

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE CONDITIONALLY VACATING AN
APPROXIMATELY 14,348 SQUARE FOOT PORTION OF
PARK AVENUE LOCATED BETWEEN ALMADEN
BOULEVARD AND MARKET STREET**

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authorizes the City Council to summarily vacate a public street if the City Council determines that it has been superseded by relocation, and there are no in-place public utility facilities that are in use and would be affected by the vacation; and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, after the satisfaction of the condition set forth in Section 3 of this Resolution, summarily vacate an approximately 14,348 square foot portion of Park Avenue between Almaden Boulevard and Market Street located along the CityView (APN 259-41-054, -057, -066, -067, -068, & -070) Park Avenue frontage between South Almaden Boulevard and Market Street ("Subject Property") constituting:

ALL THAT LAND SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF PARK AVENUE SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED FOR RECORD ON MAY 13, 1968 IN BOOK 237 OF MAPS AT PAGE 24, SANTA CLARA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF PARCEL 3 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD ON OCTOBER 28, 1983 IN BOOK 520 OF MAPS, AT PAGES 40-42, SAID POINT ALSO BEING THE NORTHERLY TERMINUS OF A CURVE ON THE NORTHWESTERLY LINE OF SAID PARK AVENUE;

THENCE ALONG SAID NORTHWESTERLY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. ALONG THE ARC OF A SAID CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, TO WHICH POINT A RADIAL LINE BEARS SOUTH 58° 34' 08" WEST, THROUGH A CENTRAL ANGLE OF 91° 05' 45", FOR AN ARC DISTANCE OF 79.50 FEET;
2. NORTH 57° 28' 23" EAST, 640.06 FEET;

3. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 88° 08' 23", FOR AN ARC DISTANCE OF 76.92 FEET TO A POINT OF CUSP ON THE SOUTHWESTERLY LINE OF MARKET STREET AS SHOWN ON SAID RECORD OF SURVEY;

THENCE SOUTHERLY ALONG THE PROLONGATION OF SAID SOUTHWESTERLY LINE SOUTH 30° 39' 59" EAST, 41.48 FEET;

THENCE ALONG THE FOLLOWING SEVEN (7) COURSES AND DISTANCES:

1. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 24.00 FEET, THROUGH A CENTRAL ANGLE OF 90° 06' 00", FOR AN ARC DISTANCE OF 37.74 FEET;
2. SOUTH 59° 26' 00" WEST, 349.83 FEET;
3. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 215.50 FEET, THROUGH A CENTRAL ANGLE OF 12° 45' 27", FOR AN ARC DISTANCE OF 47.98 FEET;
4. SOUTH 46° 40' 33" WEST, 139.13 FEET;
5. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 184.50 FEET, THROUGH A CENTRAL ANGLE OF 12° 36' 19", FOR AN ARC DISTANCE OF 40.59 FEET;
6. SOUTH 59° 16' 52" WEST, 117.43 FEET;
7. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 24.00 FEET, THROUGH A CENTRAL ANGLE OF 89° 17' 16", FOR AN ARC DISTANCE OF 37.40 FEET TO A POINT ON THE SOUTHEASTERLY PROLONGATION OF SAID SOUTHWESTERLY LINE OF PARCEL 3;

THENCE NORTHERLY ALONG SAID PROLONGATION NORTH 31° 25' 52" WEST, 60.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 14,348± SQUARE FEET.

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 23, 2021 entitled "MAP SHOWING THE SUMMARY VACATION OF A PORTION OF PARK AVENUE ALONG THE CITYVIEW PARK AVENUE FRONTAGE BETWEEN SOUTH ALMADEN BOULEVARD AND MARKET STREET " showing the Subject Property; and

WHEREAS, attached to this Resolution as Exhibit "B" and incorporated herein is a copy of the report, dated March 26, 2021 that was submitted to the City Council setting forth

the facts justifying the conditional 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 has been superseded by relocation and the vacation of the Subject Property would not cut off all access to a person's property which, prior to the relocation, adjoined the street; 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 no in-place public utility facilities located within the Subject Property that would be affected by the proposed vacation; and
- F. The public convenience and necessity does not require the reservation of a public service easement; and

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, subject to the condition stated in Section 3 below, the Subject Property.

SECTION 3. The vacation of the Subject Property shall be conditioned on, and shall not occur until, the owner of the CityView properties executes a City-Private Developer Agreement and provides bonds as required therein, which agreement guarantees, among other things, that: (i) public improvements will be constructed to conform the Subject Property to the Park Avenue Reconfiguration Plan, as said plan is described in the Report; and (ii) all existing public utility facilities within the Subject Property will be relocated within the new Park Avenue right-of-way contemplated by the Park Avenue Reconfiguration Plan.

SECTION 4. After receiving written confirmation from both the Director of Public Works and the Office of the City Attorney that the condition in Section 3 has been satisfied, 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 a public street.

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ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

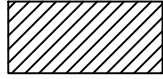
TONI J. TABER, CMC
City Clerk

Exhibit A

[Exhibit follows on next page]

MAP

MAP SHOWING THE SUMMARY VACATION OF A PORTION OF PARK AVENUE
ALONG THE CITYVIEW PARK AVENUE FRONTAGE BETWEEN SOUTH ALMADEN
BOULEVARD AND MARKET STREET



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

 APPROVED THIS 23rd DAY OF MARCH 2021
for MATTHEW CANO
DIRECTOR OF PUBLIC WORKS,
CITY OF SAN JOSE

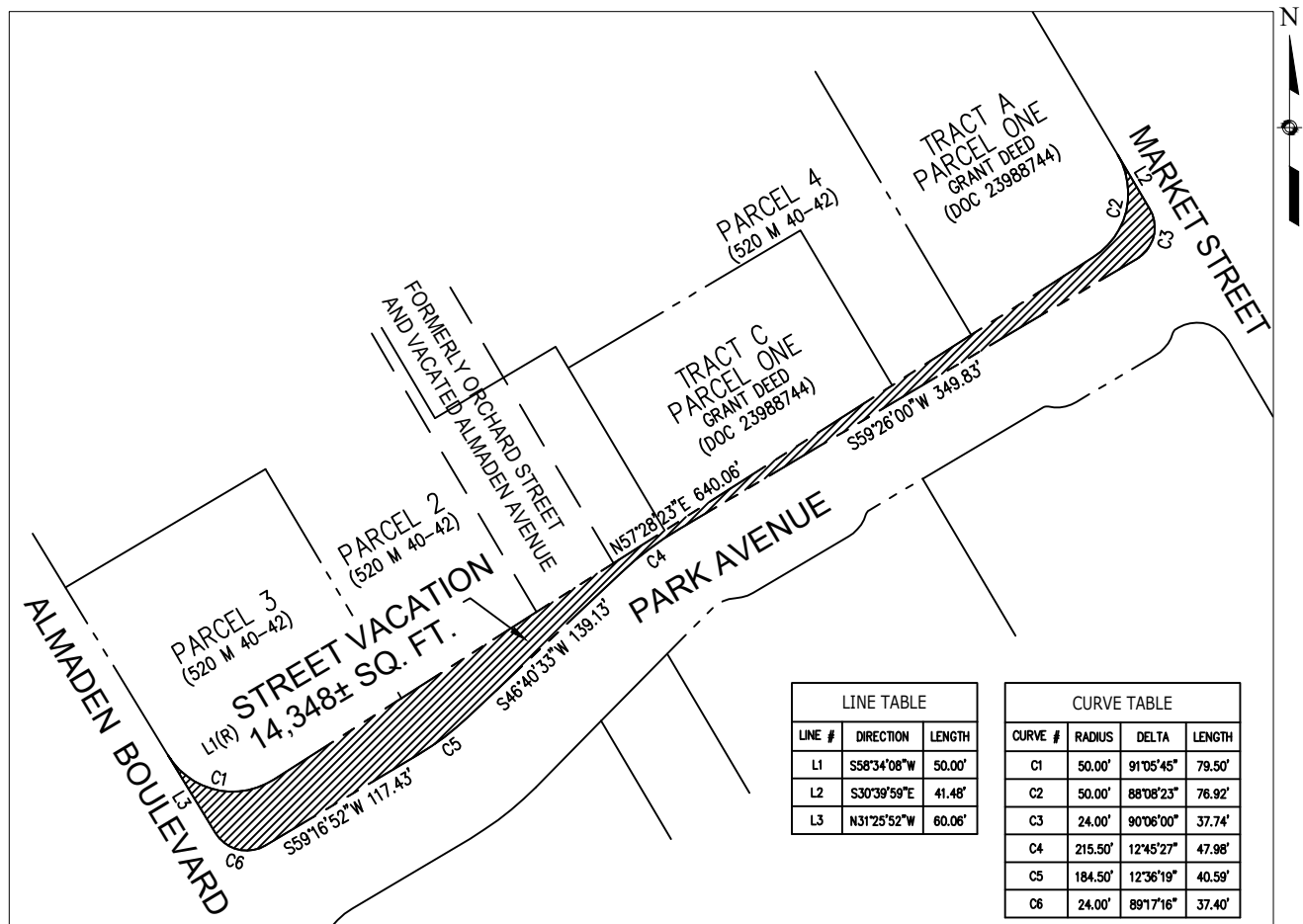


Exhibit B

[Exhibit B posted separately]