

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE SETTING THE TIME AND PLACE FOR A
PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT
OF A RULE 20A UNDERGROUND UTILITY DISTRICT
ALONG NORTH FIRST STREET FROM NORTECH
PARKWAY TO LIBERTY STREET, AND NORTH TAYLOR
STREET FROM LIBERTY STREET TO EL DORADO
STREET ON APRIL 9, 2024 AT 1:30 P.M.**

WHEREAS, Chapter 15.24 of the San José Municipal Code sets forth the procedure for establishing an underground utility district; and

WHEREAS, the City Council may, from time to time, consult with affected utilities and call public hearings to ascertain whether an underground utility district should be established in a certain area of the City; and

WHEREAS, the City Council proposes that such an underground utility district, to be designated "NORTH FIRST STREET, AND NORTH TAYLOR STREET UNDERGROUND UTILITY DISTRICT", hereinafter referred to as the Proposed District, be formed within that area of the City described and shown on EXHIBIT A-1 and EXHIBIT A-2 attached hereto, made a part hereof, and incorporated herein by reference; and

WHEREAS, an underground utility district may be formed if, after a public hearing, the City Council finds and determines that the public necessity, health, safety, or welfare require and it is in the general public interest for one or more of the following reasons that existing poles and overhead wires within a designated area of the City be removed therefrom and be thereafter prohibited and that wires and associated facilities for transmitting, conducting, conveying, distributing or supplying electricity for the purpose

of providing light, heat, power, telephone, telegraph, communication, television or other similar or associated service be installed underground namely that:

Such removal of existing poles and overhead wires and placement underground will eliminate an unusually heavy concentration of poles and overhead wires within the Proposed District;

The public streets or rights-of-way within the Proposed District are extensively used by the general public and carry a heavy volume of pedestrian or vehicular traffic; and

The public streets or rights-of-way within the Proposed District adjoin or pass through a civic area or public recreation area or an area of unusual scenic interest to the general public; and

WHEREAS, the City Council shall, by ordinance, declare such designated area an underground utility district and order and require such removal, prohibition and underground installation therein;

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

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the Council of the City of San José on April 9, 2024, at 1:30 p.m. in the Council Chambers of the City of San José, City Hall, 200 E. Santa Clara Street, at the corner of Fourth and Santa Clara Streets, San José, California to ascertain whether the public necessity, health, safety, or welfare require and it is in the general public interest for one or more of the reasons set in San José Municipal Code Section 15.24.060 that existing poles and overhead wires within the Proposed District be removed therefrom and be thereafter prohibited, and that

wires and associated facilities for transmitting, conducting, conveying, distributing or supplying electricity for the purpose of providing light, heat, power, telephone, telegraph, communication, television or other similar or associated service be installed underground.

The Director of Public Works shall give written notice of the time and place of such hearing at least ten (10) days prior to the date of such hearing to all persons who own any property within the Proposed District as shown on the last equalized assessment roll and to all utilities who own, control, or possess poles or overhead wires within the Proposed District. Each such notice shall be given by the Director of Public Works by depositing the same in the United States mail, postage prepaid, in an envelope addressed to the owner at the address as shown on the last equalized assessment roll, or if no address is shown, addressed to the owner at the address of the property.

ADOPTED this ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

Exhibit A-1

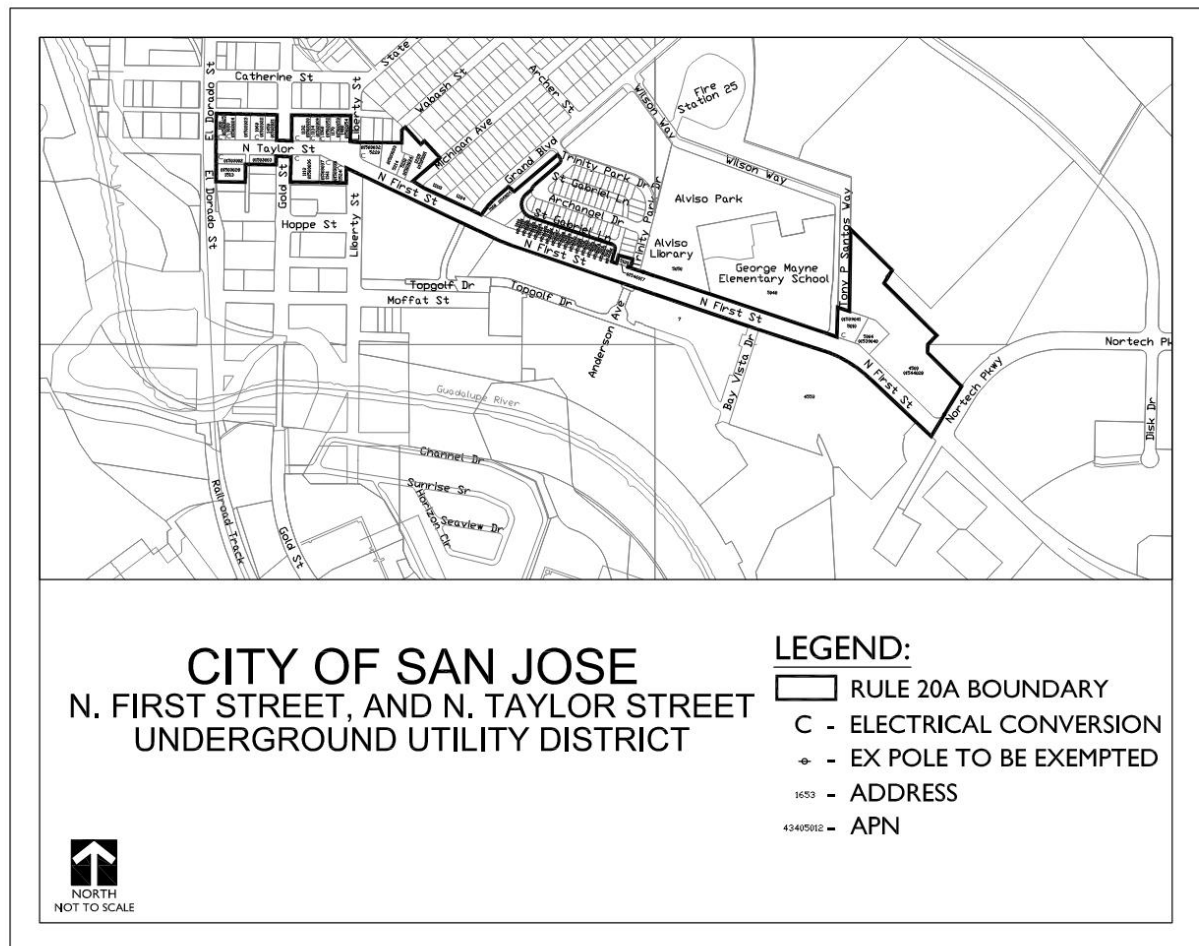


EXHIBIT A-2

The maps delineating the boundaries of said district are attached hereto as Exhibit “A-1” and incorporated herein as if set forth in full.

Electric, communication, or similar or associated services shall be installed underground and the poles, overhead wires and associated overhead structures now existing within the area and properties described below, except as noted on the map for the purpose of this project, shall be removed.

The following properties (APNs as of February 7, 2024), along North First Street from Nortech Parkway to Liberty Street, and North Taylor Street from Liberty Street to El Dorado Street, will be included within the Underground Utility District:

APN	APN	APN	APN
015-02-019	015-03-032	015-43-014	015-46-008
015-02-020	015-03-033	015-44-028	015-46-009
015-02-021	015-03-034	015-46-001	015-46-010
015-02-022	015-03-036	015-46-002	015-46-011
015-02-024	015-03-037	015-46-003	015-46-012
015-02-025	015-03-038	015-46-004	015-46-013
015-02-052	015-05-001	015-46-005	015-46-014
015-02-053	015-39-040	015-46-006	015-46-015
015-02-054	015-39-041	015-46-007	015-46-016
015-03-028	015-43-012	015-43-014	