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]

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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- (c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.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 That the Public Utility Easement described in Exhibit A and shown on Exhibit B has been superseded by relocation, or determined to be excess by the easement holders, and there are no other public facilities located within the easement.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).

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4. <u>Eff</u>	ective date	This resolution sh	all	become effec	ctiv	e immediate	ly.		
I HEREBY	CERTIFY	THE FOREGOING	3 T	O BE A TRU	JE (COPY OF A	RESOLU ⁻	TION PAS	SED
AND ADO	PTED BY	THE CITY OF SAM	1T <i>F</i>	A CLARA, CA	٩LIF	FORNIA, AT	A REGUL	AR MEE	TING
THEREOF	HELD ON	THE DAY OF		, 20)19,	BY THE FO	LLOWING	OTE:	
AYES:		COUNCILORS:							
NOES:		COUNCILORS:							
ABSENT:		COUNCILORS:							
ABSTAINE	ED:	COUNCILORS:							
				ATTEST:		NORA PIME ASSISTANT CITY OF SA	CITYCL	ERK	-
Attachmer 1. Exhibits		ated by reference:							

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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

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