

RESOLUTION NO. 73128

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**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO CONDITIONALLY VACATE A PORTION OF NORTH TWENTIETH STREET, NORTH OF SANTA CLARA STREET**

**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 conditionally vacate a portion of North Twentieth Street, north of Santa Clara Street.

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 2nd day of May, 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 conditionally vacate the portion of North Twentieth Street.

Section 3. On March 7, 2006, the Director of Public Works approved the plat map entitled "Plat Map Showing That Portion of North Twentieth Street To Be Vacated" (Hereinafter "Plat Map."). The Plat Map shows the portion of North Twentieth Street proposed for vacation. 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 Jose.

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 condition the vacation so that it does not take effect until all existing utilities in the portion of the street to be vacated have been abandoned, removed or relocated.

Section 7. The portion of the street proposed to be conditionally vacated is all that real property situated in the City of San Jose, County of Santa Clara, State of California described as follows:

Beginning at the intersection of the northwesterly line of East Santa Clara Street (Alum Rock Avenue as shown on the "Map of the J.B. Carey's Subdivision" recorded in Book E of Maps, at page 43.) with the southwesterly line of North Twentieth Street (Carey Avenue as shown on the said Map); thence along the southwesterly line of said North Twentieth Street, N 30°43'00" W 325.30 feet; thence parallel with said northwesterly line of East Santa Clara Street, N59°21'00" E 60.00 feet to the northeasterly line of said North Twentieth Street; thence along said northeasterly line of North Twentieth Street, S 30°43'00" E 325.30 feet to said northwesterly line of East Santa Clara Street; thence along said northwesterly line of East Santa Clara Street, S 59°21'00" W 60.00 feet to the POINT OF BEGINNING.

ADOPTED this 11<sup>th</sup> day of April, 2006, by the following vote:

AYES: CAMPOS, CHIRCO, CORTESE, LeZOTTE, NGUYEN,  
PYLE, REED, WILLIAMS, YEAGER, CHAVEZ

NOES: NONE

ABSENT: GONZALES

DISQUALIFIED: NONE

ATTEST:

CINDY CHAVEZ  
Vice Mayor

LEE PRICE, MMC  
City Clerk

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ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
RON GONZALES  
Mayor

ATTEST:

\_\_\_\_\_  
LEE PRICE, MMC  
City Clerk