

ORDINANCE NO. 28351

**AN ORDINANCE OF THE CITY OF SAN JOSÉ
REPEALING ORDINANCE NO. 27971 AND
ESTABLISHING A NEW, ACCURATE LEGAL
DESCRIPTION OF THE EXPANDED PUBLIC RIGHT
OF WAY ON TAYLOR STREET TAYLOR STREET
BETWEEN ANITA AND WALNUT STREETS**

WHEREAS, Section 1702 of the San José City Charter provides that the City Council, by ordinance, may authorize the opening, establishment and/or maintenance of streets or other public ways in or through any of the public parks, public places or other public property of the City; and

WHEREAS, in October 2007 the City completed a project that improved and widened the public right of way on Taylor Street between Anita and Walnut Streets (“Project”); and

WHEREAS, at the time the City undertook the Project, the legal description of the public right of way for the portion of Taylor Street did not accurately reflect the actual width of the existing, as-built roadway surface; and

WHEREAS, on January 30, 2007, before the City completed the Project, the City Council approved Ordinance No. 27971 in order to establish a new legal description of the Taylor Street public right of way that accurately reflected the expanded right of way resulting from the Project and corrected the Record Maps that inaccurately described the width of public right of way for the portion of Taylor Street between Anita and Walnut Streets; and

WHEREAS, Ordinance No. 27971 expanded the public right-of-way on Taylor Street within the Project area by adding a 28-foot wide strip on the south side of Taylor Street and an 18-foot wide strip on the north side of Taylor Street; and

WHEREAS, during the construction of the Project, City surveyors discovered inconsistencies between the actual monument locations and the Record of Survey map on file at the Santa Clara County Office of the Clerk – Recorder, which City staff used to determine the legal description of the additional public right-of-way required under Ordinance No. 27971; and

WHEREAS, as a result of the inconsistencies between the actual monument locations and the Record of Survey map on file at the Santa Clara County Office of the Clerk – Recorder, the existing legal description of the Taylor Street public right-of-way specified in Ordinance No. 27971 contains a technical error and needs to be corrected; and

WHEREAS, an accurate legal description of Taylor Street public right of way within the Project area requires adding a 13-foot wide strip on the south side of Taylor Street and a 33-foot wide strip on the north side of Taylor Street; and

WHEREAS, correcting the legal description of the public right of way on Taylor Street within the Project area does not impact the description of the ultimate width of the public right of way as being 106 feet; and

WHEREAS, because the City owns the properties immediately adjacent to both sides of Taylor Street within the Project area, the amended description of the public right of way does not require the acquisition of any additional property; and

WHEREAS, the City desires to repeal Ordinance No. 27971 and to approve a new ordinance in order to correct the legal description of the public right-of-way on Taylor Street within the Project area;

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

SECTION 1. Ordinance No. 27971, approved by the City Council on January 30, 2007 and adopted on February 13, 2007, is hereby repealed.

SECTION 2. The public right of way commonly known as Taylor Street between Anita Street and Walnut Street is hereby expanded to include an approximately 13-foot wide strip on the south side and an approximately 33-foot wide strip on the north side, as more particularly described in Exhibits "A" to "E" of this Ordinance.

PASSED FOR PUBLICATION of title this 24th day of June 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CORTESE, LICCARDO,
NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED.

NOES: NONE.

ABSENT: CONSTANT.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk