

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO VACATE 25' and 15' LIGHT AND AIR EASEMENTS LOCATED AT 1199 CRESCENT DRIVE**

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 and a fifteen foot (15') 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 19, 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 November 13, 2017, the Director of Public Works approved the plat map entitled "Plat Map Showing the 25' & 15' Setback Easements 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:

1199 CRESCENT DRIVE (429-08-056)

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF LOT 31 OF TRACT NO. 169, MELLOW SOIL MANOR, UNIT NO. 2, RECORDED JANUARY 22ND, 1941 IN BOOK 5 OF MAPS, AT PAGE 34, IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EASEMENT FOR LIGHT AND AIR ALONG THAT CERTAIN STRIP OF LAND LYING BETWEEN THE LINE DESIGNATED AS "BUILDING LINE" AND THE NORTHWESTERLY LINES MEREDITH AVENUE AND THE SOUTHWESTERLY LINE OF CRESCENT DRIVE AS SHOWN UPON SAID MAP.

CONTAINING 2770 +/- SQ. FT. MORE OR LESS.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk