

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SUMMARILY VACATING A 702 SQUARE FOOT PORTION OF A 5-FOOT WIRE CLEARANCE EASEMENT AND A 2,258 SQUARE FOOT PORTION OF A 15-FOOT PUBLIC SERVICE EASEMENT AT 3860 SUNCREST AVENUE**

**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 service easement if the City Council determines that it is excess and there are no other public facilities located within the easement, 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 a 702 square foot portion of a Wire Clearance Easement and a 2,258 square foot portion of a Public Service Easement ("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:

**WIRE CLEARANCE EASEMENT:**

BEING A PORTION OF PARCEL 3, AS SAID PARCEL IS SHOWN ON THAT PARCEL MAP FILED ON NOVEMBER 27, 1984 IN BOOK 536 OF MAPS AT PAGE 23, SANTA CLARA COUNTY OFFICIAL RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL 3 OF SAID PARCEL MAP (536-MAPS-23) AND THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 3, NORTH 15°47'20" EAST 17.36 FEET TO THE NORTHEASTERLY LINE OF A 15 FOOT PUBLIC SERVICE EASMENT (P.S.E.), AS SHOWN ON THAT TRACT MAP NO. 3279 RECORDED ON JULY 26, 1962 IN BOOK 150 OF MAPS AT PAGES 19-21, SANTA CLARA COUNTY OFFICIAL RECORDS AND THE POINT OF BEGINNING;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE NORTHEASTERLY LINE OF SAID 15 FOOT P.S.E., NORTH 44°00'00" WEST 142.94 FEET TO THE NORTHEASTERLY LINE OF SAID PARCEL 3;

THENCE ALONG SAID NORTHEASTERLY LINE OF SAID PARCEL 3, NORTH 69°20'23" EAST 5.45 FEET;

THENCE SOUTHEASTERLY AND PARALLEL WITH SAID NORTHEASTERLY LINE OF SAID P.S.E., SOUTH 44°00'00" EAST 137.87 FEET TO SAID EASTERLY LINE OF SAID PARCEL 3;

THENCE ALONG SAID EASTERLY LINE OF SAID PARCEL 3, SOUTH 15°47'20" WEST 5.79 FEET TO THE POINT OF BEGINNING.

CONTAINS 702 SQUARE FEET, MORE OR LESS.

PUBLIC SERVICE EASEMENT:

BEING A PORTION OF PARCEL 3, AS SAID PARCEL IS SHOWN ON THAT PARCEL MAP FILED ON NOVEMBER 27, 1984 IN BOOK 536 OF MAPS AT PAGE 23, SANTA CLARA COUNTY OFFICIAL RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL 3 OF SAID PARCEL MAP (536-MAPS-23) AND THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 3, NORTH 44°00'00" WEST 158.15 FEET TO THE WESTERLY CORNER OF SAID PARCEL 3;

THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 3, NORTH 69°20'23" EAST 16.34 FEET TO THE SOUTHWESTERLY LINE OF A 5 FOOT WIRE CLEARANCE EASMENT (W.C.E.), AS SHOWN ON THAT TRACT MAP NO. 3279 RECORDED ON JULY 26, 1962 IN BOOK 150 OF MAPS AT PAGES 19-21, SANTA CLARA COUNTY OFFICIAL RECORDS;

THENCE ALONG SAID SOUTHWESTERLY LINE OF SAID W.C.E., PARALLEL TO SAID SOUTHWESTERLY LINE OF SAID PARCEL 3, SOUTH 44°00'00" EAST 142.94 FEET TO THE EASTERLY LINE OF SAID PARCEL 3;

THENCE ALONG SAID EASTERLY LINE OF SAID PARCEL 3, SOUTH 15°47'20" WEST 17.36 FEET TO THE POINT OF BEGINNING.

CONTAINS 2258 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 May 29, 2019 entitled “MAP SHOWING A 5-FOOT WIRE CLEARANCE EASEMENT AND 15-FOOT PUBLIC SERVICE EASEMENT AT 3860 SUNCREST AVE TO BE VACATED” showing the Subject Property; and

**WHEREAS**, attached to this Resolution as Exhibit “B” and incorporated herein is a copy of the report, dated **COUNCIL MEMO DATE** 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 excess and there are no other public facilities located within the easement; and
- B. The vacation is consistent with the City’s General Plan; and
- C. There are no in-place public utility facilities that are in use and would be affected by the vacation.

**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.

**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 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 TABER, CMC  
City Clerk

# MAP


SHOWING A 5-FOOT WIRE CLEARANCE EASEMENT AND 15-FOOT PUBLIC SERVICE EASEMENT AT 3860 SUNCREST AVE TO BE VACATED

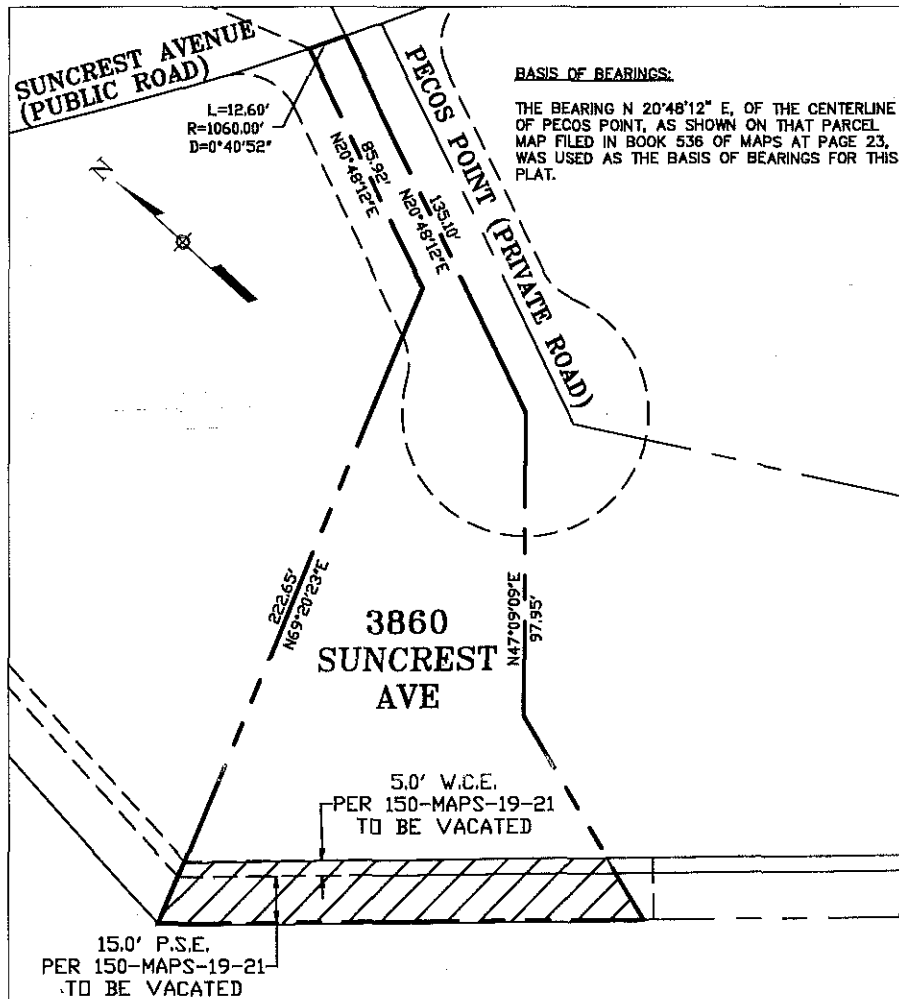


AREA TO BE VACATED

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

 RYAN DO APPROVED THIS 29<sup>TH</sup> DAY OF MAY 2019  
MATT CANO  
DIRECTOR OF PUBLIC WORKS,  
CITY OF SAN JOSE



**Exhibit B**

To be attached