

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
JOSE VACATING THE PUBLIC EASEMENTS FOR LIGHT
AND AIR LOCATED WITHIN TRACT 1693 UNIT NO. 1**

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 June 4, 2019, the City Council adopted Resolution No. 79102 (“Resolution of Intention”) declaring its intention to vacate the public easements for light and air dedicated on that certain map entitled Tract No. 1693 Friendly Woods Unit No. 1 constituting all that real property situated in the City of San José, County of Santa Clara, State of California (“Subject Property”), more particularly described as:

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. 1693 FRIENDLY WOODS UNIT NO. 1, RECORDED ON MARCH 22, 1956, IN BOOK 68, AT PAGES 4 AND 5, RECORDS OF SANTA CLARA COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THOSE CERTAIN AREAS DEDICATED AS PUBLIC USE EASEMENTS FOR LIGHT AND AIR ON OR OVER THOSE CERTAIN STRIPS OF LAND LYING BETWEEN THE LINES OF THE STREET AND THE DOTTED LINES EACH DESIGNATED AS “B.S.L” (BUILDING SETBACK LINE) AS SHOWN UPON SAID MAP WITHIN TRACT NO. 1693.

WHEREAS, the Resolution of Intention gave notice that on June 25, 2019 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 May 23, 2019, the Director of Public Works approved the map, including exhibits thereto, entitled “Map to Accompany the Legal Description for Vacation of Setback Easements within the Entire Tract No. 1693” (“Map”), attached hereto as “Exhibit A” and incorporated herein, which shows the Subject Property; and

WHEREAS, prior to the public hearing, the 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 Map and a report from the Director of Public Works to the City Council dated _____, 2019 (“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 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 is in conjunction with the application of Sowmyarani Ramarao for the vacation of the 25-foot light and air easement on her property, which is Lot 23 of Tract No. 1693; and
- B. The applicable setbacks for Lot 23 and all other lots within Tract No. 1693 shall be regulated through the City of San José’s Municipal Code; and

C. Government Code Section 65402 does not apply to this vacation.

D. There are other public service easements located within Tract No. 1693 that shall remain and are not proposed for 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 City's General Plan; and

C. All public easements other than those for light and air within Tract No. 1693 are not vacated pursuant to this action.

SECTION 3. Based on the above stated findings and conclusions, the City Council hereby vacates the public easements for light and air located within 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 public service easements for light and air.

ADOPTED this ____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

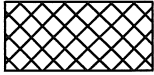
SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

MAP

TO ACCOMPANY THE LEGAL DESCRIPTION FOR VACATION
OF SETBACK EASEMENTS WITHIN THE ENTIRE TRACT NO. 1693



AREA TO BE VACATED



BOUNDARY OF TRACT NO. 1693

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

[Signature]
RYAN DO

APPROVED THIS 23TH DAY OF MAY 2019

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

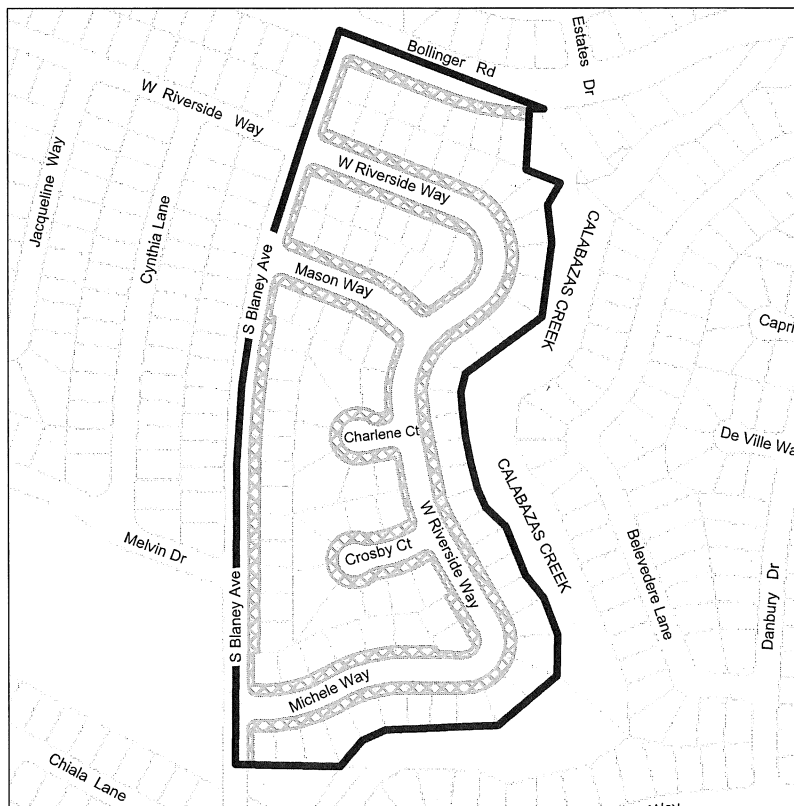


EXHIBIT A-1: TRACT MAP NO. 1693

EXHIBIT B-1: ASSESSOR PARCEL NUMBERS FOR TRACT NO. 1693

TRACT N^o 1693 FRIENDLY WOODS UNIT N^o 1

CONSISTING OF TWO (2) SHEETS
LYING IN THE CITY OF SAN JOSE, CAL.

MACKAY AND SOMPS
CIVIL ENGINEERS
SAN JOSE, CAL.

OWNER'S CERTIFICATE
We hereby certify that we are the owners of that some right, title or interest in and to the real property included within the subdivision shown upon the within map; that we are the only persons whose consent is necessary to pass a clear title to said real property; that we hereby consent to the making of said map and subdivision as shown within the blue border line and that we hereby offer for dedication to the public use all streets and portions of streets not heretofore existing as shown on the within map within said subdivision; we also hereby dedicate easements for public utilities under and over those certain strips of land delineated and designated as "Public Utility Easement" and easements under and over those strips of land 20 feet wide by 30 feet in length, centered on lot lines and designated as "Public Utility Easement"; the 30 feet in length measured from the adjoining lot line. We also dedicate for storm drain purposes only those certain strips of land delineated and designated as "S.D.E." (Storm Drain Easement). We also dedicate for public use easements for light and air on or over those certain strips of land delineated between the lines of streets and the dotted lines each designated as "E.S.L." (Easement Strip of Land) as shown on the within map of said subdivision. Such strips of land and the Public Utility Easements above mentioned to be kept open and free from buildings and structures of any kind except irrigation systems and appurtenances thereof and lawful uses of any kind except those to the City of San Jose that contain and disqualify a "Clear Dedication" for storm water drainage facilities and the maintenance thereof.

CITY OF CALIFORNIA
COUNTY OF SAN FRANCISCO

On this 28 day of February, 1966, before me, James S. Slattery, a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared Charles V. Williams, Esq., known to me to be the vice-pres. of the said Mackay and Sumps, and also known to me to be the person who executed the within instrument in the capacity of trustee, and he acknowledged to me that such corporation 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.

My Commission Expires 22 October 1966

James S. Slattery
NOTARY PUBLIC

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

On this 28 day of February, 1966, before me, James S. Slattery, a Notary Public in and for the said County and State, residing therein, duly commissioned and sworn, personally appeared Charles V. Williams, Esq., known to me to be the vice-pres. of the said Mackay and Sumps, and also known to me to be the person who executed the within instrument in the capacity of trustee, and he acknowledged to me that such corporation 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.

My Commission Expires 2-6 1967

James S. Slattery
NOTARY PUBLIC

PENINSULA TITLE GUARANTY COMPANY, a California corporation, Trustee.

By Charles V. Williams
Vice President

By Charles V. Williams
Vice President

CITY OF SAN JOSE, CALIFORNIA, a California corporation, Trustee.

By Charles V. Williams
Vice President

By Charles V. Williams
Vice President

CERTIFICATE OF CITY ENGINEER

I hereby certify that I have examined the within final map of TRACT N^o 1693, FRIENDLY WOODS, UNIT N^o 1, that the subdivision as shown thereon is substantially the same as it appeared on the tentative map and any proposed alterations thereof that all provisions of the Subdivision Map Act as amended and of any local ordinance applicable at the time of approval of the tentative map have been complied with and that I am satisfied that said map is technically correct.

Dated March 12, 1966

James S. Slattery
CITY ENGINEER OF THE CITY OF SAN JOSE, CALIFORNIA

CERTIFICATE OF CITY CLERK

I hereby certify that this map, designated as TRACT N^o 1693, FRIENDLY WOODS, UNIT N^o 1, consisting of two (2) sheets, was approved by the City Council of the City of San Jose at a meeting of said Council held on the 12 day of February, 1966, and that said Council did at said meeting accept the dedication of all streets and portions of streets, all easements and the "Clear Dedication" as offered for dedication and shown on said map within said subdivision.

James S. Slattery
CITY CLERK OF THE CITY OF SAN JOSE, CAL.

APPROVAL BY CITY PLANNING COMMISSION

Approved by the City Planning Commission of the City of San Jose at its regular meeting held on the 20 day of February, 1966.

James S. Slattery
SECRETARY, CITY OF SAN JOSE PLANNING COMMISSION

CERTIFICATE OF ENGINEER

I, GEORGE E. SOMPS, hereby certify that I am a Registered Civil Engineer of the State of California; that this map, consisting of two (2) sheets, correctly represents a survey made under my supervision during February, 1966; that the survey is true and complete as shown; that all the monuments shown thereon actually exist or will be placed upon completion of street improvement work; that their positions are correctly shown and that such monuments are sufficient to enable the survey to be retraced.

Dated Feb. 28, 1966.

George E. Sumps
REGISTERED CIVIL ENGINEER, CERTIFICATE NO. 9718

CERTIFICATE OF COUNTY RECORDER

FILE NO. 1191911 FEE \$500 PAID.

Accepted for record and filed in Book 68 of Maps at Pages 4 and 5 in the office of the County Recorder of Santa Clara County, California, this 22nd day of March, 1966, at 3:35 minutes past 1 o'clock P..M.

Sgt. C. TULLY, County Recorder of Santa Clara County, Cal.

By James S. Slattery
SEAL

SHEET N^o ONE (1) OF TWO (2) SHEETS

106-35

5



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D4

EXHIBIT B-1: ASSESSOR PARCEL NUMBERS FOR TRACT NO. 1693 (ROLL YEAR 2018-2019)

APN	Mailing Address	Mailing City State	Mailing Zip
37323001	1092 S BLANEY AV	SAN JOSE CA	95129-2805
37323002	1088 S BLANEY AV	SAN JOSE CA	95129-2805
37323003	1084 S BLANEY AV	SAN JOSE CA	95129-2805
37323004	1080 S BLANEY AV	SAN JOSE CA	95129-2805
37323005	1076 S BLANEY AV	SAN JOSE CA	95129-2805
37323006	1072 S BLANEY AV	SAN JOSE CA	95129-2805
37323007	1068 S BLANEY AV	SAN JOSE CA	95129-2805
37323008	1062 S BLANEY AV	SAN JOSE CA	95129-2805
37323009	1058 S BLANEY AV	SAN JOSE CA	95129-2805
37323010	1052 S BLANEY AV	SAN JOSE CA	95129-2805
37323011	1048 S BLANEY AV	SAN JOSE CA	95129-2805
37323012	1044 S BLANEY AV	SAN JOSE CA	95129-2805
37323013	6790 MASON WY	SAN JOSE CA	95129-2827
37323014	6780 MASON WY	SAN JOSE CA	95129-2827
37323015	6772 MASON WY	SAN JOSE CA	95129-2827
37323016	6764 MASON WY	SAN JOSE CA	95129-2827
37323017	1059 W RIVERSIDE WY	SAN JOSE CA	95129-2862
37323018	6751 CHARLENE CT	SAN JOSE CA	95129-2850
37323019	6759 CHARLENE CT	SAN JOSE CA	95129-2850
37323020	6765 CHARLENE CT	SAN JOSE CA	95129-2850
37323021	6770 CHARLENE CT	SAN JOSE CA	95129-2850
37323022	6764 CHARLENE CT	SAN JOSE CA	95129-2850
37323023	6758 CHARLENE CT	SAN JOSE CA	95129-2850
37323024	1071 W RIVERSIDE WY	SAN JOSE CA	95129-2829
37323025	6745 CROSBY CT	SAN JOSE CA	95129-2818
37323026	6753 CROSBY CT	SAN JOSE CA	95129-2818
37323027	6761 CROSBY CT	SAN JOSE CA	95129-2818
37323028	6771 CROSBY CT	SAN JOSE CA	95129-2818
37323029	6768 CROSBY CT	SAN JOSE CA	95129-2818
37323030	6760 CROSBY CT	SAN JOSE CA	95129-2818
37323031	6754 CROSBY CT	SAN JOSE CA	95129-2818
37323032	6748 CROSBY CT	SAN JOSE CA	95129-2818
37323033	6740 CROSBY CT	SAN JOSE CA	95129-2818
37323034	1089 W RIVERSIDE WY	SAN JOSE CA	95129-2864
37323035	6711 MICHELE WY	SAN JOSE CA	95129-2831
37323036	6729 MICHELE WY	SAN JOSE CA	95129-2831
37323037	6739 MICHELE WY	SAN JOSE CA	95129-2831
37323038	6749 MICHELE WY	SAN JOSE CA	95129-2831
37323039	6761 MICHELE WY	SAN JOSE CA	95129-2831
37323040	6775 MICHELE WY	SAN JOSE CA	95129-2831
37323041	6791 MICHELE WY	SAN JOSE CA	95129-2831
37324001	6794 MICHELE WY	SAN JOSE CA	95129-2830
37324002	6784 MICHELE WY	SAN JOSE CA	95129-2830
37324003	6774 MICHELE WY	SAN JOSE CA	95129-2830
37324004	6762 MICHELE WY	SAN JOSE CA	95129-2830
37324005	6750 MICHELE WY	SAN JOSE CA	95129-2830

EXHIBIT B-1: ASSESSOR PARCEL NUMBERS FOR TRACT NO. 1693 (ROLL YEAR 2018-2019)

APN	Mailing Address	Mailing City State	Mailing Zip
37324006	6740 MICHELE WY	SAN JOSE CA	95129-2830
37324007	6730 MICHELE WY	SAN JOSE CA	95129-2830
37324008	6722 MICHELE WY	SAN JOSE CA	95129-2830
37324009	6714 MICHELE WY	SAN JOSE CA	95129-2830
37324010	6708 MICHELE WY	SAN JOSE CA	95129-2830
37324011	6702 MICHELE WY	SAN JOSE CA	95129-2830
37324012	1098 W RIVERSIDE WY	SAN JOSE CA	95129-2863
37324013	1094 W RIVERSIDE WY	SAN JOSE CA	95129-2863
37324014	1090 W RIVERSIDE WY	SAN JOSE CA	95129-2863
37324015	1088 W RIVERSIDE WY	SAN JOSE CA	95129-2863
37324016	1084 W RIVERSIDE WY	SAN JOSE CA	95129-2863
37324017	1080 W RIVERSIDE WY	SAN JOSE CA	95129-2863
37324018	1078 W RIVERSIDE WY	SAN JOSE CA	95129-2863
37324019	1074 W RIVERSIDE WY	SAN JOSE CA	95129-2861
37324020	1070 W RIVERSIDE WY	SAN JOSE CA	95129-2861
37324021	1068 W RIVERSIDE WY	SAN JOSE CA	95129-2861
37324022	1064 W RIVERSIDE WY	SAN JOSE CA	95129-2861
37324023	1060 W RIVERSIDE WY	SAN JOSE CA	95129-2861
37324024	1054 W RIVERSIDE WY	SAN JOSE CA	95129-2861
37324025	1052 W RIVERSIDE WY	SAN JOSE CA	95129-2861
37324026	1050 W RIVERSIDE WY	SAN JOSE CA	95129-2861
37324027	1048 W RIVERSIDE WY	SAN JOSE CA	95129-2859
37324028	1044 W RIVERSIDE WY	SAN JOSE CA	95129-2859
37324029	1053 W RIVERSIDE WY	SAN JOSE CA	95129-2860
37324030	6759 MASON WY	SAN JOSE CA	95129-2828
37324031	6767 MASON WY	SAN JOSE CA	95129-2828
37324032	6775 MASON WY	SAN JOSE CA	95129-2828
37324033	6785 MASON WY	SAN JOSE CA	95129-2828
37324034	6795 MASON WY	SAN JOSE CA	95129-2828
37324035	1021 W RIVERSIDE WY	SAN JOSE CA	95129-2860
37324036	1025 W RIVERSIDE WY	SAN JOSE CA	95129-2860
37324037	1027 W RIVERSIDE WY	SAN JOSE CA	95129-2860
37324038	1029 W RIVERSIDE WY	SAN JOSE CA	95129-2860
37324039	1031 W RIVERSIDE WY	SAN JOSE CA	95129-2860
37324040	1033 W RIVERSIDE WY	SAN JOSE CA	95129-2860
37324041	1043 W RIVERSIDE WY	SAN JOSE CA	95129-2860
37325001	1042 W RIVERSIDE WY	SAN JOSE CA	95129-2859
37325002	1040 W RIVERSIDE WY	SAN JOSE CA	95129-2859
37325003	1038 W RIVERSIDE WY	SAN JOSE CA	95129-2859
37325004	1034 W RIVERSIDE WY	SAN JOSE CA	95129-2859
37325005	1032 W RIVERSIDE WY	SAN JOSE CA	95129-2859
37325006	1030 W RIVERSIDE WY	SAN JOSE CA	95129-2859
37325007	1028 W RIVERSIDE WY	SAN JOSE CA	95129-2859
37325008	1024 W RIVERSIDE WY	SAN JOSE CA	95129-2859
37325009	1020 W RIVERSIDE WY	SAN JOSE CA	95129-2859
37325010	6790 BOLLINGER RD	SAN JOSE CA	95129-2845

EXHIBIT B-1: ASSESSOR PARCEL NUMBERS FOR TRACT NO. 1693 (ROLL YEAR 2018-2019)

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37325011	6774 BOLLINGER RD	SAN JOSE CA	95129-2845
37325012	6760 BOLLINGER RD	SAN JOSE CA	95129-2845
37325013	6746 BOLLINGER RD	SAN JOSE CA	95129-2845
37325014	6734 BOLLINGER RD	SAN JOSE CA	95129-2845
37325015	6722 BOLLINGER RD	SAN JOSE CA	95129-2845
37325016	6710 BOLLINGER RD	SAN JOSE CA	95129-2845

Exhibit B

To be attached