

RESOLUTION NO. 73335

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A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO CONDITIONALLY VACATE A PORTION OF MCKINLEY AVENUE BETWEEN ST. ELIZABETH DRIVE AND MERIDIAN AVENUE

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 conditionally vacate a portion of McKinley Avenue between St. Elizabeth Drive and Meridian Avenue. Because the portion of McKinley Avenue proposed for vacation contains public utilities and sanitary sewer facilities, as well as providing emergency access, the City proposes to reserve a public service easement, an emergency access easement, and a sanitary sewer easement over a portion of the vacated area. The portion of McKinley Avenue proposed for vacation, and the easements proposed for reservation, 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 29th 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 conditionally vacate the portion of McKinley Avenue.

Section 3. On July 20, 2006, the Director of Public Works approved the plat map entitled "Plat Map Showing That Portion of McKinley Avenue Between St. Elizabeth Drive and Meridian Avenue To Be Vacated" (hereinafter "Plat Map."). The Plat Map shows the portion of McKinley Avenue proposed for vacation and the easements proposed for reservation. The City Clerk is directed to file the Plat Map 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 street vacation to be posted as conspicuously along the line of streets 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 City Council intends to condition the vacation so that it does not take effect until all existing utilities in the portion of the street to be vacated have been abandoned, removed or relocated.

Section 7. The City Council intends to reserve a public service easement, a sanitary sewer easement and an emergency access easement over a portion of the street proposed to be vacated. The portion of the street proposed to be conditionally vacated and the easements proposed to be reserved are all that real property situated in the City of San Jose, County of Santa Clara, State of California described as follows:

AREA TO BE VACATED

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land described in the deed recorded October 21, 1964, in Book 6710 of Official Records, page 98, Santa Clara County Records, and a portion of Parcel No. 1 as described in the deed recorded October 21, 1964, in Book 6710 of Official Records, page 95, Santa Clara County Records, described as follows:

BEGINNING at the northeasterly corner of Parcel 1 as shown on that certain Parcel Map filed for record on April 7, 2004, in Book 768 of Maps, pages 53 & 54, Santa Clara County Records;

Thence along the easterly line of said Parcel 1, South 00°41'12" East, 40.00 feet, to the southerly line of that parcel of land described in said deed recorded in Book 6710 of Official Records, page 98;

Thence along said southerly line, the following four courses:

1. Thence South 89°29'50" West, 11.66 feet;

2. Thence along a tangent curve to the left, having a radius of 270.00 feet, through a central angle of 24°17'58" for an arc length of 114.51 feet;
3. Thence along a reverse curve to the right, having a radius of 330.00 feet, through a central angle of 24°29'49" for an arc length of 141.09 feet;
4. Thence along a reverse curve to the left, having a radius of 20.00 feet, through a central angle of 90°22'52" for an arc length of 31.55 feet, to a line that is parallel with and 30 feet easterly of the centerline of St. Elizabeth Drive (60 feet wide);

Thence along said parallel line, North 00°41'11" West, 80.14 feet, to the northerly line of Parcel No. 1 as described in said deed recorded in Book 6710 of Official Records, page 95;

Thence along said northerly line, North 89°42'38" East, 20.47 feet;

Thence along the northerly line of said Parcel No. 1 and that parcel of land described in said deed recorded in Book 6710 of Official Records, page 98, the following two courses:

1. Thence along a tangent curve to the left, having a radius of 270.00 feet, through a central angle of 24°30'36" for an arc length of 115.50 feet;
2. Thence along a reverse curve to the right, having a radius of 330.00 feet, through a central angle of 04°15'01" for an arc length of 24.48 feet, to the northerly line of Parcel 1 as shown on said Map;

Thence along said northerly line, North 89°29'50" East, 124.67 feet, to the POINT OF BEGINNING.

Containing 0.358 acres, more or less.

AREA OF PUBLIC SERVICE EASEMENT (PSE), EMERGENCY VEHICLE ACCESS EASEMENT (EVA), AND SANITARY SEWER EASEMENT (SS) TO BE RESERVED

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel C as described in the Lot Line Adjustment Permit recorded April 26, 2006, in Document No. 18904247 of Official Records, Santa Clara County Records; a portion of the parcel of land described in the deed to the City of San Jose, recorded June 30, 1977, in Book C963 of Official Records, page 406, Santa Clara County Records; and a portion of the parcel of land described in the deed to the City of San Jose, recorded July 17, 2002, in Document No. 16367948 of Official Records, Santa Clara County Records; described as follows:

BEGINNING at the most southerly corner of Parcel A as described in said Lot Line Adjustment Permit;

Thence along the general southerly line of said Parcel A, the following four courses:

1. Thence northeasterly along a curve to the left, having a radius of 294.00 feet,

whose center bears North 21°51'11" West, through a central angle of 2°21'47" for an arc length of 12.13 feet;

2. Thence along a reverse curve to the right, having a radius of 296.00 feet, through a central angle of 10°20'43" for an arc length of 53.45 feet;
3. Thence North 0°30'51" West, 9.30 feet;
4. Thence North 89°29'50" East, 74.58 feet, to the easterly line of said Parcel C;

Thence along said easterly line, South 0°41'12" East, 40.00 feet, to the southerly line of the parcel of land described in the Dedication for Street Purposes recorded October 21, 1964, in Book 6710 of Official Records, page 98, Santa Clara County Records;

Thence along said southerly line, the following three courses:

1. Thence South 89°29'50" West, 11.66 feet;
2. Thence southwesterly along a tangent curve to the left, having a radius of 270.00 feet, through a central angle of 24°17'58" for an arc length of 114.51 feet;
3. Thence along a reverse curve to the right, having a radius of 330.00 feet, through a central angle of 24°29'49" for an arc length of 141.09 feet;

Thence South 89°41'41" West, 20.13 feet, to the easterly line of St. Elizabeth Drive (60 feet wide);

Thence along said easterly line North 0°41'11" West, 42.30 feet;

Thence North 90°00'00" East, 33.85 feet;

Thence along a tangent curve to the left, having a radius of 294.00 feet, through a central angle of 21°51'11" for an arc length of 112.13 feet, to the POINT OF BEGINNING.

Containing 0.260 acres, more or less.

ADOPTED this 8th day of August, 2006, by the following vote:

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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