

**RECORD WITHOUT FEE PURSUANT
TO GOV'T CODE SECTION 6103**

Recording Requested by:
Office of the City Attorney
City of Santa Clara, California

When Recorded, Mail to:
Office of the City Clerk
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

24272954

Regina Alcomendras
Santa Clara County - Clerk-Recorder

09/05/2019 09:47 AM

Titles: 1 Pages: 4

Fees: \$0.00
Taxes: \$0
Total: \$0.00



Form per Gov't Code Section 27361.6

[SPACE ABOVE THIS LINE FOR RECORDER'S USE]

RESOLUTION NO. 19-8743

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, ORDERING THE VACATION OF THE
PUBLIC UTILITY EASEMENT AT 3330 CECIL AVENUE
[APN 303-19-090 (2019-20)]**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City of Santa Clara currently possesses the Public Utility Easement described in Exhibit A and shown on Exhibit B, which Exhibits are incorporated herein by reference. Said Easement was dedicated by that certain grant of easement as mentioned in said Exhibits; and,
WHEREAS, pursuant to Section 8333 of the California Streets and Highways Code, the City Council "may summarily vacate a public service easement" in any of the following cases:

- (a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
- (b) The date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date.
- (c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Public Utility Easement described in Exhibit A and shown on Exhibit B has been superseded by relocation, or determined to be excess by the easement holders, and there are no other public facilities located within the easement.
2. That the Public Utility Easement described and shown in said Exhibits in the City is hereby vacated pursuant to California Streets and Highways Code Section 8333.
3. That the vacation hereby releases all easement rights and interest of the City referred in said Exhibits to the current property owner(s).
4. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 20TH DAY OF AUGUST, 2019, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Chahal, Davis, Hardy, Mahan, O'Neill, and Watanabe, and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:


NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Exhibits A and B

EXHIBIT "A"

LEGAL DESCRIPTION

VACATION OF PUBLIC UTILITY EASEMENT

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SANTA CLARA, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING ALL OF THAT EXISTING PUBLIC UTILITY EASEMENT AS DESCRIBED IN THAT CERTAIN GRANT OF EASEMENT RECORDED JANUARY 4, 1966 IN BOOK 7233 AT PAGE 668, OFFICIAL RECORDS OF SANTA CLARA COUNTY;

A PLAT ENTITLED EXHIBIT "B" IS ATTACHED HERETO AND MADE A PART HEREOF.

THIS DESCRIPTION AND ACCOMPANYING PLAT WERE PREPARED BY ME.



ROBERT J. CRAIG

MAY 10, 2019



SC19,161

WESTRIDGE DR.
(80')

CECIL AVE. (60')

R=40'
D=45°23'39"
L=31.69'

R=30'
L=16.23'
D=31°00'10"

S89°48'53"W 34.48'

10.00'

PARCEL "A"

L.L.A.
DOC.#
18299251

APN
303-19-089

PARCEL "C"

L.L.A. DOC.# 18299251

GRANT DEED
DOC.#24005842
APN 303-19-090

PORTION OF LOT 10
TRACT NO. 837
31-M-38

PUBLIC UTILITY EASEMENT BEING VACATED
7233 O, R, 668

N0°11'07"W 124.83'

LOT 9
TRACT NO. 837
31-M-38

APN 303-19-040

S0°11'07"E 116.08'

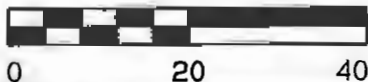
124.83'

10.00'

N89°48'53"E 80.49'

EXHIBIT "B"
PLAT TO ACCOMPANY LEGAL DESCRIPTION

SCALE 1"=20'



ROBERT J. CRAIG

LICENSED LAND SURVEYOR

668 ELBIE MAE DRIVE
BOULDER CREEK, CA 95006
(951) 969-1760 OR (408) 684-3791
Robert.James.Craig@gmail.com

EASEMENT VACATION
MAP

CITY OF SANTA CLARA

MAY 10, 2019

APN
303-19-090

C-19026

SHEET
1
OF 1

SC19, 161