

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SUMMARILY VACATING AN APPROXIMATELY 25,702 SQUARE FOOT PORTION OF GRANITE ROCK WAY WITH THE RESERVATION OF A PUBLIC SERVICE EASEMENT OVER THE ENTIRE AREA BEING 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 a portion of a street that lies within property under one ownership and does not continue through such ownership or end touching property of another, 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 25,702 square foot portion of Granite Rock Way from the northerly terminus of the roadway to approximately 400 feet south reserving from the vacation a public service easement over the vacated area ("Subject Property") constituting all that real property situated in the City of San José, County of Santa Clara, State of California, more particularly described as:

BEING A PORTION OF GRANITE ROCK WAY, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD ON NOVEMBER 19, 1979, IN BOOK 454 OF MAPS, PAGE 27, SANTA CLARA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY TERMINUS OF THAT CERTAIN COURSE SHOWN AS "NORTH 25°52'56" EAST, 342.64 FEET", BEING A POINT IN THE SOUTHEASTERLY LINE OF PARCEL 2 AS SHOWN UPON THAT CERTAIN PARCEL MAP FILED FOR RECORD ON OCTOBER 16, 1978, IN BOOK 428 OF MAPS, PAGE 21, SANTA CLARA COUNTY RECORDS, ALSO BEING ON THE NORTHWESTERLY LINE OF GRANITE ROCK WAY. THENCE ALONG SAID NORTHWESTERLY LINE AND THE GENERAL NORTHEASTERLY, SOUTHEASTERLY AND SOUTHWESTERLY LINES OF GRANITE ROCK WAY THE

FOLLOWING SIX COURSES:

1. THENCE NORTH 25°52'56" EAST, 342.64 FEET;
2. THENCE ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 33°33'26" FOR AN ARC LENGTH OF 17.57 FEET;
3. THENCE ALONG A REVERSE CURVE TO THE RIGHT, HAVING A RADIUS OF 42.00 FEET, THROUGH A CENTRAL ANGLE OF 247°06'52" FOR AN ARC LENGTH OF 181.14 FEET;
4. THENCE ALONG A REVERSE CURVE TO THE LEFT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 33°33'26" FOR AN ARC LENGTH OF 17.57 FEET;
5. THENCE SOUTH 25°52'56" WEST, 342.64 FEET;
6. THENCE NORTHWESTERLY, ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 42.00 FEET, WHOSE CENTER BEARS SOUTH 71°28'01" WEST, THROUGH A CENTRAL ANGLE OF 91°10'10" FOR AN ARC LENGTH OF 66.83 FEET, TO THE POINT OF BEGINNING.

CONTAINING 25,702 SQUARE FEET, 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 March 28, 2019 entitled "MAP SHOWING THE VACATION OF APPROXIMATELY 400 FEET OF GRANITE ROCK WAY WITH THE RESERVATION OF A PUBLIC SERVICE EASEMENT OVER THE AREA BEING VACATED" showing the Subject Property; and

**WHEREAS**, attached to this Resolution as Exhibit "B" and incorporated herein is a copy of the report, dated \_\_\_\_\_ 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 (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 a portion of a street that lies within property under one ownership and does not continue through such ownership or end touching property of another; 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 a public service easement 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 therefrom a public service easement and all rights necessary to construct, maintain, operate, modify, enlarge, replace, remove and renew any and all in-place and future public utility facilities located within the Subject Portion, said public service easement 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 will constitute a public service easement.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

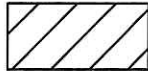
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TONI J. TABER, CMC  
City Clerk

# EXHIBIT A

## MAP


SHOWING THE VACATION OF APPROXIMATELY 400 FEET OF  
GRANITE ROCK WAY WITH THE RESERVATION OF A PUBLIC  
SERVICE EASEMENT OVER THE AREA BEING VACATED



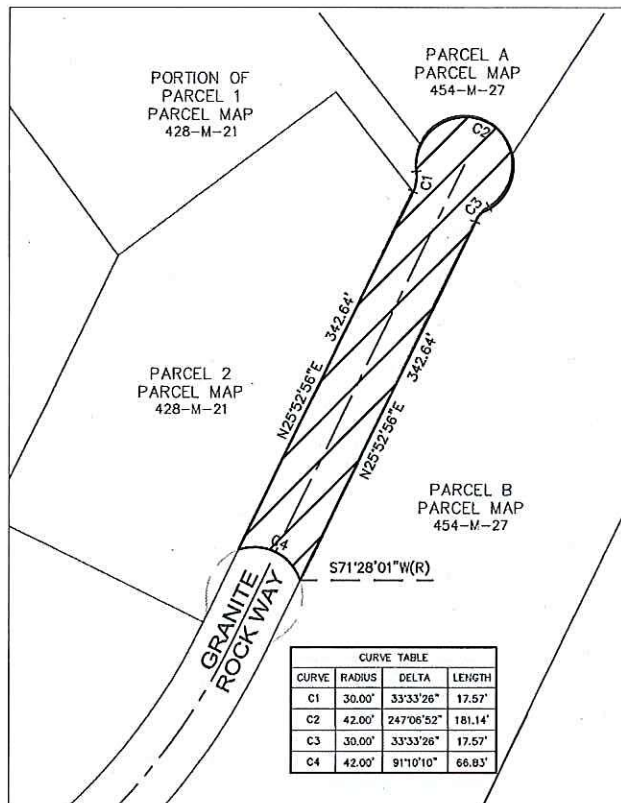
AREA TO BE VACATED

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

*For*  RYAN DO  
MATTHEW CANO  
DIRECTOR OF PUBLIC WORKS,  
CITY OF SAN JOSE

APPROVED THIS 28<sup>TH</sup> DAY OF MARCH 2019



**EXHIBIT B**

To Be Attached