

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE STREAMLINING THE PROCESS OF
SETTING HEARINGS FOR PUBLIC EASEMENT
VACATIONS AND DELEGATING TO THE
DIRECTOR OF PUBLIC WORKS THE AUTHORITY
TO SUMMARILY VACATE PUBLIC SERVICE
EASEMENTS**

WHEREAS, Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California (“Code”) requires that the City Council hold public hearings on vacations of streets and public service easements other than those which may be summarily vacated pursuant to the Code (“General Vacations”); and

WHEREAS, the Code further provides that public hearings for General Vacations shall be administratively set by fixing the date, hour and place of the hearing and causing the publishing and posting of the notices required by the Code; and

WHEREAS, Section 8335 of the Code authorizes the City Council to delegate the authority to summarily vacate public service easements to any public officer or employee otherwise qualified to prepare easements or approve parcel maps or final maps as defined in Title 7 of Division 2 of the Government Code; and

WHEREAS, the City Council desires to streamline the process of setting public hearings for General Vacations and delegate to the Director of Public Works the authority to summarily vacate public service easements;

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

1. Council hereby establishes the process for the setting of public hearings for all General Vacations pursuant to the Code by:
 - A. Directing the City Manager to administratively set public hearings for General Vacations by adding the item to the appropriate City Council agenda, thereby fixing the date, hour and place of the hearing; and
 - B. Directing the City Clerk, upon notification from the Department of Public Works, to cause the publishing of notices in the manner and at the times required by the Code; and
 - C. Directing the Director of Public Works to cause the posting of notices in the manner and at the times required by the Code.

2. Council hereby delegates to the Director of Public Works, acting through his or her designee who is an officer or employee of the City of San José qualified to prepare easements or approve parcel maps or final maps as defined in Title 7 of Division 2 of the Government Code, the authority to summarily vacate public service easements in accordance with Section 8335 of the Code, as amended. The Director of Public Works shall consult with the City Attorney's Office on the basis for each summary vacation pursuant to Section 8335 of the Code prior to taking action thereon.

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RD:EEH
6/5/2020

ADOPTED this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

City Clerk