

RESOLUTION NO. 73945

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO VACATE A PORTION OF PAULA STREET BETWEEN RACE STREET AND MERIDIAN WAY

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 portion of Paula Street between Race Street and Meridian Way. Because the portion of Paula Street proposed for vacation contains public utilities, the City proposes to reserve a public service easement over the vacated area. The portion of Paula Street proposed for vacation, and the easement proposed for reservation, 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 11th day of September, 2007, 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 Paula Street.

Section 3. On August 3, 2007, the Director of Public Works approved the plat map entitled "Plat Map Showing That Portion of Paula Street Between Race Street and Meridian Way To Be Vacated" (hereinafter "Plat Map"). The Plat Map shows the portion of Paula 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 José.

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 reserve a public service easement over a portion of the street proposed to be vacated for the purpose of placement of public utilities in general, with access thereto, including but not limited to poles, wires, and conduits for electrical, telephone, television, gas, storm, sanitary and water services, and all appurtenances thereto. The portion of the street proposed to be vacated and the easement proposed to be reserved are all that real property situated in the City of San José, County of Santa Clara, State of California described as follows:

A.P.N. 264-07-034

SITUATED in the City of San Jose, County of Santa Clara, State of California and being a portion of Paula Street, as said Street is shown upon that certain Map entitled "Map of the Sainsevain Villa, San Jose, Santa Clara County, Cal.", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on June 19, 1876 in Book 'A' of Maps at Page 11, and being more particularly described as follows:

BEGINNING at a point on the south right-of-way line of Paula Street (60.00 feet wide), 132.58 feet distant from the point of intersection of said south right-of-way line of Paula Street with the west right-of-way line of Race Street (60.00 feet wide), as said Streets are shown upon that above referred to 'Map of the Sainsevain Villa', said point of beginning being coincident with the northeast corner of those Lands conveyed to Alfred Almario and Dina Almario by Grant Deed recorded August 23, 2006 as Document No. 19075526, Santa Clara County Records, and running thence from said point of beginning along the said south right-of-way line of Paula Street, being coincident with the north line of said Lands of Almario, Westerly for a distance of 40.02 feet to the northwest corner of said Lands; thence leaving said south right-of-way line of Paula Street, at right angles Northerly, for a distance of 6.00 feet; thence running parallel with and northerly of the said south right-of-way line of Paula Street, Easterly for a distance of 40.02 feet to a point that is at right angles from the said northeast corner of Lands of Almario; thence Southerly, at right angles, for a distance of 6.00 feet to the **POINT OF BEGINNING** and containing therein 240 square feet more or less.

A.P.N. 264-07-033

SITUATED in the City of San Jose, County of Santa Clara, State of California and being a portion of Paula Street, as said Street is shown upon that certain Map entitled "Map of the Sainsevain Villa, San Jose, Santa Clara County, Cal.", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on June 19, 1876 in Book 'A' of Maps at Page 11, and being more particularly described as follows:

BEGINNING at a point on the south right-of-way line of Paula Street (60.00 feet wide), 172.60 feet distant from the point of intersection of said south right-of-way line of Paula Street with the west right-of-way line of Race Street (60.00 feet wide), as said Streets are shown upon that above referred to 'Map of the Sainsevain Villa', said point of beginning being coincident with the northeast corner of those Lands conveyed to Michael Mohsen Ahi by Interspousal Transfer Deed recorded March 1, 2007 as Document No. 19322955, Santa Clara County Records, and running thence from said point of beginning along the said south right-of-way line of Paula Street, being coincident with the north line of said Lands of Ahi, Westerly for a distance of 40.02 feet to the northwest corner of said Lands; thence leaving said south right-of-way line of Paula Street, at right angles Northerly, for a distance of 6.00 feet; thence running parallel with and northerly of the said south right-of-way line of Paula Street, Easterly for a distance of 40.02 feet to a point that is at right angles from the said northeast corner of Lands of Ahi; thence Southerly, at right angles, for a distance of 6.00 feet to the **POINT OF BEGINNING** and containing therein 240 square feet more or less.

A.P.N. 264-07-055

SITUATED in the City of San Jose, County of Santa Clara, State of California and being a portion of Paula Street, as said Street is shown upon that certain Map entitled "Map of the Sainsevain Villa, San Jose, Santa Clara County, Cal.", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on June 19, 1876 in Book 'A' of Maps at Page 11, and being more particularly described as follows:

BEGINNING at a point on the south right-of-way line of Paula Street (60.00 feet wide), 212.62 feet distant from the point of intersection of said south right-of-way line of Paula Street with the west right-of-way line of Race Street (60.00 feet wide), as said Streets are shown upon that above referred to 'Map of the Sainsevain Villa', said point of beginning being coincident with the northeast corner of those Lands conveyed to Roberto S. Gonzales and Alice Gonzales by Grant Deed recorded April 15, 1968 in Book 8088 at Page 721, Santa Clara County Official Records, and running thence from said point of beginning along the said south right-of-way line of Paula Street, being coincident with the north line of said Lands of Gonzales, Westerly for a distance of 38.50 feet to the northwest corner of said Lands; thence leaving said south right-of-way

line of Paula Street, at right angles Northerly, for a distance of 6.00 feet; thence running parallel with and northerly of the said south right-of-way line of Paula Street, Easterly for a distance of 38.50 feet to a point that is at right angles from the said northeast corner of Lands of Gonzales; thence Southerly, at right angles, for a distance of 6.00 feet to the **POINT OF BEGINNING** and containing therein 231 square feet more or less.

RESERVING THEREFROM: an easement for public utilities in general, with access thereto, including but not limited to poles, wires, and conduits for electrical, telephone, television, gas, storm, sanitary and water services, and all appurtenances thereto, under, upon or over a parcel of land described above.

ADOPTED this 14th day of August, 2007, by the following vote:

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

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk