

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

25536893

Regina Alcomendras
Santa Clara County - Clerk-Recorder

09/28/2023 04:21 PM

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. 23-9262

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, ORDERING THE VACATION OF STORM
DRAIN EASEMENT, STREET AND UTILITY EASEMENT,
ELECTRIC EASEMENT, AND WIRE CLEARANCE
EASEMENT AT 2200 CALLE DE LUNA [APN 097-01-039
(2022-23)]**

WHEREAS, the City of Santa Clara currently possesses the Storm Drain Easement, Street and Utility Easement, Electric Easement, and Wire Clearance Easement described in Exhibit A and shown on Exhibit B, which Exhibits are incorporated herein by reference. Said Easements were dedicated by those certain documents 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.

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(c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.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 RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That said Easements shown in said Exhibits have been superseded by relocation, or determined to be excess by the easement holders, and there are no other public facilities located within the easements.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 said Easements 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 12TH DAY OF SEPTEMBER, 2023, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, 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 & B



EXHIBIT "A"

Legal Description – Easements To Be Vacated

**STORM DRAIN EASEMENT, STREET AND UTILITY EASEMENT,
ELECTRIC EASEMENTS & WIRE CLEARANCE EASEMENTS**

2200 Calle De Luna, Santa Clara, CA

Real property in the City of Santa Clara, County of Santa Clara, State of California, described as follows:

Being portions of Parcel 19, as said Parcel is shown on that certain Parcel Map, filed for record on February 27, 1976 in Book 368 of Maps at Pages 14 and 15, Records of Santa Clara County;

Being all of that Storm Drain Easement being vacated, as described in that certain Deed entitled "Storm Drain Easement", recorded on October 24, 1972 in Book 0168 at Page 309 (Doc. 4419335), Official Records of Santa Clara County; and

Being all of that Street and Utility Easement being vacated, as described in that certain Deed entitled "Street and Utility Easement", recorded on October 24, 1972 in Book 0168 at Page 316 (Doc. 4419336), Official Records of Santa Clara County; and

Being all of that Electric Easement being vacated, as described in that certain Deed entitled "Electric Easement: Overhead and Underground", recorded on September 13, 1976 in Book C326 at Page 451 (Doc. 5431558), Official Records of Santa Clara County; and

Being all of that Wire Clearance Easement being vacated, as described in that certain Deed entitled "Electric Easement: Overhead and Underground", recorded on September 13, 1976 in Book C326 at Page 451 (Doc. 5431558), Official Records of Santa Clara County; and

Being all of that Electric Utility Easement being vacated, as described in that certain Deed entitled "Electric Utility Easement", recorded on October 26, 1987 in Book K356 at Page 1584 (Doc. 9502267), Official Records of Santa Clara County; and

Being all of that Wire Clearance Easement being vacated, as described in that certain Deed entitled "Electric Utility Easement", recorded on October 26, 1987 in Book K356 at Page 1584 (Doc. 9502267), Official Records of Santa Clara County; and

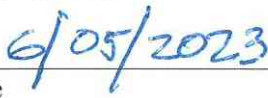
Being all of that Underground Electric Easement being vacated, as described in that certain Deed entitled "Underground Electric Easement", recorded on June 6, 2007 as Document No. 19530082, Official Records of Santa Clara County.

Storm Drain Easement, Street and Utility Easement, Electric Utility Easements & Wire Clearance Easements are being vacated and are as shown on Site Plan attached hereto and made a part hereof as EXHIBIT "B".

This legal description was prepared by me, or under my direct supervision, in conformance with the requirements of the Professional Land Surveyors' Act.


David S. Darling

L.S. No. 7625


Date



CITY OF SANTA CLARA

APN 097-01-039
(2022-2023)

GUADALUPE RIVER

S.C.V.W.D.
APN 097-05-046 (2022-2023)

ST. ANTON TASMAN EAST, LP.

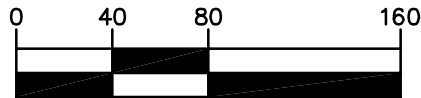
PARCEL 6
368 M 14-15
APN 097-05-059
(2022-2023)

NASH - HOLLAND CALLE DE LUNA
INVESTORS, LLC

PARCEL 19
368 M 14-15
APN 097-05-058
(2022-2023)

15' STORM DRAIN EASEMENT
0168 O.R. 309
BEING VACATED

30' STREET AND UTILITY EASEMENT
0168 O.R. 316
BEING VACATED



(SCALE IN FEET)

1" = 80'

ELECTRIC UTILITY EASEMENT
K356 O.R. 1584
BEING VACATED

UNDERGROUND ELECTRIC
EASEMENT
DOC. 19530082
BEING VACATED

CALLE DE LUNA
(60' WIDE)

5' ELECTRIC EASEMENT
C326 O.R. 451
BEING VACATED

5' WIRE CLEARANCE
K356 O.R. 1584
BEING VACATED

5' WIRE CLEARANCE
C326 O.R. 451
BEING VACATED

TASMAN EAST PARCEL 57 OWNER, LLC

PARCEL 20
368 M 14-15
APN 097-05-057
(2022-2023)



EXHIBIT "B"

PLAT TO ACCOMPANY
LEGAL DESCRIPTION

LEGEND

APN ASSESSOR'S PARCEL NUMBER PER
ROLL YEAR 2022-2023
S.C.V.W.D. SANTA CLARA VALLEY WATER DISTRICT
O.R. OFFICIAL RECORDED DOCUMENT, SANTA CLARA
EASEMENT LINE

K:\2015\156097 2200 CALLE DE LUNA, SANTA CLARA\SUR\DWG\EASEMENTS\COMPLETE_VACATION\VACATION.DWG



1730 N. FIRST STREET
SUITE 600
SAN JOSE, CA 95112
(408) 467-9100
www.bkf.com

SUBJECT **VACATION - SITE EXHIBIT**

2200 CALLE DE LUNA, SANTA CLARA, CA

JOB NO. **20156097**

BY **KMD** APPR. **DSD/CASC** DATE **06-05-2023**

1 OF **1**

SC22-0051