


DRAFT 12/13/2023 

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE SUMMARILY VACATING A PORTION
OF A STREET EASEMENT LOCATED ON VIENNA
DRIVE PURSUANT TO THE CALIFORNIA STREETS AND
HIGHWAYS CODE**

WHEREAS, Section 8331 of the California Streets and Highways Code provides that the legislative body of a local agency may summarily vacate a street or highway if, for a period of five consecutive years, the street or highway has been impassable for vehicular travel, and no public money was expended for maintenance of the street or highway during such period;

WHEREAS, the City Council hereby finds and determines that a portion of the street easement located within a 66-foot wide street easement starting at Tasman Drive and running south following what is now Vienna Drive, as described in that Certain Easement Deed, Document No. 3956601, recorded February 19, 1971 in Book 9224 at Page 225, Official Records with the Santa Clara County Recorder's Office, as depicted on the map attached hereto as **Exhibit B** and more particularly described in **Exhibit A**, is no longer needed for street purposes ("Vacation Area");

WHEREAS, the Vacation Area has been impassable for vehicular traffic for at least five consecutive years immediately preceding the proposed vacation;

WHEREAS, no public money was expended for maintenance of the Vacation Area for at least five consecutive years immediately preceding the proposed vacation;

WHEREAS, there are no in-place public utility facilities that are in use that would be affected by vacation of the Vacation Area; and

WHEREAS, the City Council wishes to proceed under the provisions of Section 8330 et seq. of the California Streets and Highways Code to summarily vacate the Vacation Area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The recitals set forth above are true and correct, and are hereby incorporated herein by this reference as if fully set forth in their entirety.

2. Pursuant to the California Streets and Highways Code Section 8330 et seq., the City Council does hereby order that the Vacation Area located on Vienna Drive, as depicted on the map attached hereto as Exhibit B and more particularly described in Exhibit A, shall be and hereby is summarily vacated effective upon recordation of this Resolution in the Official Records of Santa Clara County, State of California.

3. The City Council hereby authorizes and directs the City Clerk to record a certified copy of the resolution, attested by the City Clerk under seal, with the Santa Clara County Recorder's Office.

4. From and after the date a certified copy of this Resolution is recorded with the Santa Clara County Recorder's Office, the Vacation Area located on Vienna Drive, generally depicted on the map attached hereto as Exhibit B and more particularly described in Exhibit A, shall no longer constitute a public street.

Adopted by the City Council at a regular meeting held on January 9, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

DAVID CARNAHAN
City Clerk
(SEAL)

LARRY KLEIN
Mayor

APPROVED AS TO FORM:

John N. Nagel
City Attorney



August 14, 2023
BKF No. 20180447

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EXHIBIT "A"
Legal Description

PORTION OF STREET EASEMENT (9224 O.R. 225)
TO BE VACATED

Vienna Drive, Sunnyvale, CA
(Plaza Del Rey)

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

Being a portion of Parcel A and a portion of Parcel B, as said Parcels are shown on that certain Parcel Map, filed for record on February 10, 1971 in Book 278 of Maps at Page 46, Records of Santa Clara County, more particularly described as follows:

Being also a portion of that Easement for street purposes, as described in that certain Easement Deed, conveyed to the City of Sunnyvale, a municipal corporation of the State of California, recorded February 19, 1971 in Book 9224 at Page 225 (Doc. 3956601), Official Records of Santa Clara County, more particularly described as follows:

BEGINNING at the southeasterly corner of said Easement (9224 O.R. 225), said corner also being a point on the northerly line of Lot 1078, as said Lot is shown on Tract No. 2010, entitled "Lakewood Village No. 5", filed for record on December 18, 1957 in Book 89 of Maps at Pages 16, 17 and 18, Records of Santa Clara County;

Thence leaving said corner and along the southerly line of said Easement, South $88^{\circ}16'17''$ West, 66.00 feet to the southwesterly corner of said Easement (9224 O.R. 225);

Thence leaving said corner and along the westerly line of said Easement, North $01^{\circ}43'43''$ West, 310.49 feet to the beginning of a tangent curve to the left, having a Radius of 400.00 feet;

Thence northwesterly along said curve, through a central Angle of $36^{\circ}42'10''$, with an arc Length of 256.23 feet;

Thence tangent to preceding course, North $38^{\circ}25'53''$ West, 1.41 feet;

Thence leaving said westerly line of said Easement, North $51^{\circ}26'43''$ East, 37.71 feet;

Thence North $46^{\circ}18'13''$ West, 6.30 feet to a point on the southeasterly back of curb line of Vienna Drive cul-de-sac, as it exists now, said point also being the beginning of a non-tangent curve, concave to the northwest, having a Radius of 36.50 feet, with a radial line that bears South $28^{\circ}40'58''$ East;

Thence northeasterly along said southeasterly back of curb line and along said curve, through a central Angle of $53^{\circ}23'16''$, with an arc Length of 34.01 feet;

Thence leaving said curb line and said curve, South $46^{\circ}18'13''$ East, 15.88 feet;

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PORTION OF STREET EASEMENT (9224 O.R. 225)
TO BE VACATED

Vienna Drive, Sunnyvale, CA
(Plaza Del Rey)

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Thence North $51^{\circ}26'43''$ East, 11.54 feet to a point on the easterly line of said Easement (9224 O.R. 225), said point also being the beginning of a non-tangent curve, concave to the southwest, having a Radius of 600.00 feet, with a radial line that bears North $58^{\circ}14'21''$ East;

Thence southeasterly along said easterly line of said Easement and along said curve, through a central Angle of $30^{\circ}01'56''$, with an arc Length of 314.50 feet;

Thence tangent to preceding course, South $01^{\circ}43'43''$ East, 299.51 feet to the **POINT OF BEGINNING**.

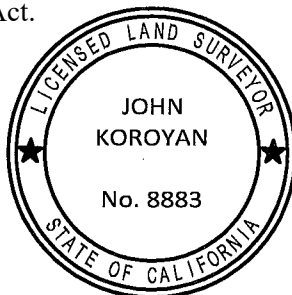
Containing an area of 40,487 square feet, more or less.

END OF DESCRIPTION.

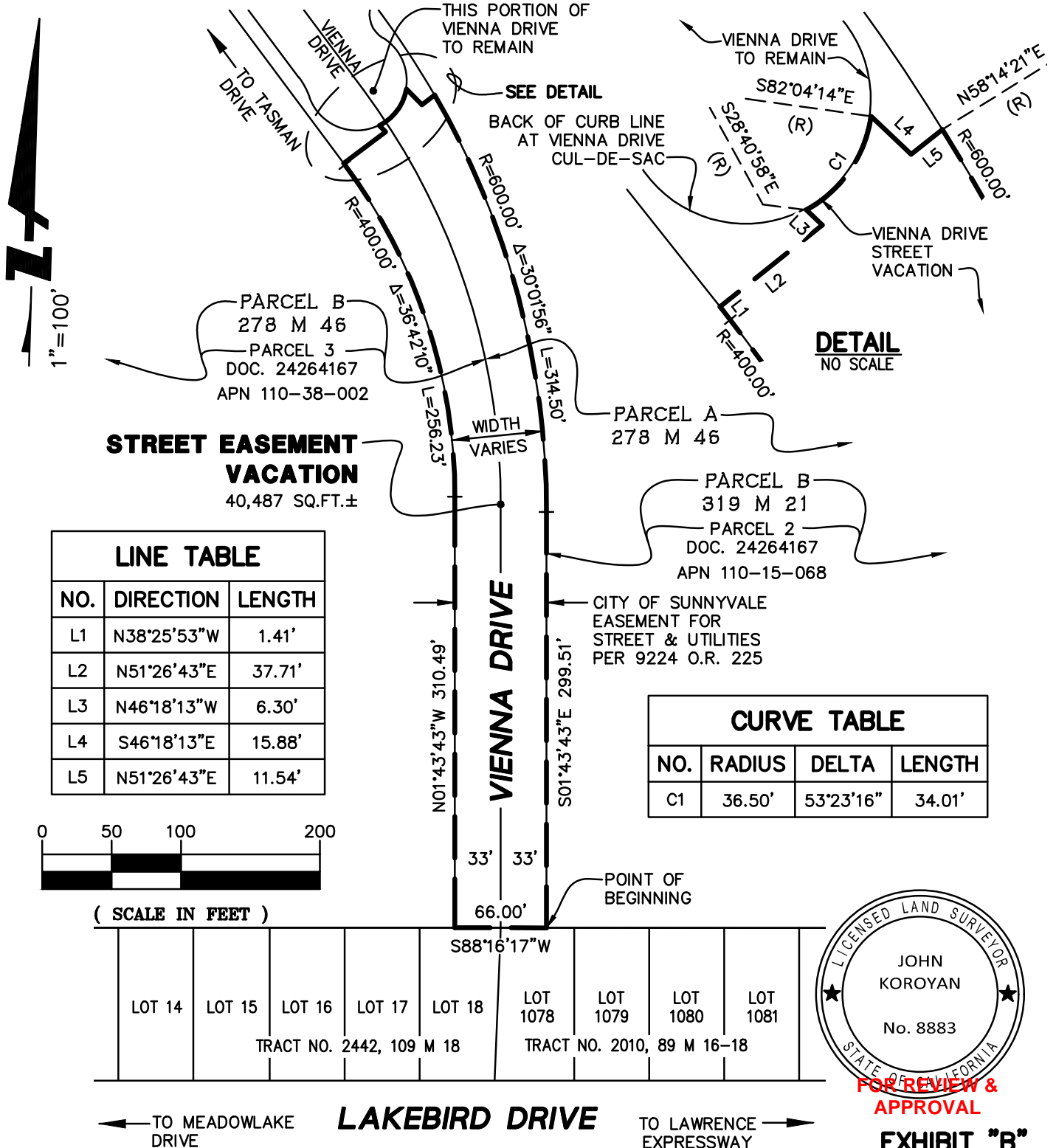
Said Easement being vacated is shown on Exhibit "B" plat attached hereto and made a part hereof.

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

By: **FOR REVIEW & APPROVAL**
John Koroyan
P.L.S. No. 8883



Date: _____



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Subject **STREET EASEMENT VACATION**
PORTION OF VIENNA DR, SUNNYVALE, CA
Job No. 20180447 (PLAZA DEL REY)
By JG Date 08-14-23 Chkd. JVK
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