

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 EMPIRE STREET FROM NORTH SECOND STREET TO NORTH FOURTH STREET, HENSLEY STREET FROM NORTH SECOND STREET TO NORTH FOURTH STREET, NORTH SECOND STREET FROM RAILROAD TRACKS TO EAST EMPIRE STREET, NORTH THIRD STREET FROM RAILROAD TRACKS TO EAST EMPIRE STREET, AND NORTH FOURTH STREET FROM RAILROAD TRACKS TO EAST EMPIRE 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 "EMPIRE STREET, AND HENSLEY 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 Jose, 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



ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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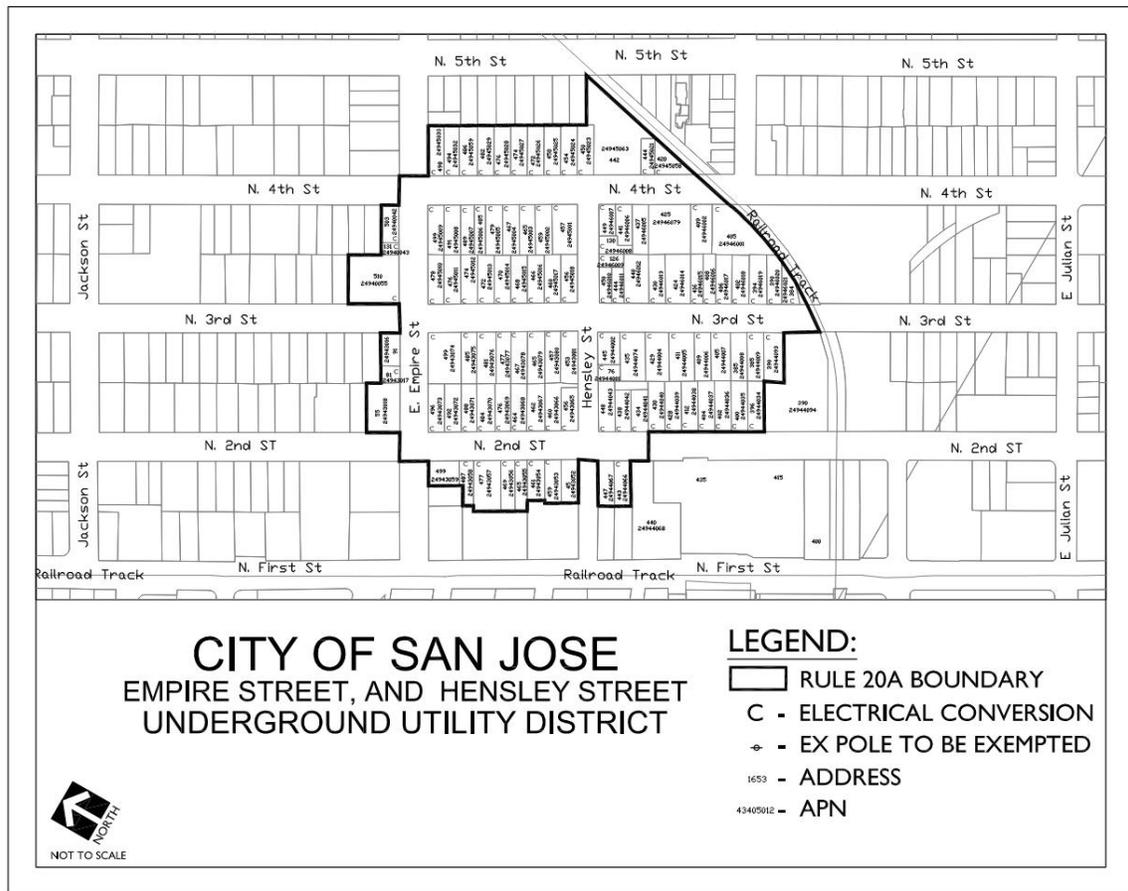
MATT MAHAN  
Mayor

ATTEST:

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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 Empire Street from North Second Street to North Fourth Street, Hensley Street from North Second Street to North Fourth Street, North Second Street from railroad tracks to East Empire Street, North Third Street from railroad tracks to East Empire Street, and North Fourth Street from railroad tracks to East Empire Street, will be included within the Underground Utility District:

| APN        | APN        | APN        | APN        | APN        |
|------------|------------|------------|------------|------------|
| 249-40-042 | 249-43-056 | 249-43-071 | 249-43-081 | 249-44-035 |
| 249-40-043 | 249-43-057 | 249-43-072 | 249-44-001 | 249-44-036 |
| 249-40-055 | 249-43-058 | 249-43-073 | 249-44-002 | 249-44-037 |
| 249-43-016 | 249-43-059 | 249-43-074 | 249-44-004 | 249-44-038 |
| 249-43-017 | 249-43-065 | 249-43-075 | 249-44-005 | 249-44-039 |
| 249-43-018 | 249-43-066 | 249-43-076 | 249-44-006 | 249-44-040 |
| 249-43-052 | 249-43-067 | 249-43-077 | 249-44-007 | 249-44-041 |
| 249-43-053 | 249-43-068 | 249-43-078 | 249-44-008 | 249-44-042 |
| 249-43-054 | 249-43-069 | 249-43-079 | 249-44-009 | 249-44-043 |
| 249-43-055 | 249-43-070 | 249-43-080 | 249-44-034 | 249-44-066 |
| 249-44-067 | 249-45-006 | 249-45-016 | 249-45-029 |            |
| 249-44-068 | 249-45-007 | 249-45-017 | 249-45-032 |            |
| 249-44-074 | 249-45-008 | 249-45-018 | 249-45-033 |            |
| 249-44-093 | 249-45-009 | 249-45-021 | 249-45-058 |            |
| 249-44-094 | 249-45-010 | 249-45-023 | 249-45-059 |            |
| 249-45-001 | 249-45-011 | 249-45-024 | 249-45-063 |            |
| 249-45-002 | 249-45-012 | 249-45-025 | 249-46-001 |            |

| APN        | APN        | APN        | APN        | APN |
|------------|------------|------------|------------|-----|
| 249-45-003 | 249-45-013 | 249-45-026 | 249-46-002 |     |
| 249-45-004 | 249-45-014 | 249-45-027 | 249-46-005 |     |
| 249-45-005 | 249-45-015 | 249-45-028 | 249-46-006 |     |
| 249-46-007 | 249-46-011 | 249-46-015 | 249-46-019 |     |
| 249-46-008 | 249-46-012 | 249-46-016 | 249-46-020 |     |
| 249-46-009 | 249-46-013 | 249-46-017 | 249-46-021 |     |
| 249-46-010 | 249-46-014 | 249-46-018 | 249-46-079 |     |