

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SUMMARILY VACATING AN APPROXIMATELY 1,146 SQUARE FOOT PORTION OF MOORPARK AVENUE WITH THE RESERVATION OF A PUBLIC SERVICE EASEMENT OVER THE VACATED AREA

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 street if the City Council determines that it is excess right-of-way of a street not required for street purposes, 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 an approximately 1,146 square foot portion of Moorpark Avenue along the 1710 Moorpark Avenue frontage, as more particularly described below (“Subject Property”), reserving from the vacation a public service easement over the vacated area as described in Section 2 of this Resolution:

REAL PROPERTY IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF MOORPARK AVENUE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF ADJUSTED PARCEL A, AS SAID PARCEL IS DESCRIBED IN THAT CERTAIN CORPORATION GRANT DEED, CONVEYED TO IMMANUEL EVANGELICAL LUTHERAN CHURCH OF SAN JOSE, CALIFORNIA, RECORDED ON JUNE 12, 2003 AS DOCUMENT NO. 17104785, OFFICIAL RECORDS OF SANTA CLARA COUNTY, SAID CORNER BEING ALSO A POINT ON THE WESTERLY LINE OF RICHMOND AVENUE;

THENCE LEAVING SAID CORNER AND ALONG THE SOUTHERLY LINE OF SAID ADJUSTED PARCEL A, SOUTH 89°44'30" WEST, 136.16 FEET TO A POINT ON THE EASTERLY LINE OF LEIGH AVENUE, BEING 90.00 FEET IN WIDTH, SAID POINT BEING ALSO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 926.99 FEET, WITH A RADIAL LINE THAT BEARS NORTH 88°59' 12" EAST;

THENCE NORTHWESTERLY ALONG SAID CURVE AND SAID EASTERLY LINE OF LEIGH AVENUE, THROUGH A CENTRAL ANGLE OF 17°47'45", WITH AN ARC LENGTH OF 287.92 FEET TO THE TRUE POINT OF BEGINNING OF THIS LEGAL DESCRIPTION;

THENCE LEAVING SAID POINT AND ALONG THE PROLONGATION OF SAID EASTERLY LINE OF LEIGH AVENUE, HAVING A RADIUS OF 926.99 FEET, NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°48' 18", WITH AN ARC LENGTH OF 13.02 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 15.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 108°53'01", WITH AN ARC LENGTH OF 28.51 FEET;

THENCE NORTH 89°16'10" EAST, 149.33 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 15.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 61°12'09", WITH AN ARC LENGTH OF 16.02 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID MOORPARK AVENUE, SAID POINT BEING ALSO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 20.00 FEET, WITH A RADIAL LINE THAT BEARS NORTH 23°35'08" EAST;

THENCE WESTERLY ALONG SAID CURVE AND SAID SOUTHERLY LINE OF MOORPARK AVENUE, THROUGH A CENTRAL ANGLE OF 24°18'58", WITH AN ARC LENGTH OF 8.49 FEET;

THENCE SOUTH 89° 16' 10" WEST, 145.29 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET; THENCE SOUTHWESTERLY AND SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 108°04'43", WITH AN ARC LENGTH OF 37.73 FEET TO THE TRUE POINT OF BEGINNING OF THIS LEGAL DESCRIPTION.

CONTAINING AN AREA OF 1,146 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 entitled "MAP SHOWING THE SUMMARY VACATION OF A PORTION OF MOORPARK AVENUE ALONG THE 1710 MOORPARK AVENUE FRONTAGE WITH THE RESERVATION OF A PUBLIC SERVICE EASEMENT OVER THE AREA BEING VACATED" showing the Subject Property and reserved public service easement; and

WHEREAS, attached to this Resolution as Exhibit "B" and incorporated herein is a copy of the report 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 and reservation of the public service easement (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 right-of-way of a street not required for street purposes; and

- B. Government Code Section 65402 does not apply to this vacation; and
- C. The proposed vacation is consistent with the City's General Plan; and
- D. The Subject Property is unnecessary for nonmotorized transportation as bordering rights-of-way are available and more suitable for such transportation; and
- E. There are in-place public utility facilities located within the Subject Property; and
- F. The public convenience and necessity requires the reservation of public service easements as specified in this Resolution.

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, reserving and accepting from the vacation on, over, under and through the Subject Property a public service easement and all rights necessary to construct, maintain, operate, modify, enlarge, replace, remove and renew any and all in-place public utility facilities, said public service easements to be kept open and free from buildings and structures of any kind except irrigation systems and appurtenances thereto, lawful fences and all lawful unsupported roof overhangs.

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 street and will constitute a public service easement as specified in this Resolution.

ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

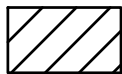
ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT A

MAP

SHOWING THE SUMMARY VACATION OF A PORTION OF MOORPARK AVENUE ALONG
THE 1710 MOORPARK AVENUE FRONTAGE WITH THE RESERVATION OF A PUBLIC
SERVICE EASEMENT OVER THE AREA BEING VACATED



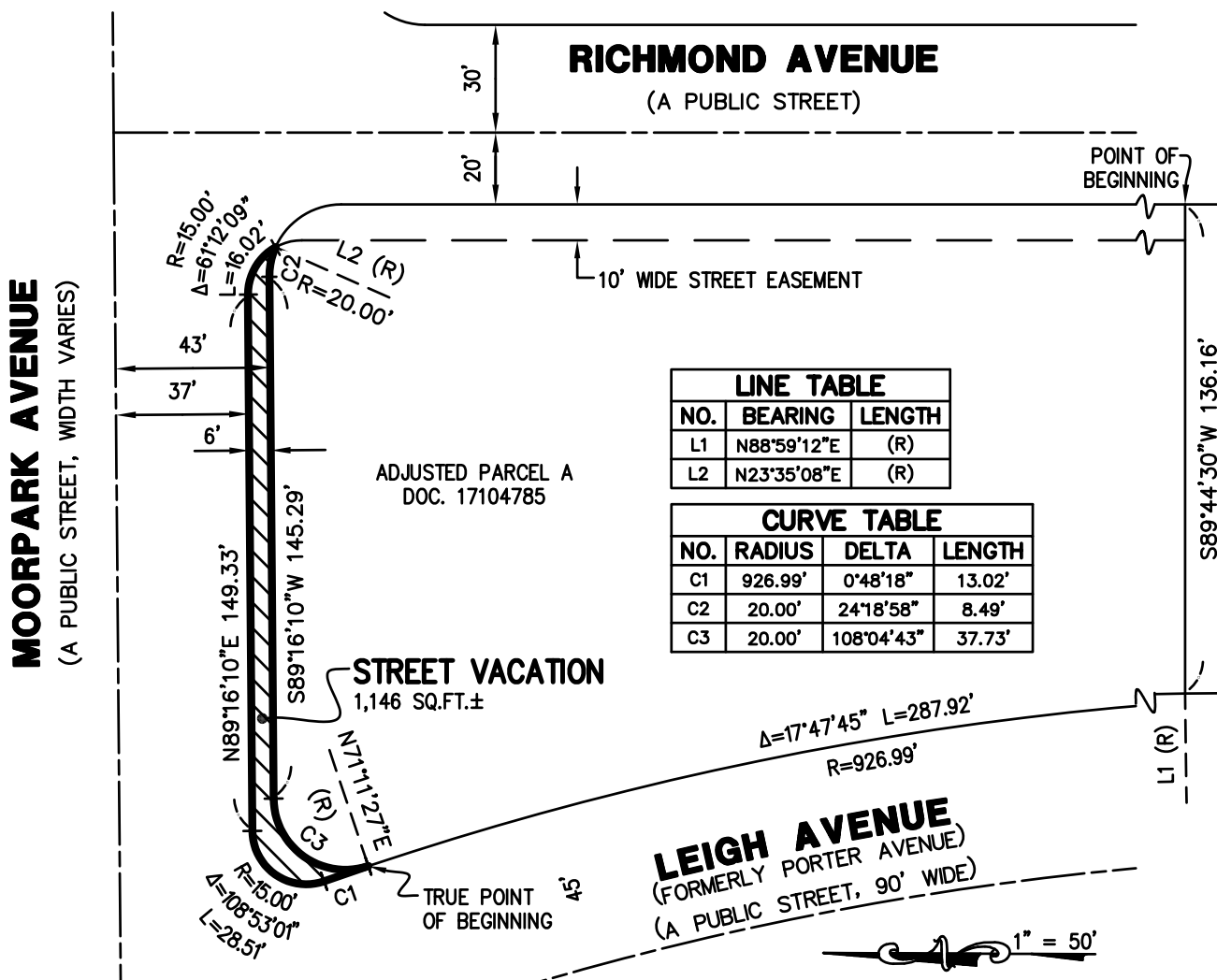
AREA TO BE VACATED WITH RESERVATION OF PSE

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

APPROVED THIS 10TH DAY OF MAY 2021

for MATTHEW CANO
DIRECTOR OF PUBLIC WORKS,
CITY OF SAN JOSE



LINE TABLE		
NO.	BEARING	LENGTH
L1	N88°59'12"E	(R)
L2	N23°35'08"E	(R)

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	926.99'	0°48'18"	13.02'
C2	20.00'	24°18'58"	8.49'
C3	20.00'	108°04'43"	37.73'

NVF:EEH
05-14-21

Exhibit B

[To Be Posted Separately]

T-122.081 / 1821201
Council Agenda: 6-15-2021
Item No.: 8.1(a)

DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.