

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SUMMARILY VACATING A 10-FOOT PUBLIC UTILITIES EASEMENT AT 1363 SPENCER AVENUE**

**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 is excess and there are no other public facilities located within the easement, 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 a 10-foot Public Utilities Easement at 1363 Spencer Avenue ("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 CERTAIN AREA DEDICATED AS A PUBLIC USE EASEMENT FOR PUBLIC UTILITIES UNDER, ON OR OVER THAT CERTAIN STRIP OF LAND LYING BETWEEN THE REAR LINE OF LOT 2 AND THE LINE DESIGNATED AS "PUBLIC UTILITIES EASEMENT LINE" ON LOT 2 AS SHOWN UPON THAT CERTAIN MAP ENTITLED "TRACT NO. 302 GRAHAM MOULTON SUBDIVISION," WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON MAY 22, 1946 IN BOOK 10 OF MAPS, PAGE 33.

CONTAINING 651 SQUARE FEET, MORE OR LESS.

**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 January 22, 2020 entitled "MAP SHOWING A 10-FOOT PUBLIC UTILITIES EASEMENT AT 1363 SPENCER AVENUE 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 \_\_\_\_\_, 2020 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 is excess and there are no other public facilities located within the easement; 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 \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

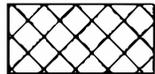
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TONI TABER, CMC  
City Clerk

EXHIBIT A

# MAP

SHOWING A 10-FOOT PUBLIC UTILITIES EASEMENT  
AT 1363 SPENCER AVENUE TO BE VACATED



AREA TO BE VACATED  
(651 SQ. FT.)



BOUNDARY OF TRACT NO. 302

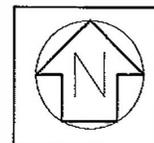
FILED WITH THE CITY COUNCIL OF THE CITY OF SAN JOSE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, AND APPROVED BY SAID CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ BY RESOLUTION NUMBER \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK, CITY OF SAN JOSE

for MATT CANO

APPROVED THIS 22<sup>ND</sup> DAY OF JANUARY 2020

\_\_\_\_\_  
DIRECTOR OF PUBLIC WORKS,  
CITY OF SAN JOSE



RD:EEH  
05-30-19

**Exhibit B**  
[TO BE ATTACHED]