

RESOLUTION NO. 74373

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 UNDERGROUND UTILITY DISTRICT ALONG WHITE ROAD, BETWEEN ROSE AVENUE AND 150 FEET NORTH OF ALUM ROCK AVENUE, ON JUNE 24, 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 "WHITE ROAD 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:

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the Council of the City of San Jose on JUNE 24, 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 20th day of May, 2008, by the following vote:

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

NOES: NONE.

ABSENT: CONSTANT.

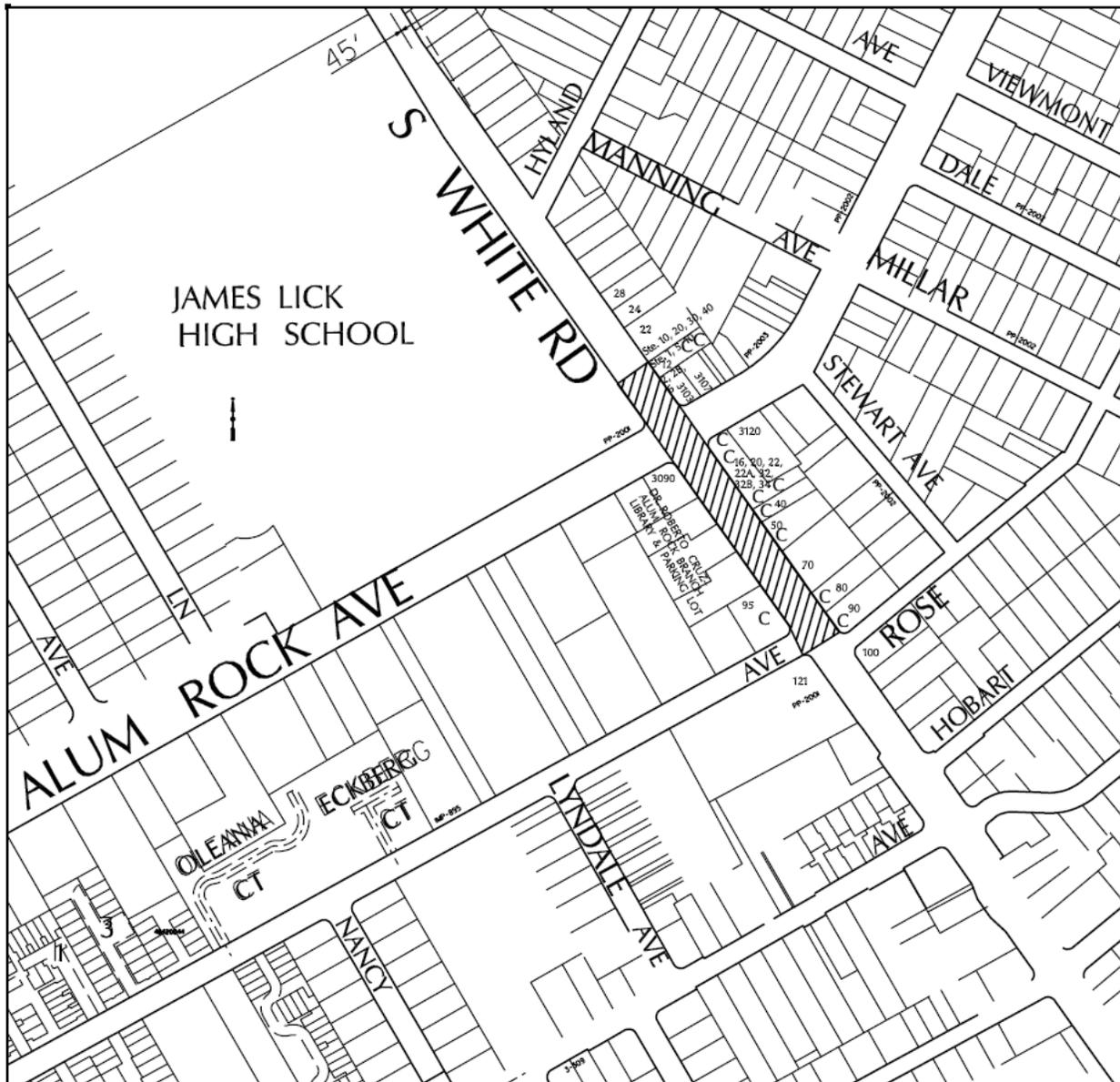
DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

Exhibit A-1



CITY OF SAN JOSE

WHITE ROAD AT ALUM ROCK AVENUE
UNDERGROUND UTILITY DISTRICT

LEGEND

 RULE 20A BOUNDARY

C – ELECTRICAL CONVERSION

NOT TO SCALE

Exhibit A-2

DESCRIPTION OF PROPOSED BOUNDARY OF AN UNDERGROUND UTILITY DISTRICT ALONG WHITE ROAD, BETWEEN ROSE AVENUE AND 150 FEET NORTH OF ALUM ROCK AVENUE.

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 westerly right-of-way line of White Road and the southerly right of way line of Rose Avenue;

THENCE proceeding in a northwesterly direction 800'+/- along the westerly right-of-way line of White Road;

THENCE proceeding in a northeasterly direction 95'+/- perpendicular to the center line of White Road to a point of intersection with the easterly right-of-way line of White Road;

THENCE proceeding in a southeasterly direction 800'+/- along the easterly right-of-way line of White Road to a point of intersection with the northerly right-of-way line of Rose Ave;

THENCE proceeding in a southwesterly direction 100'+/- perpendicular to the centerline of White Road to the true point of beginning.