

**RESOLUTION NO. 74818**

**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 TULLY ROAD, BETWEEN KENOGA DRIVE AND 720 FEET WEST OF SENTER ROAD, AND ALONG SENTER ROAD, BETWEEN PARROTT STREET AND 170 FEET SOUTH OF TULLY ROAD ON APRIL 14, 2009 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 "TULLY 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 APRIL 14, 2009, 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 10th day of March, 2009, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,  
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk