished  
14 by it under its applicable rules, regulations and tariffs on  
15 file with the Commission.

16 Sec. 10. Responsibility of City. City shall remove  
17 at its own expense all City-owned equipment from all poles  
18 required to be removed hereunder in ample time to enable the  
19 owner or user of such poles to remove the same within the  
20 time specified in the Resolution.

21 Sec. 11. Extension of Time. In the event that any  
22 act required by this ordinance or by a Resolution cannot be  
23 performed within the time provided on account of shortage of  
24 materials, war, restraint by public authorities, strikes,  
25 labor disturbances, civil disobedience, or any other  
26 circumstances beyond the control of the actor, then the time  
27 within which such act will be accomplished shall be extended  
28 for a period equivalent to the time of such limitation.

29 Sec. 12. Penalty. Any person violating any pro-  
30 vision or failing to comply with any of the requirements of  
31 this ordinance shall be deemed guilty of a misdemeanor  
32 punishable by a fine not exceeding \$500.00 or by imprisonment

...exceeding 6 months, or by both such fine and imprisonment.  
...such person shall be deemed guilty of a separate offense  
...each day during any portion of which any violation of any  
...of the provisions of this ordinance is committed, continued or  
...mitted by such person, and shall be punishable as provided for  
...this ordinance.

Sec. 13. 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 Council hereby declares  
that it would have adopted the ordinance and each section, sub-  
section, sentence, clause or phrase thereof, irrespective of the  
fact that any one or more sections, subsections, sentences,  
clauses or phrases be declared invalid.

Sec. 14. Publication. The City Clerk shall certify to the passage of this  
ordinance and cause the same to be published in some daily newspaper printed and published in  
the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los  
Angeles, at its meeting of SEP 26 1973.

REX E. LAYTON, CITY CLERK

By 

Deputy

OCT 5 1973

Approved \_\_\_\_\_

Approved as to Form and Legality

W. T. PINES, CITY ATTORNEY

  
Assistant Deputy

File No. 136265 Sup. #2

City of Los Angeles

Proof of Publication

(2015.5 C.C.P.)

No. SOP21168  
 Superior Court of the State of California, for the County of Los Angeles.  
 In the Matter of the Estate of LORRAINE TUSSING, also known as Lorraine Florence Tussing, also known as Lorraine D. (Distd.) Tussing, Deceased.  
 Notice is hereby given to creditors having claims against the said decedent to file said claims in the office of the clerk of the aforesaid court or to present them to the undersigned at the office of Heiny, Lindley and Thrasher, 838 No. Van Ness Street, in the City of Santa Ana, in Orange County, which latter office is the place of business of the undersigned in all matters pertaining to said estate. Such claims with the necessary vouchers must be filed or presented as aforesaid within four months after the first publication of this notice.  
 Dated October 2, 1973.  
 RUTH ANN DIXON,  
 Executrix of the will of said decedent.  
 Heiny, Lindley and Thrasher,  
 Attorneys at Law, 838 No. Van Ness Street, Santa Ana, CA. 92701  
 (J64812 Fri) Oct 5, 12, 19, 26

NOTICE TO CREDITORS  
 No. NCP 6989G  
 Superior Court of the State of California, for the County of Los Angeles.  
 In the Matter of the Estate of MARIE L. GINGERY, Deceased.  
 Notice is hereby given to creditors having claims against the said decedent to file said claims in the office of the clerk of the aforesaid court or to present them to the undersigned at the office of James R. McGrath, 210 N. Central Avenue, Suite 105, in the City of Glendale, in the aforesaid County, which latter office is the place of business of the undersigned in all matters pertaining to said estate. Such claims with the necessary vouchers must be filed or presented as aforesaid within four months after the first publication of this notice.  
 Dated October 2, 1973.  
 ANNETTE HALL,  
 Executor of the will of said decedent.  
 James R. McGrath, Attorney at Law, 210 N. Central Avenue, Suite 105, Glendale, CA. 91203  
 (J64814 Fri) Oct 5, 12, 19, 26

NOTICE TO CREDITORS  
 No. NWP10419  
 Superior Court of the State of California, for the County of Los Angeles.  
 In the Matter of the Estate of JOSEPH JOHN MCKEON, also known as Joseph J. McKeon, Deceased.  
 Notice is hereby given to creditors having claims against the said decedent to file said claims in the office of the clerk of the aforesaid court or to present them to the undersigned at the office of Terrence W. Cooney, 4858 Van Nuys Blvd., in the City of Sherman Oaks, in the aforesaid County, which latter office is the place of business of the undersigned in all matters pertaining to said estate. Such claims with the necessary vouchers must be filed or presented as aforesaid within four months after the first publication of this notice.  
 Dated October 1, 1973.  
 VINCENT E. DONNAGAN,  
 Executor of the will of said decedent.  
 Terrence W. Cooney, Attorney at Law, 4858 Van Nuys Blvd., Sherman Oaks, CA. 91403

STATE OF CALIFORNIA } ss  
COUNTY OF LOS ANGELES }

L. SOLANO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of twenty-one years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of "The Los Angeles Daily Journal," a daily newspaper printed and published in the English language in the City of Los Angeles, and a newspaper of general circulation as defined by the laws of the State of California. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

OCT 12 1973

all in the year 19 73

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

L. Solano  
Signature

Date OCT 12 1973, 19 73