

RESOLUTION NO. 75644

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 FOXWORTHY AVENUE, BETWEEN YUCCA AVENUE AND BRIARWOOD AVENUE ON JANUARY 25, 2011 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 "KIRK PARK/COMMUNITY CENTER 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 that:

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; and

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 JANUARY 25, 2011, 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 30th day of November, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, HERRERA, KALRA,
LICCARDO, OLIVERIO, PYLE.

NOES: NONE.

ABSENT: CONSTANT, NGUYEN; REED.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

Attachments:

Exhibit A-1, Map
Exhibit A-2, Legal Description
KIRK PARK/COMMUNITY CENTER UUD Resolution

Exhibit A-1



CITY OF SAN JOSE
KIRK PARK/COMMUNITY CENTER
UNDERGROUND UTILITY DISTRICT
FOXWORTHY - YUCCA TO BRIARWOOD

NOT TO SCALE

LEGEND

BACKYARD CONSTRUCTION EXEMPTED



RULE 20A BOUNDARY

C - ELECTRICAL SERVICE PANEL CONVERSION

E - EXEMPTION

EXHIBIT A-2

The maps delineating the boundaries of said district are attached hereto as Exhibit "A-1" and incorporated herein as if set forth in full.

Electric, communication, or similar or associated services shall be installed underground and the poles, overhead wires and associated overhead structures now existing within the area and properties described below, except as noted on the map for the purpose of this project, shall be removed.

The following properties (APN's as of October 21, 2010), along Foxworthy Avenue, between Yucca Avenue and Briarwood Avenue, will be included within the underground utility district:

APN	APN	APN	APN	APN
442-44-022	446-14-082	447-04-126	447-04-139	447-05-017
442-44-022	447-03-053	447-04-126	447-04-140	447-05-017
442-44-041	447-03-054	447-04-127	447-05-001	447-05-017
442-44-041	447-03-054	447-04-127	447-05-001	447-05-018
442-44-045	447-03-055	447-04-128	447-05-003	447-05-018
446-01-034	447-03-056	447-04-128	447-05-003	447-05-019
446-01-034	447-03-065	447-04-129	447-05-015	447-05-019
446-01-034	447-03-065	447-04-129	447-05-015	447-05-019
446-01-035	447-03-066	447-04-130	447-05-015	447-05-019
446-01-036	447-03-066	447-04-130	447-05-015	447-06-027
446-01-039	447-03-096	447-04-131	447-05-015	447-06-028
446-01-044	447-03-097	447-04-132	447-05-015	
446-01-044	447-04-001	447-04-133	447-05-016	
446-01-044	447-04-123	447-04-134	447-05-016	
446-01-052	447-04-123	447-04-135	447-05-016	
446-01-052	447-04-124	447-04-136	447-05-016	
446-01-052	447-04-124	447-04-137	447-05-016	
446-01-053	447-04-125	447-04-138	447-05-017	
446-14-081	447-04-125	447-04-138	447-05-017	

11/30/10
Item 2.16

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