

RESOLUTION NO. 73563

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER THE USE OF PUBLIC LANDS FOR THE INSTALLATION OF ABOVEGROUND UTILITY CABINETS FOR THE GUADALUPE GARDENS UNDERGROUND UTILITY DISTRICT**

**WHEREAS**, the Guadalupe Gardens Underground Utility District was established by Council on January 21, 2003, to provide for the undergrounding of Pacific Gas & Electric overhead utility lines and associated poles in the area bounded by Interstate 880, Route 87 and Coleman Avenue; and

**WHEREAS**, the standard installation of equipment in such underground utility districts includes aboveground, pad-mounted structures; and

**WHEREAS**, there are 14 locations within Guadalupe Gardens where Pacific Gas & Electric requires easements to install aboveground facilities for the underground utility district on City property, as depicted in Exhibit A of this resolution; and

**WHEREAS**, the City Council of the City of San José (“City”) adopted Council Policy No. 6-16, “Uses of Public Property,” on May 20, 1986, which policy establishes procedures and provides opportunities for public participation in the decisions affecting publicly-owned lands; and

**WHEREAS**, the City desires to set a public hearing to consider installation of the aboveground cabinets pursuant to City Council Policy No. 6-16;

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

Section 1. Pursuant to City Council Policy No. 6-16, the City Council desires to initiate proceedings to consider the use of public lands for the installation of Pacific Gas and Electric Company aboveground cabinets for the construction of the Guadalupe

Gardens Underground Utility District established January 21, 2003. The location of the aboveground facilities is more particularly depicted in Exhibit A of this Resolution.

Section 2. Notice is hereby given that the City Council will conduct a public hearing on the proposed use of public lands at 1:30 p.m., or as soon thereafter as the matter can be heard, on the 9th day of January, 2007, in the Council Chambers located at City Hall, 200 East Santa Clara Street, San José, California. At the public hearing, all persons interested in, or objecting to, the proposed use of public lands may appear and be heard. The City Council will consider all evidence presented at the hearing in order to determine whether to approve the use of public lands for this purpose.

Section 3. Pursuant to Council Policy No. 6-16, the Director of Public Works is directed to cause notices of the proposed use of public lands to be mailed to all property owners within 300 feet of the sites. The notices shall state the passage of this Resolution and the time and place of the public hearing.

ADOPTED this 12<sup>th</sup> day of December, 2006, by the following vote:

AYES:	CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE, NGUYEN, PYLE, REED, WILLIAMS; GONZALES
NOES:	NONE
ABSENT:	NONE
DISQUALIFIED:	NONE
VACANT:	DISTRICT 6

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RON GONZALES  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk