

**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

Form per Gov't Code Section 27361.6

[SPACE ABOVE THIS LINE FOR RECORDER'S USE]

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

**A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA, ORDERING THE VACATION OF THE  
ANCHOR EASEMENTS, WIRE OVERHANG EASEMENT  
AND PUBLIC UTILITY EASEMENT AT 3650 KIFER ROAD  
[APN 205-38-015 (2018-19)]**

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

**WHEREAS**, the City of Santa Clara currently possesses the Anchor Easements, Wire Overhang Easement and Public Utility Easement described in Exhibit A and shown on Exhibit B, which Exhibits are incorporated herein by reference. Said Easements were dedicated by that certain map 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(c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.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 Anchor Easements, Wire Overhang Easement and Public Utility Easement described in Exhibit A and shown on Exhibit B have been superseded by relocation, or determined to be excess by the easement holders, and there are no other public facilities located within the easements.

2. That the Anchor Easements, Wire Overhang Easement and Public Utility Easement described and shown in said Exhibits in the City are 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 \_\_\_ DAY OF \_\_\_\_\_, 2019, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

\_\_\_\_\_  
NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Exhibits A and B

K:\Engineering\5-LPD\DOC\SC19169 Res vac PUE-AE-WOE.doc

**Exhibit 'A'**

**Legal Description  
Easement Vacation  
3650 Kifer Road**

All that certain real property situated in the City of Santa Clara, County of Santa Clara, State of California being more particularly described as follows:

Being a portion of Lots 15, 16 and 17, as shown on that certain map entitled "Tract No. 1786, San Ysidro Tract", as said map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California on October 22, 1956 in Book 73 of Maps, at Page 25, and being described as follows:

Being that 1'x30' Anchor Easement on Lot 16, recorded on October 22, 1956 in Book 73 of Maps, at Page 25, Santa Clara County Records.

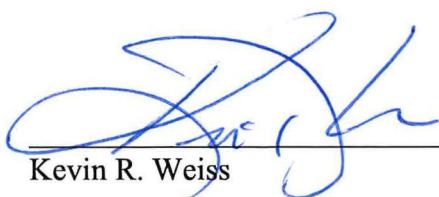
Being that 1'x30' Anchor Easement on Lot 17, recorded on October 22, 1956 in Book 73 of Maps, at Page 25, Santa Clara County Records.

Being that Wire Overhang Easement on Lot 17, recorded on October 22, 1956 in Book 73 of Maps, at Page 25, Santa Clara County Records.

Being that 5 ft wide Public Utility Easement on Lots 15, 16 & 17, recorded on October 22, 1956 in Book 73 of Maps, at Page 25, Santa Clara County Records.

Anchor Easements, Wire Overhang Easement and Public Utility Easements being vacated are shown on the attached Exhibit "B" and made a part hereof.



  
Kevin R. Weiss

5.15.19  
Date

APN 205-38-021  
(2019-20)

SAN YSIDRO WAY

APN 205-38-023 (2018-19)

EX. 5.0' PUBLIC UTILITY EASEMENT  
(73 M 25) BEING VACATED

LOT 15  
TRACT 1786  
73 M 25  
APN 205-38-015  
(2018-19)

LOT 16  
TRACT 1786  
73 M 25  
APN 205-38-015  
(2018-19)

LOT 17 (PORTION)  
TRACT 1786  
73 M 25  
APN 205-38-015  
(2018-19)

PARCEL F  
ROS 154 M 13

EX. WIRE OVERHANG EASEMENT  
(73 M 25) BEING VACATED

EX. ANCHOR EASEMENTS  
(73 M 25) BEING VACATED

30.0'

LAWRENCE  
EXPRESSWAY

KIFER ROAD

**LEGEND & ABBREVIATIONS**

- DISTINCTIVE BORDER LINE
- PROPERTY LINE - ADJACENT SITE
- EXISTING EASEMENT LINE

**BASIS OF BEARINGS**

THE BEARING OF THE MONUMENTED LINE OF KIFER ROAD, NORTH 89°31'00" EAST, AS SHOWN ON THAT CERTAIN MAP OF TRACT NO. 1786, FILED FOR RECORD ON OCTOBER 22, 1956, IN BOOK 73 OF MAPS AT PAGE 25, SANTA CLARA COUNTY RECORDS, WAS TAKEN AS THE BASIS OF ALL BEARINGS SHOWN HEREON.

KEVIN R. WEISS, LS 7139  
LICENSE EXPIRES: 12/31/20

5-15-19

DATE



EXHIBIT 'B'  
EASEMENTS VACATED  
FOR  
3650 KIFER ROAD  
SANTA CLARA, CALIFORNIA

JOB NO. 5049 BY: CT

DATE: 05/08/19

SHEET 1 OF 1

1731 Technology Drive, Ste #880  
San Jose, CA 95110  
Phone: (408) 286-4555  
www.jmhweiss.com

**JMH WEISS, INC.**

SC19, 169