

RESOLUTION NO. 73087

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE
SUMMARILY VACATING A PORTION OF THE ALLEY LYING IN THE
REAR YARD OF 671 S. 11TH STREET, MID-BLOCK BETWEEN 10TH
AND 11TH STREETS AND APPROXIMATELY 140 FEET NORTH OF
MARGARET STREET**

WHEREAS, Section 8331 of the Streets and Highways Code of the State of California authorizes the City Council to summarily vacate a street if the street has been impassable and no public money has been expended on maintaining it for a period of five consecutive years; and

WHEREAS, the City Council intends to summarily vacate a portion of the alley constituting all that real property situated in the City of San Jose, County of Santa Clara, State of California, more particularly described as:

Portion of a 25 foot wide alley, adjoining Lot 12, Block 8, Map of Reed's Addition filed in Book "A" of Maps , at Pages 72 and 73, Santa Clara County Records, and being more particularly described as follows:

Beginning at the southerly most corner of said Lot 12, being a common corner of Lots 12 and 13;

Thence, along the southwesterly extension of the southeasterly boundary line of said Lot 12, South 59° 19' 24" West, 12.50 feet to the centerline of said 25 foot alley;

Thence, along said centerline North 30° 40' 07" West, 45.83 feet;

Thence, North 59° 19' 24" East, 12.50 feet to the southwesterly boundary line of said Lot 12;

Thence, along last said line, South 30° 40' 07" East 45.83 feet to the Point of Beginning, and containing 573 square feet, more or less.

WHEREAS, on January 20, 2006 the Director of the Department of Public Works approved that certain map entitled "Plat Map showing that portion of the alley lying in the rear yard of 671 S. 11th St., mid-block between 10th and 11th Streets and approximately 140 feet north of Margaret Street" showing the portion of the alley that the City Council intends to summarily vacate (hereinafter "Map"); and

WHEREAS, attached to this Resolution as Exhibit "A" is a copy of the report, dated February 13, 2006, that the Director of the Department of Public Works submitted to the City Council

setting forth the reasons justifying summary vacation of the portion of the alley (hereinafter "Report"); and

WHEREAS, attached to this Resolution as Exhibit "B" is a copy of the report, from the Planning Commission to the City Council, dated February 17, 2006 recommending approval of this vacation;

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

SECTION 1. The City Council hereby adopts the Report and, based upon the Report and all evidence submitted, makes the following findings:

- A. For a period of five consecutive years, this portion of the alley has been impassable for vehicular travel; and
- B. No public money has been expended for maintenance on this portion of the alley during this period; and
- C. There are no other public facilities located within this portion of the alley; and
- D. The portion of the alley to be vacated is not needed for present or prospective public utility or other public facilities; and
- E. The public convenience and necessity does not require reservation of any portion of the alley.

SECTION 2. Based upon the findings made in Section 1 of this Resolution and the provisions of Section 8331 of the Streets and Highways Code, the City Council does hereby order that the portion of the alley shall be and hereby is summarily vacated.

SECTION 3. The City Clerk is hereby directed to record at Santa Clara County Records this Resolution, including Exhibit "A" hereto, and the Map.

SECTION 4. The portion of the alley to be vacated herein will no longer constitute a public street from and after the date of recordation of the documents identified in Section 3 of this Resolution.

ADOPTED this 7th day of March, 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