

RESOLUTION NO. 73674

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO VACATE A PUBLIC SERVICE EASEMENT ON THE NORTHWEST CORNER OF MAGLIOCCO DRIVE AND HUFF AVENUE

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 a public service easement (“PSE”) located on the northwest corner of Magliocco Drive and Huff Avenue. This vacation is required to fulfill development conditions of Planned Development Permit 01-075, which proposes construction of 50 multi-family attached residences. A portion of the underground parking garage lies within the PSE to be vacated. The PSE 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 27th day of March, 2007, in the Council Chambers located at City Hall on 200 East Santa Clara Street, San José, 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 PSE.

Section 3. On January 22, 2007, the Director of Public Works approved the plat map entitled “Plat Map Showing that Portion of Public Service Easement on the Northwest Corner of Magliocco Drive and Huff Avenue To Be Vacated” (Hereinafter “Plat Map.”). The Plat Map shows the PSE 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 José.

Section 5. The Director of Public Works is directed to cause notices of the proposed PSE vacation to be posted as conspicuously along the area of the PSE 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 portion of the PSE proposed to be vacated is all that real property situated in the City of San Jose, County of Santa Clara, State of California described as follows:

AREA TO BE VACATED

All of the 6-foot wide Public Service Easement shown on Lot 1 of Tract No. 9588, along the Northerly line of Magliocco Drive and the Westerly line of Huff Avenue, being the Southerly and Easterly 6 feet of said Lot 1, easement, and streets are shown on the Map of Tract No. 9588, which map was filed for record on March 29, 2006 in Book 799 of Maps at Pages 1 and 2, Records of the County of Santa Clara.

Containing an area of 2,178 square feet (0.05 acres), more or less.

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ADOPTED this 6th day of March, 2007, by the following vote:

AYES: CAMPOS, CHIRCO, CONSTANT, CORTESE,
LICCARDO, NGUYEN, PYLE, WILLIAMS; REED

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

VACANT: DISTRICT 4, DISTRICT 6

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk