

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SUMMARILY VACATING AN APPROXIMATELY 1,149 SQUARE FOOT PUBLIC UTILITY EASEMENT AT 5696 STEVENS CREEK BOULEVARD

WHEREAS, Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code of the State of California authorizes the City Council to summarily vacate a public service easement if the City Council determines that it has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation, and there are no in-place public utility facilities that are in use and would be affected by the vacation; and

WHEREAS, the City Council intends to summarily vacate an approximately 1,149 square foot public utility easement ("Subject Property") constituting all that real property situated in the City of San José, County of Santa Clara, State of California, more particularly described as:

THAT 10 FOOT WIDE BY 112.78 FEET LONG PUBLIC UTILITY EASEMENT, AS SHOWN ENCUMBERING LOTS 21 AND 22, OF "TRACT NO. 1164, QUITO RANCHO", AS SAID MAP WAS FILED FOR RECORD ON APRIL 13, 1953 IN BOOK 42 OF MAPS, AT PAGE 22, SANTA CLARA COUNTY OFFICIAL RECORDS.

WHEREAS, attached to this Resolution as Exhibit "A" and incorporated herein is a map approved by the Director of the Department of Public Works on March 28, 2019 entitled "PLAT MAP SHOWING THE PUBLIC UTILITY EASEMENT TO BE VACATED" showing the Subject Property; and

WHEREAS, attached to this Resolution as Exhibit "B" and incorporated herein is a copy of the report, dated _____ that the Director of the Department of Public

Works submitted to the City Council setting forth the facts justifying the summary vacation of the Subject Property (hereinafter "Report");

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

SECTION 1. The City Council hereby adopts the Report and, based upon the Report and all other evidence submitted, makes the following findings:

- A. The Subject Property has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and
- B. The vacation is consistent with the City's General Plan; and
- C. There are no in-place public utility facilities that are in use and would be affected by the vacation.

SECTION 2. Based upon the findings made in Section 1 of this Resolution and the provisions of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code of the State of California, the City Council does hereby summarily vacate the Subject Property.

SECTION 3. The City Clerk is hereby directed to record a certified copy of this Resolution, including the exhibits hereto, with the Office of the Recorder for the County of Santa Clara.

SECTION 4. From and after the date this Resolution is recorded, the Subject Property will no longer constitute a public service easement.

ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

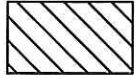
SAM LICCARDO
Mayor

ATTEST:

TONI TABER, CMC
City Clerk

PLAT MAP

SHOWING THE PUBLIC UTILITY EASEMENT
TO BE VACATED



AREA TO BE VACATED

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

for  RYAN DO APPROVED THIS 28TH DAY OF MARCH 2019
MATHEW CANO
DIRECTOR OF PUBLIC WORKS,
CITY OF SAN JOSE

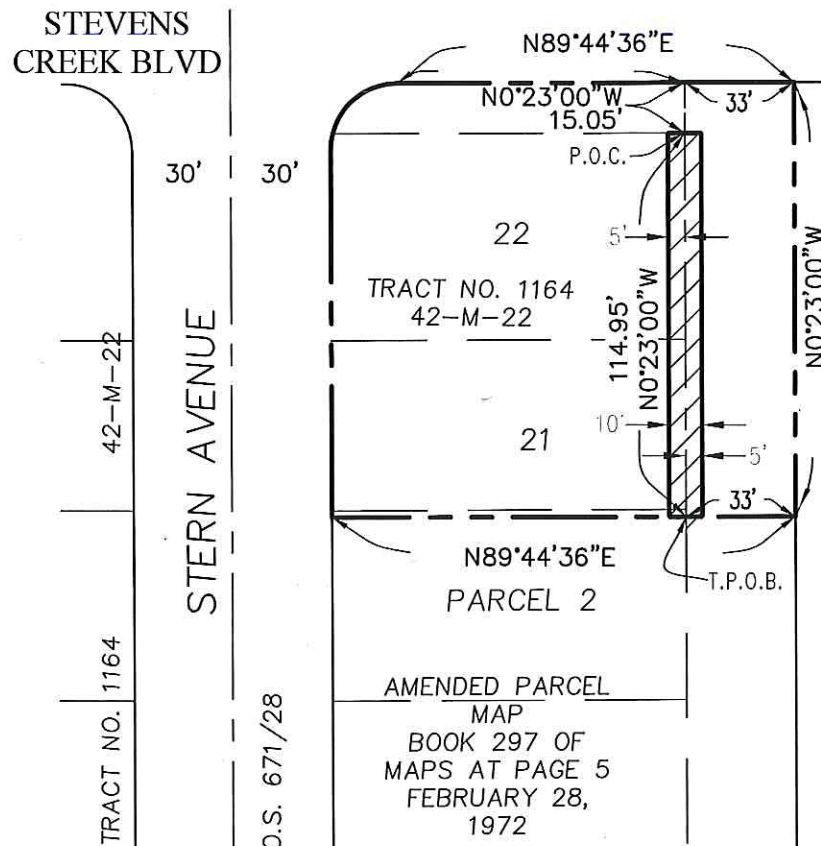


EXHIBIT B

[To Be Attached]