RD:EEH:LCP
7-23-18

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO VACATE THE 20- TO 25-FOOT, 15-FOOT, AND 12.5-FOOT LIGHT AND AIR EASEMENTS LOCATED WITHIN TRACT 470

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 the twenty foot (20') to twenty-five foot (25') public service easements for light and air, the fifteen foot (15') public service easements for light and air, and the twelve and a half foot (12.5') public service easements for light and air within Tract 470, 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 September 18, 2018, in the Council Chambers located at City Hall, 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 vacate the Subject Property.

SECTION 3. On July 31, 2018, the Director of Public Works approved the plat map, including the exhibits thereto, entitled "Plat Map to Accompany the Legal Description for Vacation of Setback Easements within the Entire Tract No. 470" ("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:

THE SUBJECT PROPERTY PROPOSED TO BE VACATED IS DESCRIBED AS FOLLOWS:

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF THAT CERTAIN MAP ENTITLED TRACT NO. 470 GLEN BROOK SUBDIVISION, RECORDED ON FEBRUARY 11, 1948 IN BOOK 15, AT PAGES 40-41, RECORDS OF SANTA CLARA COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THOSE CERTAIN AREAS DEDICATED AS PUBLIC USE EASEMENTS FOR LIGHT AND AIR UNDER, OVER, AND ON ALL THOSE CERTAIN STRIPS OF LAND LYING BETWEEN THE LINES OF ROADS AND AVENUES AND THE LINES DESIGNATED AS “BUILDING LINES” AS SHOWN UPON SAID MAP WITHIN TRACT NO. 470.

RD:EEH:LCP
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ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.