

RESOLUTION NO. 74538

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ SETTING THE TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A RULE 20A UNDERGROUND UTILITY DISTRICT ALONG ABORN ROAD, BETWEEN PUMPHERSTON WAY AND WHITE ROAD, ON SEPTEMBER 16, 2008 AT 1:30 P.M.

WHEREAS, Chapter 15.24 of the San José 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 "ABORN 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 José:

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the Council of the City of San José on SEPTEMBER 16, 2008, at 1:30 p.m. in the Council Chambers of the City of San José, City Hall, 200 E. Santa Clara Street, at the corner of Fourth and Santa Clara Streets, San José

, 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 José 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 12th day of August, 2008, 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

Attachments:
Exhibit A-1, Map
Exhibit A-2, Legal Description

Exhibit A-1

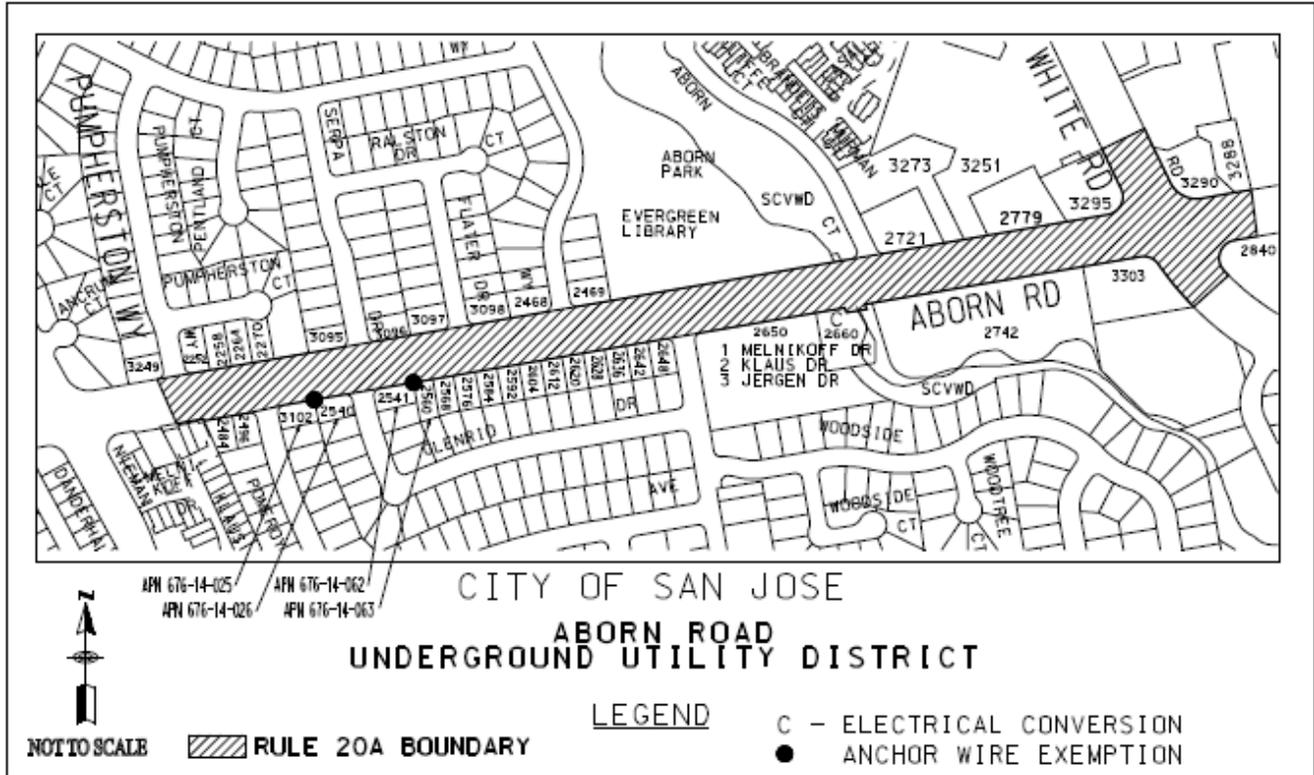


EXHIBIT A-2

**DESCRIPTION OF PROPOSED BOUNDARY OF AN UNDERGROUND
UTILITY DISTRICT ALONG ABORN ROAD, BETWEEN
PUMPHERSTON WAY AND WHITE ROAD.**

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

BEGINNING at a true point at the intersection of the northerly right-of-way line of Aborn Road and the westerly right of way line of Pumpherston;

THENCE proceeding in a northeasterly direction 2,730'+/- along the northerly right-of-way line of Aborn Road to a point of intersection with the westerly right-of-way line of White Road;

THENCE proceeding in a northwesterly direction 190'+/- along the westerly right-of-way line of White Road;

THENCE proceeding in a northeasterly direction 130'+/- 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 230'+/- along the easterly right-of-way line of White Road to a point of intersection with the northerly right-of-way line of Aborn Road;

THENCE proceeding in a northeasterly direction 195'+/- along the northerly right-of-way line of Aborn Road;

THENCE proceeding in a southeasterly direction 130'+/- perpendicular to the center line of Aborn Road to a point of intersection with the southerly right-of-way line of Aborn Road;

THENCE proceeding in a southwesterly direction 140'+/- along the southerly right-of-way line of Aborn Road to a point of intersection with the easterly right-of-way line of White Road;

THENCE proceeding in a southeasterly direction 100'+/- along the easterly right-of-way line of White Road;

THENCE proceeding in a southwesterly direction 130'+/- perpendicular to the center line of White Road to a point of intersection with the westerly right-of-way line of White Road;

THENCE proceeding in a northwesterly direction 185'+/- along the westerly right-of-way line of White Road to a point of intersection with the southerly right-of-way line of Aborn Road;

THENCE proceeding in a southwesterly direction 2,740'+/- along the southerly right-of-way line of Aborn Road to a point of intersection with the westerly right-of-way line extension of Pumpherston Way;

THENCE proceeding in a northwesterly direction 130'+/- perpendicular to the centerline of Aborn Road to the true point of beginning.

Two anchor wires will be exempted at the following locations:

Anchor wire located in the right-of-way between APN 676-14-025 and 676-14-026;

Anchor wire located between APN 676-14-062 and 676-14-063.