

RESOLUTION NO. 73211

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A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO VACATE A PORTION OF PARK AVENUE LOCATED 55 FEET EAST OF LAUREL GROVE LANE WITH RESERVATION OF A PUBLIC SERVICE EASEMENT

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 Park Avenue add a general location?. Because the portion of Park Avenue proposed for vacation contains a number of public facilities, including, water, gas, and electric facilities, the City proposes to reserve a public service easement over the portion of the street to be vacated. The portion of Park Avenue proposed for vacation is more particularly described in Section 6 of this Resolution.

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 August 8, 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 vacate the portion of Park Avenue.

Section 3. On June 1, 2006, the Director of Public Works approved the plat map entitled "Plat Map Showing That Portion Of Park Avenue to be Vacated and Reserved as a Public Service Easement." (Hereinafter "Plat Map.") 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 vacate a portion of Park Avenue with reservation of a public service easement (PSE) since there are public facilities that will not be removed or abandoned until the project construction stage. The PSE will be vacated at a later date once all public facilities are removed.

The portion of Park Avenue proposed to be vacated and the PSE to be reserved are all that real property situated in the City of San Jose described as follows:

Parcel One

All that certain real property lying within the City of San Jose, County of Santa Clara, State of California, being Parcel "16-A" as shown on that certain Record of Survey filed for record in Book 233 of Maps at page 11, Santa Clara County Records, also being a portion of Park Avenue as shown on that certain Parcel Map filed for record on December 6, 1982 in Book 507 of Maps at page 5, Santa Clara County Records, described as follows:

Commencing at the southeasterly corner of parcel 1 as shown on said parcel map; thence South 86°22'45" West, 25.25 feet along the southerly line of said parcel 1 to the true point of beginning; thence continuing westerly along said southerly line along a tangent curve to the right with a radius of 60.00 feet, through a central angle of 16°44'53" for an arc distance of 17.54 feet and North 76°52'22" West 68.15 feet to the southwesterly corner of said parcel 1; thence South 3°37'15" East, 22.18 feet along the southerly prolongation of the westerly line of said parcel 1 to a point on a line parallel with distant northerly 88.00 feet, measured at right angles from the centerline of Park Avenue as shown on said parcel map; thence North 86° 22'45" East, 82.55 feet along said parallel line to the True Point of Beginning.

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Said parcel contains 821 square feet, more or less.

Parcel Two

All that certain real property lying within the City of San Jose, County of Santa Clara, State of California, being Parcel "15-A" as shown on that certain Record of Survey filed for record in Book 233 of Maps at page 11, Santa Clara County Records, also being a portion of Parcel 1 as shown on that certain Record of Survey filed for record on June 19, 1961 in Book 134 of Maps at page 16, Santa Clara County Records, described as follows:

Beginning at the southeasterly corner of said Parcel 1, said point also being the southeasterly corner of said Parcel "15-A"; thence North 3°37'15" West, 22.18 feet along the prolongation of the easterly line of said parcel 1 to the northeasterly corner of said Parcel "15-A"; thence North 76°52'22" West 12.09 feet; thence southwesterly along a tangent curve to the left with a radius of 55.00b feet, through a central angle of 77°20'54" for an arc distance of 74.25 feet to a point on the southerly line of said parcel 1; thence North 86°22'45" East, 75.34 feet along said southerly line to the point of Beginning.

Said parcel contains 1661 square feet, more or less.

ADOPTED this 13th day of June, 2006, by the following vote:

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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