

2760248

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RESOLUTION NO. 6808A RESOLUTION AND ORDER OF VACATION OF A CERTAIN  
PEDESTRIAN WALKWAY AND CERTAIN PUBLIC STREETS, OR  
PORTIONS THEREOF, IN THE CITY OF SUNNYVALE

WHEREAS, on November 10, 1964, the City Council passed and adopted Resolution No. 6746 entitled, "RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO VACATE A CERTAIN PEDESTRIAN WALKWAY AND CERTAIN PUBLIC STREETS, OR PORTIONS THEREOF, IN THE CITY OF SUNNYVALE," pursuant to the provision of Part 3, Division 9, of the Streets and Highways Code of the State of California, known as the Street Vacation Act of 1941, as amended, to vacate portions of The Dalles Avenue, Lawrence Station Road, Marshall Avenue, Bayview Avenue, and a certain unnamed pedestrian walkway, respectively, hereinafter more particularly described, maps or plans of which were filed with the City Clerk of the City of Sunnyvale; and

WHEREAS, said Resolution No. 6746 fixed a time and place for hearing all persons interested in or objecting to the proposed vacation, to wit: On the 8th day December, 1964, at the hour of 8:00 p.m. in the Council Chambers of the City Council of the City of Sunnyvale, Sunnyvale Public Library, 665 West Olive Avenue, Sunnyvale, California, which said time was not less than fifteen (15) days from the above mentioned date and the passage of said Resolution No. 6746; and

WHEREAS, said Resolution No. 6746 was published in the manner prescribed by law for publication of ordinances for the

City of Sunnyvale, to wit: Once within fifteen (15) days after its passage, on the 25th day of November, 1964, in the Sunnyvale Daily Standard, the official newspaper of the City of Sunnyvale; and

WHEREAS, on the 25th day of November, 1964, Notices entitled, "NOTICE OF VACATION OF PEDESTRIAN WALKWAY AND CERTAIN PUBLIC STREETS, OR PORTIONS THEREOF" were conspicuously posted along the line of the pedestrian walkway and along the lines of the portions of each of said streets proposed to be vacated, not more than three hundred (300) feet apart, which notices stated the passage of said Resolution No. 6746, and the time and place of hearing objections to the proposed vacation of said pedestrian walkway and portions of said public streets in the City of Sunnyvale; and

WHEREAS, on the 8th day of December, 1964, at the time and place for said hearing, this Council heard evidence offered by any and all persons interested in the proposed vacation,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That this Council finds from all of the evidence submitted that the pedestrian walkway and the portion of the public streets in the City of Sunnyvale, more particularly described in Exhibits "A", "B", "C", "D", "E", "F", "F-1", "G", and "H" attached hereto and incorporated herein by reference are unnecessary for present or prospective public street purposes.

2. That it is hereby ordered that the portion of the City street, which is lawfully, officially, and commonly known as The Dalles Avenue, more particularly described in Exhibit "A", be and it is hereby abandoned and vacated.

3. That it is hereby ordered that the portion of the City street, which is lawfully, officially, and commonly known as The Dalles Avenue, more particularly described in Exhibit "B", be and it is hereby abandoned and vacated.

4. That pursuant to the provisions of Section 8330 of the Streets and Highways Code of the State of California, it is hereby ordered that there be excepted from and reserved in the portions of The Dalles Avenue herein ordered vacated and more particularly described in Exhibits "A" and "B", the permanent easements and right at any time, or from time to time, to construct, maintain, operate, replace, remove and renew sanitary sewers, storm drains and appurtenant structures, and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of gas pipelines, telegraphic and telephone lines, communication facilities, for the transportation or distribution of electric energy, water, and for incidental purposes, including access and the right to keep the property free from inflammable materials, and wood growth, and otherwise protect the property from all hazards in, upon, over, and across all that certain real property described in Exhibits "A" and "B".

5. That pursuant to the provisions of Section 8330 of the Streets and Highways Code of the State of California, it is hereby ordered that there be excepted from and reserved in a part of the portion of The Dalles Avenue described in Exhibit "B" and herein ordered vacated the permanent easement for the construction,

reconstruction, operation, repair, maintenance, replacement, relocation, and enlargement of public utilities including, but not limited to drainage facilities, storm sewers, water mains and pipes, sanitary sewers and other public utilities in, through, across, beneath and upon that certain part of the portion of The Dalles Avenue herein vacated and more particularly described in Exhibit "B-1" attached hereto and incorporated herein by reference.

6. That it is hereby ordered that the portions of the city street, which is lawfully, officially, and commonly known as Lawrence Station Road, more particularly described in Exhibits "C" and "D", be and they and each of them is hereby abandoned and vacated.

7. That it is hereby ordered that the certain unnamed pedestrian walkway described in Exhibit "E" be and it is hereby abandoned and vacated.

8. That pursuant to the provisions of Section 8330 of the Streets and Highways Code of the State of California, it is hereby ordered that the northerly five (5) feet of the unnamed pedestrian walkway herein ordered vacated and more particularly described in Exhibit "E" shall not be used, nor be permitted to be used for the erection of any structure exceeding fifteen (15) feet in height.

9. That it is hereby ordered that the portion of the city street, which is lawfully, officially, and commonly known as Marshall Avenue, more particularly described in Exhibit "F", be and it is hereby abandoned and vacated.

10. That pursuant to the provisions of Section 8330 of the Streets and Highways Code of the State of California, it is hereby ordered that there be excepted from and reserved in that portion of Marshall Avenue herein ordered vacated and more particularly described in Exhibit "F", the permanent easements and right at any time, or from time to time, to construct, maintain, operate, replace, remove and renew, and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles and other convenient structures, equipment and fixtures for the operation of gas pipelines, telegraphic and telephone lines, communication facilities, for the transportation or distribution of electric energy, and for incidental purposes, including access and the right to keep the property free from inflammable materials, and wood growth, and otherwise protect the property from all hazards in, upon, over, and across all that certain real property described in Exhibit "F".

11. That it is hereby ordered that the portion of the City street, which is lawfully, officially, and commonly known as Marshall Avenue, more particularly described in Exhibit "F-1", be and it is hereby abandoned and vacated.

12. That it is hereby ordered that the portions of the city street, which is lawfully, officially, and commonly known as Bayview Avenue, more particularly described in Exhibits "G" and "H", be and they and each of them is hereby abandoned and vacated.

13. That pursuant to the provisions of Section 8330 of the Streets and Highways Code of the State of California, it is hereby ordered that there be excepted from and reserved in the portions of Bayview Avenue herein ordered vacated and more particularly described in Exhibits "G" and "H", the permanent easements and right at any time, or from time to time, to construct, maintain, operate,

replace, remove, and renew water mains and pipes, sanitary sewers and storm drains, and appurtenant structures in and across the real property described in Exhibits "G" and "H"; provided, further, the real property described in Exhibits "G" and "H" shall not be used, nor be permitted to be used for the erection of any structure, nor for the planting of trees and shrubs, nor for any other purpose which will damage or interfere with the proper use, function, maintenance or repair of any such water main or pipe, sanitary sewer or storm drain, or appurtenant structure.

14. That pursuant to the provisions of Section 8330 of the Streets and Highways Code of the State of California, it is hereby ordered that there be excepted from and reserved in the portion of Bayview Avenue herein ordered vacated and more particularly described in Exhibit "H", the permanent easements and right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew, and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of gas pipelines, telegraphic and telephone lines, communication facilities, for the transportation or distribution of electric energy, and for incidental purposes, including access and the right to keep the property free from inflammable materials, and wood growth, and otherwise, protect the property from all hazards in, upon, over, and across all that certain real property described in Exhibit "H".

15. That the City Clerk cause a certified copy of this Resolution, attested under seal of the City of Sunnyvale, to be recorded in the Office of the County Recorder of Santa Clara County, being the County in which this City is situated.

PASSED AND ADOPTED by the City Council of the City of Sunnyvale at a regular meeting held on the 8th day of December, 1964, by the following called vote:

AYES: Councilmen: Brown, Conrardy, Fernandez, Koreski, McDaniel  
and Jones  
NOES: Councilmen: None  
ABSENT: Councilmen: Logan

APPROVED:

Walter L. Jones  
Mayor

ATTEST:

THOMAS H. SWEENEY, City Clerk

By Flauney W. Leonard  
Deputy City Clerk

Certified as a True Copy  
THOMAS H. SWEENEY, City Clerk  
by: Flauney W. Leonard  
Deputy City Clerk

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All that real property situate in the City of Sunnyvale, County of Santa Clara, State of California, more particularly described as follows:

BEGINNING at the point of intersection of the easterly line of Tract No. 2118 Southwood Park, as a map of said Tract is filed for record in Book 98 of Maps, at page 52, in the Office of the Recorder of said County, with a line parallel with and distant northerly, measured at right angles, 5.00 feet from the center line of The Dalles, a 62 foot wide street, said center line being also the southerly line of said Tract; thence West along said parallel line 55.24 feet to the point of intersection with a curve to the left having a radius of 43.00 feet; thence from a tangent bearing N. 60° 38' 00" W., northerly and northwesterly, through a central angle of 39° 29' 53" a distance of 29.64 feet to the point of intersection with the northerly line of said The Dalles; thence east along said northerly line, 68.18 feet to the point of intersection with said easterly line of Tract No. 2118; thence S. 00° 01' 50" E., along said easterly line 26.00 feet to the point of beginning.

Containing an area of 0.035 acres, more or less.

EXHIBIT "A"

(Dalles)

All that real property situate in the City of Sunnyvale, County of Santa Clara, State of California, more particularly described as follows:

BEGINNING at the point of intersection of the southerly line of The Dalles, a 62 foot wide street, with a line parallel with and distant westerly measured at right angles, 12.00 feet from the easterly line of Lot 1 as shown on the Map of Tract 1881, Westmoor Glen, filed for record in Book 76 of Maps, at pages 18 and 19, in the Office of the Recorder of said County; thence west along said southerly line 56.22 feet to the point of intersection with a curve to the left having a radius of 43.00 feet; thence northeasterly and northerly from a tangent bearing of N.  $46^{\circ} 07' 53''$  E., along the arc of said curve, through a central angle of  $39^{\circ} 29' 53''$  a distance of 29.64 feet to a point in a line, parallel with and distant southerly, measured at right angles 5.0 feet from the center line of said The Dalles, said center line being also a northerly line of said Tract 1881; thence east, along said parallel line 43.24 feet to a point in a line parallel with and distant westerly, measured at right angles, 12.00 feet from the northerly prolongation of the easterly line of said Lot 1; thence S.  $0^{\circ} 01' 50''$  E., along last said parallel line 26.00 feet to the POINT OF BEGINNING.

EXHIBIT "B"

(Dalles)

All that real property situate in the City of Sunnyvale, County of Santa Clara, State of California, more particularly described as follows:

A 10 foot wide strip of land, the southerly line of which is described as follows:

BEGINNING at the point of intersection of a line parallel with and distant westerly, measured at right angles 12.00 feet from the northerly prolongation of the easterly line of Lot 1, as shown on the Map of Tract 1881, Westmoor Glen, filed for record in Book 76 of Maps, at pages 18 and 19, in the Office of the Recorder of said County with a line parallel with and distant southerly, measured at right angles 19 feet from the center line of The Dalles, said center line being also a northerly line of said Tract 1881; thence West 47.44 feet to the point of intersection with a curve concave to the west, having a radius of 43 feet and a tangent bearing of N. 26° 13' 22" E.

BEGINNING at the northeasterly corner of the land described in deed from Brian and Davis to the City of Sunnyvale as said deed is filed for record in Book 5087 Official Records, at page 425, in the Office of the Recorder of said County, said northeasterly corner being on the easterly line of Lawrence Station Road, a 60.00 foot half street, as shown on the Record of Survey Map filed for record in Book 152 of Maps, at page 49, in the office of the Recorder of said County; thence south along the easterly line of said lands of the City of Sunnyvale 25.00 feet; thence S.  $45^{\circ} 00'$  W., 34.80 feet to a point of intersection of a curve to the right; thence from a tangent bearing of N.  $12^{\circ} 32' 01''$  E., northerly, northeasterly, along said curve having a radius of 436.00 feet, a central angle of  $6^{\circ} 45' 53''$  an arc length of 51.48 feet to a point of intersection with the northerly line of said lands of the City of Sunnyvale; thence N.  $89^{\circ} 36'$  E., along said northerly line a distance of 10.50 feet to the POINT OF BEGINNING.

All that real property situate in the City of Sunnyvale, County of Santa Clara, State of California, more particularly described as follows:

BEGINNING at the southeasterly corner of the lands described in deed from Lewis to the City of Sunnyvale as said deed is filed for record in Book 4042 Official Records, at page 207, in the Office of the Recorder of said County, said southeasterly corner being on the easterly line of Lawrence Station Road, a 60.00 foot half street, as shown on the Record of Survey Map filed for record in Book 152 of Maps, at page 49, in the Office of the Recorder of said County; thence north along the easterly line of said lands of the City of Sunnyvale 26.87 feet to the point of intersection with a curve whose radius point bears S.  $66^{\circ} 15' 29''$  E., a distance of 190.00 feet, as shown on said Record of Survey Map; thence southwesterly along the arc of said curve, having a radius of 190.00 feet, through a central angle of  $1^{\circ} 07' 37''$ , a distance of 3.74 feet to the beginning of a compound curve whose radius point bears S.  $67^{\circ} 23' 06''$  E., a distance of 436 feet; thence southwesterly, along the arc of last said curve, having a radius of 436 feet, through a central angle of  $3^{\circ} 19' 00''$ , a distance of 25.24 feet to the point of intersection with the southerly line of said lands of the City of Sunnyvale; thence N.  $89^{\circ} 17' 17''$  E., along said southerly line, a distance of 10.50 feet to the POINT OF BEGINNING.

EXHIBIT "D"

(Lawrence Station Rd)

All that real property situate in the City of Sunnyvale, County of Santa Clara, State of California, being a strip of land 10 feet in width, measured at right angles, lying southerly of and contiguous to the following described line:

BEGINNING at a point in the westerly line of Ontario Drive, 62 feet wide, said point of beginning being at the southeasterly corner of Lot 11, as shown on a map of Tract No. 2460, Homestead Terrace Unit No. 1, filed for record in Book 110 of Maps, page 53, in the Office of the Recorder of said County; thence S. 89° 58' 45" W. along said southerly line of Lot 11, 120 feet to the southwest corner of said Parcel "11".

EXHIBIT "E"

(Walkway)

All that certain real property situate in the City of Sunnyvale, County of Santa Clara, State of California, being a portion of Marshall Avenue as said Avenue is shown upon the "Map of the Mathews Tract" as said map is filed for record in Book "L" of Maps, at page 20, in the Office of the Recorder of said County, said real property being more particularly described as follows:

BEGINNING at the southeast corner of Lot 22 of said Mathews Tract, said corner being in the Northerly line of said Marshall Avenue (50.00 feet wide); thence S.  $14^{\circ} 52'$  W., along the Southerly prolongation of the Easterly line of said Lot 22, a distance of 5.81 feet; thence Southwesterly along the arc of a curve to the left, from a tangent bearing S.  $86^{\circ} 58' 23''$  W., having a radius of 120.00 feet and a central angle of  $19^{\circ} 45' 37''$  for a distance of 41.39 feet to the point of intersection with the center line of said Marshall Avenue (50.00 feet wide); thence N.  $75^{\circ} 08'$  W., along said center line 126.67 feet; thence Northwesterly along the arc of a curve to the left, from a tangent bearing N.  $45^{\circ} 22' 15''$  W., having a radius of 885.00 feet and a central angle of  $3^{\circ} 26' 18''$ , for a distance of 53.11 feet to the point of intersection with the Northerly line of said Marshall Avenue; thence S.  $75^{\circ} 08'$  E., along said Northerly line, 209.96 feet to the point of beginning.

EXHIBIT "F"

(Marshall - N  $\frac{1}{2}$ )

All that certain real property situate in the City of Sunnyvale, County of Santa Clara, State of California, being a portion of Marshall Avenue as said Avenue is shown upon the "Map of the Mathews Tract" as said map is filed for record in Book "L" of Maps, at page 20, in the Office of the Recorder of said County, said real property being more particularly described as follows:

COMMENCING at the Southeast corner of Lot 22 of said Mathews Tract, said corner being in the Northerly line of said Marshall Avenue (50.00 feet wide); thence S.  $14^{\circ} 52'$  W., along the Southerly prolongation of the Easterly line of said Lot 22, a distance of 5.81 feet; thence Southwesterly along the arc of a curve to the left, from a tangent bearing S.  $86^{\circ} 58' 23''$  W., having a radius of 120.00 feet and a central angle of  $19^{\circ} 45' 37''$  for a distance of 41.39 feet to the point of intersection with the center line of said Marshall Avenue (50.00 feet wide), said point being the true point of beginning; thence continuing Southwesterly along the arc of said curve to the left, from a tangent bearing S.  $67^{\circ} 12' 46''$  W., having a radius of 120.00 feet and a central angle of  $11^{\circ} 51' 07''$  for a distance of 24.82 feet to the point of reverse curve to the right; thence Southwesterly along said reverse curve, having a radius of 50.00 feet and a central angle of  $13^{\circ} 22' 54''$  for a distance of 11.68 feet to the point of intersection with the Southerly line of said Marshall Avenue; thence N.  $75^{\circ} 08'$  W., along said Southerly line 59.08 feet; thence Northwesterly along the arc of a curve to the left, from a tangent bearing N.  $42^{\circ} 15' 24''$  W., having a radius of 885.00 feet and a central angle of  $3^{\circ} 06' 51''$  for a distance of 48.10 feet to the point of intersection with said center line of Marshall Avenue; thence S.  $75^{\circ} 08'$  E., along said center line, 126.67 feet to the TRUE POINT OF BEGINNING.

EXHIBIT "F-1"

(Marshall - S  $\frac{1}{2}$ )

All that real property situate in the City of Sunnyvale, County of Santa Clara, State of California, more particularly described as follows:

All of the Easterly 25 feet of that portion of Bayview Avenue which lies Northerly of a line running parallel with and distant 10.00 feet Northerly measured at right angles from the Northerly line of Evelyn Avenue, 60 feet wide, as said Avenues are shown upon that certain map entitled "Map of the Town of Encinal" as said map is recorded in Book "I" of Maps, at page 88, in the Office of the Recorder of said County.

EXHIBIT "G"

(Bayview - E  $\frac{1}{2}$ )

All that real property situate in the City of Sunnyvale, County of Santa Clara, State of California, more particularly described as follows:

All of the Westerly 25 feet of that portion of Bayview Avenue which lies Northerly of a line running parallel with and distant 10.00 feet Northerly measured at right angles from the Northerly line of Evelyn Avenue, 60 feet wide, as said Avenues are shown upon that certain map entitled "Map of the Town of Encinal" as said map is recorded in Book "I" of Maps, at page 88, in the Office of the Recorder of said County.

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FILED FOR RECORD  
AT REQUEST OF

*City of Sunnyvale*  
DEC 14 2 27 PM 1964

OFFICIAL RECORDS  
SANTA CLARA COUNTY  
PAUL R. TEILH  
RECORDER

EXHIBIT "R"

(Bayview - W 1/2)

u - *City Clerk*  
*City Hall, Room 102*  
*Sunnyvale, Calif.*

*9th*