

RESOLUTION NO. 73476

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**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO VACATE A PORTION OF PAULA STREET BETWEEN RACE STREET AND MERIDIAN WAY**

**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 a portion of Paula Street between Race Street and Meridian Way. Because the portion of Paula Street proposed for vacation contains public utilities, the City proposes to reserve a public service easement over a portion of the vacated area. The portion of Paula Street proposed for vacation, and the easement 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 21<sup>st</sup> day of November, 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 portion of Paula Street.

Section 3. On October 17, 2006, the Director of Public Works approved the plat map entitled "Plat Map Showing That Portion of Paula Street Between Race Street and Meridian Way To Be Vacated" (hereinafter "Plat Map"). The Plat Map shows the portion of Paula Street proposed for vacation and the public service easement 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 José.

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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 reserve a public service easement over a portion of the street proposed to be vacated for the purpose of placement of public utilities in general, with access thereto, including but not limited to poles, wires, and conduits for electrical, telephone, television, gas, storm, sanitary and water services, and all appurtenances thereto. The portion of the street proposed to be vacated and the easement proposed to be reserved are all that real property situated in the City of San José, County of Santa Clara, State of California described as follows:

AREA TO BE VACATED

Being a portion of Paula Street as shown on that certain map entitled "Map of the Sainsevain Villa, San Jose, Santa Clara County, Cal.", which was filed for record on June 19, 1876, in the Office of the Recorder of Santa Clara County in Book "A" of Maps at page 11, more particularly described as follows:

Beginning at a point on the southerly line of said Paula Street, distant thereon 172.5 feet easterly from the intersection thereof with the easterly line of Meridian Avenue; thence running easterly along a curve to the right, from a tangent bearing of N 75°48'39" E, having a radius of 292.00 feet, a central angle of 14°10'41", an arc length of 72.26 feet; thence N 89°59'20" E, 78.48 feet; thence S 00°00'20" E, 8.89 feet to the intersection with said southerly line of Paula Street; thence westerly along said southerly line, S 89°59'20" W, 150.00 feet to the POINT OF BEGINNING.

RESERVING THEREFROM: an easement for public utilities in general, with access thereto, including but not limited to poles, wires, and conduits for electrical, telephone, television, gas, storm, sanitary and water services, and all appurtenances thereto, under, upon or over a parcel of land described above.

ADOPTED this 31<sup>st</sup> day of October, 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:  
|

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LEE PRICE, MMC  
City Clerk

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