

ORDINANCE NO.

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN JOSE DEDICATING AS PUBLIC RIGHT-OF-WAY
APPROXIMATELY 21,799 SQUARE FEET OF CITY-
OWNED PROPERTY NORTH OF STORY ROAD AS KNOX
AVENUE TO ALIGN WITH EXISTING PUBLIC
IMPROVEMENTS**

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, Knox Avenue is located north of Story Road on City-owned property within a portion of Emma Prusch Memorial Park (“Park”); and

WHEREAS, on September 13, 2005, Council adopted Ordinance No. 27538 amending Ordinance 27474 to appropriate moneys in the Parks and Recreation Bond Projects Fund for a City project that included realignment of a portion of Knox Avenue in order to incorporate an adjacent lot as part of the Park’s overflow parking (“Project”); and

WHEREAS, the realigned portion of Knox Avenue was constructed to a width of approximately thirty-five feet (35’); and

WHEREAS, the additional 21,799 square feet of right-of-way to be dedicated, as more particularly described in Exhibits A and B hereto (“Additional ROW Area”), aligns with the existing street improvements constructed as part of the Project; and

WHEREAS, a CALTRANS maintenance yard, a private auto body shop and future public storage will utilize the Additional ROW Area for access to their properties and

dedication of the Additional ROW Area as public right-of-way will maintain adequate public access to these properties; and

WHEREAS, Section 1805 of the California Streets and Highways Code provides that the width of all city streets shall be at least forty feet (40'), except that the governing body of any city may determine, by a four-fifths vote of its membership, that the public convenience and necessity demand the acquisition, construction and maintenance of a street of less than forty feet (40'); and

WHEREAS, on January 9, 2018, under File No. H17-041, the dedication of the Additional ROW Area was found to be categorically exempt from environmental review per Section 15332 of the State Guidelines for implementation of the California Environmental Quality Act of 1970, as amended;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. The street improvements constructed to realign Knox Avenue are sufficient to accommodate public traffic and the public convenience and necessity demand that the Additional ROW Area be dedicated as public right-of-way to align with the improvements.
2. The Additional ROW Area is hereby dedicated as public right-of-way and accepted into the City's street system as part of Knox Avenue.

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PASSED FOR PUBLICATION of title this ____ day of _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONY J. TABER, CMC
City Clerk



October 19, 2019

Job No. 17-2240

EXHIBIT "A"
LEGAL DESCRIPTION
KNOX AVENUE STREET DEDICATION

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, being described as follows:

BEGINNING at the North corner of "New" Parcel A, as said parcel is described in that certain Lot Line Adjustment Permit recorded January 23, 2019 under Recording Number 24101490, Santa Clara County Records, said point being in the Southeastern Right-of-Way line of Knox Avenue as described in that certain document entitled "Relinquishment of Highway Right of Way in the City of San Jose, Road 04-SC1-101-34.4-35.6, Request No. 31423" recorded August 25, 1697 in Book 7835 of Official Records, at Page 37, Santa Clara County Records; thence from said Point of Beginning, North $50^{\circ}33'04''$ East along said Southeastern line, 30.55 feet to the **TRUE POINT OF BEGINNING** of this description; thence continuing along said Southeastern line, North $50^{\circ}33'04''$ East 48.73 feet; thence leaving said Southeastern line, South $38^{\circ}56'13''$ East 127.94 feet; thence southeasterly along a tangent curve to the left, having a radius of 57.00 feet, through a central angle of $44^{\circ}54'44''$, an arc distance of 44.68 feet to a point of compound curvature; thence easterly along a compound curve to the left having a radius of 40.00 feet, through a central angle of $29^{\circ}32'08''$, an arc distance of 20.62 feet to a point of compound curvature; thence northeasterly along a compound curve to the left, having a radius of 70.00 feet, through a central angle of $13^{\circ}04'15''$, an arc distance of 15.97 feet to a point of compound curvature; thence northeasterly along a compound curve to the left, having a radius of 20.00 feet, through a central angle of $9^{\circ}41'26''$, an arc distance of 3.38 feet; thence North $43^{\circ}51'14''$ East 235.98 feet; thence easterly and southeasterly along a tangent curve to the right, having a radius of 65.00 feet, through a central angle of $98^{\circ}34'39''$, an arc distance of 111.83 feet; thence South $37^{\circ}34'07''$ East 0.94 feet; thence southeasterly along a tangent curve to the left, having a radius of 20.00 feet, through a central angle of $91^{\circ}52'49''$, an arc distance of 32.07 feet to a point with a radial bearing of South $39^{\circ}26'56''$ East, said point being in the Northwest Right-of-Way line of Story Road as said line is shown upon that certain map entitled "Right-of-Way Record Map, R40.14"; thence along said Northwest line, South $50^{\circ}33'04''$ West 81.03 feet; thence leaving said line, Northerly along a curve to the left, from a point with a radial bearing of South $82^{\circ}28'29''$ East, having a radius of 15.00 feet, through central angle of $30^{\circ}11'49''$, an arc distance of 7.91 feet to a point of compound curvature; thence northwesterly along a compound curve to the left, having a radius of 60.00 feet, through a central angle of $20^{\circ}07'05''$, an arc distance of 21.07 feet to point of compound curvature; thence southwesterly along a compound curve to the left, having a radius of

26.00 feet, through a central angle of $93^{\circ}21'23''$, an arc distance of 42.36 feet; thence South $43^{\circ}51'14''$ West 203.37 feet; thence southwesterly along a tangent curve to the left, having a radius of 85.00 feet, through a central angle of $2^{\circ}59'58''$, an arc distance of 4.45 feet to a point of reverse curvature; thence southwesterly along a reverse curve to the right, having a radius of 105.00 feet, through a central angle of $25^{\circ}00'54''$, an arc distance of 45.84 feet to a point of compound curvature; thence westerly along a compound curve to the right, having a radius of 79.00 feet, through a central angle of $40^{\circ}51'19''$, an arc distance of 56.33 feet to a point of compound curvature; thence northwesterly along a compound curve to the right, having a radius of 93.00 feet, through a central angle of $34^{\circ}20'18''$, an arc distance of 55.74 feet; thence North $38^{\circ}56'13''$ West 108.87 feet; thence westerly along a tangent curve to the left, having a radius of 20.00 feet, through a central angle of $68^{\circ}40'59''$, and arc length of 23.97 feet to the said **TRUE POINT OF BEGINNING**.

Containing 21,799 square feet of land, more or less.

The bearing of North $37^{\circ}36'04''$ West along the Northeast line of "New" Parcel A, as described in the Line Adjustment Permit recorded January 23, 2019 under Recording Number 24101490, Santa Clara County Records was taken as the basis of bearings for this description.

The above described street dedication is graphically depicted on the attached exhibit "B" plat to accompany description: Knox Avenue Street Dedication and made a part of this description by reference hereto.

This legal description was prepared by me or under my direction of the Professional Land Surveyor's Act.

Mitchell Duryea, PLS 5660
Duryea & Associates, P.S.
PO Box 7400
Spokane, WA 99207
October 19, 2019
Job No. 17-2240

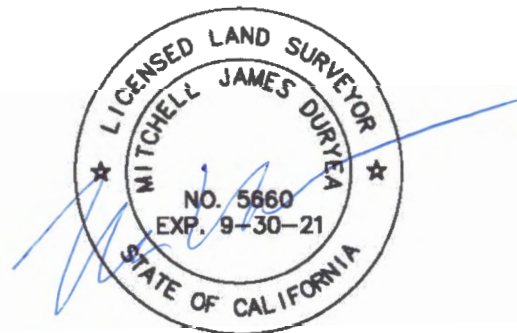


EXHIBIT B

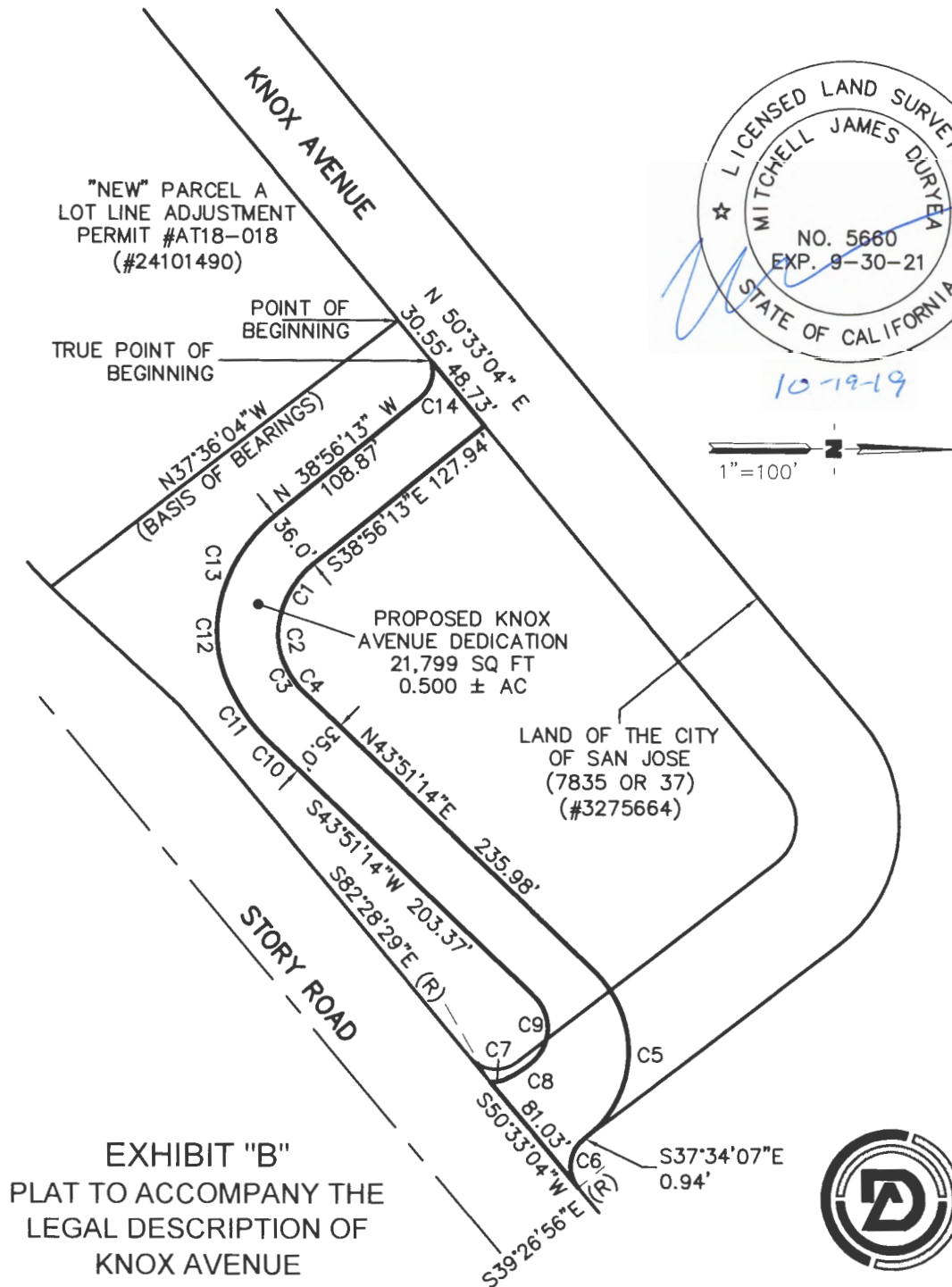




EXHIBIT "B"
 PLAT TO ACCOMPANY THE
 LEGAL DESCRIPTION OF
 KNOX AVENUE
 STREET DEDICATION
 SAN JOSE, CA
 SHEET 2 OF 2

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	57.00'	44°54'44"	44.68'
C2	40.00'	29°32'08"	20.62'
C3	70.00'	13°04'15"	15.97'
C4	20.00'	9°41'26"	3.38'
C5	65.00'	98°34'39"	111.83'
C6	20.00'	91°52'49"	32.07'
C7	15.00'	30°11'49"	7.91'
C8	60.00'	20°07'05"	21.07'
C9	26.00'	93°21'23"	42.36'
C10	85.00'	2°59'58"	4.45'
C11	105.00'	25°00'54"	45.84'
C12	79.00'	40°51'19"	56.33'
C13	93.00'	34°20'18"	55.74'
C14	20.00'	68°40'59"	23.97'



DURYEA & ASSOCIATES
 2702 N. Perry Street
 Spokane, WA 99207
 JOB NO. 17-2240