

**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
ELECTRIC EASEMENTS AT 190 N. WINCHESTER
BOULEVARD [APN 303-16-073 (2018-19)]**

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

WHEREAS, the City of Santa Clara currently possesses the Electric Easements described in Exhibit A and shown on Exhibit B, which Exhibits are incorporated herein by reference. Said Easements were dedicated by that 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.

(c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.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 That the Electric Easements described in Exhibit A and shown on Exhibit B have been superseded by relocation, or determined to be excess by the easement holders, and there are no other public facilities located within the easement.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

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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 - Legal Description

2. Exhibit B - Diagram

Exhibit "A"
LEGAL DESCRIPTION
FOR: VACATION OF ELECTRIC EASEMENTS
AT 190 N. WINCHESTER BOULEVARD
[APN 303-16-073 (2018-19)]

ALL THOSE CERTAIN EASEMENTS SITUATED IN THE CITY OF SANTA CLARA, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF THAT 1.863 ACRES, MORE OR LESS, PARCEL AS SHOWN ON THAT CERTAIN RECORD OF SURVEY RECORDED ON DECEMBER 13, 1967 IN BOOK 231 OF MAPS, PAGE 38, SANTA CLARA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EASEMENT 1:

ALL OF THAT ELECTRIC EASEMENT (PARCEL 2) RECORDED ON APRIL 22, 1968, IN BOOK 8097 OF OFFICIAL RECORDS, PAGE 152, SANTA CLARA COUNTY RECORDS.

EASEMENT 2:

ALL THAT ELECTRIC EASEMENT RECORDED ON FEBRUARY 26, 1970, IN BOOK 8839 OF OFFICIAL RECORDS, PAGE 436, SANTA CLARA COUNTY RECORDS.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

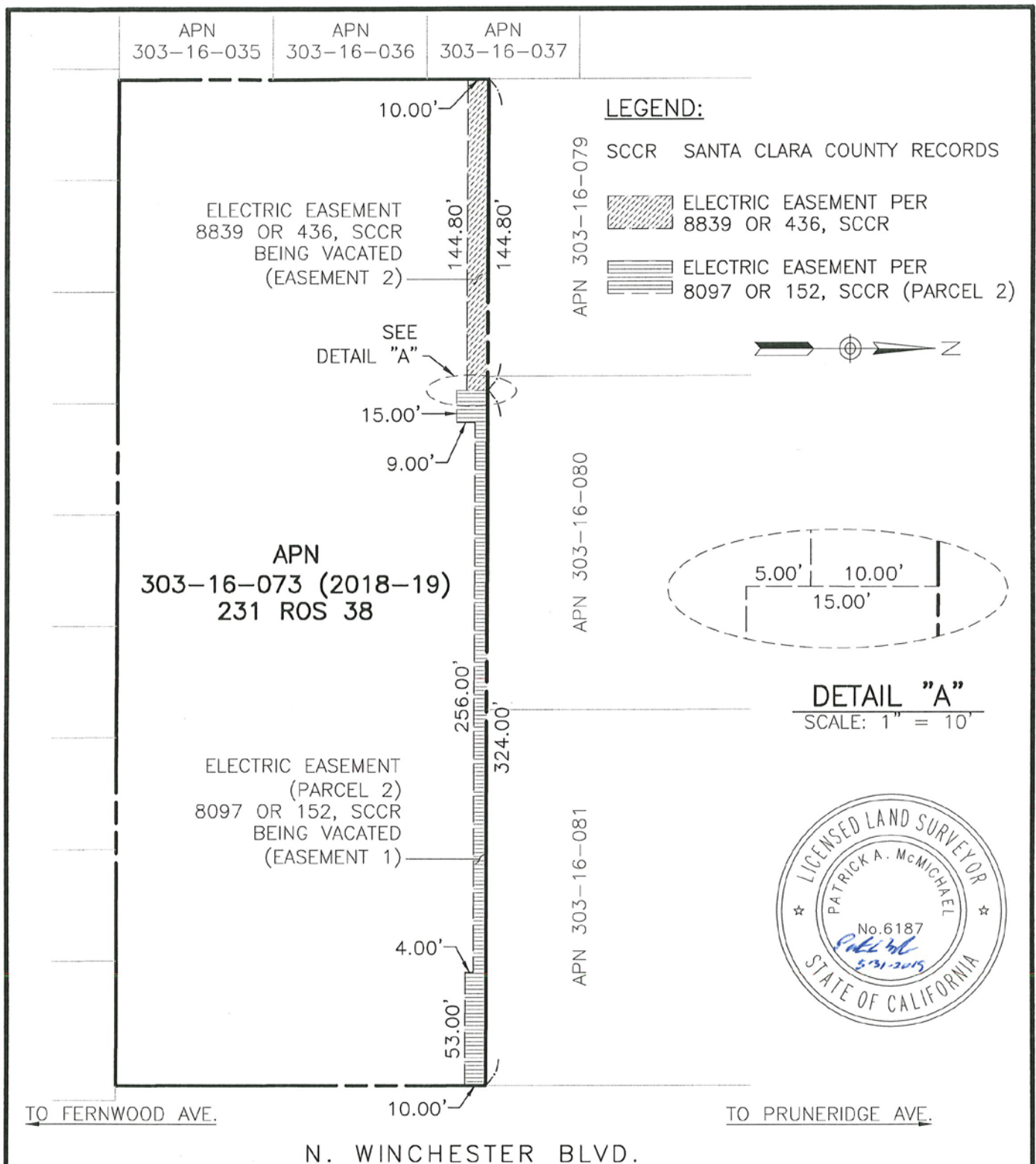
LEGAL DESCRIPTION PREPARED BY RICK ENGINEERING COMPANY

DATE: 5-21-2019


PATRICK ALLEN McMICHAEL, L.S. NO. 6187



SC19,172



RICK
ENGINEERING COMPANY

2525 EAST BIDWELL STREET
FOLSOM, CA 95630
916.638.8200
(FAX) 916.934.5144

Sacramento

JN: 17271C

5/31/2019

SANTANA TERRACE SENIOR APT

EXHIBIT "B"

ELECTRIC EASEMENTS VACATION

SANTA CLARA

CALIFORNIA