

ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN JOSE DEDICATING AS PUBLIC RIGHT-OF-WAY AN APPROXIMATELY 10 FOOT WIDE BY 833.50 FOOT LONG PIECE OF CITY-OWNED PROPERTY ALONG THE SOUTH SIDE OF AUZERAIS AVENUE FOR THE PURPOSE OF CONSTRUCTING IMPROVEMENTS AS PART OF THE DEL MONTE PARK PROJECT

WHEREAS, Section 1702 of the San José City Charter provides that the City Council of the City of San José (“City”) by ordinance may authorize the opening, establishment and/or maintenance of streets or other public ways in or through any of the public parks, public places or other public property of the City; and

WHEREAS, in April 2015, the City acquired 3.99 acres of real property as described on Exhibit A to this Ordinance (collectively, “Property”), located at 830 Auzerais Avenue and 496 Sunol Street, to expand of Del Monte Park west toward Sunol Street; and

WHEREAS, on December 6, 2016, the City Council awarded a construction contract to Goodland Landscape Construction for the 8036 - Del Monte Park Phase II Project (“Project”), which project includes a synthetic sports turf area, lighting, fencing, and street frontage improvements on Auzerais Avenue, Home Street and Sunol Street; and

WHEREAS, the existing public right-of-way (“ROW”) along the segment of Auzerais Avenue between Sunol Street and Los Gatos Creek is 60 feet wide and an additional 10 feet of right-of-way (“Additional ROW Area”) is necessary to accommodate the proposed improvements being constructed as part of the Project; and

WHEREAS, the Additional ROW Area is currently owned by the City; and

WHEREAS, the dedication of the Additional ROW Area is in accordance with the Del Monte Park - Phase II Mitigated Negative Declaration, Project File No. PP16-023, which MND was certified and for which findings were adopted by the City Council on September 20, 2016; and

WHEREAS, the City desires to dedicate as public right-of-way the Additional ROW Area to accommodate improvements being constructed as part of the Project;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

The Additional ROW Area, as described in Exhibit A to this Ordinance, is hereby dedicated as public right-of-way.

RD:GDS:LCP
9/13/2017

PASSED FOR PUBLICATION of title this ____ day of _____, 2017 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONY J. TABER, CMC
City Clerk

EXHIBIT A

PUBLIC STREET EASEMENT DEDICATION

All that real property situate in the City of San José, County of Santa Clara, State of California, being a portion of Parcel One as described in that certain Grant Deed recorded on April 16, 2015 as Document Number 22918932, Official Records of Santa Clara County, and also being a portion of the parcel described in that certain Grant Deed recorded on December 13, 2006 as Document Number 19224451, Official Records of Santa Clara County and also being a portion of Parcel 'A' as shown on that certain Parcel Map filed in Book 397 of Maps at Pages 41-42, Santa Clara County Recorder's Office, and also being a portion of Parcel 1 and Parcel 2 as shown on that certain Lot Line Adjustment Permit recorded on August 2, 2005 as Document Number 1850417, Official Records of Santa Clara County and being more particularly described as follows:

BEGINNING at the northwesterly corner of said Parcel 'A' as shown on said Parcel Map, said corner lying at the intersection of the southerly right-of-way line of Auzerais Street and the easterly right-of-way-line of Sunol Street, both lines having a half street width of 25' as shown on said Parcel Map;

Thence from said point North 86°49'13" East, along the northerly line of said Parcel 'A', also being Parcel 2 per said Lot Line Adjustment Permit, 459.86 feet to the most northerly common corner of Parcel 2 and Parcel 1 of said Lot Line Adjustment Permit;

Thence from said common corner North 86°49'13" East along the northerly line of said Parcel 'C', 373.66 feet to the most northerly common corner of said Parcel 'C' and the lands of the Santa Clara Valley Water District as shown on said Parcel Map;

Thence leaving said northerly line South 03°10'48" West along the easterly line of said Parcel 'C' and the westerly line of said Santa Clara Valley Water District parcel, 10.06 feet to a line 10.00 feet southerly and parallel to said northerly line;

Thence leaving said westerly line of Santa Clara Valley Water District parcel, South 86°49'13" West along said parallel line 832.41 feet to the westerly line of said Parcel 'A', said line also being the easterly right-of-way-line of Sunol Street;

Thence leaving said parallel line, North 03°10'00" West along said westerly line 10.00 feet to the POINT OF BEGINNING.

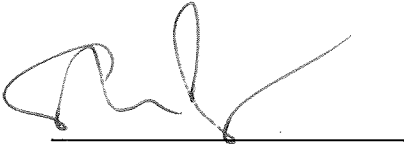
The property described as contains approximately 8,328 square feet (0.19 acres).

This description was prepared from record information and a limited field survey. The Basis of

Bearings for this description is the bearing North 86°49'13" East of the monument line of Auzerais Street as shown on the "Parcel Map" filed in Book 397 of Maps at Pages 41-42, Records of Santa Clara County.

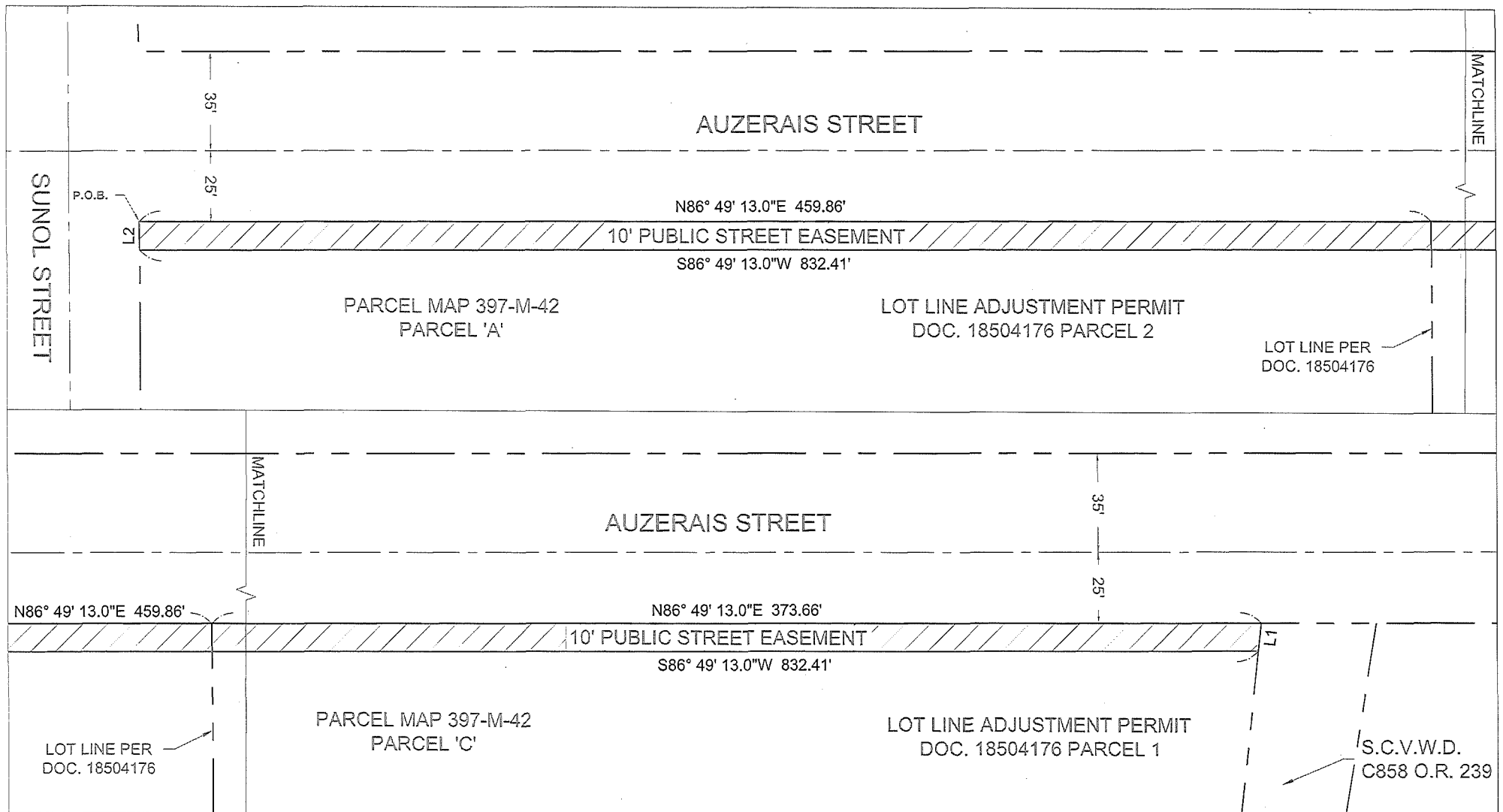
Attached hereto, and by reference a part hereof, is a plat labeled "EXHIBIT A-1 PLAT TO ACCOMPANY LEAGAL DESCRIPTION OF PBLIC STREET EASEMENT DEDICATION" depicting the subject property.

The above description of real property was prepared by me, or under my supervision, in conformance with the requirements of Section 8726 (g, k, l, m) of the Business and Professions Code of the State of California.






Steve G. Choy, PLS 6672





LEGEND

-  AREA WITHIN NEW RIGHT OF WAY CONTAINS APPROXIMATELY 8,328+/- SQ. FT. (0.19 AC.)
-  EXISTING RIGHT OF WAY/PROPERTY LINE
-  MONUMENT LINE
- P.O.B. POINT OF BEGINNING

Line Table		
Line #	Length	Direction
L1	10.06	S03° 10' 48"W
L2	10.00	N03° 10' 00"W



SCALE: 1"=50'

CSJ PROJECT FILE: 18-017

**EXHIBIT A-1
PLAT TO ACCOMPANY LEGAL DESCRIPTION OF
PUBLIC STREET EASEMENT DEDICATION**

PREPARED BY
CITY OF SAN JOSE
SURVEY SECTION
SEPTEMBER 20th, 2017