

**RESOLUTION NO. 73088**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE  
SETTING THE TIME AND PLACE FOR A PUBLIC HEARING TO  
CONSIDER THE ESTABLISHMENT OF A RULE 20A UNDERGROUND  
UTILITY DISTRICT ALONG PARK AVENUE FROM BASCOM AVENUE  
TO NAGLEE AVENUE; NAGLEE AVENUE FROM PARK AVENUE TO  
SHASTA AVENUE, ON MARCH 28, 2006 AT 1:30 P.M.**

**WHEREAS**, Chapter 15.24 of the San Jose Municipal Code sets forth the procedure for establishing an underground utility district; and

**WHEREAS**, the City Council may, from time to time, consult with affected utilities and call public hearings to ascertain whether an underground utility district should be established in a certain area of the City; and

**WHEREAS**, the City Council proposes that such an underground utility district, to be designated "PARK/NAGLEE UNDERGROUND UTILITY DISTRICT", hereinafter referred to as the Proposed District, be formed within that area of the City described and shown on EXHIBIT A-1 and EXHIBIT A-2 attached hereto, made a part hereof, and incorporated herein by reference; and

**WHEREAS**, an underground utility district may be formed if, after a public hearing, the City Council finds and determines that the public necessity, health, safety, or welfare require and it is in the general public interest for one or more of the following reasons that existing poles and overhead wires within a designated area of the City be removed therefrom and be thereafter prohibited and that wires and associated facilities for transmitting, conducting, conveying, distributing or supplying electricity for the purpose of providing light, heat, power, telephone, telegraph, communication, television or other similar or associated service be installed underground namely:

Such removal of existing poles and overhead wires and placement underground will eliminate an unusually heavy concentration of poles and overhead wires within the Proposed District;

The public streets or rights-of-way within the Proposed District are extensively used by the general public and carry a heavy volume of pedestrian or vehicular traffic; and

The public streets or rights-of-way within the Proposed District adjoin or pass through a civic area or public recreation area or an area of unusual scenic interest to the general public; and

the City Council shall, by ordinance, declare such designated area an underground utility district and order and require such removal, prohibition and underground installation therein; and

**WHEREAS**, the City Council has the authority in any ordinance designating and declaring an underground utility district to, whenever it finds and determines that the public convenience and necessity so require, provide that certain existing poles and/or overhead wires within such utility district shall be exempt from the underground utility district.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of San Jose:

**NOTICE IS HEREBY GIVEN** that a PUBLIC HEARING will be held by the Council of the City of San Jose on March 28, 2006, at 1:30 p.m. in the Council Chambers of the City of San Jose, City Hall, 200 E. Santa Clara Street, at the corner of Fourth and Santa Clara Streets, San Jose, California to ascertain whether the public necessity, health, safety, or welfare require and it is in the general public interest for one or more of the reasons set in San Jose Municipal Code Section 15.24.060 that existing poles and overhead wires within the Proposed District be removed therefrom and be thereafter prohibited, that wires and associated facilities for transmitting, conducting, conveying, distributing or supplying electricity for the purpose of providing light, heat, power, telephone, telegraph, communication, television or other similar or associated service be installed underground, and that public convenience and necessity requires that certain existing poles be exempt from the proposed underground utility district.

The Director of Public Works shall give written notice of the time and place of such hearing at least ten (10) days prior to the date of such hearing to all persons who own any property within the Proposed District as shown on the last equalized assessment roll and to all utilities who own, control, or possess poles or overhead wires within the Proposed District. Each such notice shall be given by the Director of Public Works by depositing the same in the United States mail, postage prepaid, in an envelope addressed to the owner at the address as shown on the last equalized assessment roll, or if no address is shown, addressed to the owner at the address of the property.

ADOPTED this 7<sup>th</sup> 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

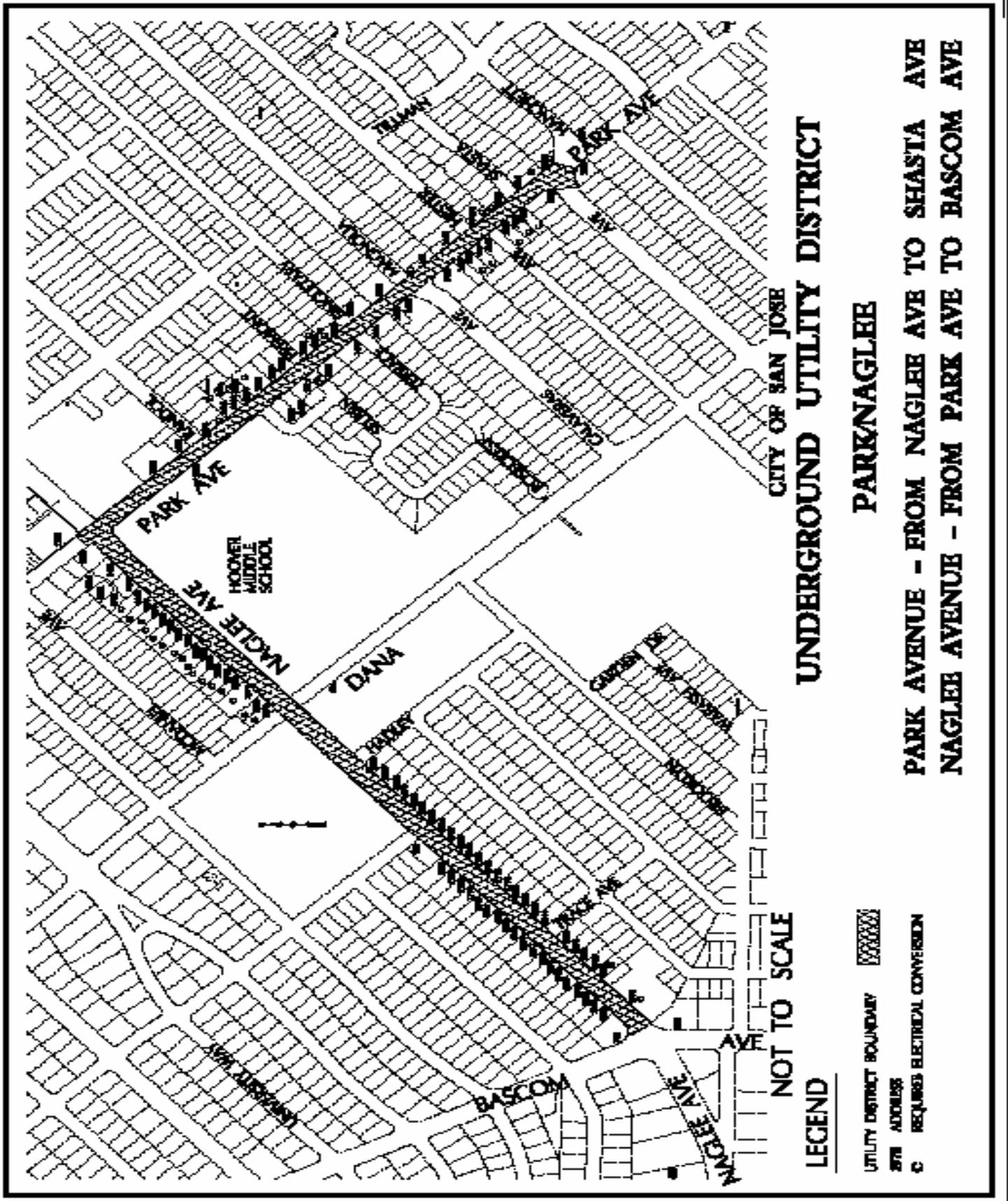
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Attachments:

- Exhibit A-1, Map
- Exhibit A-2, Legal Description
- PARK/NAGLEE UUD Resolution

**Exhibit A-1**

ATTACHMENT A



CITY OF SAN JOSE

**UNDERGROUND UTILITY DISTRICT**

**PARKNAGLEE**

**PARK AVENUE - FROM NAGLEE AVE TO SHASTA AVE**  
**NAGLEE AVENUE - FROM PARK AVE TO BASCOM AVE**

NOT TO SCALE

**LEGEND**

- UTILITY DISTRICT BOUNDARY
- STREET ADDRESS
- C REQUIRED ELECTRICAL CONVERSION

...:parknaglee051705.dgn Jan. 12, 2006 10:15:25

**EXHIBIT A-2**

**DESCRIPTION OF PROPOSED BOUNDARY OF AN UNDERGROUND UTILITY DISTRICT ON PARK AVENUE FROM BASCOM AVENUE TO NAGLEE AVENUE; NAGLEE AVENUE FROM PARK AVENUE TO SHASTA AVENUE**

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at a true point at the intersection of the easterly right-of-way line of Bascom Avenue and northerly right-of-way line of Naglee Avenue;

THENCE proceeding in a northeasterly direction 3200±' along the northerly right-of-way line of Naglee Avenue to intersection with the northerly right-of-way line of Park Avenue;

THENCE proceeding in a southeasterly direction 2500±' along the northerly right-of-way line of Park Avenue to a point of intersection with the southerly right-of-way line of Hanchett Avenue;

THENCE proceeding in a southwesterly direction 80±' perpendicular to the centerline of Park Avenue to a point of intersection with the westerly right-of-way line of Park Avenue;

THENCE proceeding in a northwesterly direction 2400±' along the westerly right-of-way line of Park Avenue to a point of intersection with the southerly right-of-way line of Naglee Avenue;

THENCE proceeding in a southwesterly direction 3100±' along the southerly right-of-way line of Naglee Avenue;

THENCE proceeding in a northwesterly direction 80±' parallel to the centerline of Bascom Avenue to the true point of beginning.

Two utility poles will be exempted at the following locations:

Utility pole located in the sidewalk between Assessor Parcel Number 261-22-001 and 261-22-021; utility pole located in the sidewalk between Assessor Parcel Number 261-22-022 and 261-22-067.