

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE VACATING THE 25' AND 12.5' LIGHT AND AIR EASEMENTS LOCATED WITHIN TRACT NO. 1098

WHEREAS, Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California authorizes the City Council to vacate a public service easement if the City Council determines that it is unnecessary for present or prospective public use; and

WHEREAS, on May 1, 2018, the City Council adopted Resolution No. 78564 (“Resolution of Intention”) declaring its intention to vacate a twenty-five foot (25’) public service easement for light and air and a twelve and a half foot (12.5’) public service easement for light and air constituting all that real property situated within Tract No. 1098 in the City of San José, County of Santa Clara, State of California (“Subject Property”), more particularly described as follows:

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF THAT CERTAIN MAP ENTITLED TRACT NO. 1098 HACIENDA GARDENS UNIT NO. 5, RECORDED ON MAY 25, 1954 IN BOOK 50, AT PAGES 18-19, RECORDS OF SANTA CLARA COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THOSE CERTAIN AREAS DEDICATED AS PUBLIC USE EASEMENTS FOR LIGHT AND AIR UNDER, ON OR OVER THOSE CERTAIN STRIPS OF LAND LYING BETWEEN THE LINES OF STREETS AND THE LINES EACH DESIGNATED AS “SET BACK” AS SHOWN ON SAID MAP WITHIN SAID TRACT NO. 1098.

WHEREAS, the Resolution of Intention gave notice that on May 22, 2018, in the Council Chambers of the City Council, the Council would hear all persons interested in the proposed vacation; and

WHEREAS, the Resolution of Intention was published in the manner prescribed by law;
and

WHEREAS, notices of the proposed vacation were posted conspicuously along the line
of the Subject Property in the manner prescribed by law; and

WHEREAS, on April 6, 2018, the Director of Public Works approved the plat map
entitled “Plat Map to Accompany the Legal Description for Vacation of Setback
Easements Within the Entire Tract No. 1098” (“Plat Map”), attached hereto as “Exhibit
A” and incorporated herein, which shows the Subject Property; and

WHEREAS, prior to the public hearing, the Plat Map was filed in the Office of the City
Clerk and made available for examination by any persons desiring to do so; and

WHEREAS, at the public hearing, the City Council had before it the Plat Map and a
report from the Director of Public Works to the City Council dated May 1, 2018
(“Report”), attached hereto as “Exhibit B” and incorporated herein; and

WHEREAS, at the public hearing, the City Council heard all persons interested in the
proposed vacation and considered all evidence submitted;

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

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 proposed vacation relates to Ordinance 29821 “An Ordinance of the
City of San Jose Amending Title 20 of the Municipal Code to Amend
Various Sections of Chapter 20.30....” effective on December 30, 2016,
which amended the front setback requirement of a single family residence

in zoning district R1-8 from 25-feet to 20-feet and eliminated the need for the public service easements for light and air on the Subject Property. Section 20.30.200 of Title 20 of the Municipal Code also allows the side setback for a corner lot single family residence in zoning district R1-8 to be 12.5-feet; and

- B. Government Code Section 65402 does not apply to this vacation.

SECTION 2. The City Council makes the following conclusions based on the above findings:

- A. The Subject Property is unnecessary for present or prospective public use; and
- B. The proposed vacation is consistent with the goals of the City's General Plan.

SECTION 3. Based on the above stated findings and conclusions, the City Council hereby vacates the public service easement located on the Subject Property.

SECTION 4. 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 5. From and after the date this Resolution is recorded, the Subject Property will no longer constitute a public service easement.

RD:TDM:LCP
04-24-18

ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk


EXHIBIT A

PLAT MAP

TO ACCOMPANY THE LEGAL DESCRIPTION FOR VACATION
OF SETBACK EASEMENTS WITHIN THE ENTIRE TRACT NO. 1098

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


MICHAEL L W FOR
JON CICIRELLI
ACTING DIRECTOR OF PUBLIC WORKS,
CITY OF SAN JOSE

APPROVED THIS 6TH DAY OF APRIL 2018

THE SUBJECT PROPERTY PROPOSED TO BE VACATED IS DESCRIBED AS FOLLOWS:

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF SAN JOSÉ, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF THAT CERTAIN MAP ENTITLED TRACT NO. 1098 HACIENDA GARDENS UNIT NO. 5, RECORDED ON MAY 25, 1954 IN BOOK 50, AT PAGES 18-19, RECORDS OF SANTA CLARA COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THOSE CERTAIN AREAS DEDICATED AS PUBLIC USE EASEMENTS FOR LIGHT AND AIR UNDER, ON OR OVER THOSE CERTAIN STRIPS OF LAND LYING BETWEEN THE LINES OF STREETS AND THE LINES EACH DESIGNATED AS "SET BACK" AS SHOWN ON SAID MAP WITHIN SAID TRACT NO. 1098.

EXHIBIT A: TRACT MAP NO. 1098

EXHIBIT B: ASSESSOR'S PARCEL NUMBERS FOR TRACT NO. 1098

TRACT NO. 1098 HACIENDA GARDENS

UNIT NO. 5

~CONSISTING OF TWO SHEETS~
BEING A PORTION OF
THE NARVAEZ RANCHO
WITHIN THE CITY OF SAN JOSE CALIFORNIA
MAY 1954

ENGINEERING OFFICE OF L. CEDRIC MACABEE
SAN JOSE

OWNER'S CERTIFICATE.

We hereby certify that we are the owners of or have some right, title or interest in and to the real property included within the subdivision shown upon this map; that we are the only persons whose consents are necessary to pass a clear title to said property, and we consent to the making and recording of said map and subdivision as shown within the border lines and hereby dedicate to public use all of the streets shown upon said map within said subdivision.

We also hereby dedicate for public use easements for public utilities under, on or over those certain strips of land lying between the rear lines and/or side lines of lots and lines each designated as public utilities easement line or "P. U. E."; as shown on said map within said subdivision, such strips of land to be kept open and free from buildings and structures of any kind.

We also hereby dedicate for public use easements for light and air under, on or over those certain strips of land lying between the lines of streets and the lines each designated as "set back" as shown on said map within said subdivision, such strips of land to be kept open and free from buildings and structures of any kind, excepting irrigation and sprinkling systems and appurtenances thereto.

E. Larsen
Owner

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION OF THE CITY OF SAN JOSE.

Approved by the Planning Commission of the City of San Jose, California, in accordance with the requirements of law in a duly authorized meeting held on the 13th day of April, 1954.

Michael M. Cetrucchi
Secretary of the Planning Commission
of the City of San Jose, California.

CERTIFICATE OF CIVIL ENGINEER.

I, Edward S. Stafford, hereby certify that I am a Registered Civil Engineer of the State of California; that this map, consisting of two sheets, correctly represents a survey made under my supervision in May, 1954; that the survey is true and complete as shown; that all of the monuments, consisting of 3/4" iron pipe, will be set or do actually exist; that their positions are correctly shown, and that said monuments are sufficient to enable the survey to be retraced.

Edward S. Stafford
Registered Civil Engineer No. 688

CERTIFICATE OF CITY ENGINEER.

I hereby certify that I have examined the final map of Tract No. 1098, Hacienda Gardens, Unit No. 5; that the subdivision shown thereon is substantially the same as it appeared on the tentative map thereof and any approved alterations; that all provisions of the Subdivision Map Act and any local ordinance applicable at the time of the approval of the tentative map have been complied with.

Dated MAY 17th, 1954

J. J. Flannery
City Engineer

CERTIFICATE OF APPROVAL BY THE COUNCIL OF THE CITY OF SAN JOSE.

It is ordered that the map of Tract No. 1098, Hacienda Gardens - Unit No. 5, be and the same is hereby approved; that all streets, roads and other parcels of land shown upon said map and therein offered for dedication be and the same are hereby accepted for the purposes for which the same are offered for dedication.

I hereby certify that the foregoing order was adopted by the City Council of the City of San Jose, State of California, at a meeting held on the 17th day of May, 1954.

Bartholomew Coville
City Clerk and Ex-Officio Clerk of the
City Council of the City of San Jose.

STATE OF CALIFORNIA COUNTY OF SANTA CLARA -s.s.

On this 17th day of MAY, 1954, before me RICHARD L. LLOYD, a Notary Public in and for said County of Santa Clara, State of California, personally appeared E. Larsen, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Richard L. Lloyd
Notary Public in and for the County of
Santa Clara, State of California.

STATE OF CALIFORNIA COUNTY OF SANTA CLARA -s.s.

On this 17th day of MAY, 1954, before me _____, a Notary Public in and for said County of Santa Clara, State of California, personally appeared _____, known to me to be the Vice President, and _____, known to me to be the Assistant Secretary of the First Pioneer Company, a California corporation, the corporation that executed the within instrument as trustee, and known to me to be the persons who executed the same upon behalf of the corporation named therein, and acknowledged to me that such corporation executed the same as trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public in and for the County of
Santa Clara, State of California.

976342 CERTIFICATE OF COUNTY RECORDER.

Accepted for record and recorded in Book 50 of Maps, pages 18 & 19, in the office of the County Recorder of the County of Santa Clara, this 25 day of May, 1954, at 8:58 A.M.

\$ 5.00

CHAS. A. PAYNE, County Recorder
Santa Clara County, California.

By John J. Dineen, Deputy

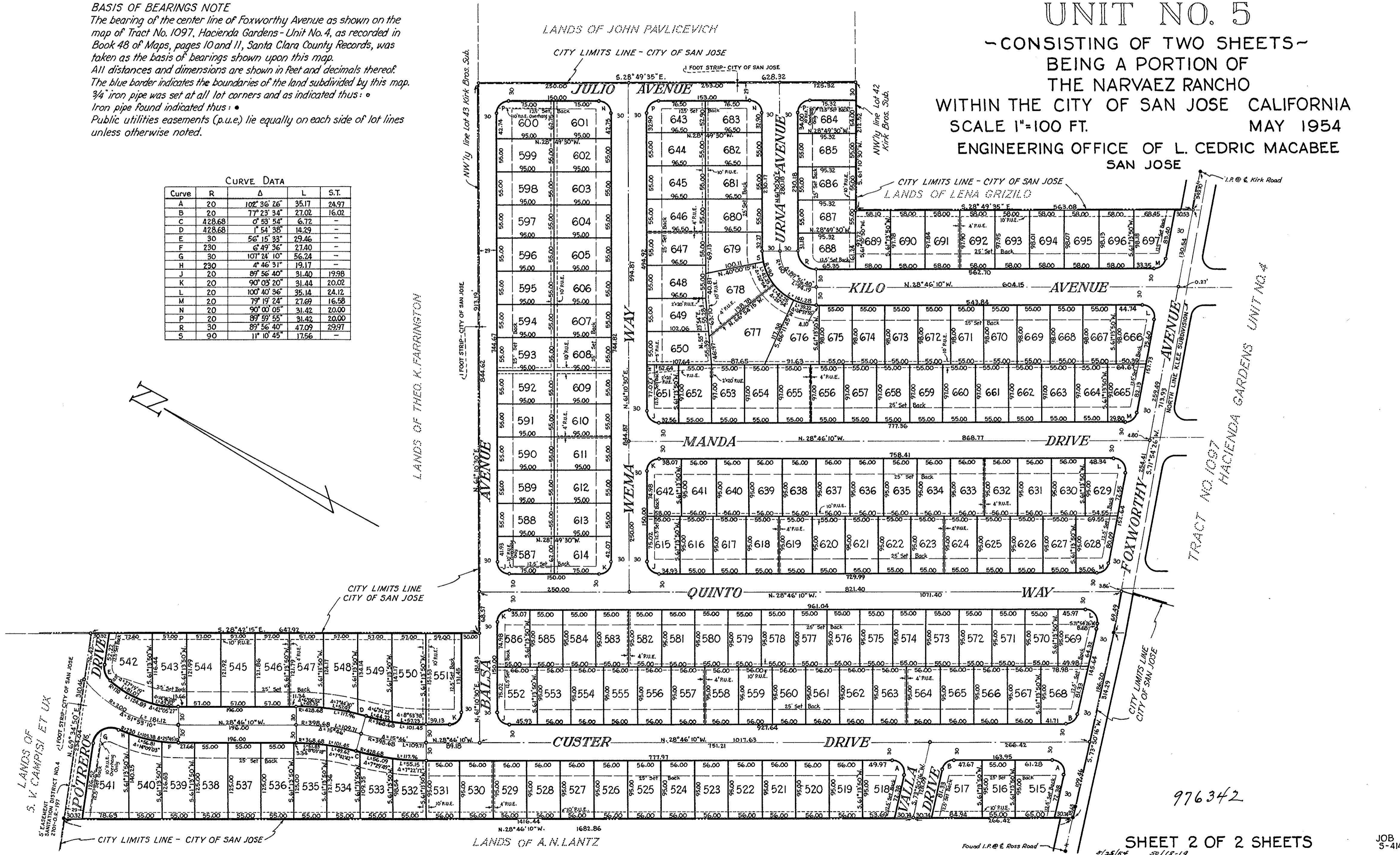
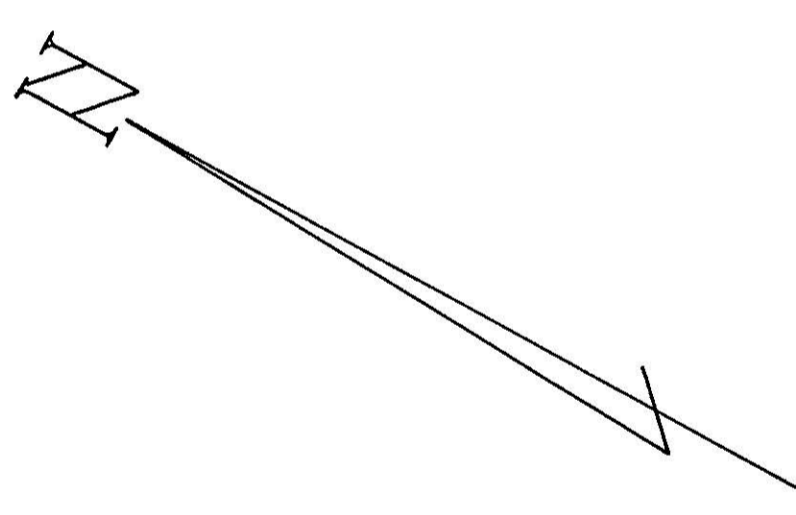
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TRACT NO. 1098 HACIENDA GARDENS UNIT NO. 5

-CONSISTING OF TWO SHEETS-
BEING A PORTION OF
THE NARVAEZ RANCHO
WITHIN THE CITY OF SAN JOSE CALIFORNIA
SCALE 1"=100 FT.
MAY 1954
ENGINEERING OFFICE OF L. CEDRIC MACABEE
SAN JOSE

BASIS OF BEARINGS NOTE
The bearing of the center line of Foxworthy Avenue as shown on the map of Tract No. 1097, Hacienda Gardens - Unit No. 4, as recorded in Book 48 of Maps, pages 10 and 11, Santa Clara County Records, was taken as the basis of bearings shown upon this map.
All distances and dimensions are shown in feet and decimals thereof.
The blue border indicates the boundaries of the land subdivided by this map.
3/4" iron pipe was set at all lot corners and as indicated thus: •
Iron pipe found indicated thus: •
Public utilities easements (p.u.e.) lie equally on each side of lot lines unless otherwise noted.

CURVE DATA				
Curve	R	Δ	L	S.T.
A	20	102° 36' 26"	35.17	24.97
B	20	77° 23' 34"	27.02	16.02
C	428.68	0° 53' 54"	6.72	-
D	428.68	1° 54' 38"	14.29	-
E	30	56° 15' 33"	29.46	-
F	230	6° 49' 36"	27.40	-
G	30	107° 24' 10"	56.24	-
H	230	4° 46' 31"	19.17	-
J	20	89° 56' 40"	31.40	19.98
K	20	90° 05' 20"	31.44	20.02
L	20	100° 40' 36"	35.14	24.12
M	20	79° 19' 24"	27.69	16.58
N	20	90° 00' 05"	31.42	20.00
P	20	89° 59' 55"	31.42	20.00
R	30	89° 56' 40"	47.09	29.97
S	90	11° 10' 45"	17.56	-



976342

SHEET 2 OF 2 SHEETS

JOB NO. 5-4140

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ATTACHMENT 1 APNS FOR TRACT NO. 1098

APN	Owner	Mailing Address	Mailing City State	Situs House Number	Situs City Situs State Situs Zip
44240025	PHAN VAN TRONG & FALLOWS CAROLYNE	1830 POTRERO DR	SAN JOSE CA 95124-1755	1830 POTRERO DR	SAN JOSE CA 95124-1755
44240026	LION SHARE INVESTMENTS LLC	1879 LUNDY AVE STE 212	SAN JOSE CA 95131	2743 CUSTER DR	SAN JOSE CA 95124-1864
44240027	QUIST PAMELA L TRUSTEE	2749 CUSTER DR	SAN JOSE CA 95124-1864	2749 CUSTER DR	SAN JOSE CA 95124-1864
44240028	PEREZ RAMON J & MARIA G TRUSTEE	2755 CUSTER DR	SAN JOSE CA 95124-1864	2755 CUSTER DR	SAN JOSE CA 95124-1864
44240029	RICKSECKER JANET L TRUSTEE	2761 CUSTER DR	SAN JOSE CA 95124-1864	2761 CUSTER DR	SAN JOSE CA 95124-1864
44240030	FONSECA LUCIA	2767 CUSTER DR	SAN JOSE CA 95124-1864	2767 CUSTER DR	SAN JOSE CA 95124-1864
44240031	BETTENCOURT DEODATO & MARIA C TRUSTEE	705 SANTA ROSA ST	SUNNYVALE CA 94085-3469	2775 CUSTER DR	SAN JOSE CA 95124-1864
44240032	TOMLINSON RENEE TRUSTEE	2783 CUSTER DR	SAN JOSE CA 95124-1864	2783 CUSTER DR	SAN JOSE CA 95124-1864
44240033	KLINE RONALD D TRUSTEE & ET AL	651 INDUSTRIAL WAY UNIT A	LOS GATOS CA 95030	2791 CUSTER DR	SAN JOSE CA 95124-1864
44240034	FRANCIS R D TRUSTEE & ET AL	2982 QUINTO WAY	SAN JOSE CA 95124	2799 CUSTER DR	SAN JOSE CA 95124-1864
44240035	ANTONUCCI DIANA L	2807 CUSTER DR	SAN JOSE CA 95124-1803	2807 CUSTER DR	SAN JOSE CA 95124-1803
44240036	COLLINS DAVID R & AZUSA	2815 CUSTER DR	SAN JOSE CA 95124-1803	2815 CUSTER DR	SAN JOSE CA 95124-1803
44240037	BENSING BRIAN D	2825 CUSTER DR	SAN JOSE CA 95124-1803	2825 CUSTER DR	SAN JOSE CA 95124-1803
44240038	SALAZ RICHARD F III & KILEY J	2835 CUSTER DR	SAN JOSE CA 95124-1803	2835 CUSTER DR	SAN JOSE CA 95124-1803
44240039	MULLINS LUANA M & CHRISTOPHER J	2845 CUSTER DR	SAN JOSE CA 95124-1803	2845 CUSTER DR	SAN JOSE CA 95124-1803
44240040	GARCIA GREGORY A & STEPHANIE J	2855 CUSTER DR	SAN JOSE CA 95124-1803	2855 CUSTER DR	SAN JOSE CA 95124-1803
44240041	DURDELLA KELLEY A & MILTON J	2865 CUSTER DR	SAN JOSE CA 95124-1803	2865 CUSTER DR	SAN JOSE CA 95124-1803
44240042	NIEMANN MICHAEL & ADRIENNE	2877 CUSTER DR	SAN JOSE CA 95124-1803	2877 CUSTER DR	SAN JOSE CA 95124-1803
44240043	LYNCH BEVERLY A	2887 CUSTER DR	SAN JOSE CA 95124-1803	2887 CUSTER DR	SAN JOSE CA 95124-1803
44240044	THOMPSON JOHN F & KATHLEEN P	2897 CUSTER DR	SAN JOSE CA 95124-1803	2897 CUSTER DR	SAN JOSE CA 95124-1803
44240045	KIWALKAR MAHESH K & DESHPANDE BHAIRAVI	2909 CUSTER DR	SAN JOSE CA 95124-1805	2909 CUSTER DR	SAN JOSE CA 95124-1805
44240046	SILVER CARRIE & JURICICH LINDSAY	2919 CUSTER DR	SAN JOSE CA 95124-1805	2919 CUSTER DR	SAN JOSE CA 95124-1805
44240047	MALLORY DAVID	2931 CUSTER DR	SAN JOSE CA 95124-1805	2931 CUSTER DR	SAN JOSE CA 95124-1805
44240048	FELCH KENNETH W	1791 VALLA DR	SAN JOSE CA 95124-1869	1791 VALLA DR	SAN JOSE CA 95124-1869
44240049	ROUSH PATRICIA L	1799 BALSAL AVE	SAN JOSE CA 95124-1863	1799 BALSAL AV	SAN JOSE CA 95124-1863
44240050	KIDD TIMOTHY J & DINA M	2798 CUSTER DR	SAN JOSE CA 95124-1801	2798 CUSTER DR	SAN JOSE CA 95124-1801
44240051	GROWITZ ARNO & DIANNE TRUSTEE	2790 CUSTER DR	SAN JOSE CA 95124-1801	2790 CUSTER DR	SAN JOSE CA 95124-1801
44240052	JETT DEBBI TRUSTEE	1372 LENNOX LN	LIVERMORE CA 94550	2782 CUSTER DR	SAN JOSE CA 95124-1801
44240053	SEGEL RONALD A TRUSTEE	P O BOX 24061	SAN JOSE CA 95154	2774 CUSTER DR	SAN JOSE CA 95124-1801
44240054	FELLER BRAD D & LISA S	2768 CUSTER DR	SAN JOSE CA 95124-1801	2768 CUSTER DR	SAN JOSE CA 95124-1801
44240055	CHRISTEN CHARLES C III & PICKARD GEORGIA	2762 CUSTER DR	SAN JOSE CA 95124-1801	2762 CUSTER DR	SAN JOSE CA 95124-1801
44240056	PANG SOPHIA	2754 CUSTER DR	SAN JOSE CA 95124-1801	2754 CUSTER DR	SAN JOSE CA 95124-1801
44240057	HERNANDEZ JOE G & GAIL P	2748 CUSTER DR	SAN JOSE CA 95124-1801	2748 CUSTER DR	SAN JOSE CA 95124-1801
44240058	BOWDEN EDNA B	2740 CUSTER DR	SAN JOSE CA 95124-1801	2740 CUSTER DR	SAN JOSE CA 95124-1801
44247001	PETERSON MARK J	2811 JULIO AVE	SAN JOSE CA 95124-1812	2811 JULIO AV	SAN JOSE CA 95124-1812
44247002	TANG FEIFEI	2827 JULIO AVE	SAN JOSE CA 95124-1812	2827 JULIO AV	SAN JOSE CA 95124-1812
44247003	PENKOFF JOHN G & CHRISTI A TRUSTEE	4 PALM AVE	LOS GATOS CA 95030-5824	2851 JULIO AV	SAN JOSE CA 95124-1813
44247013	SOCORRO JOSE JUAN VEGA & VEGA MICHELE ANN	1745 FOXWORTHY AVE	SAN JOSE CA 95124-2402	1745 FOXWORTHY AV	SAN JOSE CA 95124-2402
44247014	SCHWARTZ LISA L & THOMAS M	2990 KILO AVE	SAN JOSE CA 95124-1818	2990 KILO AV	SAN JOSE CA 95124-1818
44247015	MCKAY ANDREW M	2976 KILO AVE	SAN JOSE CA 95124-1818	2976 KILO AV	SAN JOSE CA 95124-1818
44247016	BRUNGER BRUCE A & FUJITA-BRUNGER KEIKO TR	2962 KILO AVE	SAN JOSE CA 95124-1818	2962 KILO AV	SAN JOSE CA 95124-1818
44247017	WOLF JAIME TRUSTEE	2948 KILO AVE	SAN JOSE CA 95124-1818	2948 KILO AV	SAN JOSE CA 95124-1818
44247018	GIMENEZ RAIMUNDO M & ISABEL M TRUSTEE	1376 LUNING DR	SAN JOSE CA 95118-2434	2934 KILO AV	SAN JOSE CA 95124-1818
44247019	CINELLI CRISTIANO & LORA A	2920 KILO AVE	SAN JOSE CA 95124-1818	2920 KILO AV	SAN JOSE CA 95124-1818

ATTACHMENT 1 APNS FOR TRACT NO. 1098

APN	Owner	Mailing Address	Mailing City State	Situs House Number	Situs City Situs State Situs Zip
44247020	BRUCE GRAHAM J & AMI M	2906 KILO AVE	SAN JOSE CA 95124-1818	2906 KILO AV	SAN JOSE CA 95124-1818
44247021	ALCANTAR RENE & ROSALVA R	2892 KILO AVE	SAN JOSE CA 95124-1816	2892 KILO AV	SAN JOSE CA 95124-1816
44247022	MADSEN ALLEN W & VICKIE L TRUSTEE	2878 KILO AVE	SAN JOSE CA 95124-1816	2878 KILO AV	SAN JOSE CA 95124-1816
44247023	MOORE WILLIAM W & SANDRA K	1756 URNA AVE	SAN JOSE CA 95124-1865	1756 URNA AV	SAN JOSE CA 95124-1865
44247024	CLAMONTE ELMER & LOGUISTO-CLAMONTE BONNIE	1754 URNA AVE	SAN JOSE CA 95124-1865	1754 URNA AV	SAN JOSE CA 95124-1865
44247025	ARONSON DORON & DIANE TRUSTEE	4110 CRANFORD CIR	SAN JOSE CA 95124-3305	1752 URNA AV	SAN JOSE CA 95124-1865
44247026	MAGUIRE SCOTT & CASSANDRA R	1753 URNA AVE	SAN JOSE CA 95124-1866	1753 URNA AV	SAN JOSE CA 95124-1866
44247027	YANG JIPING & SHI WEI	6380 DESERT FLAME DR	SAN JOSE CA 95120-3920	1755 URNA AV	SAN JOSE CA 95124-1866
44247028	HERMAN DONALD D	1757 URNA AVE	SAN JOSE CA 95124-1866	1757 URNA AV	SAN JOSE CA 95124-1866
44247029	LIU NINGYI & YING	1761 URNA AVE	SAN JOSE CA 95124-1866	1761 URNA AV	SAN JOSE CA 95124-1866
44247030	ROMINE JACKIE R & SHARRON A	14598 ACTON CT	SAN JOSE CA 95124-4346	1765 URNA AV	SAN JOSE CA 95124-1866
44247031	CHEN ZHIXIN & LI HONGYAN	2855 KILO AVE	SAN JOSE CA 95124-1817	2855 KILO AV	SAN JOSE CA 95124-1817
44247032	PANAH MOHSEN R & SIMIN M	15127 SPERRY LN	SARATOGA CA 95070-6274	2867 KILO AV	SAN JOSE CA 95124-1817
44247033	WHITE DANIEL	2879 KILO AVE	SAN JOSE CA 95124-1817	2879 KILO AV	SAN JOSE CA 95124-1817
44247034	TOPOLE TIMOTHY R & CYNTHIA M	1559 FORDHAM CT	MOUNTAIN VIEW CA 94040-3029	2891 KILO AV	SAN JOSE CA 95124-1817
44247035	SIMONTACCHI JOHN L & KIM M	2905 KILO AVE	SAN JOSE CA 95124-1819	2905 KILO AV	SAN JOSE CA 95124-1819
44247036	XIE GUANG & ZHANG KUN	2917 KILO AVE	SAN JOSE CA 95124-1819	2917 KILO AV	SAN JOSE CA 95124-1819
44247037	ORWICK ROSEMARY	2931 KILO AVE	SAN JOSE CA 95124-1819	2931 KILO AV	SAN JOSE CA 95124-1819
44247038	ZAIGRALIN GRIGORY & ZAIGRALINA OLGA TRUST	2943 KILO AVE	SAN JOSE CA 95124-1819	2943 KILO AV	SAN JOSE CA 95124-1819
44247039	PHILLIPS GINA TRUSTEE & ET AL	2957 KILO AVE	SAN JOSE CA 95124-1819	2957 KILO AV	SAN JOSE CA 95124-1819
44247040	JOHNSON CHRISTINA & BRIAN	2971 KILO AVE	SAN JOSE CA 95124-1819	2971 KILO AV	SAN JOSE CA 95124-1819
44247041	NELSON JEREMY	2985 KILO AVE	SAN JOSE CA 95124-1819	2985 KILO AV	SAN JOSE CA 95124-1819
44247042	LONG BRIAN C & CHENGYI Y TRUSTEE	1751 FOXWORTHY AVE	SAN JOSE CA 95124-2404	1751 FOXWORTHY AV	SAN JOSE CA 95124-2404
44247043	LIU ROBERT & JOANNA TRUSTEE	756 ARROYO RD	LOS ALTOS CA 94024-3110	1755 FOXWORTHY AV	SAN JOSE CA 95124-2404
44247044	CABRAL REBECCA L	2988 MANDA DR	SAN JOSE CA 95124-1834	2988 MANDA DR	SAN JOSE CA 95124-1834
44247045	DILLE MICHAEL ET AL	2978 MANDA DR	SAN JOSE CA 95124-1834	2978 MANDA DR	SAN JOSE CA 95124-1834
44247046	LEE JEFFREY	2966 MANDA DR	SAN JOSE CA 95124-1834	2966 MANDA DR	SAN JOSE CA 95124-1834
44247047	FOGLESONG ERIC ET AL	2956 MANDA DR	SAN JOSE CA 95124-1834	2956 MANDA DR	SAN JOSE CA 95124-1834
44247048	PLETCHER RON A & LILIA M	2946 MANDA DR	SAN JOSE CA 95124-1834	2946 MANDA DR	SAN JOSE CA 95124-1834
44247049	GONZALEZ JOSE H & MARIA I	2936 MANDA DR	SAN JOSE CA 95124-1834	2936 MANDA DR	SAN JOSE CA 95124-1834
44247050	LATOS NANCY L TRUSTEE	921 WHITE CLOUD DR	MORGAN HILL CA 95037-6053	2924 MANDA DR	SAN JOSE CA 95124-1834
44247051	KLINE RONALD D TRUSTEE & ET AL	651 INDUSTRIAL WAY UNIT A	LOS GATOS CA 95030-4338	2914 MANDA DR	SAN JOSE CA 95124-1834
44247052	THOMPSON ROCHELLE ET AL	2904 MANDA DR	SAN JOSE CA 95124-1834	2904 MANDA DR	SAN JOSE CA 95124-1834
44247053	KHURD PARMESHWAR	2894 MANDA DR	SAN JOSE CA 95124-1832	2894 MANDA DR	SAN JOSE CA 95124-1832
44247054	RUSSO IVANO G & SARAH E	2882 MANDA DR	SAN JOSE CA 95124-1832	2882 MANDA DR	SAN JOSE CA 95124-1832
44247055	WASSERMAN CLAUDIA W K TRUSTEE	370 SINGING BROOK CIR	SANTA ROSA CA 95409	2872 MANDA DR	SAN JOSE CA 95124-1832
44247056	SUMMERS NELLIE	2862 MANDA DR	SAN JOSE CA 95124-1832	2862 MANDA DR	SAN JOSE CA 95124-1832
44247057	ALAGAPPAN MANIKANDAN	210 AUTREY ST	MILPITAS CA 95035-2607	1776 WEMA WY	SAN JOSE CA 95124-1854
44247058	HARTSON RONALD E	1772 WEMA WAY	SAN JOSE CA 95124-1854	1772 WEMA WY	SAN JOSE CA 95124-1854
44247059	RUIZ JOSEPH F TRUSTEE	P O BOX 26980	SAN JOSE CA 95124	1770 WEMA WY	SAN JOSE CA 95124-1854
44247060	GOESLING WENDELL J & DEBORAH B TRUSTEE	1681 PEREGRINO WAY	SAN JOSE CA 95125-4547	1766 WEMA WY	SAN JOSE CA 95124-1854
44247061	VIEIRA HEIDI	3039 ENSALMO AVE	SAN JOSE CA 95118-1025	1764 WEMA WY	SAN JOSE CA 95124-1854
44247062	PEAT JAY A & KAY TRUSTEE	1762 WEMA WAY	SAN JOSE CA 95124-1854	1762 WEMA WY	SAN JOSE CA 95124-1854
44247063	BRADLEY STEVEN W & DINORA TRUSTEE & ET AL	2854 JULIO AVE	SAN JOSE CA 95124-1811	1758 WEMA WY	SAN JOSE CA 95124-1854

ATTACHMENT 1 APNS FOR TRACT NO. 1098

APN	Owner	Mailing Address	Mailing City State	Situs House Number	Situs City Situs State Situs Zip
44247064	PAN NA & ZHAO ZIQING	15183 ORION RD	SAN LEANDRO CA 94579	1754 WEMA WY	SAN JOSE CA 95124-1854
44248001	RALSTON ROBERT J & JESSICA RAE	1786 WEMA WAY	SAN JOSE CA 95124-1856	1786 WEMA WY	SAN JOSE CA 95124-1856
44248002	JAIN MANISH & VISHWAKARMA MONIKA	2861 MANDA DR	SAN JOSE CA 95124-1833	2861 MANDA DR	SAN JOSE CA 95124-1833
44248003	SINGH SURJIT	2873 MANDA DR	SAN JOSE CA 95124-1833	2873 MANDA DR	SAN JOSE CA 95124-1833
44248004	CHEN RUIFANG	2883 MANDA DR	SAN JOSE CA 95124-1833	2883 MANDA DR	SAN JOSE CA 95124-1833
44248005	CRANE DAVID A & ST JOHN-CRANE SUZANNE	2893 MANDA DR	SAN JOSE CA 95124-1833	2893 MANDA DR	SAN JOSE CA 95124-1833
44248006	ROGERS MARTHA R TRUSTEE	2903 MANDA DR	SAN JOSE CA 95124-1835	2903 MANDA DR	SAN JOSE CA 95124-1835
44248007	GONZALES ROBERTO S & ALICE C	2915 MANDA DR	SAN JOSE CA 95124-1835	2915 MANDA DR	SAN JOSE CA 95124-1835
44248008	TENG YING & XU TIANYI	11717 STONEY PEAK DR UNIT 17	SAN DEIGO CA 92128	2925 MANDA DR	SAN JOSE CA 95124-1835
44248009	GUTIERREZ JAMES A & KATHLEEN	2935 MANDA DR	SAN JOSE CA 95124-1835	2935 MANDA DR	SAN JOSE CA 95124-1835
44248010	HONMYO IAN TADASHI TRUSTEE & ET AL	885 AZALEA DR	SUNNYVALE CA 94086-6742	2945 MANDA DR	SAN JOSE CA 95124-1835
44248011	DAURORA STEVEN L	2955 MANDA DR	SAN JOSE CA 95124-1835	2955 MANDA DR	SAN JOSE CA 95124-1835
44248012	FISHPAW JO ANN C TRUSTEE & ET AL	15 DEL MONTE AVE	LOS ALTOS CA 94022-1203	2967 MANDA DR	SAN JOSE CA 95124-1835
44248013	WOOD LISA & BRIAN	2979 MANDA DR	SAN JOSE CA 95124-1835	2979 MANDA DR	SAN JOSE CA 95124-1835
44248014	DICKINSON NATHAN & CHRISTINE	1763 FOXWORTHY AVE	SAN JOSE CA 95124-2406	1763 FOXWORTHY AV	SAN JOSE CA 95124-2406
44248015	SHEN JOSEPH C T & HSU-YUNG TRUSTEE	1767 FOXWORTHY AVE	SAN JOSE CA 95124-2406	1767 FOXWORTHY AV	SAN JOSE CA 95124-2406
44248016	NANDA SUSANTA K	2992 QUINTO WAY	SAN JOSE CA 95124-1843	2992 QUINTO WY	SAN JOSE CA 95124-1843
44248017	FRANCIS R D TRUSTEE & ET AL	2982 QUINTO WAY	SAN JOSE CA 95124	2982 QUINTO WY	SAN JOSE CA 95124-1843
44248018	JAWADI ZAYDOON A & ASAF ZAINEB M TRUSTEE	12159 DAWN LN	LOS ALTOS HILLS CA 94022	2970 QUINTO WY	SAN JOSE CA 95124-1843
44248019	OU XU	6975 SERENITY WAY	SAN JOSE CA 95120	2958 QUINTO WY	SAN JOSE CA 95124-1843
44248020	JIN JUNG SEOK & CHO KOOK HEE	2944 QUINTO WAY	SAN JOSE CA 95124-1843	2944 QUINTO WY	SAN JOSE CA 95124-1843
44248021	HSU SUSAN P TRUSTEE	PO BOX 1207	DALY CITY CA 94017	2932 QUINTO WY	SAN JOSE CA 95124-1843
44248022	DAILEY SABRINA S & ROGER W	2920 QUINTO WAY	SAN JOSE CA 95124-1843	2920 QUINTO WY	SAN JOSE CA 95124-1843
44248023	MONTANO JOHN P & RITA A	2910 QUINTO WAY	SAN JOSE CA 95124-1843	2910 QUINTO WY	SAN JOSE CA 95124-1843
44248024	BURCIAGA JESUS M & MARIA C TRUSTEE	2898 QUINTO WAY	SAN JOSE CA 95124-1842	2898 QUINTO WY	SAN JOSE CA 95124-1842
44248025	GONZALES MARY ET AL	2886 QUINTO WAY	SAN JOSE CA 95124-1842	2886 QUINTO WY	SAN JOSE CA 95124-1842
44248026	DIOTALEVI DANTE JR & CYNTHIA M	2876 QUINTO WAY	SAN JOSE CA 95124-1842	2876 QUINTO WY	SAN JOSE CA 95124-1842
44248027	CHAU STEVEN V & VUONG NGUGET X	43984 ROSEMERE DR	FREMONT CA 94539-5966	2866 QUINTO WY	SAN JOSE CA 95124-1842
44248028	CHAO CHUNG & CHOW WING YI	1790 WEMA WAY	SAN JOSE CA 95124-1856	1790 WEMA WY	SAN JOSE CA 95124-1856
44248029	GLASER RANN & GLASER KOREN MAAYAN	2830 QUINTO WAY	SAN JOSE CA 95124-1840	2830 QUINTO WY	SAN JOSE CA 95124-1840
44248030	CZUBA LEE H TRUSTEE	PO BOX 370	SOQUEL CA 95073-0370	2822 QUINTO WY	SAN JOSE CA 95124-1840
44248031	TREJO DOROTEO G & PETRA A ET AL	1788 BALSА AVE	SAN JOSE CA 95124-1861	1788 BALSА AV	SAN JOSE CA 95124-1861
44248032	MORENO ANASTACIO & MARIA D	1784 BALSА AVE	SAN JOSE CA 95124-1861	1784 BALSА AV	SAN JOSE CA 95124-1861
44248033	KAO CHIH-JEN TRUSTEE & ET AL	256 DELPHI CIR	LOS ALTOS CA 94022	1782 BALSА AV	SAN JOSE CA 95124-1861
44248034	ROBLES LUIS T & NIDA	530 BUCKWOOD WAY	SACRAMENTO CA 95835	1780 BALSА AV	SAN JOSE CA 95124-1861
44248035	GRIFFIN JAMES P	113 CAMINO PACIFICO	APTOS CA 95003	1778 BALSА AV	SAN JOSE CA 95124-1861
44248036	VILLAREAL JONATHAN	1774 BALSА AVE	SAN JOSE CA 95124-1861	1774 BALSА AV	SAN JOSE CA 95124-1861
44248037	FAGAN KEVIN & TAMARA	1772 BALSА AVE	SAN JOSE CA 95124-1861	1772 BALSА AV	SAN JOSE CA 95124-1861
44248038	GAFFANEY ANTHONY	1660 HUSTED AVE	SAN JOSE CA 95125-5005	1770 BALSА AV	SAN JOSE CA 95124-1861
44248039	YOUNGQUIST DAVID W ET AL	1768 BALSА AVE	SAN JOSE CA 95124-1861	1768 BALSА AV	SAN JOSE CA 95124-1861
44248041	LIU TERENCE A & SCHMIDT URSULE S	1762 BALSА AVE	SAN JOSE CA 95124-1861	1762 BALSА AV	SAN JOSE CA 95124-1861
44248042	LEAL ANTHONY G & ARIAUDO KAREN E	1760 BALSА AVE	SAN JOSE CA 95124-1861	1760 BALSА AV	SAN JOSE CA 95124-1861
44248043	FROESE ROBERT P & SHEILA M TRUSTEE	2771 JULIO AVE	SAN JOSE CA 95124-1810	2771 JULIO AV	SAN JOSE CA 95124-1810
44248044	RIVERA JESUS & LILIA	2785 JULIO AVE	SAN JOSE CA 95124-1810	2785 JULIO AV	SAN JOSE CA 95124-1810

ATTACHMENT 1 APNS FOR TRACT NO. 1098

APN	Owner	Mailing Address	Mailing City State	Situs House Number	Situs City Situs State Situs Zip
44248045	BANDANZA CHRISTOPHER & WILETS BARBARA TRU	1757 WEMA WAY	SAN JOSE CA 95124-1855	1757 WEMA WY	SAN JOSE CA 95124-1855
44248046	AGUIRRE SANDRA K ET AL	1759 WEMA WAY	SAN JOSE CA 95124-1855	1759 WEMA WY	SAN JOSE CA 95124-1855
44248048	SCHLEETER HOWARD M TRUSTEE	1765 WEMA WAY	SAN JOSE CA 95124-1855	1765 WEMA WY	SAN JOSE CA 95124-1855
44248049	CHANG JOSEPH & EATON LORRAINE V	391 GRANDPARK CIR	SAN JOSE CA 95136-2154	1767 WEMA WY	SAN JOSE CA 95124-1855
44248050	KEY RUTH N	1771 WEMA WAY	SAN JOSE CA 95124-1855	1771 WEMA WY	SAN JOSE CA 95124-1855
44248051	WALLACE SUSAN	1773 WEMA WAY	SAN JOSE CA 95124-1855	1773 WEMA WY	SAN JOSE CA 95124-1855
44248052	CARRILLO LUCRECIO N & ESPERANZA R TRUSTEE	886 INVERNESS CT	BRENTWOOD CA 94513	1775 WEMA WY	SAN JOSE CA 95124-1855
44248053	DZIEDZIAK CARLA T	1779 WEMA WAY	SAN JOSE CA 95124-1855	1779 WEMA WY	SAN JOSE CA 95124-1855
44248054	WILSON BRENDON J & ASHLEY L TRUSTEE	1781 WEMA WAY	SAN JOSE CA 95124-1855	1781 WEMA WY	SAN JOSE CA 95124-1855
44248055	STRAMOWSKI MICHAEL & VANESSA	1783 WEMA WAY	SAN JOSE CA 95124-1855	1783 WEMA WY	SAN JOSE CA 95124-1855
44248056	LUI DAVID TRUSTEE & ET AL	4418 BELVEDERE DR	SAN JOSE CA 95129-2307	1787 WEMA WY	SAN JOSE CA 95124-1855
44248057	EVANS CHARLOTTE L	PO BOX 441	SANTA CLARA CA 95052-0441	1764 Balsa AV	SAN JOSE CA 95124-1861
44249001	HAGAWANE GANESH S & ADKE ASHWINI B	1794 Balsa AVE	SAN JOSE CA 95124-1862	1794 Balsa AV	SAN JOSE CA 95124-1862
44249002	KUMAR DEEPAK & RAGHUNATH MEKHALA	2823 QUINTO WAY	SAN JOSE CA 95124-1841	2823 QUINTO WY	SAN JOSE CA 95124-1841
44249003	KELL LISA & PETER	2833 QUINTO WAY	SAN JOSE CA 95124-1841	2833 QUINTO WY	SAN JOSE CA 95124-1841
44249004	LITEL JOSEPH W TRUSTEE	2843 QUINTO WAY	SAN JOSE CA 95124-1841	2843 QUINTO WY	SAN JOSE CA 95124-1841
44249005	GROSUL MIA	2851 QUINTO WAY	SAN JOSE CA 95124-1841	2851 QUINTO WY	SAN JOSE CA 95124-1841
44249006	REN HUIPENG & YANG TINGTING	2863 QUINTO WAY	SAN JOSE CA 95124-1841	2863 QUINTO WY	SAN JOSE CA 95124-1841
44249007	MA HAMILTON W	2875 QUINTO WAY	SAN JOSE CA 95124-1841	2875 QUINTO WY	SAN JOSE CA 95124-1841
44249008	DAHL HARRY & LISA	2885 QUINTO WAY	SAN JOSE CA 95124-1841	2885 QUINTO WY	SAN JOSE CA 95124-1841
44249009	REYES ANNE Y	2895 QUINTO WAY	SAN JOSE CA 95124-1841	2895 QUINTO WY	SAN JOSE CA 95124-1841
44249010	HE YINGJIONG & LUO ZHENHUA	2121 UNIVERSITY AVE	MOUNTAIN VIEW CA 94040-1617	2907 QUINTO WY	SAN JOSE CA 95124-1844
44249011	DAY KENTON S TRUSTEE	19400 CORDELIA AVE	SONORA CA 95370	2917 QUINTO WY	SAN JOSE CA 95124-1844
44249012	CAMPBELL CHRISTOPHER	10214 CHESTNUT PLAZA DR #122	FORT WAYNE IN 46814	2929 QUINTO WY	SAN JOSE CA 95124-1844
44249013	ZHANG TAN	2941 QUINTO WAY	SAN JOSE CA 95124-1844	2941 QUINTO WY	SAN JOSE CA 95124-1844
44249014	JAMES DOUGLAS L	2953 QUINTO WAY	SAN JOSE CA 95124-1844	2953 QUINTO WY	SAN JOSE CA 95124-1844
44249015	MILLER SANDI J TRUSTEE	2965 QUINTO WAY	SAN JOSE CA 95124-1844	2965 QUINTO WY	SAN JOSE CA 95124-1844
44249016	OSIAS JOEL	2977 QUINTO WAY	SAN JOSE CA 95124-1844	2977 QUINTO WY	SAN JOSE CA 95124-1844
44249017	ROTHSTEIN STEPHANIE & NEAL	2987 QUINTO WAY	SAN JOSE CA 95124-1844	2987 QUINTO WY	SAN JOSE CA 95124-1844
44249018	WEISSHAHN CAROL L	1775 FOXWORTHY AVE	SAN JOSE CA 95124-2307	1775 FOXWORTHY AV	SAN JOSE CA 95124-2307
44249019	KIM MYUNG SUB & MIN HYE SUN	1779 FOXWORTHY AVE	SAN JOSE CA 95124-2307	1779 FOXWORTHY AV	SAN JOSE CA 95124-2307
44249020	MARTY ANTHONY J & JENNIFER L	1787 FOXWORTHY AVE	SAN JOSE CA 95124-2308	1787 FOXWORTHY AV	SAN JOSE CA 95124-2308
44249034	FLICKINGER JASON A	1790 VALLA DR	SAN JOSE CA 95124-1868	1790 VALLA DR	SAN JOSE CA 95124-1868
44249035	NEY MICHAEL R	2983 CUSTER DR	SAN JOSE CA 95124-1806	2983 CUSTER DR	SAN JOSE CA 95124-1806
44249036	SOLIS JAVIER A	3845 PRUNERIDGE AVE	SANTA CLARA CA 95051-5855	2986 CUSTER DR	SAN JOSE CA 95124-1804
44249037	CARNEY DONALD J & CAROL G TRUSTEE	2976 CUSTER DR	SAN JOSE CA 95124-1804	2976 CUSTER DR	SAN JOSE CA 95124-1804
44249038	WHITE LINDA S & BAHMANYAR ANDREW A	2964 CUSTER DR	SAN JOSE CA 95124-1804	2964 CUSTER DR	SAN JOSE CA 95124-1804
44249039	DAVILA-MORALES CARLA P	2954 CUSTER DR	SAN JOSE CA 95124-1804	2954 CUSTER DR	SAN JOSE CA 95124-1804
44249040	BALMAAN GARY E & LAURA A	2944 CUSTER DR	SAN JOSE CA 95124-1804	2944 CUSTER DR	SAN JOSE CA 95124-1804
44249041	MITA SADAHISA & YOSHIKO TRUSTEE	2934 CUSTER DR	SAN JOSE CA 95124-1804	2934 CUSTER DR	SAN JOSE CA 95124-1804
44249042	HUNT ROBERT EUGENE & MAUREEN TRUSTEE	17350 HILL RD	MORGAN HILL CA 95037-9704	2922 CUSTER DR	SAN JOSE CA 95124-1804
44249043	KO WENJENG & SHWURONG Y ET AL	2912 CUSTER DR	SAN JOSE CA 95124-1804	2912 CUSTER DR	SAN JOSE CA 95124-1804
44249044	GANZ KIM A TRUSTEE	2902 CUSTER DR	SAN JOSE CA 95124-1804	2902 CUSTER DR	SAN JOSE CA 95124-1804
44249045	TACCI SERGIO A & CYNTHIA B TRUSTEE	1051 BORANDA AVE	MOUNTAIN VIEW CA 94040-3142	2892 CUSTER DR	SAN JOSE CA 95124-1802

ATTACHMENT 1 APNS FOR TRACT NO. 1098

APN	Owner	Mailing Address	Mailing City State	Situs House Number	Situs City Situs State Situs Zip
44249046	PEARSALL JEFF ET AL	2880 CUSTER DR	SAN JOSE CA 95124-1802	2880 CUSTER DR	SAN JOSE CA 95124-1802
44249047	BROWNING ARTHUR J & NANCY C TRUSTEE	2870 CUSTER DR	SAN JOSE CA 95124-1802	2870 CUSTER DR	SAN JOSE CA 95124-1802
44249048	VELAZQUEZ MANUEL J ET AL	2858 CUSTER DR	SAN JOSE CA 95124-1802	2858 CUSTER DR	SAN JOSE CA 95124-1802
44249049	WU HOWARD H & WANG RUEIHUI	2848 CUSTER DR	SAN JOSE CA 95124-1802	2848 CUSTER DR	SAN JOSE CA 95124-1802
44249050	WEDELL RITA R ET AL	2836 CUSTER DR	SAN JOSE CA 95124-1802	2836 CUSTER DR	SAN JOSE CA 95124-1802
44249051	CHAKRABORTY ARINDAM & POMPEE TRUSTEE	980 ROSE BLOSSOM DR	CUPERTINO CA 95014	1798 BALSA AV	SAN JOSE CA 95124-1862

EXHIBIT B

COUNCIL AGENDA: 5/22/18

FILE: 18-581

ITEM: 4.2



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Matt Cano

SUBJECT: SEE BELOW

DATE: May 1, 2018

Approved

Date

5/10/18

COUNCIL DISTRICT: 9

**SUBJECT: VACATION OF THE 25-FOOT AND 12.5-FOOT SETBACK EASEMENTS
WITHIN TRACT NO. 1098**

RECOMMENDATION

Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the vacation of the 25-foot and 12.5-foot light and air easements (“setback easements”) located within Tract No. 1098;
- (b) Vacating the 25-foot and 12.5-foot setback easements located within Tract No. 1098; 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 25-foot and 12.5-foot setback easements located within Tract No. 1098 will be vacated.

BACKGROUND

Deepak Kumar, property owner of 2823 Quinto Way, has submitted an application for the vacation of the 25-foot setback easement on his property, which is Lot 585 of Tract No. 1098. The setback easement was created by dedication on the map of Tract No. 1098 Hacienda Gardens Unit No. 5, recorded on May 25, 1954 in Book 50 of Maps, Pages 18-19, of Official Records, Office of the Recorder, County of Santa Clara, and applies to all properties created by the subdivision. Mr. Kumar has indicated his desire to construct future improvements to his

property that would encroach into the setback easement. The setback easement prohibits a building from encroaching into this area.

On May 1, 2018, the City Council adopted a resolution which declared the Council's intention to vacate the setback easements. The resolution also approved a map showing the setback easements to be vacated, set a Public Hearing for May 22, 2018, at 1:30 p.m., directed the City Clerk to file the vacation map and advertise said public hearing, and directed the Director of Public Works to post the site with a Notice of Vacation.

ANALYSIS

Staff has reviewed the vacation application and determined that the 25-foot setback easement can be vacated as they are not necessary for current or prospective use. Ordinance No. 29821 "An Ordinance of the City of San Jose Amending Title 20 of the Municipal Code to Amend Various Sections of Chapter 20.30...", effective on December 30, 2016, amended the front setback requirement of a single family residence in zoning district R1-8 from 25-feet to 20-feet. Section 20.30.200 of Title 20 of the Municipal Code also requires the side setback for a corner lot single family residence in zoning district R1-8 to be 12.5 feet. Consequently, upon review of the vacation application by Planning staff, it was determined that the 25-foot setback easement on the subject property are no longer necessary for public purposes in favor of the more appropriate current zoning setbacks. Staff also concluded that it is more appropriate to regulate setbacks through the enforcement of the City's zoning code instead of through setback easements. This reduction in the setback was found consistent with the goals of the Envision San Jose 2040 General Plan ("General Plan") to encourage additional density and parking in conventional Residential Zoning Districts.

Since the December 2016 adoption of Ordinance No. 29821, the volume of setback easement vacation requests has increased and staff has been researching methods to streamline the setback easement vacation process. In particular, staff has been coordinating with the City Attorney's Office and the Office of the County Recorder, on a proposal to vacate setback easements per entire subdivisions as opposed to the current practice of vacating setback easements per specific property. Vacating, when appropriate, setback easements by subdivision, would reduce the overall cost to property owners as multiple applications and corresponding costs would not be repeated.

Consequently, because zoning district R1-8 applies to all of Tract No. 1098, staff has determined that the setback easements may be vacated for the entire tract, as all properties in the subdivision will be required to comply with the current setbacks for single family residence in zoning area R1-8 (Municipal Code 20.30.200). Additionally, as this proposed vacation will remove setback easements that conflict with the 2016 Council-approved reduced setback requirements in the City's zoning code for this property, staff finds that the proposed vacation is consistent with and will facilitate a General Plan goal to allow additional density and parking with the zoning district R1-8. Therefore, staff is proposing all of the setback easements within Tract No. 1098 be

proposed for vacation and that setbacks for this subdivision be governed by the current San Jose Municipal Code.

According to the title report issued by Chicago Title Company, Deepak Kumar holds fee ownership to the area being proposed for vacation at 2823 Quinto Way. For the remaining properties within Tract No. 1098, each property owner who holds fee title within the setback easements have been identified through County records. In addition, there are existing public utility easements of varying widths within the tract that will remain on the properties.

EVALUATION AND FOLLOW-UP

If Council approves the resolution vacating the setback easements within Tract No. 1098, no further action by City Council will be required. The City Clerk will record the resolution of vacation at which time the vacation will be complete.

PUBLIC OUTREACH

This memorandum will be posted on the City's website for the May 22, 2018, Council agenda. Additionally, staff will post the site with a Notice of Vacation, file the vacation maps and advertise said public hearing, which alerts the public to the hearing date, location and time.

COORDINATION

This vacation has been coordinated with the Department of Planning, Building and Code Enforcement and the City Manager's Budget Office. The vacation and resolution 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 setback easements is in alignment with the November 2016 Council approval of Ordinance No. 29821 which governs the setback requirements for single family residences in zoning district R1-8.

HONORABLE MAYOR AND CITY COUNCIL

May 1, 2018

Subject: Vacation of the 25-Foot and 12.5-Foot Setback Easements Within Tract No. 1098

Page 4

COST SUMMARY/IMPLICATIONS

The Public Works Department collected cost-recovery fees on November 8, 2017, during fiscal year 2017-2018, of \$5,264 to process the subject vacation. These fees were received to support the Public Works Development Fee Program.

CEQA

Exempt, File No. PP18-013, CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitation.

/s/

MATT CANO

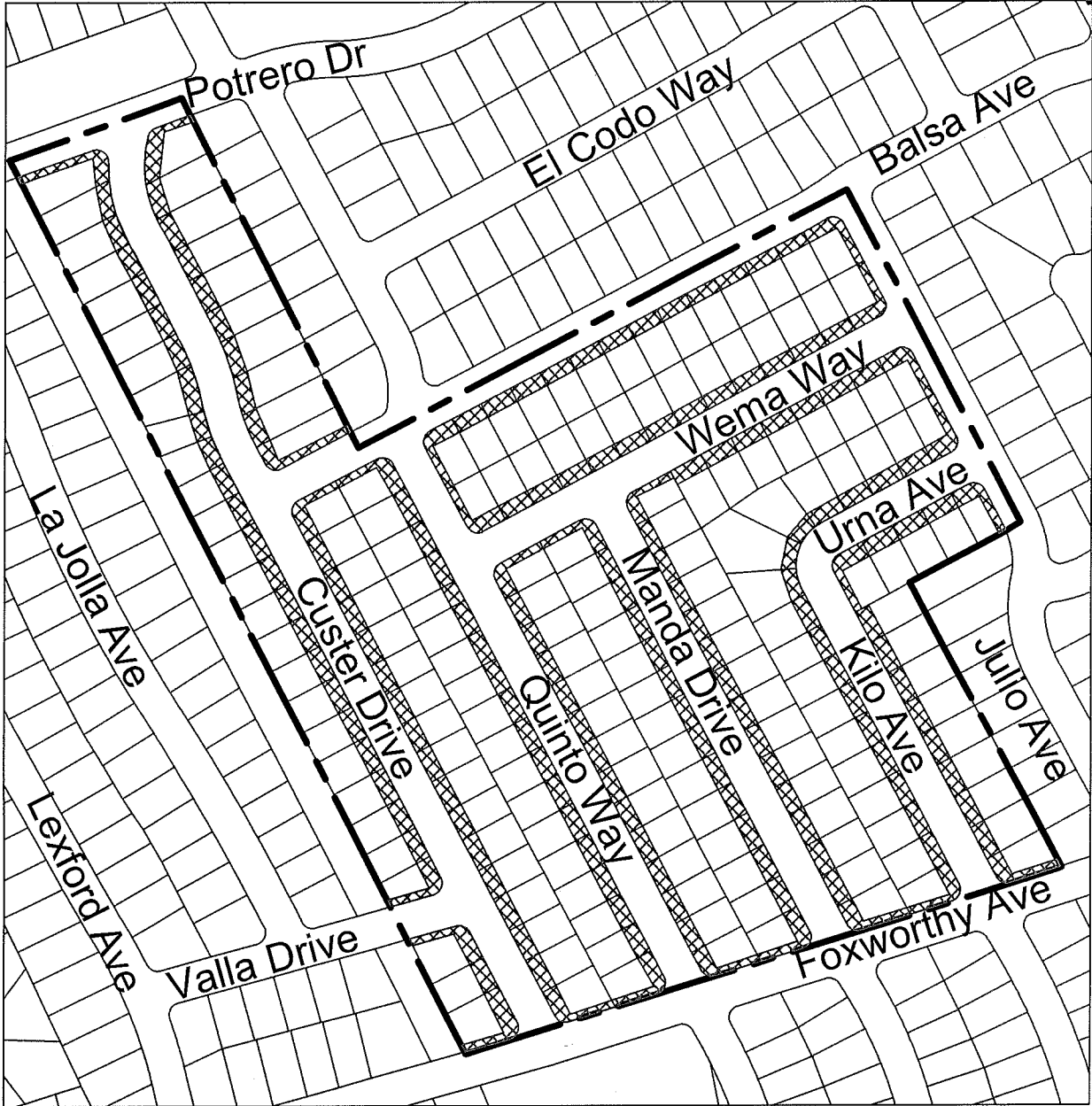
Director of Public Works

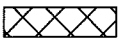

For questions please contact Ryan Do, Division Manager of Public Works, at (408) 535-6899.

Attachment: Location Map

LOCATION MAP

SHOWING THE 25-FOOT AND 12.5-FOOT SETBACK EASEMENTS
WITHIN TRACT NO. 1098 TO BE VACATED



-  AREA TO BE VACATED
-  BOUNDARY OF TRACT 1098

