

RESOLUTION NO. 73295

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO VACATE PORTIONS OF A PUBLIC SERVICE EASEMENT AND COVENANT OF EASEMENT WITHIN LOT 1 OF TRACT 9665 AT THE NORTHWEST CORNER OF BASSETT AND NORTH FIRST STREETS**

**NOW, THEREFORE,** BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

Section 1. Pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California, the City Council desires to initiate proceedings to vacate portions of a Public Service Easement and Covenant of Easement for ingress, egress, emergency access and incidental purposes (hereinafter collectively referred to as the "Easement") within Lot 1 of Tract 9665 at the Northwest corner of Bassett and North First Streets. The portions of the Easement proposed for vacation are more particularly described in Section 6 of this Resolution.

Section 2. Notice is hereby given that the City Council will conduct a public hearing on the proposed vacation at 1:30 p.m., or as soon thereafter as the matter can be heard, on the 8th day of August, 2006, in the Council Chambers located at City Hall on 200 East Santa Clara Street, San Jose, California. At the public hearing, all persons interested in, or objecting to, the proposed vacation may appear and be heard. The City Council will consider all evidence presented at the hearing in order to determine whether to vacate the portions of the Easement.

Section 3. On June 6, 2006, the Director of Public Works approved the plat maps entitled "Plat Map Showing That Portion of A Public Service Easement and Covenant of Easement within Lot 1 of Tract 9665 at the Northwest Corner of Bassett and North First Streets: Figure 1 - Parcels 1 and 2; Figure 2 - Parcels 3 and 4; Figure 3 - Parcels 5, 6, and 7" (Hereinafter "Plat Maps"). The Plat Maps show the portions of the Easement proposed for vacation. The City Clerk is directed to file the Plat Maps in the Office of the City Clerk and to make it available for examination by any persons desiring to do so.

Section 4. The City Clerk is further directed to cause this Resolution to be published in its entirety for at least two successive weeks prior to the public hearing in a newspaper of general circulation in the City of San Jose.

Section 5. The Director of Public Works is directed to cause notices of the proposed vacation to be posted conspicuously along the line of the Easement proposed to be vacated. The notices shall be posted at least two (2) weeks before the date set for the public hearing. Such notices shall be posted not more than 300 feet apart, but at least three (3) notices shall be posted. The notices shall state the passage of this Resolution and the time and place of the public hearing.

Section 6. The portion of the Easement proposed to be vacated is all that real property situated in the City of San Jose, County of Santa Clara, State of California described as follows:

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California, being portions of the Public Service Easement (PSE) and Covenant of Easement for Ingress, Egress, Emergency Access and Incidental Purposes (COE) within Lot 1, as said lot is shown on map of Tract 9665 for Condominium Purposes, entitled "Classics at North Keystone", filed November 1, 2005 in Book 793 of Maps at Pages 29 through 31 inclusive, Records of Santa Clara County, more particularly described in seven (7) PSE and COE Vacation Parcels, as follows:

**FIGURE 1 - PARCEL 1**

Formatted

BEGINNING at the most southerly corner of said Lot 1;

THENCE along the southeasterly line of said Lot 1, North 59°33'30" East, 48.03 feet to the intersection with the northeasterly line of said PSE and COE, as shown on said map;

THENCE along the general northeasterly line of said PSE and COE, the following two (2) courses:

1. North 30°26'30" West, 102.67 feet;
2. North 59°33'30" East, 10.83 feet to the TRUE POINT OF BEGINNING of this description;

THENCE leaving said point and along the following four (4) courses:

1. North 59°33'30" East, 10.00 feet;
2. North 30°26'30" West, 4.17 feet;
3. South 59°33'30" West, 10.00 feet;

4. South 30°26'30" East, 4.17 feet to the TRUE POINT OF BEGINNING of this description.

Containing 42 square feet, more or less.

**FIGURE 1 - PARCEL 2**

Formatted

BEGINNING at the most southerly corner of said Lot 1;

THENCE along the southeasterly line of said Lot 1, North 59°33'30" East, 164.11 feet to the intersection with the southwesterly line of said PSE and COE, as shown on said map;

THENCE along the general southwesterly line of said PSE and COE, the following two (2) courses:

1. North 30°26'30" West, 102.67 feet;
2. South 59°33'30" West, 10.83 feet to the TRUE POINT OF BEGINNING of this description;

THENCE leaving said point and along the following four (4) courses:

1. South 59°33'30" West, 10.00 feet;
2. North 30°26'30" West, 4.17 feet;
3. North 59°33'30" East, 10.00 feet;
4. South 30°26'30" East, 4.17 feet to the TRUE POINT OF BEGINNING of this description;

Containing 42 square feet, more or less.

**FIGURE 2 - PARCEL 3**

Formatted

BEGINNING at the most southerly corner of said Lot 1;

THENCE along the southeasterly line of said Lot 1, North 59°33'30" East, 190.04 feet to the intersection with the northeasterly line of said PSE and COE, as shown on said map;

THENCE along the general northeasterly line of said PSE and COE, the following two (2) courses:

1. North 30°26'30" West, 102.67 feet;
2. North 59°33'30" East, 10.83 feet to the TRUE POINT OF BEGINNING of this description;

THENCE leaving said point and along the following four (4) courses:

1. North 59°33'30" East, 10.00 feet;
2. North 30°26'30" West, 4.17 feet;
3. South 59°33'30" West, 10.00 feet;
4. South 30°26'30" East, 4.17 feet to the TRUE POINT OF BEGINNING of this description.

Containing 42 square feet, more or less.

**FIGURE 2 – PARCEL 4**

BEGINNING at the most southerly corner of said Lot 1;

THENCE along the southeasterly line of said Lot 1, North 59°33'30" East, 306.12 feet to the intersection with the southwesterly line of said PSE and COE, as shown on said map;

THENCE along the general southwesterly line of said PSE and COE, the following two (2) courses:

1. North 30°26'30" West, 102.67 feet;
2. South 59°33'30" West, 10.83 feet to the TRUE POINT OF BEGINNING of the description;

THENCE leaving said point and along the following four (4) courses:

1. South 59°33'30" West, 10.00 feet;
2. North 30°26'30" West, 4.17 feet;
3. North 59°33'30" East, 10.00 feet;
4. South 30°26'30" East, 4.17 feet to the TRUE POINT OF BEGINNING of this description.

Containing 42 square feet, more or less.

**FIGURE 3 – PARCEL 5**

Formatted

BEGINNING at the most southerly corner of said Lot 1;

THENCE along the southeasterly line of said Lot 1, North 59°33'30" East, 332.05 feet to the intersection with the northeasterly line of said PSE and COE, as shown on said map;

THENCE along the general northeasterly line of said PSE and COE, the following two (2) courses:

1. North 30°26'30" West, 102.67 feet;
2. North 59°33'30" East, 10.83 feet to the TRUE POINT OF BEGINNING of this description;

THENCE leaving said point and along the following four (4) courses:

1. North 59°33'30" East, 10.00 feet;
2. North 30°26'30" West, 4.17 feet;
3. South 59°33'30" West, 10.00 feet;
4. South 30°26'30" East, 4.17 feet to the TRUE POINT OF BEGINNING of this description.

Containing 42 square feet, more or less.

**FIGURE 3 – PARCEL 6**

Formatted

BEGINNING at the most southerly corner of said Lot 1;

THENCE along the southeasterly line of said Lot 1, North 59°33'30" East, 448.13 feet to the intersection with the southwesterly line of said PSE and COE, as shown on said map;

THENCE along the general southwesterly line of said PSE and COE, the following two (2) courses:

1. North 30°26'30" West, 102.67 feet;
2. South 59°33'30" West, 10.83 feet to the TRUE POINT OF BEGINNING of this description;

THENCE leaving said point and along the following four (4) courses:

1. South 59°33'30" West, 10.00 feet;
2. North 30°26'30" West, 4.17 feet;
3. North 59°33'30" East, 10.00 feet;
4. South 30°26'30" East, 4.17 feet to the TRUE POINT OF BEGINNING of this description.

Containing 42 square feet, more or less.

**FIGURE 3 – PARCEL 7**

Formatted

BEGINNING at the most southerly corner of said Lot 1;

THENCE along the southeasterly line of said Lot 1, North 59°33'30" East, 474.57 feet to the intersection with the northeasterly line of said PSE and COE, as shown on said map;

THENCE along the general northeasterly line of said PSE and COE, North 30°26'30" West, 102.67 feet to the TRUE POINT OF BEGINNING of this description;

THENCE leaving said point and along the following eight (8) courses:

1. North 30°26'30" West, 3.98 feet;
2. North 59°33'30" East, 10.33 feet;
3. North 30°26'30" West, 4.17 feet;
4. North 59°33'30" East, 17.66 feet;
5. South 30°26'30" East, 3.98 feet;
6. South 59°33'30" West, 7.67 feet;
7. South 30°26'30" East, 4.17 feet;
8. South 59°33'30" West, 20.32 feet to the TRUE POINT OF BEGINNING of this description.

Containing 153 square feet, more or less.

ADOPTED this 27<sup>th</sup> day of June, 2006, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,  
NGUYEN, PYLE, REED, WILLIAMS, YEAGER;  
GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

---

RON GONZALES  
Mayor

ATTEST:

---

LEE PRICE, MMC  
City Clerk