

RESOLUTION NO. 73370

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO CONDITIONALLY VACATE A PUBLIC SERVICE EASEMENT ON NORTHEAST CORNER OF MURPHY AND RINGWOOD AVENUES

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 a public service easement (“PSE”) located on the northeast corner of Murphy and Ringwood Avenues. This vacation is required to fulfill development conditions of Planned Development Permit 91-007, which proposes construction of 368 multi-family attached residences. To date, 356 units have been constructed, and the remaining 12 units are proposed to be constructed on the portion of the PSE to be vacated. The portion of the PSE proposed for conditional vacation is more particularly described in Section 7 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 19th day of September, 2006, in the Council Chambers located at City Hall on 200 East Santa Clara Street, San José, 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 PSE.

Section 3. On August 17, 2006, the Director of Public Works approved the plat map entitled “Plat Map Showing that Portion of Public Service Easement on Northeast Corner of Murphy and Ringwood Avenues To Be Vacated” (Hereinafter “Plat Map.”). The Plat Map shows the PSE proposed for vacation. 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 José.

Section 5. The Director of Public Works is directed to cause notices of the proposed PSE vacation to be posted as conspicuously along the area of the PSE 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 PSE to be vacated have been abandoned, removed or relocated.

Section 7. The portion of the PSE proposed to be conditionally vacated is 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

All that certain real property lying within the City of San Jose, County of Santa Clara, State of California, being a portion of Lot 1 as shown on that certain Map of Tract No. 8454, filed for record on August 1, 1991 in Book 629 of Maps, Pages 20 through 24, Santa Clara County Records, described as follows:

Commencing at the most easterly corner of Lot 2 as shown on said map;
Thence South 52°42'08" West, 115.20 feet along the southeasterly line of said Lot 2 to a line common to Lot 1 and Lot 2 as shown on said Map;
Thence North 33°54'02" West, 81.19 feet along said common line to the True Point of Beginning;
Thence leaving said common line South 52°42'08" West, 7.82 feet;
Thence North 37°17'52" West, 7.38 feet;
Thence South 52°42'08" West, 17.17 feet;
Thence South 37°17'52" East, 11.50 feet;
Thence South 52°42'08" West, 5.67 feet;
Thence North 37°17'52" West, 11.50 feet;
Thence South 52°42'08" West, 8.50 feet;
Thence South 37°17'52" East, 7.38 feet;
Thence South 52°42'08" West, 21.67 feet;
Thence North 37°17'52" West, 8.88 feet;
Thence South 52°42'08" West, 6.25 feet to the corner of an existing "Exception to Public Service Easement" as shown on said Map of Tract No. 8454;

Thence North 37°17'52" West, 67.42 feet along said existing "Exception to Public Service Easement";
 Thence leaving said "Exception to Public Service Easement" North 52°42'08" East, 6.25 feet;
 Thence North 37°17'52" West, 8.88 feet;
 Thence North 52°42'08" East, 21.67 feet;
 Thence South 37°17'52" East, 7.38 feet;
 Thence North 52°42'08" East, 17.17 feet;
 Thence North 37°17'52" West, 11.50 feet;
 Thence North 52°42'08" East, 5.67 feet;
 Thence South 37°17'52" East, 11.50 feet;
 Thence North 52°42'08" East, 8.50 feet;
 Thence North 37°17'52" West, 7.38 feet;
 Thence North 52°42'08" East, 21.67 feet;
 Thence South 37°17'52" East, 8.88 feet;
 Thence North 52°42'08" East, 21.67 feet;
 Thence South 37°17'52" East, 37.34 feet to a point on a line common to said Lots 1 and 2;
 Thence South 52°42'08" West, 33.20 feet along said common line to the most westerly corner of said Lot 2;
 Thence South 33°54'02" East, 39.02 feet along said common line to the True Point of Beginning.

ADOPTED this 29th day of August, 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