

RESOLUTION NO. 74133

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING THE TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A RULE 20A AND IN-LIEU FEE (RULE 20B) UNDERGROUND UTILITY DISTRICT ALONG DELMAS AVENUE FROM SANTA CLARA STREET TO AUZERAIS AVENUE, CAHILL STREET FROM SAN FERNANDO STREET TO SANTA CLARA STREET, SAN FERNANDO STREET FROM HIGHWAY 87 TO CAHILL STREET, LAUREL GROVE LANE FROM CAHILL LIGHT RAIL STATION TO BUSH STREET, CAHILL PARK FROM BUSH STREET TO WILSON AVENUE, SAN FERNANDO STREET FROM WILSON AVENUE TO 80' WEST OF WILSON STREET, PARK AVENUE FROM HIGHWAY 87 TO MONTGOMERY STREET, AND AUZERAIS AVENUE FROM BIRD AVENUE TO HIGHWAY 87, ON JANUARY 15, 2008 AT 1:30 P.M.

WHEREAS, Chapter 15.24 of the San Jose Municipal Code sets forth the procedure for establishing an underground utility district; and

WHEREAS, the City Council may, from time to time, consult with affected utilities and call public hearings to ascertain whether an underground utility district should be established in a certain area of the City; and

WHEREAS, the City Council proposes that such an underground utility district, to be designated "DELMAS/PARK UNDERGROUND UTILITY DISTRICT", hereinafter referred to as the Proposed District, be formed within that area of the City described and shown on EXHIBIT A-1 and EXHIBIT A-2 attached hereto, made a part hereof, and incorporated herein by reference; and

WHEREAS, an underground utility district may be formed if, after a public hearing, the City Council finds and determines that the public necessity, health, safety, or welfare require and it is in the general public interest for one or more of the following reasons that existing poles and overhead wires within a designated area of the City be removed therefrom and be thereafter prohibited and that wires and associated facilities for transmitting, conducting, conveying, distributing or supplying electricity for the purpose of providing light, heat, power, telephone, telegraph, communication, television or other similar or associated service be installed underground namely:

Such removal of existing poles and overhead wires and placement underground will eliminate an unusually heavy concentration of poles and overhead wires within the Proposed District;

The public streets or rights-of-way within the Proposed District are extensively used by the general public and carry a heavy volume of pedestrian or vehicular traffic; and

The public streets or rights-of-way within the Proposed District adjoin or pass through a civic area or public recreation area or an area of unusual scenic interest to the general public; and

WHEREAS, the City Council shall, by ordinance, declare such designated area an underground utility district and order and require such removal, prohibition and underground installation therein; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the Council of the City of San Jose on JANUARY 15, 2008, at 1:30 p.m. in the Council Chambers of the City of San Jose, City Hall, 200 E. Santa Clara Street, at the corner of Fourth and Santa Clara Streets, San Jose, California to ascertain whether the public necessity, health, safety, or welfare require and it is in the general public interest for one or more of the reasons set in San Jose Municipal Code Section 15.24.060 that existing poles and overhead wires within the Proposed District be removed therefrom and be thereafter prohibited, and that wires and associated facilities for transmitting, conducting, conveying, distributing or supplying electricity for the purpose of providing light, heat, power, telephone, telegraph, communication, television or other similar or associated service be installed underground.

The Director of Public Works shall give written notice of the time and place of such hearing at least ten (10) days prior to the date of such hearing to all persons who own any property within the Proposed District as shown on the last equalized assessment roll and to all utilities who own, control, or possess poles or overhead wires within the Proposed District. Each such notice shall be given by the Director of Public Works by depositing the same in the United States mail, postage prepaid, in an envelope addressed to the owner at the address as shown on the last equalized assessment roll, or if no address is shown, addressed to the owner at the address of the property.

ADOPTED this 4th day of December, 2007, by the following vote:

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

NOES: NONE

ABSENT: LICCARDO, NGUYEN

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

MAO:KM:SK:lar

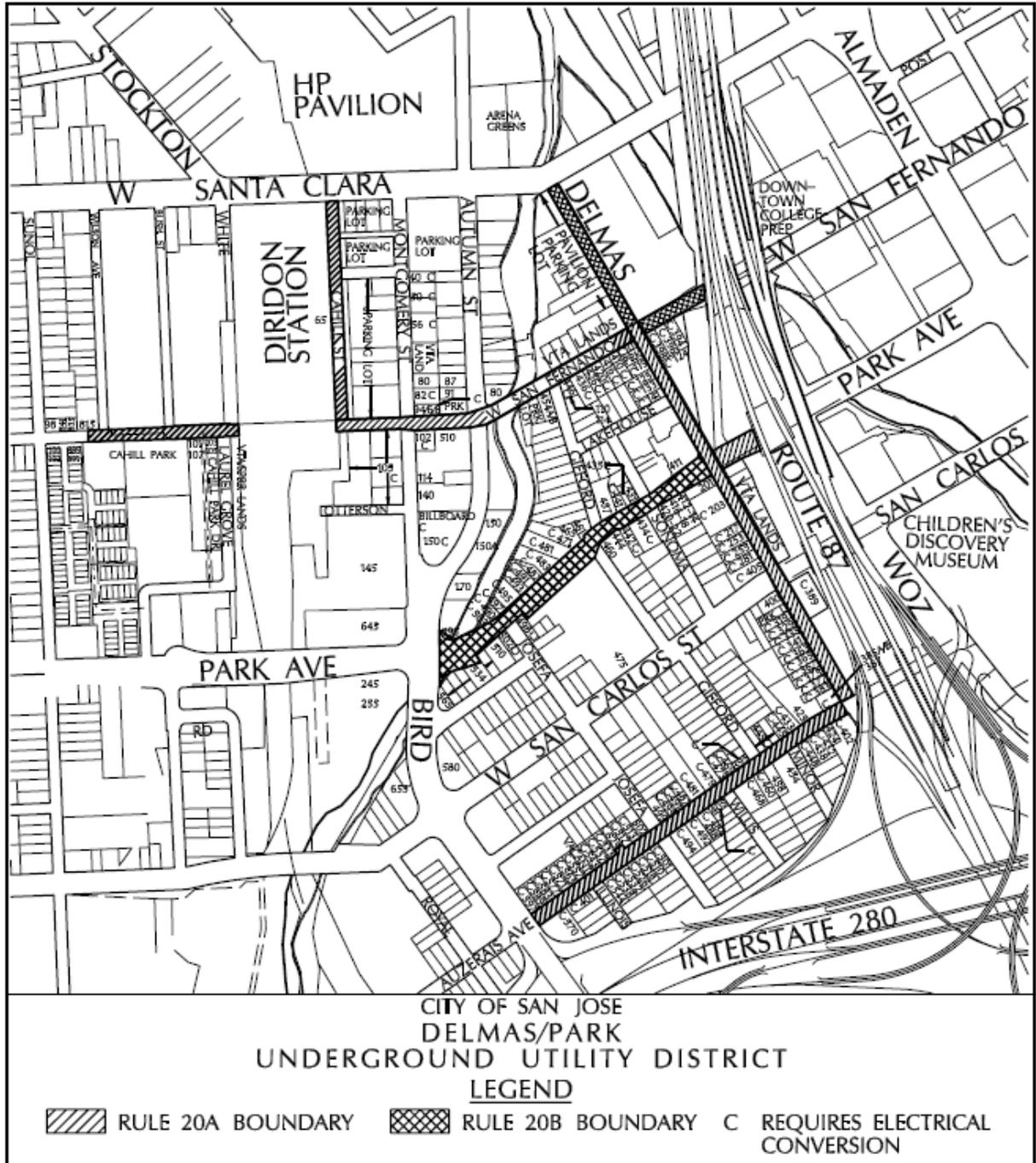
Attachments:

Exhibit A-1, Map

Exhibit A-2, Legal Description

DELMAS/PARK UUD Resolution

Exhibit A-1



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EXHIBIT A-2

DESCRIPTION OF PROPOSED BOUNDARY OF AN UNDERGROUND UTILITY DISTRICT ALONG DELMAS AVENUE FROM SANTA CLARA STREET TO AUZERAI AVENUE, CAHILL STREET FROM SAN FERNANDO STREET TO SANTA CLARA STREET, SAN FERNANDO STREET FROM HIGHWAY 87 TO CAHILL STREET, LAUREL GROVE LANE FROM CAHILL LIGHT RAIL STATION TO BUSH STREET, CAHILL PARK FROM BUSH STREET TO WILSON AVENUE, SAN FERNANDO STREET FROM WILSON AVENUE TO 80' WEST OF WILSON STREET, PARK AVENUE FROM HIGHWAY 87 TO MONTGOMERY STREET, AND AUZERAI AVENUE FROM BIRD AVENUE TO HIGHWAY 87

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at a true point at the intersection of the easterly right-of-way line of Delmas Avenue and the southerly right-of-way line of West Santa Clara Street;

THENCE proceeding in a southeasterly direction 680±' along the easterly right-of-way line of Delmas Avenue to a point of intersection with the northerly right-of-way line of West San Fernando Street;

THENCE proceeding in a northeasterly direction 320±' along the northerly right-of-way line of West San Fernando Street to a point of intersection with the westerly right-of-way extension line of Route 87;

THENCE proceeding in a southeasterly direction 60±' perpendicular to the centerline of West San Fernando Street to a point of intersection with the southerly right-of-way line of West San Fernando Street;

THENCE proceeding in a southwesterly direction 320±' along the southerly right-of-way line of West San Fernando Street to a point of intersection with the easterly right-of-way line of Delmas Avenue;

THENCE proceeding in a southeasterly direction 570±' along the easterly right-of-way line of Delmas Avenue to a point of intersection with the northerly right-of-way line of Park Avenue;

THENCE proceeding in a northeasterly direction 200±' along the northerly right-of-way line of Park Avenue to a point of intersection with the westerly right-of-way extension line of Route 87;

THENCE proceeding in a southeasterly direction 100±' perpendicular to the centerline of Park Avenue to a point of intersection with the southerly right-of-way line of Park Avenue;

THENCE proceeding in a southwesterly direction 200±' along the southerly right-of-way line of Park Avenue to a point of intersection with the easterly right-of-way line of Delmas Avenue;

THENCE proceeding in a southeasterly direction 1180±' along the easterly right-of-way line of Delmas Avenue to a point of intersection with the southerly right-of-way line of Auzerais Avenue;

THENCE proceeding in a southwesterly direction 1650±' along the southerly right-of-way line of Auzerais Avenue to a point of intersection with the easterly right-of-way line of Bird Avenue;

THENCE proceeding in a northwesterly direction 60±' perpendicular to the centerline of Auzerais Avenue to a point of intersection with the northerly right-of-way line of Auzerais Avenue;

THENCE proceeding in a northeasterly direction 1600±' along the northerly right-of-way line of Auzerais Avenue to a point of intersection with the westerly right-of-way line of Delmas Avenue;

THENCE proceeding in a northwesterly direction 1120±' along the westerly right-of-way line of Delmas Avenue to a point of intersection with the southerly right-of-way line of Park Avenue;

THENCE proceeding in a southwesterly direction 1560±' along the southerly right-of-way line of Park Avenue to a point of intersection with the easterly right-of-way line of Bird Avenue;

THENCE proceeding in a northeasterly direction 240±' parallel to the centerline of Bird Avenue to a point of intersection with the northerly right-of-way line of Park Avenue;

THENCE proceeding in a northeasterly direction 1390±' along the northerly right-of-way line of Park Avenue to a point of intersection with the westerly right-of-way line of Delmas Avenue;

THENCE proceeding in a northwesterly direction 560±' along the westerly right-of-way line of Delmas Avenue to a point of intersection with the southerly right-of-way line of West San Fernando Street;

THENCE proceeding in a southwesterly direction 1690±' along the southerly right-of-way line of West San Fernando Street to a point of intersection with the westerly right-of-way line of Cahill Street;

THENCE proceeding in a northwesterly direction $800\pm'$ along the westerly right-of-way line of Cahill Street to a point of intersection with the southerly right-of-way line of Santa Clara Street ;

THENCE proceeding in a northeasterly direction $50\pm'$ along the southerly right-of-way line of Santa Clara Street to a point of intersection with the easterly right-of-way line of Cahill Street;

THENCE proceeding in a southeasterly direction $800\pm'$ along the easterly right-of-way line of Cahill Street to a point of intersection with the northerly right-of-way line of West San Fernando Street;

THENCE proceeding in a northeasterly direction $1210\pm'$ along the northerly right-of-way line of West San Fernando Street to a point of intersection with the westerly right-of-way line of Delmas Avenue;

THENCE proceeding in a northwesterly direction $680\pm'$ along the westerly right-of-way line of Delmas Avenue to the southerly right-of-way line of West Santa Clara Street;

THENCE proceeding in a northeasterly direction $50\pm'$ along the southerly right-or-way line of West Santa Clara Street to the true point of beginning.

CAHILL PARK

BEGINNING at a true point at the intersection of the easterly right-of-way line of Bush Street and the northerly right of way line of Laurel Grove Lane;

THENCE proceeding in a northeasterly direction $270\pm'$ along the northerly right-of-way line of Laurel Grove Lane to a point of intersection with the easterly right-of-way line of Laurel Grove Lane;

THENCE proceeding in a southeasterly direction $50\pm'$ along the easterly right-of-way line of Laurel Grove Lane to a point of intersection with the southerly right-of-way line of Laurel Grove Lane;

THENCE proceeding in a southwesterly direction $550\pm'$ along a line of extension of the southerly right-of-way line of Laurel Grove Lane to a point of intersection with the easterly right-of-way line of Wilson Avenue;

THENCE proceeding in a southwesterly direction $85\pm'$ along the southerly right of way line of West San Fernando Street to a point of intersection with a line perpendicular to the centerline of West San Fernando Street;

THENCE proceeding in a northwesterly direction $50\pm'$ along a line perpendicular to the centerline of West San Fernando Street to a point of intersection with the northerly right-of-way line of West San Fernando Street;

THENCE proceeding in a northeasterly direction 85±' along the northerly right-of-way line of West San Fernando Street to a point of intersection with the easterly right-of-way line of Wilson Avenue;

THENCE proceeding in a northeasterly direction 280±' along a line of extension of the northerly right-of-way line of West San Fernando Street to a point of intersection to the true point of beginning.