



## RESOLUTION NO. 042-2018

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

### **Formation of the Apache Avenue Underground Utility District**

**WHEREAS**, the California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground pursuant to Electric Rule 20 and Telecommunications Rule 32;

**WHEREAS**, pursuant to certain criteria, CPUC rules allow participating cities and counties to authorize the creation of underground utility districts within which existing overhead electric distribution and telecommunication distribution and service facilities will be converted to underground;

**WHEREAS**, County of El Dorado's (County) General Plan Policy 5.6.1.1 provides that the County will promote and coordinate efforts with utilities for the undergrounding of existing and new utility distributions lines and existing overhead power lines and Chapter 12.36 of the El Dorado County Code authorizes the Board of Supervisors to declare a designated area an underground utility district and order the removal and underground installation;

**WHEREAS**, the County's Board of Supervisors 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;

**WHEREAS**, the County has consulted with the affected public utilities and such utilities have agreed that the proposed underground utility district, designated the Apache Avenue Underground Utility District (District) and more particularly described in Exhibit A attached hereto and incorporated herein by reference, meets the criteria established by the Rules of the CPUC, as follows:

That such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric and communication facilities;

That the street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;

That the street or road or right-of-way adjoins or passes through an area of unusual scenic interest to the general public; and

That the street or road or right-of-way is considered an arterial street or major collector as defined in the Governor's Office of Planning and Research General Plan Guidelines;

**WHEREAS**, the County has consulted with Liberty Utilities (Liberty) and determined that the County has accumulated Rule 20A work credits sufficient to complete the proposed overhead to underground conversion project;

**WHEREAS**, the public health, safety and welfare of County residents will be advanced within the proposed District with the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities supplying electric, communication or similar associated service within that

certain area of the County described as follows: On Apache Avenue, between Highway 50 and San Bernardino Avenue;

**WHEREAS**, the County held one public meeting to inform affected property owners of the process, roles and responsibilities of the agencies involved in the formation of the District;

**WHEREAS**, the County's Board of Supervisors held a public hearing at which time the Board of Supervisors received and considered the recommendation of the Community Development Services, Department of Transportation, and any and all objections or protests that were raised by the owners of property within the above-described District pertaining to designating this area an underground utility district; 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 within the time required by law;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of El Dorado that:

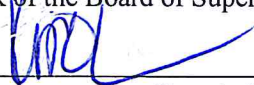
1. The above-described area is hereby declared an underground utility district, and is designated as the Apache Underground District, and more particularly described in Exhibit A attached hereto, and hereby incorporated as a part of this Resolution and all existing and future electric and communication distributon facilities in the District will be placed underground;
2. The District herein created is in the general public interest in that such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric and communication facilities; that the street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic; that the street or road or right-of-way adjoins or passes through an area of unusual scenic interest to the general public; and, that the street or road or right-of-way is considered an arterial street or major collector as defined in the Governor's Office of Planning and Research General Plan Guideline;
3. The County's Community Development Services, Department of Transportation, is hereby directed to notify all affected utilities and all affected property owners within the District of the adoption of this Resolution within ten (10) days after the date of such adoption, and ninety (90) days before the actual construction of the underground facilities. Said Department of Transportation 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, before the expiration of the ninety (90) days advance notice, provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities on file with the CPUC. Such notification shall be made by mailing a copy of this resolution together with a copy of El Dorado County Code Chapter 12.36 to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities;
4. The Board of Supervisors does hereby fix October 15, 2020 as the date by which the affected property owners must be ready to receive underground service in accordance with the serving utilities rules for underground service, and thereafter shall maintain the underground supporting structures on their property to furnish 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 electric, communication or similar or associated service with the District on or before October 15, 2021;
5. Liberty shall act as the lead agency and lead utility, and AT&T and Charter Communications shall commence work on the District and that when the project is complete and ready for conversion from overhead to underground utility facilities, all affected property owners shall be notified by mail at least ten (10) days in advance of the schedule for conversion of all utility service lines;
6. Liberty shall use the underground conversion allocation computed pursuant to decisions of the CPUC

for the purpose of providing to each premises in the District a maximum of 100 feet of individual electric service trenching and conductor, as well as conduit, backfill, and paving, if required. AT&T shall pay for the installation of no more than 100 feet of each customer's underground service connection facility occasioned by the undergrounding. Each other serving utility will provide service trenching and conductor in accordance with its rules and tariffs on file with the CPUC or as required by its Franchise Agreement with the County of El Dorado;

7. Liberty shall use said underground conversion allowance allocation, for the conversion of electric service panels in the District to accept underground service, in accordance with the Electric Panel Service Conversion Program. Liberty will provide an electrical contractor to install the conduit and termination box located on, under, or within any structure on the premises served within the District. The County's Planning and Building Department will issue a building permit and provide the required inspection for the conduit and termination box installation, at no cost to the property owner. AT&T and Charter will pay for the installation of each customer's underground service connection facility at the time and only to the extent that Liberty pays for the customer's underground electric service lateral. Each property owner within the District will be responsible for the maintenance of the respective utilities installed conduit and termination box.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 3rd day of April, 2018, by the following vote of said Board:

Attest:  
James S. Mitrison  
Clerk of the Board of Supervisors

By:  \_\_\_\_\_  
Deputy Clerk

Ayes:Frentzen,Hidahl,Veerkamp,Ranalli  
Noes:None  
Absent:Novasel

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Chair, Board of Supervisors  
Michael Ranalli