

RESOLUTION NO. 73238

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO VACATE A PORTION OF NINTH STREET BETWEEN TAYLOR AND JACKSON STREETS 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 vacate the easterly portion of Ninth Street between Taylor and Jackson Streets. Because the portion of Ninth Street contains gas and electric facilities, the City proposes to reserve a 6.00 foot strip as a public service easement ("PSE") on the southwesterly portion of the area being vacated. The portion of the street proposed for vacation, and the area reserved for the PSE are 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 **8th day of August 2006**, in the Council Chambers located at City Hall at 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 Ninth Street between Taylor and Jackson Streets.

Section 3. On **May 31, 2006**, the Director of Public Works approved the plat map entitled "Plat Map Showing that Portion of Ninth Street to be vacated and a portion reserved as public service easement" (hereinafter "Plat Map"). The Plat Map shows the portion of Ninth Street proposed for vacation and the public service easement proposed for reservation. 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 vacation to be posted conspicuously along the line of adjacent streets of the easement 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, and 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 Ninth Street with reservation of a PSE. The portion of Ninth Street to be vacated and the portion reserved as a PSE are more particularly described as follows:

Being a portion of right of way of North Ninth Street, situated in the City of San Jose, County of Santa Clara, State of California, and more particularly described as follows:

Beginning at the most southerly corner of Parcel 3, as said parcel is shown on that certain Parcel Map recorded June 29, 1983 in Book 514 of Maps at Page 19, Santa Clara County Records, said corner being at the intersection of the northeasterly line of North Ninth Street (being 80 feet in width) and the northwesterly line of Jackson Street (being 80 feet in width); thence along the southwesterly prolongation of said northwesterly line of Jackson Street South $59^{\circ}21'23''$ West 2.50 feet to the beginning of a tangent curve; thence along a curve to the right through a central angle of $89^{\circ}58'37''$ having a radius of 10.00 feet, an arc distance of 15.70 feet; thence tangent to the preceding curve and running along a line that is parallel with said northeasterly line of North Ninth Street and 12.50 feet southwesterly, measured at right angles, North $30^{\circ}40'00''$ West 807.78 feet to the beginning of a tangent curve; thence along a curve to the right through a central angle of $90^{\circ}01'02''$ having a radius of 10.00 feet, an arc distance of 15.71 feet to a point on the southwesterly prolongation of the southeasterly line of East Taylor Street; thence tangent to the preceding curve and running along said prolongation North $59^{\circ}21'02''$ East 2.50 feet to the intersection of said northeasterly line of North Ninth Street; thence along said northeasterly line of North Ninth Street South $30^{\circ}40'00''$ East 827.78 feet to the point of beginning.

Containing 0.237 acres, more or less.

Public service easement reservation:

The southwesterly 6.00 feet of the above described parcel.

ADOPTED this 20th day of June, 2006, by the following vote:

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

NOES: NONE

ABSENT: CHIRCO

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk