

**24307403**

**Regina Alcomendras**  
Santa Clara County - Clerk-Recorder  
10/18/2019 08:56 AM

RECORDING REQUESTED BY  
First American Title Insurance Company

AND WHEN RECORDED MAIL DOCUMENT TO:  
Office of the City Clerk  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

Titles: 1    Pages: 7  
Fees: \$0.00  
Tax: \$0  
Total: \$0.00

SPACE ABOVE FOR RECORDER'S USE ONLY

NCS-691638-CC

**RESOLUTION NO. 19-8724**

Title of Document

☐

☐

Pursuant to Senate Bill 2 – Building Homes and Jobs Act (GC Code Section 27388.1), effective January 1, 2018, a fee of seventy-five dollars (\$75.00) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, except those expressly exempted from payment of recording fees, per each single transaction per parcel of real property. The fee imposed by this section shall not exceed two hundred twenty-five dollars (\$225.00).

- ☐ Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax
- ☒ Exempt from fee per GC 27388.1 (a) (2); recorded concurrently "in connection with" a transfer subject to the imposition of documentary transfer tax (DTT).
- ☐ Exempt from fee per GC 27388.1 (a) (2); recorded concurrently "in connection with" a transfer of real property that is a residential dwelling to an owner-occupier.
- ☐ Exempt from fee per GC 27388.1 (a) (1); fee cap of \$225.00 reached.
- ☐ Exempt from the fee per GC 27388.1 (a) (1); not related to real property.

THIS COVER SHEET ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(\$3.00 Additional Recording Fee Applies)

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First American Title Insurance Company

AND WHEN RECORDED MAIL DOCUMENT TO:  
Office of the City Clerk  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

**E-RECORDED** simplifile®

ID: 24307403

County: Santa Clara

Date: 10/18/2019 Time: 8:56

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(\$3.00 Additional Recording Fee Applies)

**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. 19-8724**

**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

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 J.J. Viso Properties, LLC, a California limited liability company that may have accrued for the specific portion of lands described as the Site in Exhibits A and B.

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 25<sup>TH</sup> DAY OF JUNE 2019, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Chahal, Davis, Hardy, Mahan, O'Neill, 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

**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 Gomez, L.S. 7679

Date: June 27, 2019





HARRISON ST.

THE ALAMEDA

SOUTHWESTERLY LINE OF  
SEGMENT 3  
L413 O.R. 183

PORTION OF  
APN 230-07-060 (2018-19)

AREA 2  
AREA = 10,509 ± SQ. FT.

EL CAMINO REAL  
APN 230-07-053  
(2018-19)

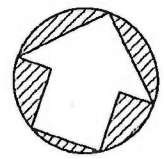
AREA 1  
AREA = 26,000 ± SQ. FT.

BENTON ST.

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

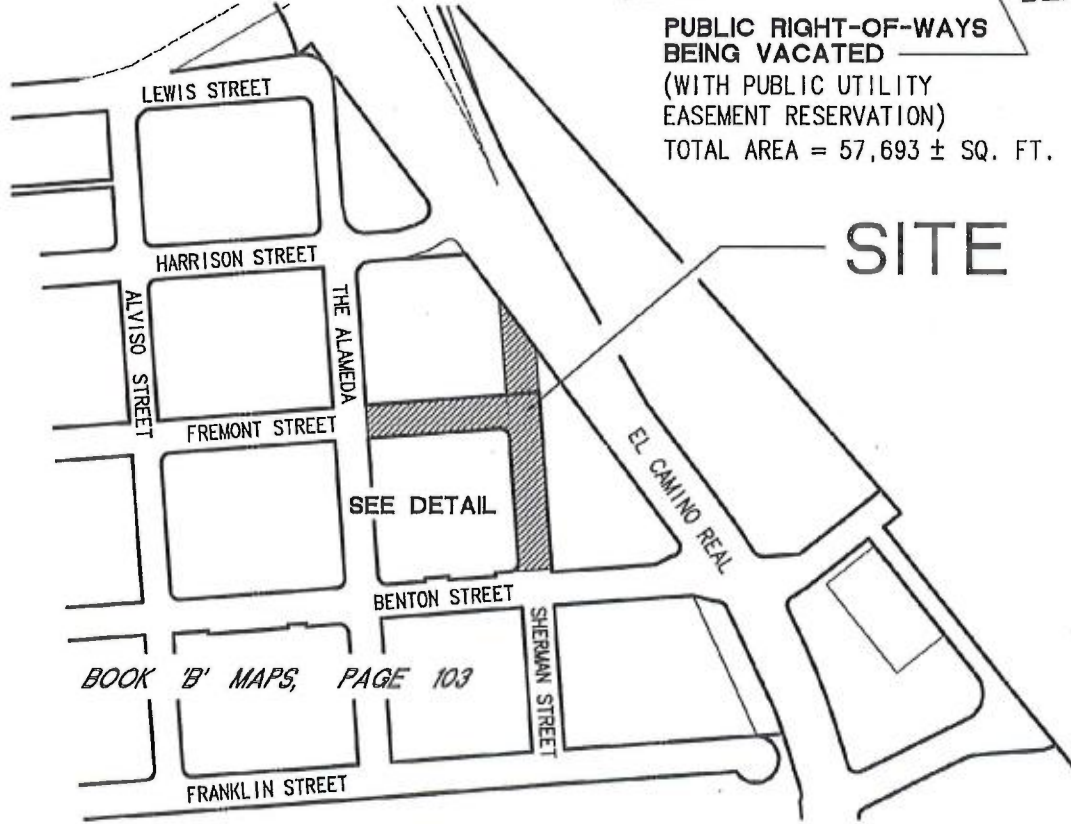
DETAIL  
NTS

SITE



DATE: June 27, 2019

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



BOOK 'B' MAPS, PAGE 103

K:\...\AUTOCAD\LPD\NELSON\SC18820 Res.dwg		
Revised		
Drawn By	ND	2-25-2019
Checked By	HL	6-27-2019
Approved By	G. Gomez	Date 6-27-2019
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