

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO VACATE A 25' SETBACK EASEMENT LOCATED AT 5159 & 5181 BREWSTER AVENUE**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

SECTION 1. Pursuant to Chapter 3 of Part 3 of the Division 9 of the Streets and Highways Code of the State of California, the City Council desires to initiate proceedings to vacate a twenty-five foot (25') public service easement for light and air, which property is more particularly described in Section 6 of this Resolution ("Subject Property").

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 December 5, 2017, in the Council Chambers located at City Hall, 200 East Santa Clara, 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 vacate the Subject Property.

SECTION 3. On September 28, 2017, the Director of Public Works approved the plat map entitled "Plat Map Showing the 25' Setback Easement to be Vacated" ("Plat Map"), which shows the Subject Property. 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 vacation to be posted conspicuously along the line of the Subject Property 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 Subject Property proposed to be vacated is described as follows:

5159 BREWSTER AVENUE (421-21-032)

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF LOT 55, "TRACT NO. 1714", FILED JUNE 29, 1956, MAP BOOK 71, PAGES 1, 2 AND 3, SANTA CLARA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND, 25 FEET WIDE, THE SOUTHERLY LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 55, THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 55, SOUTH 89°45'00" WEST, 60.00 FEET.

CONTAINING 1,500 SQ. FT. MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE CENTER LINE OF BREWSTER AVENUE AS SHOWN ON MAPS 1-3 AND TAKEN AS NORTH 89°45'00" EAST.

5159 BREWSTER AVENUE (421-21-034)

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF LOT 53, "TRACT NO. 1714", FILED JUNE 29, 1956, MAP BOOK 71, PAGES 1, 2 AND 3, SANTA CLARA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND, 25 FEET WIDE, THE SOUTHERLY LINE DESCRIBED AS

RD:EEH:LCP  
11-1-17

FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 53, THENCE ALONG  
THE SOUTHERLY LINE OF SAID LOT 53, SOUTH 89°45'00" WEST, 60.00 FEET.

CONTAINING 1,500 SQ. FT. MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE CENTER LINE OF  
BREWSTER AVENUE AS SHOWN ON MAPS 1-3 AND TAKEN AS NORTH 89°45'00"  
EAST.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk