

RESOLUTION NO. 74175

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO VACATE A PUBLIC SERVICE EASEMENT ALONG A PRIVATE STREET, PISTACHE LANE

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 along a private street, Pistache Lane, between Leigh Avenue and Foxworthy Avenue. New replacement public service easements will be granted to the City by the property owner and recorded prior to the proposed vacation. The public service easement 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 29th day of January, 2008, 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 public service easement.

Section 3. On October 29, 2007, the Director of Public Works approved the plat map entitled "Plat Map Showing That Portion Of: Public Service Easement Within Tract No. 9903 Recorded In Book 815 Of Maps At Pages 47 To 50, Santa Clara County Records" (hereinafter "Plat Map"). The Plat Map shows the public service easement 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 public service easement vacation to be posted as conspicuously along the line of the easement area 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 public service easement proposed to be vacated is all that real property situated in the City of San Jose described as follows:

Lying within Lots 1 through 23 of Tract No. 9903 recorded in Book 815 of Maps at pages 47 through 50, Santa Clara County Records, and lying within the City of San Jose, County of Santa Clara, California, and described as follows: Being those areas delineated and designated as "2.5' PSE" near the westerly lines of Lots 1 through 9, near the northerly lines of Lots 10 through 12 and near the easterly lines of Lots 13 through 23, on said map of Tract No. 9903.

ADOPTED this 18th day of December, 2007, by the following vote:

AYES:	CAMPOS, CHU, CONSTANT, CORTESE, LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED
NOES:	NONE
ABSENT:	CHIRCO
DISQUALIFIED:	NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

