

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
JOSE VACATING THE PUBLIC EASEMENTS FOR LIGHT
AND AIR LOCATED WITHIN TRACT 6285**

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. 79103 (“Resolution of Intention”) declaring its intention to vacate the public easements for light and air dedicated on that certain map entitled Tract No. 6285 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. 6285, RECORDED ON SEPTEMBER 20, 1978, IN BOOK 426, AT PAGES 56 AND 57, 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 STREETS AND THE DASHED LINES EACH DESIGNATED AS “B.S.L.” (BUILDING SETBACK LINE) AS SHOWN UPON SAID MAP WITHIN TRACT NO. 6285.

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. 6285” (“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 Charmein Locascio for the vacation of the 25-foot light and air easement on her property, which is Lot 5 of Tract No. 6285; and
- B. The applicable setbacks for Lot 5 and all other lots within Tract No. 6285 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. 6285 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. 6285 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

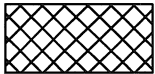
ATTEST:

TONI J. TABER, CMC
City Clerk

Exhibit A

MAP

TO ACCOMPANY THE LEGAL DESCRIPTION FOR VACATION
OF SETBACK EASEMENTS WITHIN THE ENTIRE TRACT NO. 6285



AREA TO BE VACATED



BOUNDARY OF TRACT NO. 6285

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

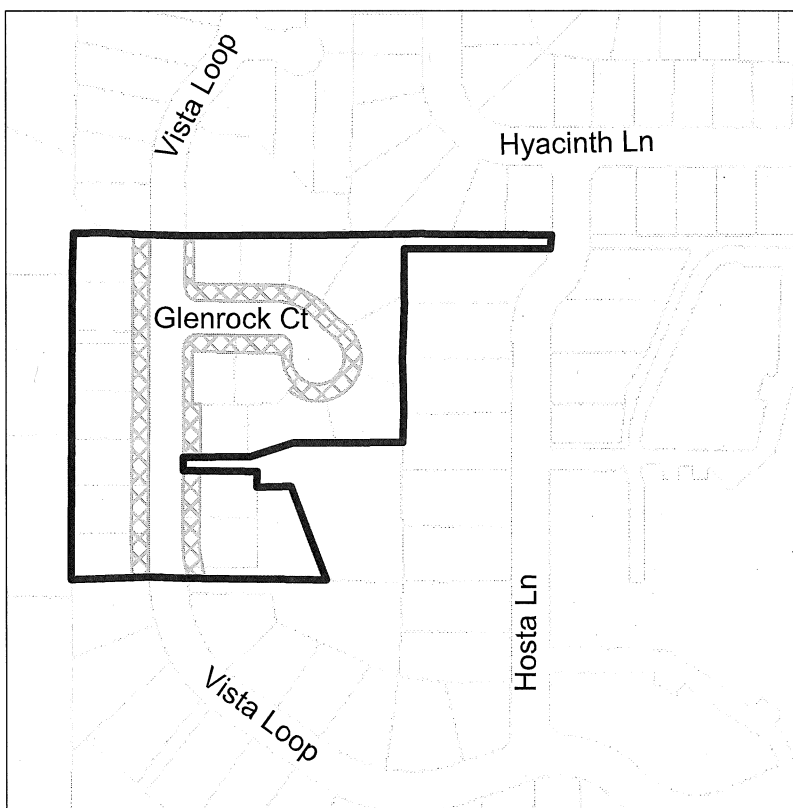


EXHIBIT A-1: TRACT MAP NO. 6285

EXHIBIT B-1: ASSESSOR PARCEL NUMBERS FOR TRACT NO. 6285

EXHIBIT A-1: TRACT MAP NO. 6285

OWNER'S CERTIFICATE

We hereby certify that we are the owners of or have some right, title or interest in and to the real property included within the subdivision shown upon the herein 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 public use all streets and portions of streets not heretofore existing as shown upon said map within the subdivision and we also hereby dedicate easements for any and all public uses under, upon or over said streets and said portions thereof. We also hereby dedicate for public use easements for light and air on or over those certain strips of land lying between the lines of streets and the dashed lines each designated as "B.S.L." (Building Setback Line) and shown on said map within said subdivision, such strips of land to be kept open and free of buildings and structures of any kind except public service structures, irrigation systems and appurtenances thereto, lawful above overhangs and fireplaces. We also hereby dedicate for public use easements for any and all public service facilities including wires, conduits, and gas, water and heat mains and all public utilities and all appurtenances to the above under upon or over those certain strips of land lying between the lines of lots and the dashed lines each designated as "P.S.E." (Public Service Easement) and shown on said map within said subdivision, such strips of land to be kept open and free of buildings and structures of any kind except utility company structures and lawful fences. We also hereby dedicate to public use easement for the planting, maintaining and removal of trees in and upon those certain strips of land designated as "T.E." (Tree Easement) provided that no trees shall be planted thereon or removed therefrom without the written permission of the City of San Jose, and subject to such terms and conditions as are imposed on such permission by the said City. There is also shown on the herein map easements for storm drainage purposes designated as "P.S.D.E." (Private Storm Drainage Easement) and also shown are easements for sanitary sewer purposes designated as "P.S.S.E." (Private Sanitary Sewer Easement) for the installation and maintenance of private storm drainage and sanitary sewer facilities. These easements are to be kept open and free from buildings and structures of any kind except public utility structures, irrigation systems and appurtenances thereto and lawful fences. The maintenance repair and or replacement of private storm drainage and sanitary sewer facilities shall be the sole responsibility of the lot owner on whose lot the facility lies. These responsibilities shall be created by appropriate covenants, conditions and restrictions.

OWNER: McBAIN & GIBBS, INC., a California Corporation

By Robert A. Gibbs (Pres.) By Paul H. Gibbs (Sec.)

TRUSTEE: CONTINENTAL AUXILIARY CO., a California Corporation.

By Paul H. Gibbs By Paul H. Gibbs Asst. Secretary

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA } s.s.
On July 28, 1978, before me the undersigned a Notary Public in and for said County and State personally appeared Robert A. Gibbs known to me to be the President of the corporation that executed the within instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same pursuant to its by-laws or a resolution of its Board of Directors. Witness my hand and official seal the day and year first herein above written. My commission expires December 7, 1979.

NOTARY PUBLIC IN AND FOR THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

TRACT NO. 6285

CONSISTING OF TWO (2) SHEETS

BEING A PORTION OF SECTION 19, T. 8 S., R. 1 E., M.D.B. & M.
LYING WITHIN THE CITY OF SAN JOSE,
COUNTY OF SANTA CLARA, CALIFORNIA

SCALE: 1" = 60'

JUNE, 1978

CHARLES W. DAVIDSON CO.

CONSULTING CIVIL ENGINEERS

90 EAST 41ST ROAD SAN JOSE, CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA } s.s.
On July 28, 1978, before me the undersigned a Notary Public in and for said County and State personally appeared Robert A. Gibbs known to me to be the President of the corporation that executed the within instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same pursuant to its by-laws or a resolution of its Board of Directors. Witness my hand and official seal the day and year first herein above written. My commission expires February 28, 1982.

NOTARY PUBLIC IN AND FOR THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA } s.s.
On July 28, 1978, before me the undersigned a Notary Public in and for said County and State personally appeared Robert A. Gibbs known to me to be the President of the corporation that executed the within instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same pursuant to its by-laws or a resolution of its Board of Directors. Witness my hand and official seal the day and year first herein above written. My commission expires February 28, 1982.

NOTARY PUBLIC IN AND FOR THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA } s.s.
On July 28, 1978, before me the undersigned a Notary Public in and for said County and State personally appeared Robert A. Gibbs known to me to be the President of the corporation that executed the within instrument on behalf of the corporation therein named and acknowledged to me that such corporation executed the same pursuant to its by-laws or a resolution of its Board of Directors. Witness my hand and official seal the day and year first herein above written. My commission expires February 28, 1982.

NOTARY PUBLIC IN AND FOR THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

COUNTY RECORDER'S CERTIFICATE

Accepted and recorded in Book 426 of Maps at Pages 56 and 57 in the office of the County Recorder of Santa Clara County, California this 20th day of September 1978 at 53 minutes past 2:00 o'clock P.M.

FILE NO. 6142715
FEE \$ 200 PAID

George A. Martin - COUNTY RECORDER
BY: Blaine Young DEPUTY

CIVIL ENGINEER'S CERTIFICATE

I, Ray R. Bold, 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 MAY 1978; that the survey is true and complete as shown, that all monuments shown thereon actually exist or will be placed on or before AUG 1980; that said monuments are sufficient to enable the survey to be retraced and that their positions are correctly shown.

DATE: 7-28-78

Ray R. Bold - CIVIL ENGINEER
R.E.E. NO. 14218

CITY ENGINEER'S CERTIFICATE

I, A. R. Turturici, hereby certify that this map designated TRACT NO. 6285 has been examined by me, that the subdivision shown hereon is substantially the same as it appeared on the approved Tentative Map and any approved alterations thereof, that all provisions of the Subdivision Map Act, as amended, and of any local ordinances 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.

DATE: Aug. 11, 1978

A. R. Turturici - CITY ENGINEER
BY: J. P. Easton DEPUTY

APPROVAL OF THE DIRECTOR OF PLANNING

Approved by the Director of Planning of the City of San Jose, State of California on the 7th day of DECEMBER 1977.

John Hamilton - DIRECTOR OF PLANNING
BY: William J. Phillips DEPUTY

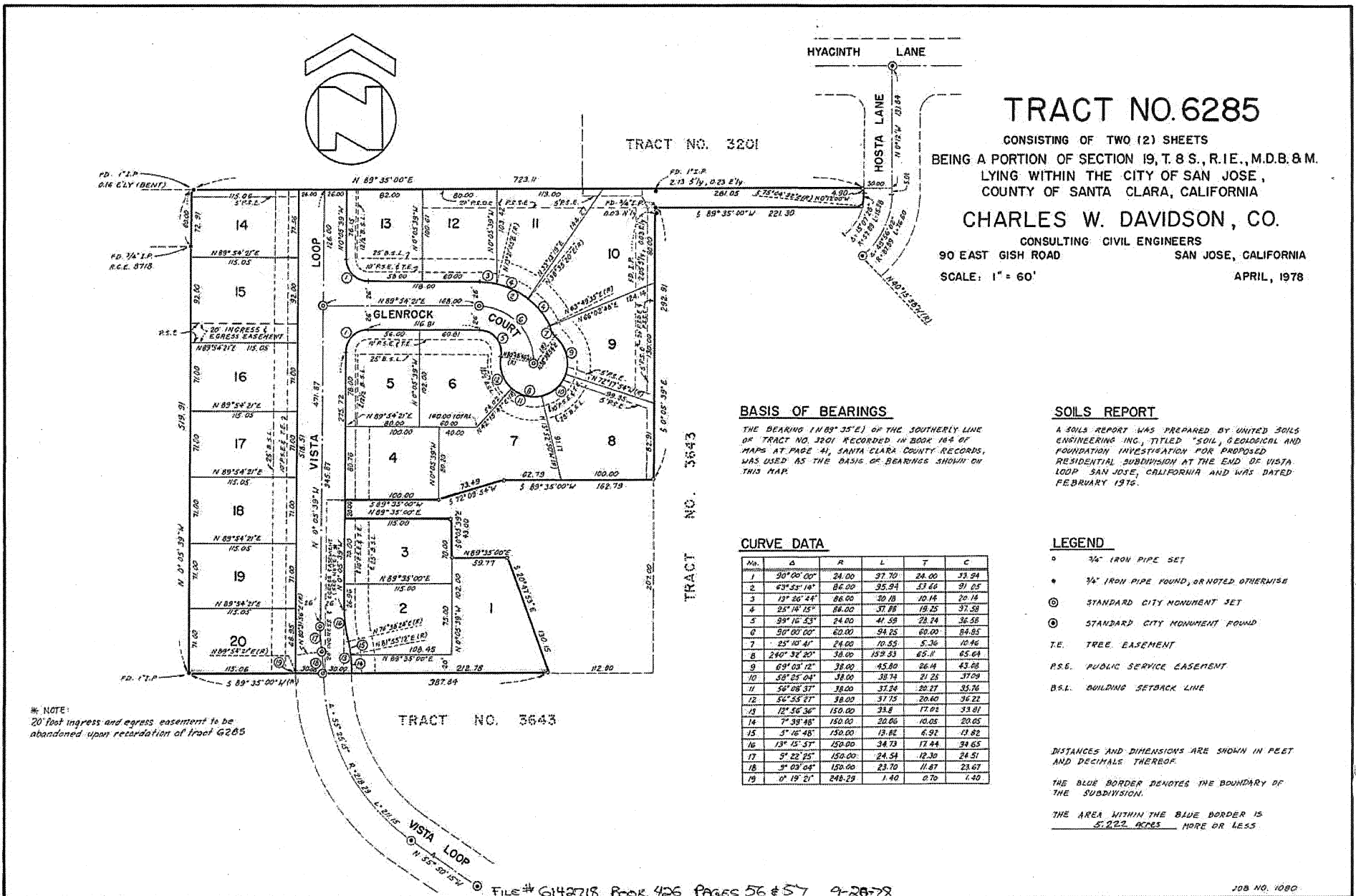
CITY CLERK'S CERTIFICATE

I hereby certify that the within final map of TRACT NO. was approved by the City Council of the City of San Jose at a regular meeting of said Council on the 13th day of August, 1978 and that said Council did at said meeting accept the dedication of all streets and portions of streets and all easements offered for dedication and shown on said map within said subdivision.

Francis L. Greiner - CITY CLERK
BY: Jamie J. Perkins DEPUTY
CITY CLERK AND EX-OFFICIO CLERK OF THE CITY COUNCIL OF SAN JOSE



EXHIBIT A-1: TRACT MAP NO. 6285



BASIS OF BEARINGS

THE BEARINGS (N 89° 35' E) OF THE SOUTHERLY LINE OF TRACT NO. 3201 RECORDED IN BOOK 184 OF MAPS AT PAGE 41, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.

CURVE DATA

No.	Δ	R	L	T	C
1	90° 00' 00"	24.00	37.70	24.00	33.94
2	63° 55' 18"	86.00	35.34	53.66	91.05
3	13° 26' 44"	86.00	30.18	10.14	20.14
4	25° 14' 15"	86.00	37.88	19.25	37.58
5	39° 16' 53"	24.00	41.58	28.24	36.58
6	50° 00' 00"	60.00	94.25	60.00	84.85
7	25° 10' 41"	24.00	10.55	5.36	10.46
8	240° 32' 20"	38.00	159.53	65.11	65.64
9	69° 03' 12"	38.00	45.80	26.14	43.88
10	58° 25' 04"	38.00	38.74	21.25	37.09
11	56° 08' 37"	38.00	37.24	20.27	35.76
12	56° 55' 27"	38.00	37.75	20.60	36.22
13	12° 56' 36"	150.00	33.8	17.02	33.81
14	7° 39' 48"	150.00	20.06	10.05	20.05
15	3° 16' 48"	150.00	13.81	6.92	13.82
16	13° 15' 37"	150.00	34.73	17.44	34.65
17	5° 22' 25"	150.00	24.54	12.30	24.51
18	3° 03' 04"	150.00	23.70	11.87	23.67
19	0° 19' 21"	248.25	1.40	0.70	1.40

SOILS REPORT

A SOILS REPORT WAS PREPARED BY UNITED SOILS ENGINEERING INC., TITLED "SOIL, GEOLOGICAL AND FOUNDATION INVESTIGATION FOR PROPOSED RESIDENTIAL SUBDIVISION AT THE END OF VISTA LOOP SAN JOSE, CALIFORNIA AND WAS DATED FEBRUARY 1976.

LEGEND

- 3/4" IRON PIPE SET
- 3/4" IRON PIPE FOUND, OR NOTED OTHERWISE
- ⊙ STANDARD CITY MONUMENT SET
- ⊙ STANDARD CITY MONUMENT FOUND
- T.E. TREE EASEMENT
- P.S.E. PUBLIC SERVICE EASEMENT
- B.S.L. BUILDING SETBACK LINE

DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.

THE BLUE BORDER DENOTES THE BOUNDARY OF THE SUBDIVISION.

THE AREA WITHIN THE BLUE BORDER IS 5.222 ACRES MORE OR LESS.

42C
57

EXHIBIT B-1: ASSESSOR PARCEL NUMBERS FOR TRACT NO. 6285 (ROLL YEAR 2018-2019)

APN	Mailing Address	Mailing City State	Mailing Zip
56721044	5958 Vista Lp	San Jose CA	95124-6562
56721045	5956 Vista Lp	San Jose CA	95124-6562
56721046	5950 Vista Lp	San Jose CA	95124-6562
56721047	5942 Vista Lp	San Jose CA	95124-6562
56721048	1670 Glenrock Ct	San Jose CA	95124-6563
56721049	1668 Glenrock Ct	San Jose CA	95124-6563
56721050	1664 Glenrock Ct	San Jose CA	95124-6563
56721051	1656 Glenrock Ct	San Jose CA	95124-6563
56721052	1655 Glenrock Ct	San Jose CA	95124-6563
56721053	1659 Glenrock Ct	San Jose CA	95124-6563
56721054	1663 Glenrock Ct	San Jose CA	95124-6563
56721055	1667 Glenrock Ct	San Jose CA	95124-6563
56721056	1671 Glenrock Ct	San Jose CA	95124-6563
56721057	5931 Vista Lp	San Jose CA	95124-6528
56721058	5935 Vista Lp	San Jose CA	95124-6528
56721059	5937 Vista Lp	San Jose CA	95124
56721060	5939 Vista Lp	San Jose CA	95124-6528
56721061	5943 Vista Lp	San Jose CA	95124-6528
56721062	5947 Vista Lp	San Jose CA	95124-6528
56721063	5951 Vista Lp	San Jose CA	95124-6528
56721064	5955 Vista Lp	San Jose CA	95124-6528

Exhibit B

To be attached