

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE
DESIGNATING AS PUBLIC RIGHT-OF-WAY
APPROXIMATELY 775 SQUARE FEET OF CITY-OWNED
PROPERTY LOCATED ON THE WEST SIDE OF MOUNT
PLEASANT ROAD FOR THE PURPOSE OF
CONSTRUCTING IMPROVEMENTS AS PART OF THE
MOUNT PLEASANT PEDESTRIAN AND BIKE TRAFFIC
SAFETY IMPROVEMENTS 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, the City owns property (Assessor’s Parcel No. 647-24-042) located on the west side of Mt. Pleasant Road, northwest of Mt. Pleasant Court (“Property”); and

WHEREAS, the City is implementing the Mt. Pleasant Pedestrian & Bike Traffic Safety Improvements Project (“Project”) on Mt. Pleasant Road, between Rocky Mountain Drive and Mt. Pleasant Court, which includes construction of missing sidewalk, enhanced crosswalks, and upgrading existing curb ramps and street lighting; and

WHEREAS, the City desires to dedicate as additional public right-of-way approximately 775 square feet (0.018 acres) on the southeast corner of the Property (“Additional ROW Area”), which would allow the new sidewalk and roadway improvements to transition smoothly into the existing sidewalk and roadway;

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 and accepted into the City's street system as part of Mount Pleasant Road.

PASSED FOR PUBLICATION of title this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT A

LEGAL DESCRIPTION

All that certain Real Property situate in the City of San José, County of Santa Clara, State of California, being a portion of that parcel of land granted to the City of San José by City Title Insurance Company in that certain grant deed recorded as Document No. 2546294 on December 31, 1963, Santa Clara County Records, and as shown on that Tract Map No. 2450 Mt. Pleasant Unit No. 13 filed for record April 28, 1960 in Book 132 of Maps at Page 7, Santa Clara County Records, and being more particularly described as follows:

Commencing at the point of intersection of the Southwesterly line of Mt. Pleasant Road (20-foot half width) with the most Easterly corner of the lands of Borelli, as shown upon said Tract Map No. 2450;

Thence along said Southwesterly line of said Mt. Pleasant Road, South 49° 58' 46" East 134.94 feet to the **True Point of Beginning** for this description;

Thence leaving said Southwesterly line, along a tangent curve to the right with a radius of 28.00 feet and a central angle of 51° 35' 29", having an arc length of 25.21 feet;

Thence along a reverse curve to the left with a radius of 38.00 feet, a central angle of 51° 14' 27", and having an arc length of 33.98 feet with a radial bearing of South 40° 22' 16" West to the Northerly corner of Parcel A, as shown upon that certain Parcel Map filed for record in the office of the Recorder of the County of Santa Clara, State of California, on December 21, 2004 in Book 779 of Maps, Page 38;

Thence continuing along the projected Northerly line of said Parcel A, North 57° 03' 00" East 26.15 feet to said Southwesterly line of Mt. Pleasant Road, as shown upon said Tract Map No. 2450;

Thence along said Southwesterly line, North 49° 58' 46" West 59.13 feet, to the **True Point of Beginning**.


The property described above contains approximately 775 square feet (0.018 acres).

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

Attached hereto and by reference a part hereto is a plat labeled "EXHIBIT A-1 PLAT TO ACCOMPANY LEGAL DESCRIPTION" depicting the subject property.

The Basis of Bearings for this description is the Bearing North 49° 58' 46" West, on the Monument line as shown upon that certain Parcel Map filed for record in the office of the Recorder of the County of Santa Clara, State of California, on December 21, 2004 in Book 779 of Maps, Page 38;

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

