

April 5, 2006

Honorable Mayor and Members of  
the Hermosa Beach City Council

Regular Meeting of  
April 11, 2006

**BEACH DRIVE UNDERGROUND UTILITY DISTRICT –  
FINAL NOTICE TO PROPERTY OWNERS TO COMPLETE PRIVATE CONVERSIONS**

**Recommendation:**

It is recommended that the City Council authorize staff to give "Final Notice" to all property owners that have not completed their private utility conversions and to further direct staff to disconnect the overhead utility services to those properties that do not complete the necessary work within 30-days of receiving said notice.

**Summary:**

The Beach Drive Underground Utility District is presently in the final phases of completing the conversion from overhead to the new underground utility system. Edison and Verizon have begun transferring properties to the underground system. The wooden service poles and overhead wires cannot be removed until every property has completed their private property utility conversion. The property owners were noticed at the beginning of this project of this requirement and the majority have either completed or at least started this work, but a few have not yet begun.

The City's Municipal Code (Section 13.08.110) provides two options to remedy this situation. The first option is for the City Engineer to post a written notice on the property and then thirty (30) days thereafter to disconnect the overhead utilities serving the property. The second option is to properly notice the property owner and thirty (30) days following receipt of notice to cause for the conversion work to be completed on private property, in which case the costs will be assessed against the property benefited. Staff is concerned about going onto private property and also feels that noticing the first option is more likely to prompt the initiative of the property owner to complete these improvements themselves. Therefore staff recommends the first option of simply disconnecting the services.

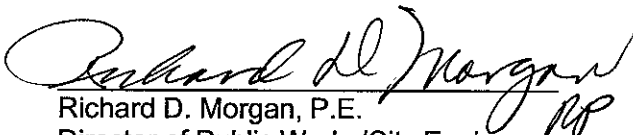
Staff's proposal is to first mail a letter to all properties that have not yet completed these conversions informing them one last time of the situation and then when the utility companies inform the City that they are within 30-days of removing the poles the City will issue the "Final Notice". Hopefully, this method will affect quick response and it will not be necessary to disconnect any properties.

**Fiscal Impact:**


None

Attachment: Muni Code Section 13.08.110

Respectfully submitted,

  
Richard D. Morgan, P.E.  
Director of Public Works/City Engineer

Concur:

  
Stephen R. Burrell  
City Manager

**13.08. 110 Responsibility of property owners to provide service connection-  
-Effect of noncompliance.**

- A. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in Section 13.08.100 and the termination facility on or within said building or structure being served;
- B. In the event any person owning, operating, leasing, occupying or renting said property does not comply with the provisions of subsection A of this section within the time provided for in the resolution enacted pursuant to Section 13.08.040, the city engineer shall post written notice on the property being served and thirty (30) days thereafter may authorize the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property; or
- C. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in Section 13.08.100 and the termination facility on or within said building or any person within the time provided for in the resolution enacted pursuant to Section 13.08.040, the city engineer shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within ten days after receipt of such notice.
- D. The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to general delivery, City of . If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight (48) hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the city engineer shall, within forty-eight (48) hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by ten inches in size, to be posted in a conspicuous place on said premises.
- E. The notice given by the city engineer to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if said work is not completed within thirty (30) days after receipt of such notice, the city engineer will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.
- F. If upon the expiration of the thirty (30) day period, the said required underground facilities have not been provided, the city engineer shall forthwith proceed to do the work; provided however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the city engineer shall in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the city engineer, he shall file a written report with

the city council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than ten days thereafter.

- G. The city engineer shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.
- H. Upon the date and hour set for the hearing of protests, the council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.
- I. If any assessment is not paid within five days after its confirmation by the council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the city engineer, and the city engineer, is directed to turn over to the assessor and tax collector a notice of lien on each of said properties on which the assessment has not been paid, and said assessor and tax collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per annum. (Prior code § 29-24)