

RD:VMT
08/14/2007

RESOLUTION NO. 73946

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO VACATE PORTIONS OF A PUBLIC SERVICE EASEMENT BEHIND THE RIGHT OF WAY LINE OF TRACT 7502 ALONG SAMARITAN DRIVE AND CLYDELLE AVENUE AND PORTIONS OF A SIDEWALK EASEMENT BEHIND THE RIGHT OF WAY LINE OF TRACT 7502 ALONG SAMARITAN DRIVE

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 of the City of San Jose ("City Council") desires to initiate proceedings to vacate portions of a Public Service Easement and portions of a Sidewalk Easement (hereinafter collectively referred to as the "Easement") of Tract 7502 along Samaritan Drive and Clydelle Avenue. The portions of the Easement proposed for vacation 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 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 portions of the Easement.

Section 3. On July 5, 2007, the Director of Public Works approved the plat maps entitled "Plat Map Showing That Portion of A Public Service Easement of Tract 7502 along Samaritan Drive and Clydelle Avenue: Figure 1" and "Plat Map Showing That Portion of A Sidewalk Easement of Tract 7502 along Samaritan Drive: Figure 1" (Hereinafter "Plat Maps"). The Plat Maps show the portions of the Easement proposed for vacation. The City Clerk is directed to file the Plat Maps 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 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, 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 Easement 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:

FIGURE 1

All that certain real property in the City of San Jose, County of Santa Clara, State of California, being all of that 10 foot Public Service Easement lying within Lot 1 as shown upon that Map of Tract 7502 filed for record on April 19, 1984, in Book 527 of Maps, pages 39 through 41, Santa Clara County Records;

Excepting therefrom, a portion of said 10 foot Public Service Easement, described as follows:

Beginning at the southeasterly corner of said Lot 1, being on the northerly line of Samaritan Drive;

Thence along said northerly line, North 89°59'42" West, 30.00 feet to the westerly line of that 30 foot Ingress Egress and Public Service Easement as shown on said Map, also being the TRUE POINT OF BEGINNING;

Thence continuing along said northerly line, North 89°59'42" West, 1,610.87 feet, to the westerly line of said Lot 1;

Thence along said westerly line, North 00°00'18" East, 5.00 feet;

Thence South 89°59'42" East, 379.98 feet:

Thence North 00°00'18" East, 5.00 feet, to the northerly line of said 10 foot Public Service Easement:

Thence along said northerly line, South 89°59'42" East, 123.25 feet;

Thence South 00°00'18" West, 5.00 feet;

Thence South 89°59'42" East, 1,107.63 feet, to the westerly line of said 30 foot Ingress Egress and Public Service Easement;

Thence along said westerly line, South 00°07'02" East, 5.00 feet, to the TRUE POINT OF BEGINNING.

Containing 0.20 acres, more or less.

FIGURE 1

All that certain real property in the City of San Jose, County of Santa Clara, State of California, being a portion of that 22 foot Sidewalk Easement lying within Lot 1 as shown upon that Map of Tract 7502 filed for record on April 19, 1984, in Book 527 of Maps, pages 39 through 41, Santa Clara County Records;

Beginning at the northeasterly corner of said 22 foot Sidewalk Easement, being on the easterly line of said Lot 1;

Thence along said easterly line, South 00°07'02" East, 3.50 feet;

Thence North 89°59'42" West, 5.72 feet;

Thence South 60°00'00" West 28.00 feet;

Thence North 89°59'42" West, 176.00 feet;

Thence North 78°00'00" West, 19.25 feet;

Thence North 89°59'42" West, 38.00 feet;

Thence South 78°00'00" West 19.23 feet;

Thence North 89°59'42" West, 277.00 feet;

Thence North 65°00'00" West, 23.67 feet;

Thence North 89°59'42" West, 45.22 feet;

Thence South 72°00'00" West 33.98 feet;

Thence North 89°59'42" West, 100.00 feet;
Thence North 65°00'00" West, 18.93 feet;
Thence North 89°59'42" West, 9.00 feet;
Thence South 55°00'00" West 10.46 feet;
Thence North 89°59'42" West, 6.50 feet;
Thence North 72°00'00" West, 16.18 feet;
Thence North 89°59'42" West, 15.00 feet;
Thence South 72°00'00" West 22.64 feet;
Thence North 89°59'42" West, 75.00 feet;
Thence North 71°00'00" West, 36.87 feet;
Thence North 89°59'42" West, 130.39 feet;
Thence South 55°00'00" West 18.30 feet;
Thence North 89°59'42" West, 76.00 feet;
Thence North 80°00'00" West, 39.97.00 feet;
Thence North 89°59'42" West, 60.00 feet;
Thence South 82°00'00" West 60.59 feet;
Thence North 89°59'42" West, 43.00 feet;
Thence North 57°00'00" West, 18.19 feet;
Thence South 90°00'00" West 4.99 feet;
Thence South 57°00'00" West 18.18 feet;
Thence North 89°59'42" West, 58.00 feet;
Thence North 69°00'00" West, 39.07 feet;
Thence North 89°59'42" West 17.17 feet;

Thence South 80°00'00" West 37.41 feet;

Thence North 89°59'42" West, 42.17 feet;

Thence South 81°00'00" West 47.92 feet;

Thence North 89°59'42" West, 32.98 feet, to the westerly line of said Lot 1;

Thence along the westerly and southerly lines of said Lot 1, the following three courses:

1. Thence North 00°00'18" East, 4.00 feet;
2. Thence westerly, along a non-tangent curve to the right, having a radius of 20.00 feet, whose center bears North 00°00'18" East, through a central angle of 36°54'35" for an arc length of 12.88 feet;
3. Thence North 00°06'59" West, 9.99 feet, to the northerly line of said 22 foot Sidewalk Easement;

Thence along said northerly line, South 89°59'42" East, 1652.86 feet, to the TRUE POINT OF BEGINNING.

Containing 0.53 acres, more or less.

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