

TOWN OF SAN ANSELMO
STAFF REPORT
June 18, 2014

For the Meeting of June 24, 2014

TO: Town Council

FROM: Sean Condry, Public Works Director

SUBJECT: Public hearing amending Underground Utility District No. 5

RECOMMENDATION:

That the Council considers amending Underground Utility District No. 5 by designating an area to be removed from it along Luna Lane.

BACKGROUND:

Since 1967, underground conversions in the State of California have been performed under California Public Utility Commission (CPUC) Rule 20 which has three parts: A, B, and C. Under Part A, undergrounding in the Town of San Anselmo is paid for and performed by the local electric utility, Pacific Gas & Electric Company (PG&E).

Through a program called "Rule 20A," PG&E is required to annually set aside funds for financing the undergrounding of overhead distribution facilities located on public streets and roads. Each year the Town of San Anselmo is notified by PG&E regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations. Telephone and cable utilities pay through their own undergrounding budget. The purpose of undergrounding the utilities is to improve aesthetics and remove exposure of the utilities to the uncertainty of weather or vehicle collisions. Parts B and C provide for undergrounding funded through entities other than PG&E ratepayers, such as governmental agencies or private entities through maintenance assessment districts.

Pursuant to certain criteria, CPUC rules allow participating cities to establish legislation authorizing the creation of underground utility districts within which existing overhead electric distribution, telecommunication distribution, and service facilities will be converted to underground. Also, the Town of San Anselmo has adopted an ordinance, codified as Title 7, Chapter 8 Removal of Overhead Utility Facilities and the Installation of Underground Facilities in Underground Utility Districts authorizing Town Council to designate areas within which all existing overhead poles, overhead wires, and overhead equipment associated with the distribution of electric power, telecommunication services, and cable television should be removed and replaced with underground wires and facilities.

DISCUSSION:

On October 25, 1988, the Town of San Anselmo approved resolution No. 3068, Attachment 1, for establishing Underground District No. 5 located along Sir Francis Drake Boulevard to a point approximately 300' east of Sais Avenue. The map adopted at the time mistakenly included the existing overhead lines which run along Luna Lane, Attachment 2. The original intention was to allow this facility to remain in place but the map was incorrectly drawn and no one caught it. Attachment 3 is a map of underground district No. 5 with a note dated November 4, 1988, from the Public Works Director, John Kottage, stating that there was an incorrect boundary line drawn and that the existing poles could remain.

The maps should have been amended at that time and need to be amended now as shown on Attachment 4 in order to remove the existing poles from being in an underground area and to allow PG&E to use an existing overhead aerial easement they have had since December 27, 1945, Attachment 5.

Originally this amendment was also sought to potentially allow PG&E to run aerial lines across Loma Robles and provide power to 790 Sir Francis Drake. However, at this time it appears that PG&E will have to go underground on Sir Francis Drake.

The notice for this hearing was posted as required by state law and notices were also sent to adjacent property owners.

Conclusion

Staff respectfully requests that the Council consider amending Underground Utility District No. 5 by designating an area to be removed along Luna Lane as shown on Attachment 4 and as stated in the Resolution to amend Utility District No. 5, Attachment 6.

Respectfully submitted,



Sean Condry
Public Works Director

Attachment 1 – Resolution No. 3068
Attachment 2 – Underground Utility District No. 5
Attachment 3 – Underground Utility District No. 5 with 1988 note
Attachment 4 – Amended Map of Utility District No. 5
Attachment 5 - PG&E recorded easement
Attachment 6 – Resolution to Amend

TOWN OF SAN ANSELMO
RESOLUTION NO. 3068

A RESOLUTION ESTABLISHING UNDERGROUND DISTRICT NO. 5
LOCATED ALONG SIR FRANCIS DRAKE BOULEVARD FROM BRIDGE STREET
WEST TO A POINT APPROXIMATELY 300 FEET EAST OF SAIS AVENUE

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

WHEREAS, a public hearing was called for Tuesday, October 25, 1988, at the hour of 8:00 PM in the Council Chambers in the Town Hall, San Anselmo, California, to ascertain whether the public necessity, health, safety or welfare, required the removal of poles, overhead wires and associated overhead structures, and the associated 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: Sir Francis Drake Boulevard from Bridge Street to 300 feet East of Sais Avenue; and

WHEREAS, notice of such hearing was given to all affected property owners as shown on the last equalized assessment roll and to all affected utilities, in the manner and for the time required by law; and

WHEREAS, such hearing was duly held, and all interested persons were given an opportunity to be heard; and

WHEREAS, the Council determined after 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.

1989 2/17

NOW, THEREFORE, BE IT RESLOVED by the Council and 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. 5 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, 1989 as the date on which affected property owners must be ready to receive underground service.

RESOLVED, FURTHER, that the Council 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 within Underground Utility District No. 5 on or before July 1, 1990, excluding any extensions which may be granted for good reason by the Council;

* RESOLVED, FURTHER, that the 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 Underground Utility District No. 5 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) to assist in the undergrounding of service.

Each other serving utility will provide service trenching and conductor in accord with its tariffs on file with the California Public Utilities Commission or as required by its Franchise Agreement with the Town.

RESOLVED, FURTHER, Each property owner in Underground Utility District No. 5 shall be responsible for the installation and maintenance of the conduit and termination box located on, under or within any structure on the property 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 the Town Clerk is hereby instructed to notify all affected utilities and all persons owning real property within Underground Utility District No. 5 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 this resolution together with 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 October 25, 1988, by the following vote:

AYES: Chignell, Colteaux, Walsh, Zaharoff, Sharp

NOES: (none)

ABSENT: (none)

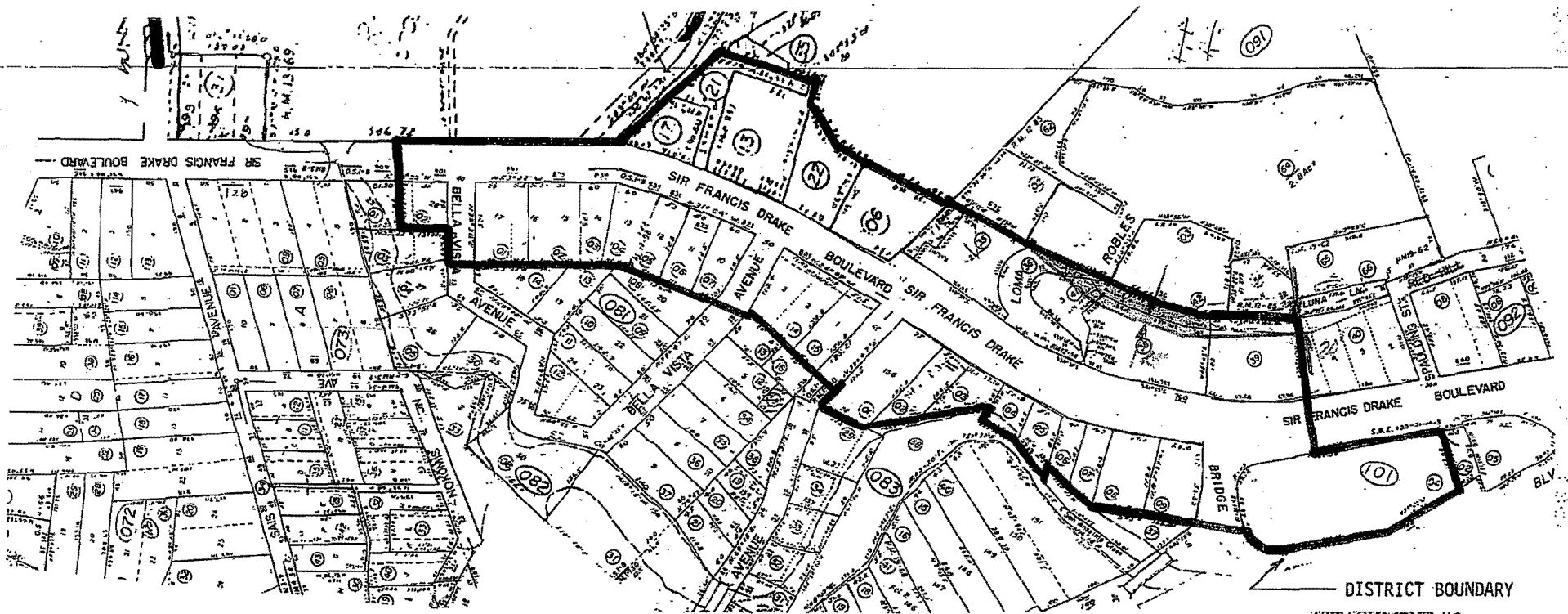
ATTEST:

Caroline Foster

Caroline Foster, Town Clerk.

EXHIBIT "A"

UNDERGROUND DISTRICT NO. 5



TOWN OF SAN ANSELMO
DEPARTMENT OF PUBLIC WORKS

AREA TO BE
REMOVED
FROM DIST. 5

2-11-19

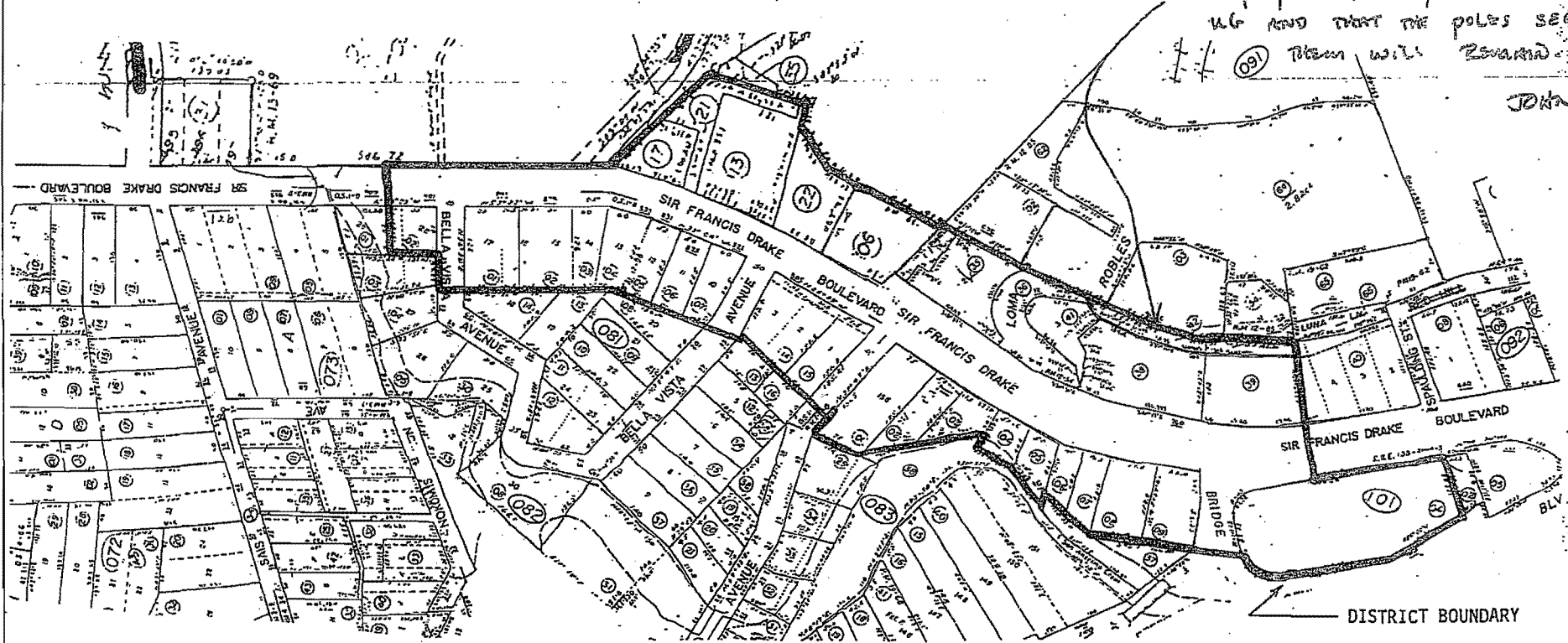
11-4-88

EXHIBIT "A"

UNDERGROUND DISTRICT NO 5

Russ -
 I TALKED WITH FRED BRAND
 TODAY ABOUT INCORPORATE BOUNDARY LINE
 HE SAID "DON'T WORRY - JUST LEAVE
 AS IS" HE HAS ALREADY NOTIFIED THE
 3 PROPERTIES THEY WON'T HAVE TO
 UG AND THAT THE POLES SERVING
 THEM WILL REMAIN

JOHN



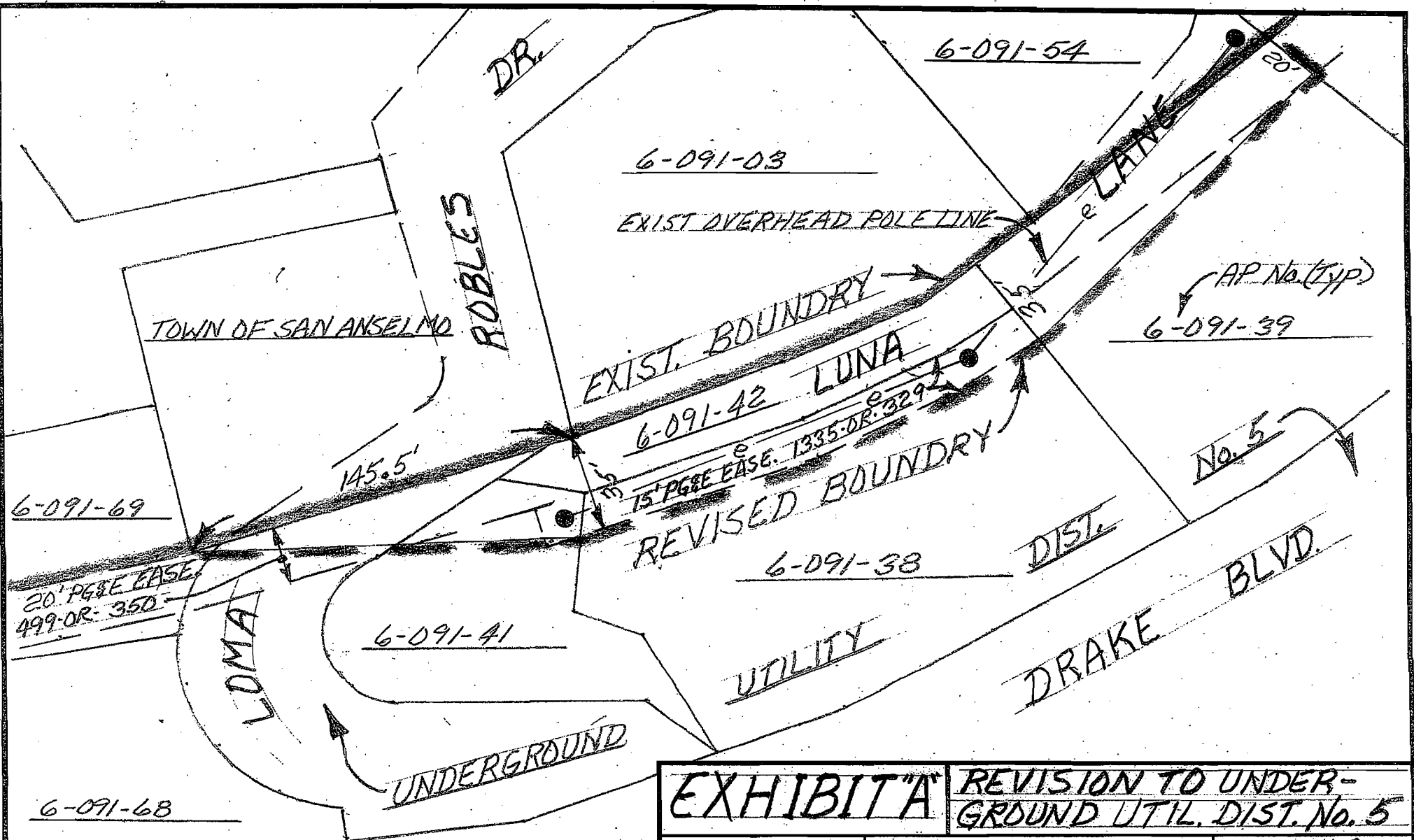
ATTACHMENT #3

DISTRICT BOUNDARY

TOWN OF SAN ANSELMO
 DEPARTMENT OF PUBLIC WORKS

ATTACHMENT #3

ATTACHMENT #3



SIR FRANCIS

EXHIBIT "A"		REVISION TO UNDER-GROUND UTIL. DIST. No. 5	
SCALE: 1" = Approx. 50'	APPROVED BY:	DRAWN BY <i>KCO</i>	
DATE: <i>March 2014</i>		REVISED	
TOWN OF SAN ANSELMO		DRAWING NUMBER	
DEPT. OF PUBLIC WORKS		ATTACHMENT #4	

Filed for record and recorded
at request of F. C. Robbins Dec 27 1945 at 55 min past 10 o'clock A.M.

F. D. Burrows, Recorder
By *Thomas Lanthier*

Rec. Fee \$2.00

Deputy
S.D.

141601

Consideration less than \$100.00

DEED

Victor Rebizzo and Marie Rebizzo, his wife, of the City and County of San Francisco, State of California, the first party, hereby GRANT to Olinto Sbrana, also of the City and County of San Francisco, State of California, the second party, all that real property situated in the County of Marin, State of California, described as follows:

Subdivision A of Lot Number 27 and Subdivision B of Lot Number 26 in Block Number 14, as designated and delineated upon a map entitled, "Map Number Three (3) of Forest Knolls, a subdivision of a portion of San Geronimo Rancho, Marin County, California," which map was recorded in the office of the County Recorder of said Marin County on the 4th day of August 1915 in Map Book 4, page 89. IN WITNESS WHEREOF, the said first parties have executed this conveyance this 28th day of November, 1945.

Victor Rebizzo
Mrs. Marie Rebizzo

State of California)
City and County of San Francisco) ss.

On this 28th day of November, in the year of our Lord One Thousand Nine Hundred and Forty-five, before me, Guido Lencl, a Notary Public in and for said City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared Victor Rebizzo and Marie Rebizzo, his wife, known to me to be the persons described in and whose names are subscribed to the within instrument and acknowledged to me that they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal at my office in said City and County of San Francisco the day and year in this certificate first above written.

Guido Lencl

Notary Public in and for said City and County of San Francisco, State of California

(SEAL)

My Commission expires May 19, 1949

Filed for record and recorded

at request of G. J. Lencl Co Dec 27 1945 at 5 min past 11 o'clock A.M.

F. D. Burrows, Recorder
By *Thomas Lanthier*

Deputy
S.D.

Rec Fee: \$1.00

141611

Consideration not more than \$100.00

361 - 46

LANG BROS., a partnership composed of Aug. J. Lang, Jr. and R. Decker Lang, hereinafter called first party, in consideration of value paid therefor by PACIFIC GAS AND ELECTRIC COMPANY and THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, California corporations, hereinafter called Pacific Gas and Pacific Telephone, respectively, when referred to individually and second parties when referred to jointly, the adequacy and receipt whereof are hereby acknowledged, does hereby grant unto second parties, their respective successors and assigns, the right and privilege of erecting, inspecting, replacing, maintaining and using a single line of poles and such wires as second parties shall from time to time suspend therefrom and all necessary and proper guys, anchors, crossarms and braces and other fixtures, for transmitting and distributing by Pacific Gas, its successors or assigns, of electric energy and for rendering by Pacific Telephone, its successors or assigns, of telephone and telegraph service, respectively together with a right of way therefor, over and across the premises of first party situated in the Town of San Anselmo, County of Marin, State of California. Said premises are described as follows, viz.:

1. A strip of land of the uniform width of 20 feet extending from the southeasterly boundary line of the parcel of land conveyed by Alyse Latham Allen to Lang Bros. by deed dated September 30, 1944 and recorded in Volume 469 of Official Records at page 195, records of said Marin County, northwesterly to the northwesterly boundary line of the 5.0 acre parcel of land described in the deed executed by Alyse Wyatt Allen to Lang Bros., dated September 30, 1944 and recorded in Volume 469 of Official Records at page 196, records of said Marin County, and lying contiguous to and southwesterly of that certain line which begins at the intersection of the southeasterly boundary line of lot 9 with the northeasterly boundary line of Red Hill Avenue, as said lot and avenue are delineated and so designated upon that certain map of Lands of Mrs. Alice Latham recorded in Volume 2 of Maps at page 104, records of said Marin County, and runs thence north 75° 25' west 155.0 feet; thence north 62° 25' 30" west 185.61 feet; thence north 48° 04' west 53.59 feet; thence north 37° 16' west 54.93 feet; thence north 29° 06' 30" west 76.28 feet; thence north 29° 06' west 145.47 feet; thence north 25° 00' west 73.0 feet; thence north 21° 12' west 57 feet, more or less, to the northwesterly boundary line of said 5 acre parcel of land.

2. A strip of land of the uniform width of 10 feet extending from the southwest-erly boundary line of the strip of land hereinbefore described and designated 1 southwesterly to the northeasterly boundary line of Sir Frances Drake Boulevard and lying contiguous to and southeasterly of the northwesterly boundary line of said 5 acre parcel of land. First party

also grants to second parties and each of them the right to trim any trees along said poles and wires whenever considered necessary for the complete enjoyment of the rights hereby granted. IN WITNESS WHEREOF first party has executed these presents this 13th day of November, 1945.

Executed in the presence of:

L. E. Wolbert, Witness
Correct as to Description FB 11/3/45
State of California)
City and County of San Francisco) ss.

LANG BROS.
By R. Decker Lang
And By Aug. J. Lang, Jr. Partners

On this 13th day of November, in the year one thousand nine hundred and forty-five, before me, Agnes C. Otto, a Notary Public in and for the City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared R. Decker Lang and Aug. J. Lang Jr. known to me to be the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in the City and County of San Francisco the day and year in this certificate first above written.

Agnes C. Otto

Notary Public in and for the City and County of San Francisco, State of California

(SEAL)
My Commission Expires Dec. 19, 1947

Filed for record and recorded

at request of Railway Express Agency Inc Dec 27 1945 at 25 min past 1 o'clock P.M.

Rec Fee \$1.40

F. D. Burrows, Recorder

By *Francis R. Smith* Deputy
D.B.

14177

I.R.S. \$3.30 Cancelled

Application No. 28402

JOINT TENANCY DEED

THOMAS L. HEWITSON, a widower, the first party, hereby GRANT- to JOHN E. RICHARDSON and MAUDE A. RICHARDSON, his wife, and JOHN OLIVER AISTON, a single man, the second parties, in JOINT TENANCY all that real property situated in the County of Marin, State of California, and bounded and described as follows:

Lot Number 5, as shown upon the Map entitled, "Map of Bay View Terrace, Subdivision Two, Alto, Marin County, Cal.", prepared by J. C. Oglesby in September, 1942 and recorded in the office of the County Recorder of the County of Marin, State of California.

"John Oliver Aiston, a single man, John E. Richardson and Maude A. Richardson, husband and wife, accept the interest herein conveyed to them as Joint Tenants with right of survivorship.

John E. Richardson
Maude A. Richardson
John Oliver Aiston

In witness whereof, the said first party, has executed this conveyance this 30th day of November, 1945.

Thomas L. Hewitson

State of California) ss.
County of Marin)

On this 30th day of November, in the year of our Lord One Thousand Nine Hundred and forty five, before me, Estelle D. Hart, a Notary Public in and for said County of Marin, State of California, residing therein, duly commissioned and sworn, personally appeared Thomas L. Hewitson known to me to be the person described in and whose name is subscribed to the within instrument and acknowledged to me that he executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal at my office in said County of Marin the day and year in this certificate first above written.

Estelle D. Hart

Notary Public in and for said County of Marin
State of California

(SEAL)

My Commission expires Jan. 29, 1949

Filed for record and recorded

at request of San Rafael Land Title Co Dec 27 1945 at 30 min past 3 o'clock P.M.

Rec Fee \$1.30

F. D. Burrows, Recorder

By *Francis R. Smith* Deputy
D.B.

14178

I.R.S. \$1.10 Cancelled

JOINT TENANCY DEED

MARIN CAPITAL COMPANY, the first party, hereby GRANTS to VERNON B. COLEMAN and MARY COLEMAN, his wife, the second parties, in JOINT TENANCY all that real property situated in the City of Mill Valley, County of Marin, State of California, and bounded and described as follows:

LOT NUMBER 49, as shown upon the Map entitled, "Plat of Alto Tract, Subdivision No. 3, Marin County, California", filed for record June 20th, 1944, in the office of the County Recorder of the County of Marin, State of California, in Book 5 of Maps, at page 103. IN WITNESS WHEREOF, the said first party has executed this conveyance this 10th day of December, 1945.

MARIN CAPITAL COMPANY

By G. C. Goheen, President

(CORPORATE SEAL)
State of California) ss.
County of Marin)

On this 10th day of December in the year one thousand nine hundred and forty five,

RESOLUTION NO. ____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO AMENDING UNDERGROUND UTILITY DISTRICT NO. 5 DESIGNATING AN AREA TO NO LONGER BE A PART OF THE UNDERGROUND DISTRICT

WHEREAS, an incorrect boundary line was drawn and adopted as a portion of Underground Utility District No. 5 on October 25, 1988;

WHEREAS, Rule 20A projects are typically in areas of a community that are used most by the general public;

WHEREAS, the Town desires to correct the boundary lines previously drawn and remove the existing poles along Luna Lane from the underground area;

NOW, THEREFORE, BE IT RESOLVED that

1. It is in the interest of the general public to amend Underground Utility District No. 5.
2. Underground Utility District No. 5 is amended as indicated on the attached site map at Exhibit A.

The foregoing Resolution was adopted at the regular meeting of the San Anselmo Town Council held on June 24, 2014, by the following vote:

AYES:
NOES:
ABSENT:

Mayor

Attest:

Town Clerk

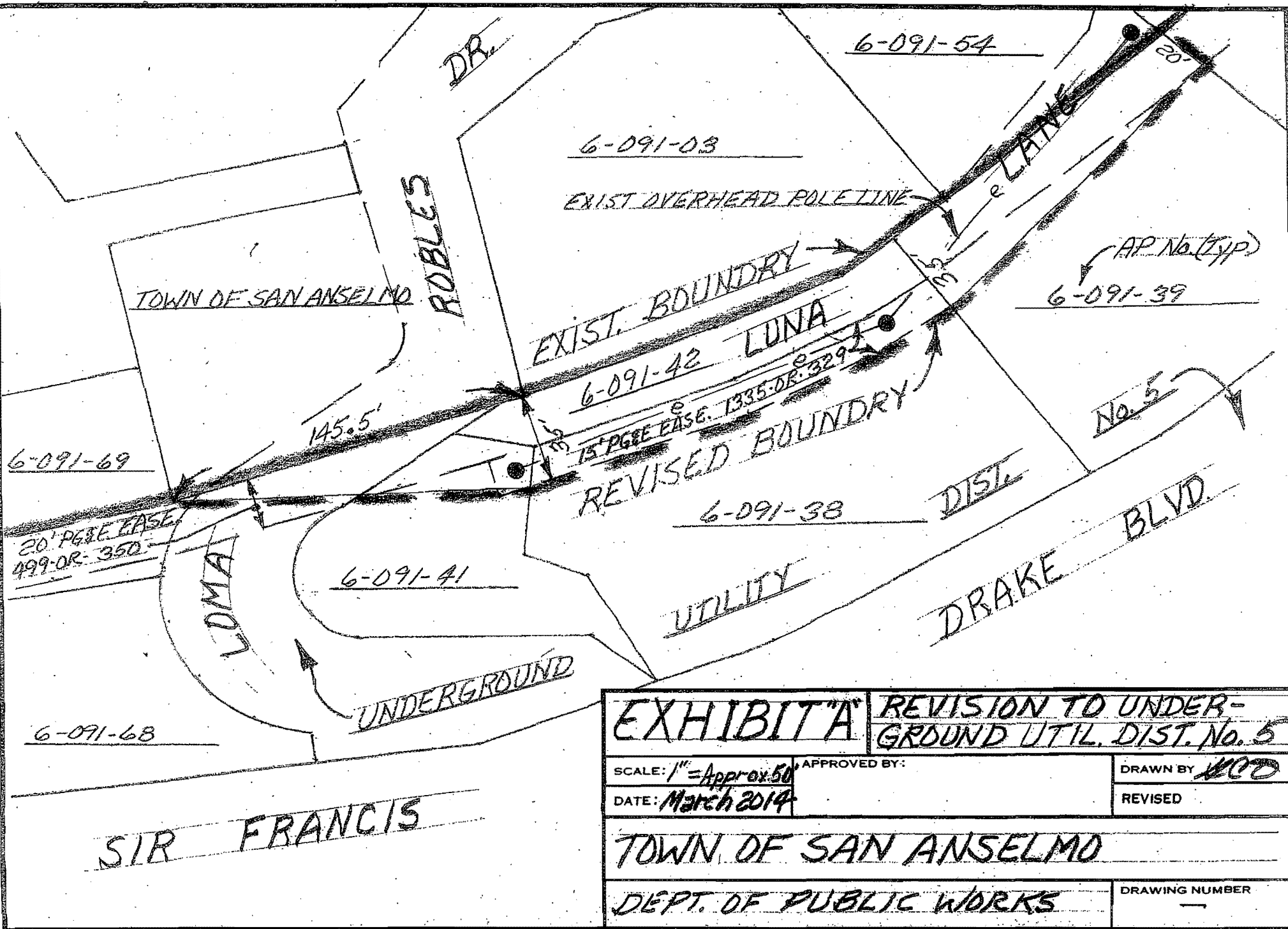


EXHIBIT "A"		REVISION TO UNDER-GROUND UTIL. DIST. No. 5	
SCALE: 1" = Approx 50'	APPROVED BY:	DRAWN BY <i>WCO</i>	
DATE: <i>March 2014</i>		REVISED	
TOWN OF SAN ANSELMO			
DEPT. OF PUBLIC WORKS			DRAWING NUMBER —