

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SUMMARILY VACATING AN APPROXIMATELY 100,188 SQUARE FOOT PORTION OF RIDDER PARK DRIVE WITH THE RESERVATION OF PUBLIC SERVICE EASEMENTS OVER PORTIONS OF THE AREA VACATED

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 100,188 square foot portion of Ridder Park Drive (“Subject Property”), reserving from the vacation a public sanitary sewer easement and a public storm drain easement over portions of the vacated area, all as more particularly described below:

STREET EASEMENT TO BE VACATED:

ALL THAT CERTAIN REAL PROPERTY AS DESCRIBED IN THAT CERTAIN GRANT DEED, RECORDED JANUARY 15, 1974 AS INSTRUMENT NUMBER 4686060, OFFICIAL RECORDS OF SANTA CLARA COUNTY, SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

AN EASEMENT FOR STREET PURPOSES OVER THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF KINGS ROW (60.000 FEET IN WIDTH) WITH THE NORTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO JOHN MASON BY DEED RECORDED IN BOOK 2236, PAGE 77 OF OFFICIAL RECORDS. SANTA CLARA COUNTY RECORDS; THENCE ALONG THE SAID NORTHEASTERLY LINE OF THE MASON PARCEL NORTH 38°06'35” WEST 226.48 FEET; THENCE LEAVING SAID NORTHEASTERLY

LINE OF THE MASON PARCEL ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 200.17 FEET THROUGH A CENTRAL ANGLE OF 28°02'59", FOR AN ARC DISTANCE OF 97.99 FEET TO A POINT OF REVERSE CURVE; THENCE FROM SAID POINT OF REVERSE CURVE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 96.11 FEET, THROUGH A CENTRAL ANGLE OF 30°17'54" FOR AN ARC DISTANCE OF 50.82 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO SPECIALTY TRUCK PARTS, INC., BY DEED RECORDED IN BOOK 4301, PAGE 312 OF OFFICIAL RECORDS, SANTA CLARA COUNTY RECORDS; THENCE ALONG THE SAID NORTHEASTERLY LINE OF THE SPECIALTY TRUCK PARTS, INC. PARCEL, NORTH 40°21'30" WEST 74.43 FEET; THENCE LEAVING THE SAID NORTHEASTERLY LINE OF THE SPECIALTY TRUCK PARTS, INC. PARCEL ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.00 FEET THROUGH A CENTRAL ANGLE OF 89°45'10" FOR AN ARC DISTANCE OF 156.65 FEET; THENCE ALONG A LINE PARALLEL WITH AND 60.00 FEET NORTHWESTERLY (RIGHT ANGLE MEASUREMENT) OF THE NORTHWESTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO SHIZUO ITITANI ET UX, RECORDED IN BOOK 2296, PAGE 29 OF OFFICIAL RECORDS, SANTA CLARA COUNTY RECORDS, NORTH 49°23'40" EAST 200.16 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET THROUGH A CENTRAL ANGLE OF 90°02'16", FOR AN ARC DISTANCE OF 47.14 FEET; THENCE ALONG A LINE PARALLEL WITH AND 70.00 FEET SOUTHWESTERLY (RIGHT ANGLE MEASUREMENT) OF THE NORTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO SPECIALTY TRUCK PARTS, INC. BY DEED RECORDED IN BOOK 9537, PAGE 642 OF OFFICIAL RECORDS, SANTA CLARA COUNTY RECORDS, NORTH 40°38'36" WEST 142.98 FEET; THENCE LEAVING SAID PARALLEL LINE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 743.36 FEET, THROUGH A CENTRAL ANGLE OF 09°59'41 " , FOR AN ARC DISTANCE OF 131.00 FEET; THENCE NORTH 50°38'17" WEST 36.05 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 680.93 FEET THROUGH A CENTRAL ANGLE OF 10°04'17", FOR AN ARC DISTANCE OF 119.69 FEET; THENCE ALONG A LINE PARALLEL WITH AND 35.00 FEET SOUTHWESTERLY (RIGHT ANGLE MEASUREMENT) OF THE NORTHEASTERLY LINE OF THE SAID SPECIALTY TRUCK PARTS, INC. PARCEL OF LAND RECORDED IN BOOK 4301, PAGE 312 OF OFFICIAL RECORDS, SANTA CLARA COUNTY RECORDS, NORTH 40°34'00" WEST 456.23 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 263.86 FEET, THROUGH A CENTRAL ANGLE OF 29°51'00", FOR AN ARC DISTANCE OF 137.47 FEET TO ITS POINTS OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE EAST SHORE FREEWAY; THENCE LEAVING SAID EAST SHORE FREEWAY RIGHT-OF- WAY LINE

AND RUNNING ALONG THE NORTHEASTERLY LINE OF SAID SPECIALTY TRUCK PARTS, INC. PARCEL SOUTH 40°34'00" EAST 687.23 FEET; THENCE ALONG THE NORTHWESTERLY LINE OF SAID SPECIALTY TRUCK PARTS, INC., PARCEL NORTH 49°18'25" EAST 63.00 FEET TO THE MOST NORTHERLY CORNER OF SAID SPECIALTY TRUCK PARTS, INC. PARCEL OF LAND; THENCE ALONG THE SAID NORTHEASTERLY LINE OF SAID SPECIALTY TRUCK PARTS, INC. PARCEL SOUTH 40°38'36" EAST 417.00 FEET TO ITS POINT OF INTERSECTION WITH THE NORTHWESTERLY LINE OF A PARCEL OF LAND CONVEYED TO ANDERSON AND GREENE BY DEED RECORDED IN BOOK 7040, PAGE 746 OF OFFICIAL RECORDS, SANTA CLARA COUNTY RECORDS; THENCE ALONG THE SAID NORTHWESTERLY LINE OF THE ANDERSON AND GREENE PARCEL AND THE SAID NORTHWESTERLY LINE OF THE ITITANI PARCEL SOUTH 49°23'40" WEST 338.10 FEET TO THE MOST WESTERLY CORNER OF THE SAID ITITANI PARCEL; THENCE ALONG THE SOUTHWESTERLY LINE OF THE SAID ITITANI PARCEL SOUTH 39°48'25" EAST 200.02 FEET; THENCE CONTINUING ALONG THE SAID SOUTHWESTERLY LINE OF THE ITITANI PARCEL THE FOLLOWING COURSES: SOUTH 05°36'25" EAST 70.84 FEET AND SOUTH 38°06'35" EAST 223.88 FEET TO ITS POINT OF INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF KINGS ROW; THENCE ALONG THE SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF KINGS ROW SOUTH 49°23'40" WEST 60.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.3 ACRES OF LAND, MORE OR LESS.

PUBLIC STORM DRAIN EASEMENT TO BE RESERVED:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND BEING A PORTION OF THE LANDS OF LBA RVI-COMPANY XX, LLC, AS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED JULY 31, 2019 AS DOCUMENT NUMBER 24243516, OFFICIAL RECORDS OF SANTA CLARA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF SAID PARCEL;

THENCE ALONG AN EASTERLY LINE OF SAID PARCEL, SOUTH 39° 35' 26" EAST, 47.77 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EASTERLY LINE, SOUTH 39° 35' 26" EAST, 639.46 FEET TO AN ANGLE POINT IN SAID EASTERLY LINE;

THENCE LEAVING SAID EASTERLY LINE, ALONG A NORTHERLY LINE OF SAID PARCEL, NORTH 50° 16' 59" EAST, 2.30 FEET;

THENCE LEAVING SAID NORTHERLY LINE ALONG THE FOLLOWING FIVE (5) COURSES:

- 1) SOUTH 49° 03' 37" EAST, 154.31 FEET;
- 2) SOUTH 39° 44' 17" EAST, 246.84 FEET;
- 3) SOUTH 50° 02' 50" WEST, 305.50 FEET;
- 4) SOUTH 38° 14' 21" EAST, 211.21 FEET;
- 5) SOUTH 50° 22' 15" WEST, 82.58 FEET TO A POINT ON THE WESTERLY LINE OF THAT CERTAIN STREET EASEMENT DESCRIBED IN THAT GRANT DEED RECORDED JANUARY 15, 1974 AS DOCUMENT NUMBER 4686060, OFFICIAL RECORDS OF SANTA CLARA COUNTY, ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS NORTH 70° 34' 59" EAST;

THENCE ALONG SAID WESTERLY LINE, ALONG SAID NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 200.17 FEET, THROUGH A CENTRAL ANGLE OF 3° 04' 56" FOR AN ARC DISTANCE OF 10.77 FEET;

THENCE LEAVING SAID WESTERLY LINE THE FOLLOWING NINE (9) COURSES:

- 1) NORTH 50° 22' 15" EAST, 58.83 FEET,
- 2) NORTH 38° 14' 21" WEST, 214.59 FEET,
- 3) NORTH 9° 44' 26" WEST, 7.53 FEET,
- 4) NORTH 50° 02' 50" EAST, 301.39 FEET,
- 5) NORTH 39° 44' 17" WEST, 225.29 FEET,
- 6) NORTH 49° 03' 37" WEST, 168.29 FEET,
- 7) NORTH 39° 35' 26" WEST, 596.35 FEET, AND
- 8) NORTH 6° 45' 44" WEST, 36.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 31,415 SQUARE FEET OF LAND, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS A NORTHEASTERLY LINE OF THE MERGED PARCEL AS SHOWN AND DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED JULY 31, 2019 AS DOC. NO. 24243516, OFFICIAL RECORDS OF SANTA CLARA COUNTY, SAID NORTHEASTERLY LINE BEING DESCRIBED AS "SOUTH 37° 08' 01" EAST, 224.27 FEET" IN THE ABOVE MENTIONED GRANT DEED.

PUBLIC SANITARY SEWER EASEMENT STRIP 1 TO BE RESERVED:
COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF KINGS ROW, 60 FEET WIDE, AND A SOUTHWESTERLY LINE OF SAID PARCEL, ALSO BEING THE SOUTHEASTERLY TERMINUS OF THAT CERTAIN COURSE DESCRIBED AS "NORTH 37° 08' 01" WEST, 281.97 FEET" IN THE ABOVE MENTIONED GRANT DEED;

THENCE ALONG SAID SOUTHWESTERLY LINE, NORTH 37° 08' 01" WEST, 226.47 FEET TO THE INTERSECTION WITH THE WESTERLY LINE OF THAT CERTAIN STREET EASEMENT DESCRIBED IN THAT GRANT DEED RECORDED JANUARY 15, 1974 AS DOCUMENT NUMBER 4686060, OFFICIAL RECORDS OF SANTA CLARA COUNTY;

THENCE ALONG THE WESTERLY LINE OF SAID STREET EASEMENT, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 200.17 FEET, THROUGH A CENTRAL ANGLE OF 28° 02' 59', FOR AN ARC DISTANCE OF 98.00 FEET TO A POINT OF REVERSE CURVATURE;

THENCE CONTINUING ALONG SAID WESTERLY LINE, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 96.11 FEET, THROUGH A CENTRAL ANGLE OF 10°30' 26", FOR AN ARC DISTANCE OF 17.63 FEET TO THE POINT OF BEGINNING;

THENCE LEAVING SAID WESTERLY LINE, NORTH 39° 19' 22" WEST, 83.94 FEET;

THENCE NORTH 8° 02' 35" WEST, 10.75 FEET TO A POINT DESIGNATED AS POINT "A" FOR THE PURPOSES OF THIS DESCRIPTION, SAID POINT BEING ON THE WESTERLY LINE OF SAID STREET EASEMENT;

THENCE ALONG SAID WESTERLY LINE, SOUTH 39° 22' 56" EAST, 60.58 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE CONTINUING ALONG SAID WESTERLY LINE, ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 96.11 FEET, THROUGH A CENTRAL ANGLE OF 19° 47' 28", FOR AN ARC DISTANCE OF 33.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 438 SQUARE FEET OF LAND, MORE OR LESS.

PUBLIC SANITARY SEWER EASEMENT STRIP 2 TO BE RESERVED:
COMMENCING AT THE HEREINABOVE DESIGNATED POINT "A";

THENCE ALONG THE WESTERLY LINE OF SAID STREET EASEMENT, NORTH 39° 22' 56" WEST, 13.85 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE CONTINUING ALONG SAID WESTERLY LINE, ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 100.00 FEET, THROUGH A CENTRAL ANGLE OF 69° 53' 25", FOR AN ARC DISTANCE OF 121.98 FEET TO THE POINT OF BEGINNING;

THENCE LEAVING SAID WESTERLY LINE, NORTH 8° 02' 35" WEST, 51.35 FEET;

THENCE NORTH 50° 32' 18" EAST, 236.33 FEET TO A POINT ON THE WESTERLY LINE OF SAID STREET EASEMENT;

THENCE ALONG SAID WESTERLY LINE, SOUTH 39° 40' 02" EAST, 7.25 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE CONTINUING ALONG SAID WESTERLY LINE, ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 25° 08' 12" FOR AN ARC LENGTH OF 13.16 FEET;

THENCE LEAVING SAID WESTERLY LINE, SOUTH 50° 32' 18" WEST, 222.34 FEET;

THENCE SOUTH 8° 02' 35" EAST, 21.13 FEET TO A POINT ON THE WESTERLY LINE OF SAID STREET EASEMENT, ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, THE CENTER OF WHICH BEARS SOUTH 43° 38' 17" EAST;

THENCE ALONG SAID WESTERLY LINE, ALONG SAID NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 100.00 FEET, THROUGH A CENTRAL ANGLE OF 15° 51' 14" FOR AN ARC DISTANCE OF 27.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,310 SQUARE FEET OF LAND, 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 on October 15, 2020 entitled "MAP SHOWING THE STREET EASEMENT TO BE SUMMARILY VACATED

WITH THE RESERVATION OF A PUBLIC STORM DRAIN EASEMENT AND PUBLIC SANITARY SEWER EASEMENT” showing the Subject Property and reserved public service easements; and

WHEREAS, attached to this Resolution as Exhibit “B” and incorporated herein is a copy of the report, dated October 5, 2020 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 easements (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 real property described in the Recitals to this Resolution as “Public Storm Drain Easement to be Reserved,” “Public Sanitary Sewer Easement Strip 1 to be Reserved,” and “Public Sanitary Sewer Easement Strip 2 to be Reserved,” public service easements 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 portions of it will constitute public service easements as specified in this Resolution.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

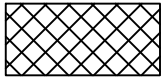
SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

MAP

SHOWING THE STREET EASEMENT TO BE SUMMARILY VACATED
WITH THE RESERVATION OF A PUBLIC STORM DRAIN EASEMENT
AND PUBLIC SANITARY SEWER EASEMENT



AREA TO BE VACATED



BOUNDARY OF 1605 INDUSTRIAL AVE.

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 15TH DAY OF OCTOBER 2020

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

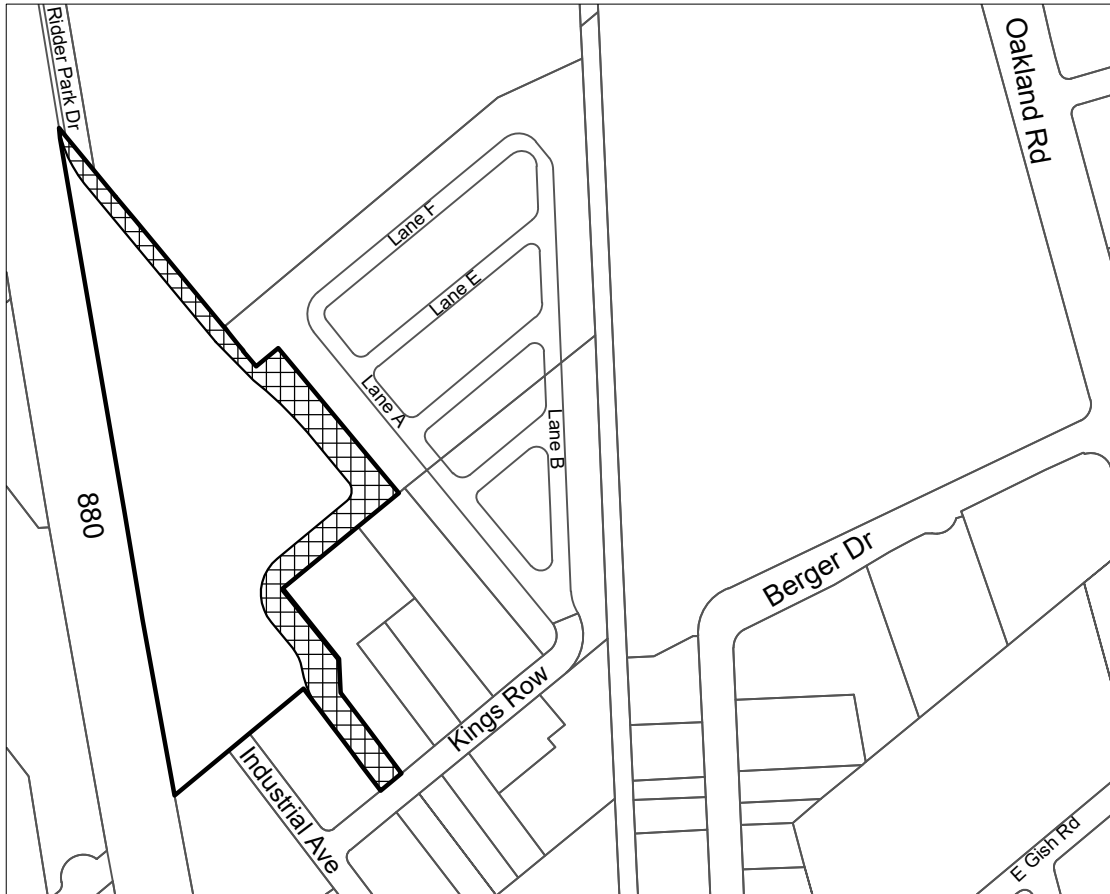


EXHIBIT A-1: PUBLIC STORM DRAIN EASEMENT RESERVATION
EXHIBIT A-2: PUBLIC SANITARY SEWER EASEMENT RESERVATION

EXHIBIT A-1: PUBLIC STORM DRAIN EASEMENT RESERVATION

ABBREVIATIONS

OR OFFICIAL RECORDS
 POB POINT OF BEGINNING
 POC POINT OF COMMENCEMENT
 SF SQUARE FEET

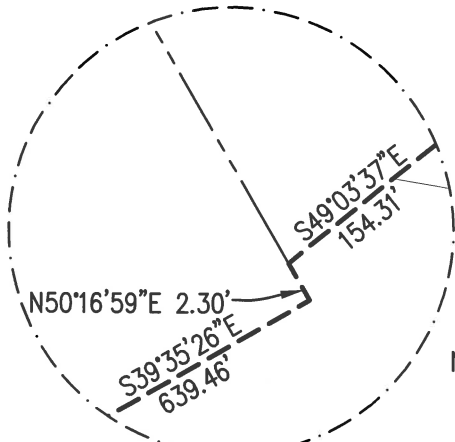


LEGEND

--- PROPERTY LINE
 - - - EXISTING EASEMENT LINE
 - - - PROPOSED EASEMENT LINE
 [Hatched Box] PROPOSED EASEMENT AREA

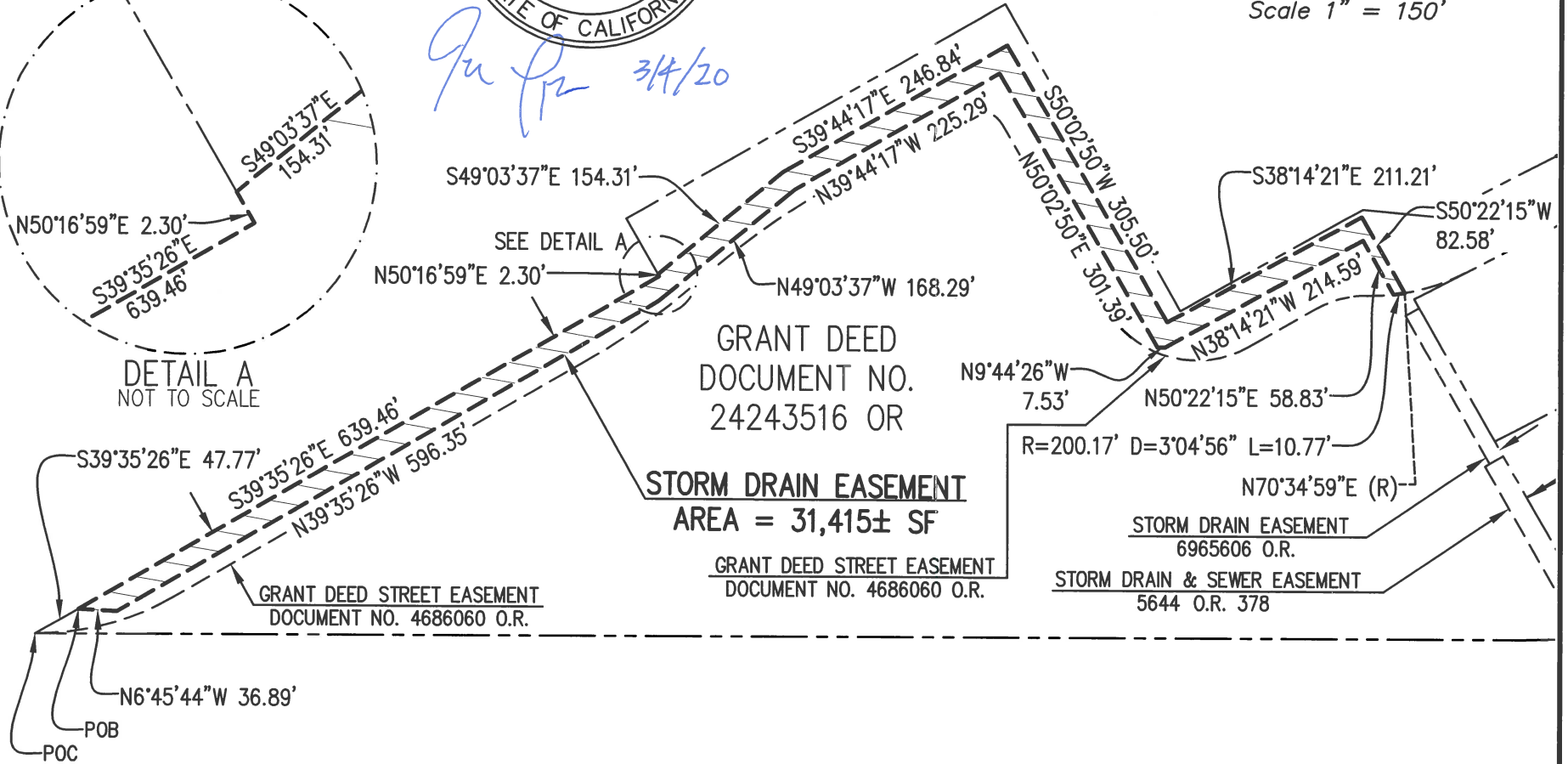


0 75' 150' 300'
 Scale 1" = 150'



DETAIL A
 NOT TO SCALE

Joe Joe 3/4/20



KIER+WRIGHT

2850 Collier Canyon Road
 Livermore, California 94551

Phone (925) 245-8788
 www.kierwright.com

STORM DRAIN EASEMENT

SAN JOSE,

CALIFORNIA

DATE	FEB. 2020
SCALE	1" = 150'
BY	RJH
JOB NO.	A18555
SHEET	1 OF 1

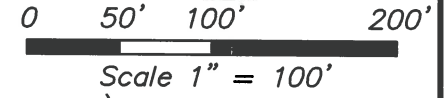
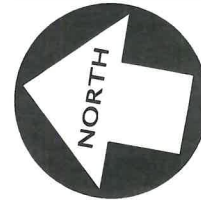
EXHIBIT A-2: PUBLIC SANITARY SEWER EASEMENT RESERVATION

LEGEND

-  PROPERTY LINE
-  EXISTING EASEMENT LINE
-  PROPOSED EASEMENT LINE
-  PROPOSED EASEMENT AREA

ABBREVIATIONS

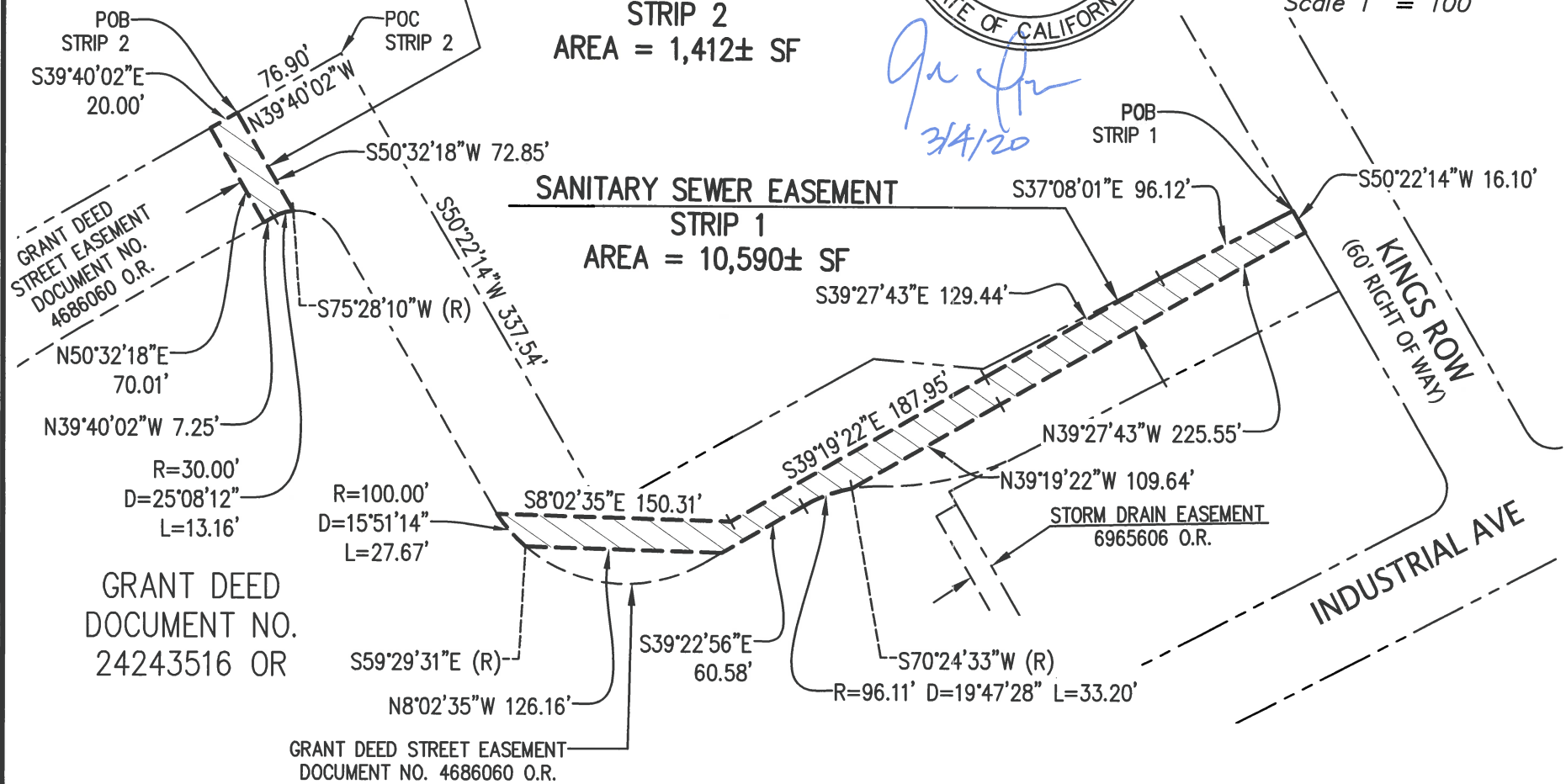
- OR OFFICIAL RECORDS
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- SF SQUARE FEET



Ja Ja
3/4/20

SANITARY SEWER EASEMENT STRIP 2
AREA = 1,412± SF

SANITARY SEWER EASEMENT STRIP 1
AREA = 10,590± SF



GRANT DEED STREET EASEMENT DOCUMENT NO. 4686060 O.R.

GRANT DEED DOCUMENT NO. 24243516 OR

GRANT DEED STREET EASEMENT DOCUMENT NO. 4686060 O.R.



KIER+WRIGHT
2850 Collier Canyon Road
Livermore, California 94551
Phone (925) 245-8788
www.kierwright.com

SANITARY SEWER EASEMENT

SAN JOSE,

CALIFORNIA

DATE	FEB. 2020
SCALE	1" = 100'
BY	RJH
JOB NO.	A18555
SHEET	1 OF 1



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Matt Cano

SUBJECT: SEE BELOW

DATE: October 13, 2020

Approved

D. DSYL

Date

10/15/2020

COUNCIL DISTRICT: 3

SUBJECT: SUMMARY VACATION OF A STREET EASEMENT AT 1605 INDUSTRIAL AVENUE WITH THE RESERVATION OF A PUBLIC STORM DRAIN EASEMENT AND A PUBLIC SANITARY SEWER EASEMENT WITHIN THE AREA BEING VACATED

RECOMMENDATION

Adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of the street easement ("Subject Portion") at 1605 Industrial Avenue with the reservation of a public storm drain easement and a public sanitary sewer easement within the area being vacated;
- (b) Summarily vacating the Subject Portion, which has been determined to be excess, and reserving a public storm drain easement and public sanitary sewer easement within the area being vacated; and
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

OUTCOME

Upon recordation of the resolution of vacation, the Subject Portion will be abandoned as a public street and will no longer constitute part of public right-of-way, thereby saving the City long-term maintenance costs and removing liability through the vacation. A public storm drain easement and a public sanitary sewer easement will be reserved within the area being vacated.

BACKGROUND

On January 15, 1974, the Subject Portion was granted to the City of San José per Grant Deed Instrument Number 4686060, of Official Records of Santa Clara County. A street has not been constructed and there are no plans to construct a street in the future as part of the City's General Plan.

Portions of a public storm drain main and sanitary sewer main have been built underneath the street easement. As part of Planned Development Permit PD18-044, the sanitary sewer main will be realigned. Easements for the existing public storm drain main and the new alignment of the sanitary sewer main will be reserved. Portions of the sanitary sewer easement that lie outside of the street easement will be secured through a separate Grant of Easement.

ANALYSIS

Pursuant to the California Streets & Highways Code Section 8334(a), a street may be summarily vacated if the City Council determines that it is excess right-of-way and not required for street purposes. Staff has reviewed the vacation application and determined that the Subject Portion is excess right-of-way and is not required for street purposes. The Subject Portion is currently unpaved and inaccessible from Ridder Park Drive. Existing private ingress/egress easements within the Subject Portion along the Kings Row frontage for access to adjacent properties, 641 Kings Row and 643 Kings Row, will not be affected by this vacation.

There are existing in-place public storm drain and public sanitary sewer facilities that are in use. Staff has determined that the reservation of a public storm drain easement and a public sanitary sewer easement is necessary and therefore, the facilities would not be affected by the vacation.

According to the preliminary title report issued by First American Title Insurance Company, LBA RVI-Company XX, LLC, a Delaware limited liability company, holds the underlying fee ownership to the Subject Portion.

All concerned utility companies have been contacted in writing and have no objection to the proposed action.

CONCLUSION

The Subject Portion has been deemed excess and is no longer needed for public purposes. Staff recommends Council adopt this resolution to vacate the Subject Portion with reservations for a Public Storm Drain Easement and a Public Sanitary Sewer Easement.

HONORABLE MAYOR AND CITY COUNCIL

October 13, 2020

Subject: Summary Vacation of a Street Easement at 1605 Industrial Avenue with a Public Storm Drain and Sanitary Sewer Easement Reservation

Page 3

EVALUATION AND FOLLOW-UP

If Council adopts this resolution summarily vacating the Subject Portion, no further action by Council will be required. The City Clerk will record the resolution of vacation at which time the vacation will be complete.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

All concerned utility companies have been contacted in writing and have no objections to the vacation of the Subject Portions.

This memorandum will be posted on the City's Council Agenda website for the October 27, 2020 Council Meeting.

COORDINATION

This vacation has been coordinated with the Department of Planning, Building and Code Enforcement, the Department of Transportation, and the City Manager's Budget Office. The vacation and resolution of vacation have been reviewed by the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

FISCAL/POLICY ALIGNMENT

Vacating the Subject Portion is in alignment with Council-approved Budget Strategy Expenditure Control section by eliminating a City maintenance obligation and liability.

HONORABLE MAYOR AND CITY COUNCIL

October 13, 2020

Subject: Summary Vacation of a Street Easement at 1605 Industrial Avenue with a Public Storm Drain and Sanitary Sewer Easement Reservation

Page 4

COST SUMMARY/IMPLICATIONS

The Public Works Department collected cost-recovery fees on April 23, 2019, during fiscal year 2018-2019, of \$4,292 to process the subject vacation. These fees were deposited into the Public Works Department Services Fee Fund (Fund 001).

CEQA

Mitigated Negative Declaration for the 1605 Industrial Avenue Project. File No. PD18-044.

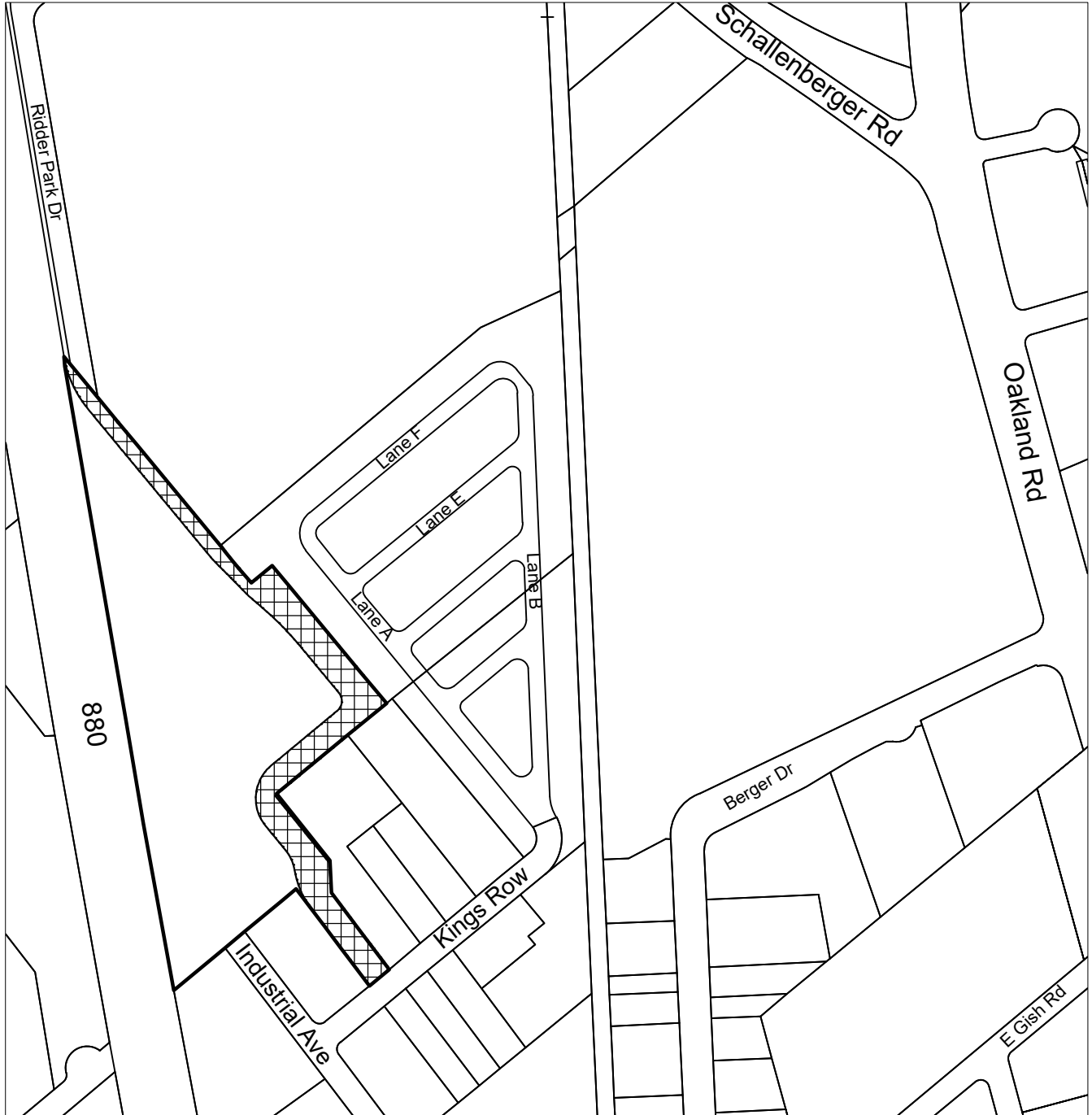
/s/
MATT CANO
Director of Public Works

For questions please contact J. Guevara, Deputy Director of Public Works, at (408) 807-1801.

Attachment: Location Map

LOCATION MAP

SHOWING THE STREET EASEMENT TO BE SUMMARILY VACATED
WITH THE RESERVATION OF A PUBLIC STORM DRAIN EASEMENT
AND PUBLIC SANITARY SEWER EASEMENT



AREA TO BE VACATED



BOUNDARY OF 1605 INDUSTRIAL AVE

