

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

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.

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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

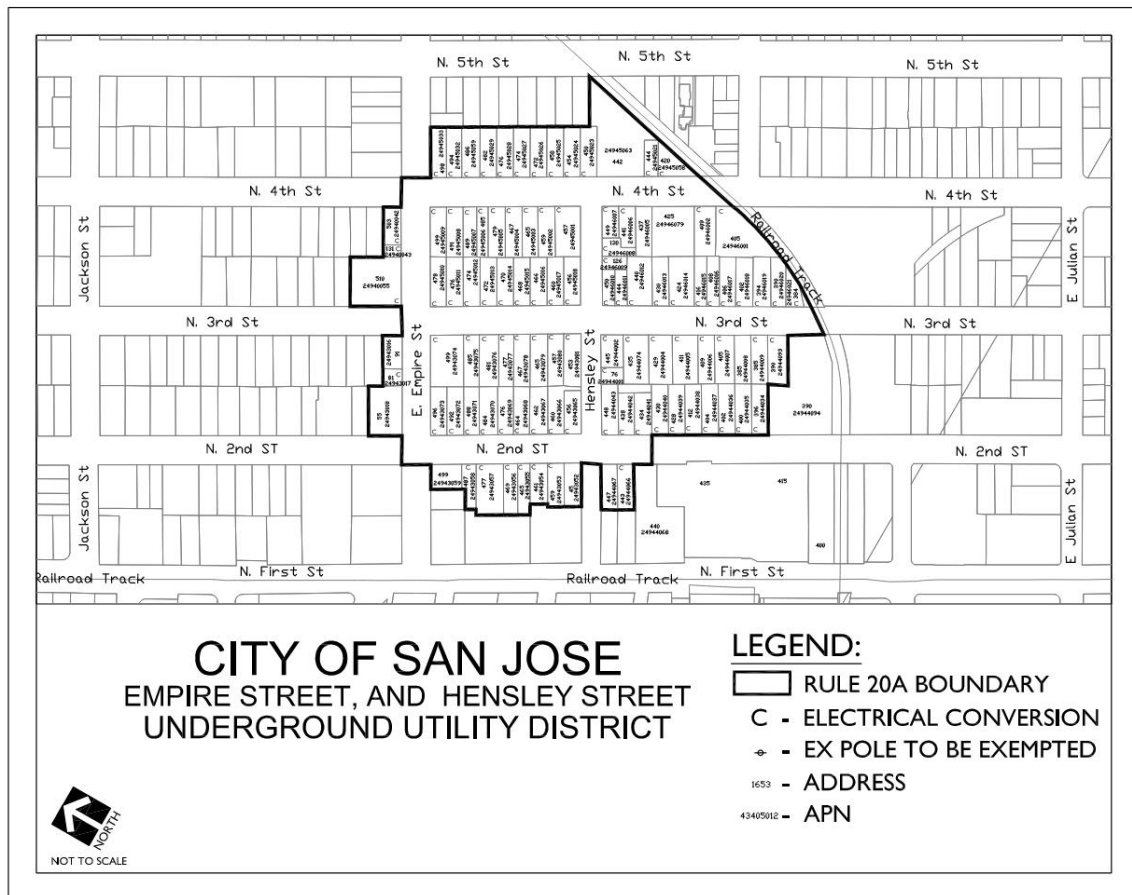


EXHIBIT A-2

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 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	