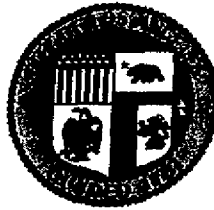


HOLLY L. WOLCOTT
CITY CLERK

SHANNON D. HOPPE
EXECUTIVE OFFICER

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

City of Los Angeles
CALIFORNIA



ERIC GARCETTI
MAYOR

OFFICE OF THE
CITY CLERK

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

PATRICE Y. LATTIMORE
ACTING DIVISION MANAGER

clerk.lacity.org

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

HOLLY L. WOLCOTT
CITY CLERK

SHANNON D. HOPPE
EXECUTIVE OFFICER

City of Los Angeles
CALIFORNIA



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PATRICE Y. LATTIMORE
ACTING DIVISION MANAGER

CLERK.LACITY.ORG

When making inquiries relative to
this matter, please refer to the
Council File No.: 17-0724

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

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.

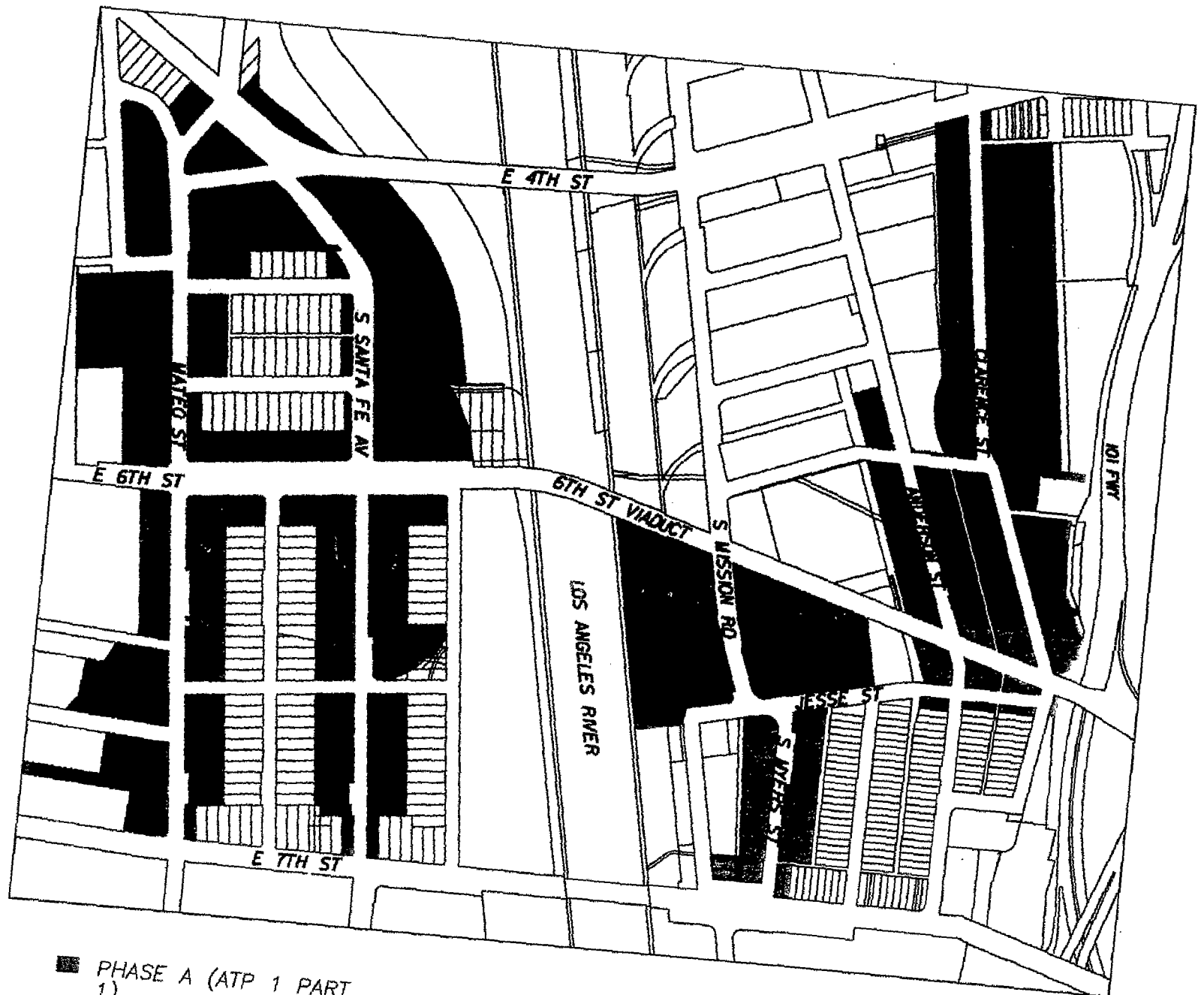
I hereby certify that the foregoing resolution was adopted by the council of the City of Los Angeles at its meeting of 06/03/2018.



Holly L. Wolcott, City Clerk

By: [Signature]
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



(2nd)

145148

ORDINANCE NO. _____

An Ordinance of the City of Los Angeles establishing regulations and procedures for the removal of overhead utility facilities and the installation of underground facilities by means of underground utility districts.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

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

(a) "Commission" - 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 herein.

(b) "Committee" - the Technical Advisory Committee which shall consist of representatives of the City Engineer (Chairman), the Department of Water and Power, the Chief Engineer and General Manager of the Department of Public Utilities and Transportation and the affected communication utilities.

(c) "District" or "Underground Utility District" - that area in the City 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 4 of this ordinance.

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

including individuals, firms, corporations, partnerships, and their agents and employees.

(e) "Poles, overhead wires and associated overhead structures" - 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.

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

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

(h) "Conversion" - the removal of existing poles, overhead wires and associated overhead structures and the installation of new underground facilities to serve new or existing customers.

Sec. 2. Public Hearing. The Council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires conversion within designated areas of the City. The City Clerk shall notify all utilities concerned, and all affected property owners as shown on the last equalized assessment roll, by mail of the time and place of such hearings at least 15 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 hearings all persons interested shall be given an opportunity to be heard. The decision of the Council on all matters involved in the creation of a district shall be final and conclusive.

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

Sec. 4. Resolution. If, after any such public hearing the Council finds that the public necessity, health, safety or welfare requires such conversion within the designated area, the Council shall, by Resolution, declare all or part of such area an Underground Utility District, and order such work. The Resolution shall include a description of the area and shall fix a reasonable time within which such conversion shall be accomplished and within which affected property owners must be ready to receive underground service, giving due regard to the availability of necessary labor, materials and equipment.

Sec. 5. Unlawful Acts. Whenever the Council adopts a Resolution, 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 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.

(e) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal-mounted terminal boxes and meter cabinets, concealed ducts, and electrolizer 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
provisions of this ordinance is committed, continued or
committed 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
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 M. Wilson Deputy

OCT 5 1973

Approved

Approved as to Form and Legality

ATTORNEYS, CITY ATTORNEY.

Charles W. L. [Signature]
Assistant Deputy

No. 136265 Sup. #2

City of Los Angeles

Proof of Publication

(2015.5 C.C.P.)

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