CITY OF
HAYWARD
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DATE: October 7, 2008

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of an Ordinance Amending Chapter 11, Article 4 of the Hayward Municipal Code by Adding Section 11-4.28 Relating to Underground District No. 28

RECOMMENDATION

That the City Council adopt the attached Ordinance.

BACKGROUND

The ordinance was introduced by City Council Member Quirk at the September 23, 2008, meeting of the City Council with the following vote:

AYES:	Council Members:	Zermeño, Quirk, Halliday, May, Dowling, Henson
	Mayor:	Sweeney
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on September 27, 2008. Adoption at this time is therefore appropriate.

Recommended by:

Angelina Reyes

Angelina Reyes, City Clerk

Approved by:

Gregory T. Jones, City Manager

Attachment:
Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING ARTICLE 4, CHAPTER 11 OF THE HAYWARD MUNICIPAL CODE BY ADDING SECTION 11-4.28 THERETO RELATING TO UNDERGROUND DISTRICT NO. 28

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Article 4, Chapter 11 of the Hayward Municipal Code is hereby amended by adding thereto Section 11-4.28, to read in full as follows:

"SEC. 11-4.28 UNDERGROUND DISTRICT NO. 28. The following described area in the City of Hayward is hereby designated as an underground district, to-wit:

Watkins Street from Fletcher Lane to D Street

The following exceptions apply to this District:

(a) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Engineer.

(b) 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.

(c) Antennae, associated equipment and supporting structures, used by a utility for furnishing communication service.

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

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

The underground system hereby approved and the connection to be made to the system shall be completed by March 30, 2011, and the removal of all poles and overhead wires shall be completed by December 2013. These dates may be moved up or postponed by the City upon notification to the affected property owners.

Section 2. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Introduced at a meeting of the Hayward City Council held September 23, 2008, the above-entitled ordinance was introduced by Council Member Quirk.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on October 7, 2008, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California.

DATED: September 27, 2008

Angelina Reyes, City Clerk
City of Hayward