

RESOLUTION NO. 75305

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO CONDITIONALLY VACATE A PORTION OF McLELLAN AVENUE, EDWARDS AVENUE, AND GRANT STREET

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 conditionally vacate portions of McLellan Avenue, Edwards Avenue, and Grant Street. This vacation is needed to facilitate the completion of the Santa Clara Valley Water District's Upper Guadalupe River Improvement Project (Reach 6). The portions of the streets proposed for conditional vacation are 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 6th of April 2010, 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 conditionally vacate the portions of the subject streets.

Section 3. On February 24, 2010, the Director of Public Works approved the plat map entitled "PLAT MAP SHOWING A PORTION OF McLELLAN AVENUE, EDWARDS AVENUE AND GRANT STREET TO BE CONDITIONALLY VACATED" (hereinafter "Plat Map"). The Plat Map shows the portions of streets proposed for conditional vacation and those areas to be dedicated to the City by the Santa Clara Valley Water District for the realignment of Edwards Avenue. 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 street vacation to be posted as conspicuously along line of the street 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 City Council intends to condition the vacation so that it does not take effect until:

- a. All existing utilities in the portions of the streets to be vacated have been abandoned, removed, or relocated; and
- b. The City has accepted and recorded with the County of Santa Clara Recorder's Office the dedication of necessary rights of way for the portion of Edwards Avenue to be realigned.

Section 7. The portions of streets proposed to be conditionally vacated are all that real property situated in the City of San Jose described as follows:

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

PARCEL 1

Being a portion of the lands shown as Grant Street (60 feet wide) on that certain map entitled, "EMERALD ISLE SUBDIVISION" and filed in Book F3 of Maps at page 23 in the office of the Recorder, County of Santa Clara, State of California, to wit:

BEGINNING at southwesterly corner of Lot 3 as shown on said map; thence N27°16'00"W 60.11 feet to a point on the northerly line of said Grant Street (60 feet wide) as shown on said map; thence along said northerly line, N59°20'00"E 99.66 feet; thence leaving said northerly line, along a curve to the right from a tangent which bears S47°25'29"E, having a radius of 330.55 feet, through a central angle of 10°37'35", for an arc distance of 61.31 feet to a point on the southerly line of said Grant Street; thence along said southerly line, S59°20'00"W 115.37 feet to the POINT OF BEGINNING.

Containing 6509 square feet or 0.149 acre of land, more or less.

PARCEL 2

All of the lands shown as Killarney Place (now McLellan Avenue) on that certain map entitled, "EMERALD ISLE SUBDIVISION" and filed in Book F3 of Maps at page 23 in the office of the Recorder, County of Santa Clara, State of California, to wit:

Being bounded on the East by the northwesterly prolongation of the westerly sideline of Palm Street (60 feet wide) and bounded on the South by the southwesterly prolongation of the northerly sideline of West Virginia Street (60 feet wide) as it exists today.

Containing 0.937 acre of land, more or less.

PARCEL 3

All of the lands shown as McLellan Avenue (50 feet wide) (now McLellan Avenue) on that certain map entitled, "Map of the Conkling and Col Subdivision" filed in Book N of Maps at page 82 in the office of the Recorder, County of Santa Clara, State of California, to wit:

Being bounded on the North by the westerly prolongation of the southeasterly sideline of West Virginia Avenue (60 feet wide) as it exists today and on the South by the southwesterly prolongation of the northerly sideline of Edwards Avenue.

Containing 1.089 acres of land, more or less.

PARCEL 4

Being a portion of the lands shown as Edwards Alley (now Edwards Avenue) 58.25 feet wide and McLellan Avenue (60 feet wide) (now McLellan Avenue) on that certain map entitled, "MAP OF THE PALM TRACT" and filed in Book K of Maps at page 90 in the office of the Recorder, County of Santa Clara, State of California, to wit:

BEGINNING at southwest corner of Lot 22 as shown on said map; thence along the easterly line of McLellan Avenue (now McLellan Avenue) as shown on said map, S30°40'00"E 192.00 feet; thence leaving said easterly line, along a curve to the left from a tangent which bears, S59°20'00"W, having a radius of 60.00 feet, through a central angle of 86°25'00", for an arc distance of 90.49 feet; thence S27°05'00"E 1.92 feet to a point on the westerly line of said McLellan Avenue (now McLellan Avenue); thence along said westerly line, N30°40'00"W 278.42 feet; thence continuing said westerly line, along a curve to the right from a tangent which bears, N31°03'16"W, having a radius of 18.50 feet, through a central angle of 53°54'20", for an arc distance of 17.41 feet to a

point of reverse curvature; thence along a curve to left having a radius of 18.50 feet, through a central angle of 53°54'20", for an arc distance of 17.41 feet to a point on the northerly line of Edwards Alley (now Edwards Avenue) as shown on said map; thence along said northerly line, N59°20'00"E 173.67 feet; thence leaving said northerly line, along a curve to left from a tangent which bears S51°00'19"W, having a radius of 60.00 feet, through a central angle of 80°36'28", for an arc distance of 84.41 feet to the southerly line of said Edwards Alley (now Edwards Avenue); thence along said southerly line, S59°20'00"W 77.37 feet to the POINT OF BEGINNING.

Containing 0.479 acre of land, more or less.

ADOPTED this 16th day of March, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, REED.

NOES: NONE.

ABSENT: CONSTANT, PYLE

DISQUALIFIED: NONE.



CHUCK REED
Mayor

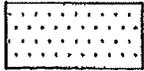
ATTEST



LEE PRICE, MMC
City Clerk

PLAT MAP

SHOWING A PORTION OF McLELLAN AVENUE, EDWARDS AVENUE
AND GRANT STREET TO BE CONDITIONALLY VACATED



AREA TO BE VACATED



AREA TO BE DEDICATED

FILED WITH THE CITY COUNCIL OF THE CITY OF SAN JOSE THIS _____ DAY OF _____, AND APPROVED BY SAID CITY COUNCIL THIS _____ DAY OF _____ BY RESOLUTION NUMBER _____

CITY CLERK, CITY OF SAN JOSE



KATY ALLEN
DIRECTOR OF PUBLIC WORKS,
CITY OF SAN JOSE

APPROVED THIS 24th DAY OF February, 2010

