

**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 PORTIONS OF FREMONT
STREET AND SHERMAN STREET, WITH RESERVATION OF A
PUBLIC UTILITY EASEMENT, LOCATED IN THE VICINITY OF 575
BENTON STREET [VICINITY OF APN 230-07-053, -002, -010, -013,
-029, -034, -038, -046, AND -060 (2018-19)]**

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

WHEREAS, pursuant to the provisions of Section 8320 et seq. of the California Streets and Highways Code, the City Council may vacate a street when it is unnecessary for present or prospective public use;

WHEREAS, City Staff recommends vacating the specific portions of the Streets commonly known as Fremont Street and Sherman Street, as described in Exhibits A and B ("Site"), attached hereto and incorporated herein by this reference, as a component of the proposed development at 575 Benton Street ("Project");

WHEREAS, Fremont Street and Sherman Street are designated as Local Streets in the 2010-2035 General Plan;

WHEREAS, the City Council approved and certified the Project's Final Environmental Impact Report (EIR) on February 23, 2016 and approved EIR Addendum #1 on July 17, 2018;

WHEREAS, pursuant to Government Code Section 65402, the Planning Commission

recommended that the proposed vacation of portions of Fremont Street and Sherman Street would be consistent with the General Plan at a duly noticed public hearing on June 13, 2018;

WHEREAS, the City Council approved the Vesting Tentative Subdivision Map for the Project at a duly noticed public hearing on July 17, 2018;

WHEREAS, in accordance with Streets and Highways Code Section 8323, on June 6, 2019, three notices of the proposed vacation were posted not more than 300 feet apart at the Site;

WHEREAS, in accordance with Streets and Highways Code Section 8322, on June 5, 2019 and June 12, 2019, the City published notices of the proposed vacation of the Site in the *Santa Clara Weekly*, a newspaper of general circulation in the City;

WHEREAS, on June 25, 2019, the City Council held a duly noticed public hearing on the proposed vacation of the Site, at which all interested persons were invited to provide testimony;

WHEREAS, based on the recommendations of the Planning Commission, the testimony received at the public hearing, and all other evidence in the record, the City Council determines that it is in the public interest to vacate the Site;

WHEREAS, California Streets and Highways Code Section 8340(c) provides that if there are in-place public utility facilities that are in use at the time of a street vacation, a public entity shall, unless the legislative body determines the public convenience and necessity otherwise require, reserve and except from the vacation any easement and right necessary to maintain, operate, replace, remove, or renew the public utility facilities; and,

WHEREAS, pursuant to Streets and Highway Code Section 8340(c), the City intends to reserve a public utility easement on Sherman Street and Fremont Street. Such easement will expire upon the recordation of the Final Subdivision Map for the Project.

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

1. That based upon all of the evidence submitted, and having followed the procedures prescribed by law, the City Council hereby finds and determines that the portions of the

streets described as the Site are unnecessary for present or prospective public use.

2. That pursuant to Streets and Highways Code Section 8324(b), the Site, as described in Exhibits A and B attached hereto and made a part hereof by this reference, is hereby vacated.
3. That the City hereby finds that the public convenience and necessity require the reservation and exception of easements and rights-of-way on the Site for in-place public utility facilities enumerated in California Streets and Highways Code Section 8340.
4. That the City hereby reserves on the Site a Public Utility Easement and right-of-way in, on, over, under, along and across the Site for the purpose of constructing and reconstructing, installing, operating, maintaining, repairing, and/or replacing all public and City utility facilities, and appurtenances thereto, including a reasonable right of ingress and egress over adjoining land. Said Public Utility Easement shall be kept open and free from trees, buildings, and structures of any kind except irrigation systems, and appurtenances thereto. Private facilities, except to cross or connect to facilities of the serving agency, and decorative hardscape improvements shall be excluded from the Public Utility Easement, and no private structures may be constructed on the Public Utility Easement. Said Public Utility Easement will expire upon the recordation of the Subdivision Map for the Project.
5. From and after the date this Resolution is recorded, except as otherwise provided above, the specific portion of land vacated no longer constitutes a street, highway, or public service easement.
6. The vacation hereby releases all right-of-way rights to _____ that may have accrued for the specific portion of lands described as the Site in Exhibits A and B.

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7. 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

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EXHIBIT "A"
Description of Property

Portions of Fremont Street and Sherman Street
Santa Clara, California

Portions of Fremont Street and Sherman Street as shown on the Map of the Town and Sub-Lots of Santa Clara, which map was filed for record in Book 'B' of Maps, at Page 103, Santa Clara County Records, and all of that parcel described in Book H648 of Official Records, at Page 214 and a portion of that parcel described in Book 8772 of Official Records, at Page 524, said County Records, and being more particularly described as follows:

Fremont Street

That portion of Fremont Street (70-foot wide right-of-way) from the extension of the easterly right-of-way line of The Alameda to the extension of the westerly right-of-way line of Sherman Street; and,

Containing an area of 21,184 square feet, more or less.

Sherman Street

Area 1

That portion of Sherman Street (70-foot wide right of way) from the extension of that 30-foot long northerly right-of-way line of Benton Street described in said Book 8772 of Official Records, at Page 524, to the extension of the northerly right-of-way line of Fremont Street, the westerly boundary of Sherman Street at the Fremont Street intersection being the prolongation of the westerly right-of-way line of said Sherman Street; and,

Containing an area of 26,000 square feet, more or less.

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Area 2

That portion of Sherman Street (70-foot wide right-of-way) from the extension of the northerly right-of-way line of Fremont Street to the southwesterly line of Segment 3 as described in that certain document recorded on July 10, 1990 in Book L413 of Official Records, at Page 183, said County Records; and,

Containing an area of 10,509 square feet, more or less

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.

Gustavo Gómez, L.S. 7679

Date: _____



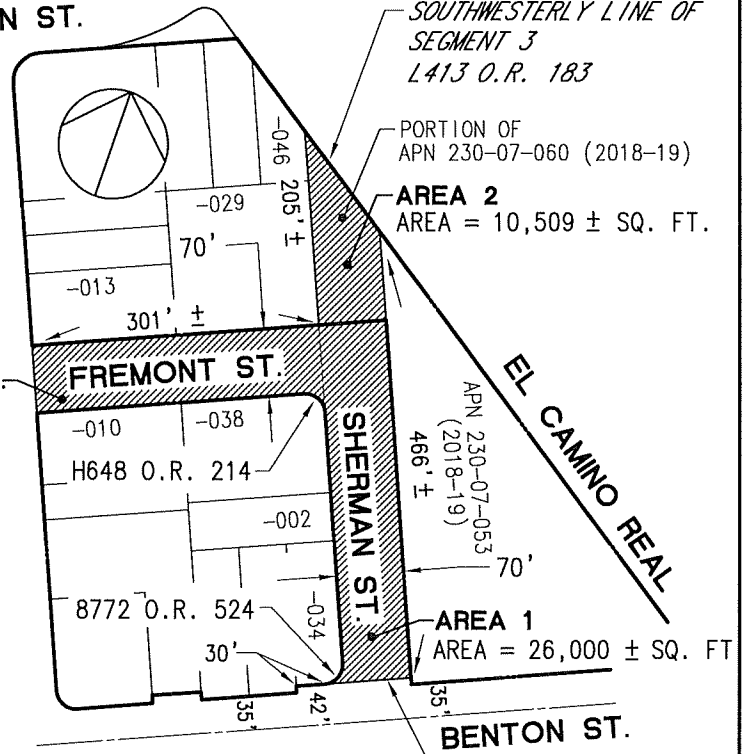


DATE: _____

FREMONT STREET
AREA = 21,184 ± SQ. FT.

HARRISON ST.

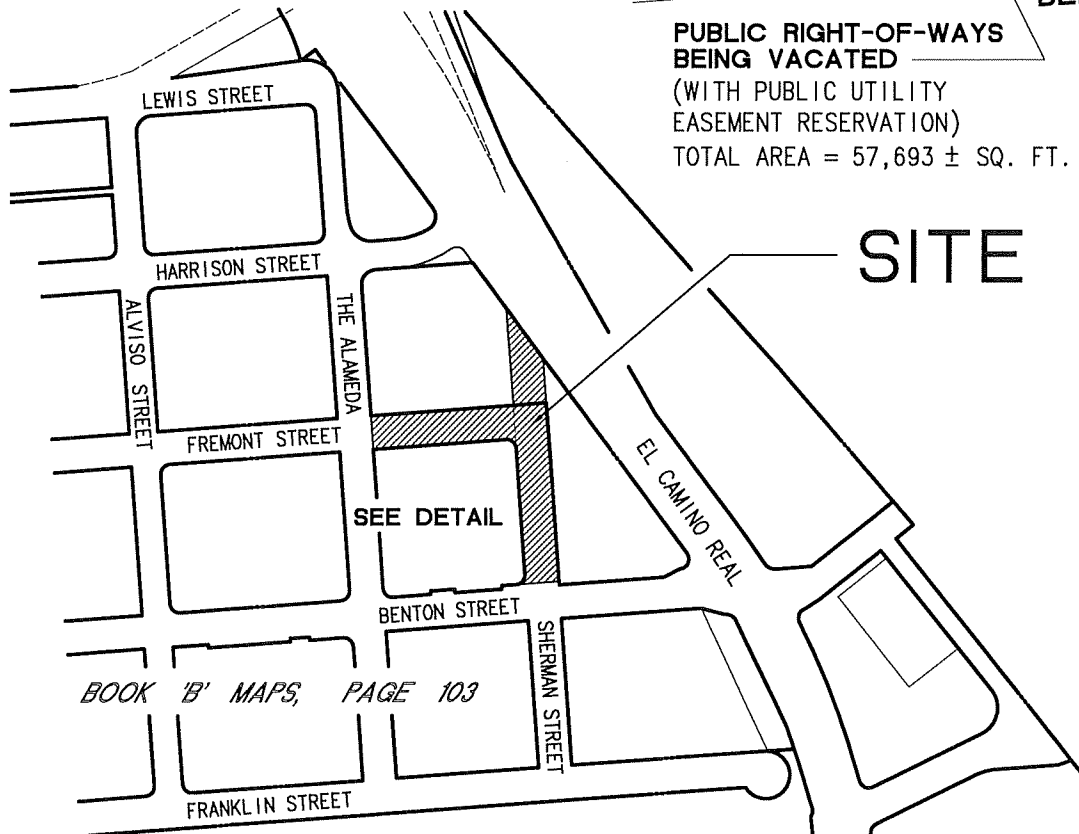
THE ALAMEDA



**PUBLIC RIGHT-OF-WAYS
BEING VACATED**
(WITH PUBLIC UTILITY
EASEMENT RESERVATION)
TOTAL AREA = 57,693 ± SQ. FT.

DETAIL
NTS

SITE



K:\...\AUTOCAD\LPD\NELSON\SC18820 Res.dwg		
Revised		
Drawn By	ND	2-25-2019
Checked By		
Approved By		Date
MICHAEL JACK LIW		
ASSISTANT DIRECTOR OF PUBLIC WORKS/CITY ENGINEER		

CITY OF SANTA CLARA
EXHIBIT B
VACATION OF PUBLIC RIGHT-OF-WAYS
(PORTIONS OF FREMONT STREET AND SHERMAN STREET)

Scale
1" = 400'
Ref.
SC 18,820
Tracing No.
12,115-A

12,115-A