

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE SUMMARILY VACATING A PORTION OF A PUBLIC SERVICE EASEMENT WITHIN PRIVATE PROPERTY LOCATED AT 435 TOYAMA DRIVE

WHEREAS, subdivision (c) of Section 8333 of the Streets and Highways Code of the State of California authorizes the City Council to summarily vacate an easement if it has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement; and

WHEREAS, the City Council intends to summarily vacate a portion of a Public Service Easement (“Easement”), dedicated for public use as shown on Tract No. 3315, attached hereto as Exhibit A and further depicted in Tract No. 10223, attached hereto as Exhibit B; and

WHEREAS, the Easement has no existing City facilities or other public facilities; and

WHEREAS, Pacific Gas and Electric, Comcast Cable Communications and AT&T California, have no objection to the vacation of the Easement; and

WHEREAS, On September 23, 2013, the City Planning Commission conditionally approved a vesting tentative map and a special development permit for a 17-unit townhome project, where the existing public facilities within the Easement area are to be removed and relocated, and the Easement to be abandoned.

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

1. The City of Sunnyvale finds and determines that:
 - a) The Easement has been superseded by relocation; and
 - b) No public facilities are located within the Easement that would be affected by a summary vacation; and
 - c) The Easement is not needed for present or prospective easement purposes; and
 - d) The public convenience and necessity does not require reservation of any portion of the Easement.

2. Based upon the findings made in Section 1 of this Resolution and the provision of Section 8333 of the Streets and Highways Code, the City Council does hereby order that the Easement shall be and hereby is summarily vacated.

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. The Easement will no longer constitute a Public Utility Easement from and after the date of recordation of the documents identified in Section 3 of this Resolution.

Adopted by the City Council at a regular meeting held on _____, 2014, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM

City Attorney

LEGAL DESCRIPTION

A portion of Lot 21 as said Lot is shown upon "MAP OF THE L.L. MORSE SUBDIVISION OF THAT PART OF LOT 2A OF THE MURPHY PARTITION IN THE RANCHO DE LAS BORREGAS, LYING BETWEEN MAUDE AVENUE AND MT VIEW-ALVISO ROAD" recorded in Book "F1" of Maps at Page 39, Santa Clara County Records, said portion beginning at the southwest corner of Lot 21; thence N.14°52'E along the northwesterly line thereof and the centerline of Morse Avenue 590.04 feet to the northwest corner of Lot 21; thence S.75°08'E along the northeasterly line thereof 457.00 feet; thence S.14°52'W. 590.04 feet to the southwesterly line of Lot 21; thence N.75°08'W. along said southwesterly line 457.00 feet to the point of beginning.

OWNER'S CERTIFICATE

We hereby certify that we are the owners of, or have some right title or interest in and to the real property included within the subdivision shown on this map; that we are the only persons whose consent is necessary to pass a clear title to said real property; that we hereby consent to the making of said map and subdivision as shown within the blue border line and hereby offer for dedication Morse Avenue and Toyama Drive as shown upon the said map within said subdivision. We also hereby dedicated to public use easements for public utilities, under, on or over those certain strips of land lying between the rear lines and/or side lines of lots and the dashed lines each designated as "P.U.E." (Public Utilities Easement). Public Utility easements to be kept clear of buildings or structures of any kind except utility company structures and lawful fences.

VALLEY TITLE COMPANY OF SANTA CLARA COUNTY, a corporation, Owner.

Paul Hancock
Vice-President

VALLEY TITLE COMPANY OF SANTA CLARA COUNTY, a corporation, Trustee.

Paul Hancock
Vice-President

CORPORATION OF AMERICA, a California corporation, Trustee.

Richard W. Newburgh
Secretary

**STATE OF CALIFORNIA } ss.
COUNTY OF SANTA CLARA**

On this 24 day of August, 1962, before me *Carol Ann Stewart* a Notary Public in and for said County and State, duly commissioned and sworn, personally appeared *Paul Hancock* known to me to be the Vice-President of Valley Title Company of Santa Clara County, a corporation, and also known to me to be the Vice-President of Valley Title Company of Santa Clara County, a corporation, that executed the within instrument, and known to me to be the person who executed it on behalf of said corporation and that he acknowledged to me that such corporation executed the same as Owner. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County and State the day and the year in this certificate first above written.

Carol Ann Stewart
Notary Public
Carol Ann Stewart

**STATE OF CALIFORNIA } ss.
COUNTY OF SANTA CLARA**

On this 24 day of August, 1962, before me *Carol Ann Stewart* Notary Public in and for said County and State, duly commissioned and sworn, personally appeared *Paul Hancock* known to me to be the Vice-President of Valley Title Company of Santa Clara County, a corporation, and also known to me to be the Vice-President of Valley Title Company of Santa Clara County, a corporation, that executed the within instrument, and known to me to be the person who executed it on behalf of said corporation and that he acknowledged to me that such corporation executed the same as Trustee. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County and State the day and year in this certificate first above written.

Carol Ann Stewart
Notary Public
Carol Ann Stewart

**STATE OF CALIFORNIA } ss.
CITY OF SAN FRANCISCO**

On this 24 day of August, 1962, before me *A.M. Grenader* a Notary Public in and for said County and State, duly commissioned and sworn, personally appeared *Richard W. Newburgh* known to me to be the Secretary and *Richard W. Newburgh* respectively of Corporation of America, a California corporation, and also known to me to be the *Richard W. Newburgh* and *Richard W. Newburgh* respectively, of Corporation of America, a California corporation that executed the within instrument, and known to me to be the persons who executed it on behalf of said corporation and that they acknowledged to me that such corporation executed the same as Trustee. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County and State the day and year in this certificate first above written.

A.M. Grenader
Notary Public

ENGINEER'S CERTIFICATE

I, *George R. Thenn, Jr.*, a Registered Civil Engineer of the State of California, hereby certify that this map, consisting of one sheet, correctly represents a survey made under my supervision during June, 1962; that the Survey is true and complete as shown; that all the monuments as shown hereon actually exist or will be placed upon completion of street improvement work; that their positions are correctly shown and that such monuments are sufficient to enable the survey to be retraced. Dated July 15, 1962.

George R. Thenn, Jr.
R.C.E., Certificate No. 7125

CERTIFICATE OF CITY ENGINEER

I, *Donald M. Somers*, Director of Public Works of the City of Sunnyvale, State of California, hereby certify that I have examined the within map; that the subdivision shown hereon is substantially the same as it appeared on the Tentative Map and approved alterations thereof; that all provisions of the California Map Act, as amended, and of any local ordinances applicable at the time of approval of the Tentative Map have been complied with, and that I am satisfied that said map is technically correct. Dated Sept. 24, 1962.

Don M. Somers
R.C.E., Certificate No. 9265

APPROVAL BY CITY COUNCIL

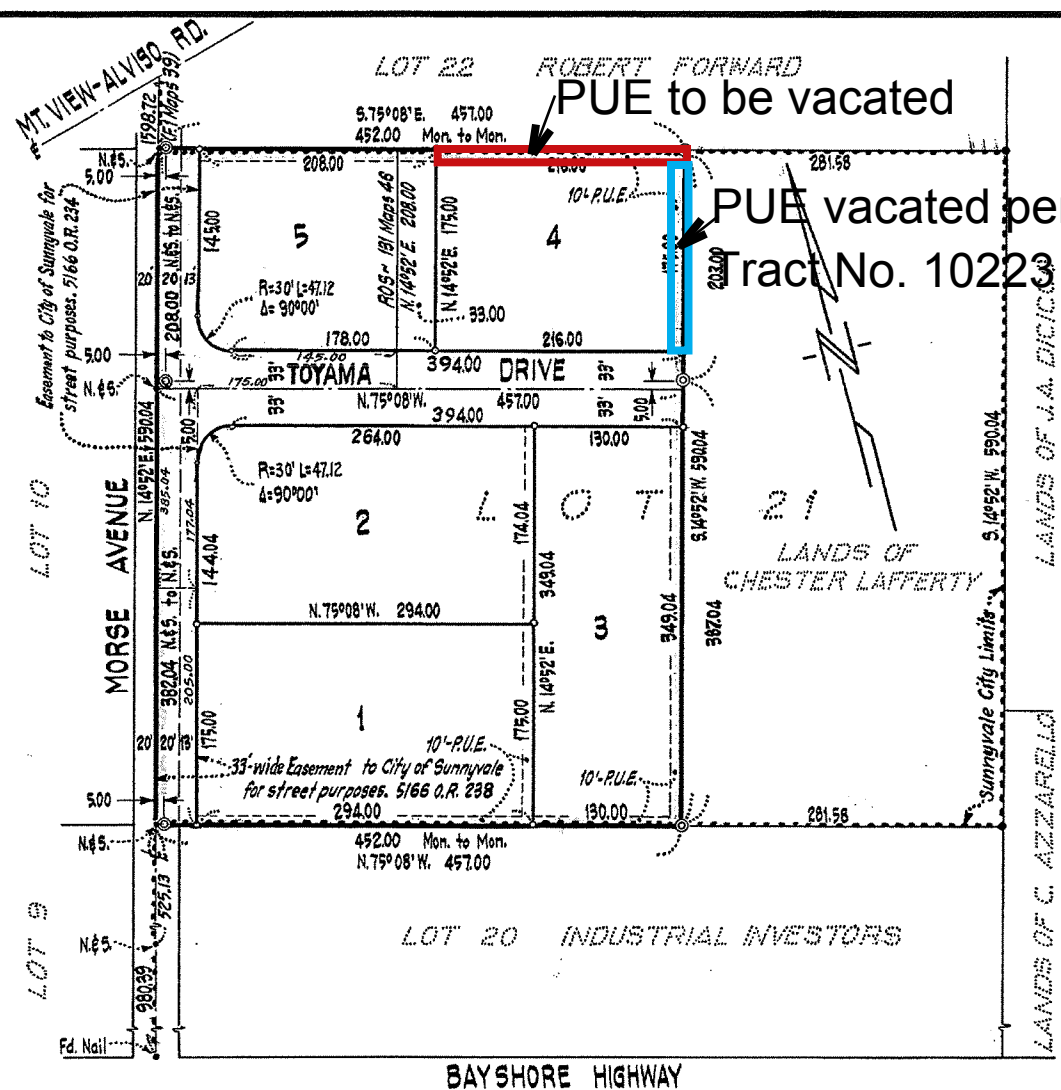
I hereby certify that the hereon filed map of Tract 3315 Lafferty Subdivision was approved by the City Council of the City of Sunnyvale at a meeting of said Council held on the 18 day of September, 1962, and that said Council did, of said meeting, accept on behalf of the public the dedication of all street and portions of streets and all easements offered for dedication as shown on said map within said subdivision. Dated Sept. 24, 1962.

Perry Scott
City Clerk and Ex-officio Clerk of the City Council, City of Sunnyvale.
By *Flora W. Leonard*
Deputy

COUNTY RECORDER'S CERTIFICATE

File No. 2266044 Fee \$5.00.
Accepted for record and recorded in Book 152 of Maps at page 31 in the office of the County Recorder of Santa Clara County, California, this 25 day of September, 1962, at 6 minutes past 1 P.M. clock P.M.

Paul R. Teilh, County Recorder.
By *Donald E. Wilson*
Deputy Recorder.



BASIS OF BEARINGS

The bearing, N. 14°52'E, of the centerline of Morse Avenue as shown upon that Record of Survey of Lot 21 of the Map of the L.L. Morse Subdivision of that Part of Lot 2A of the Murphy Partition in the Rancho de las Borregas, which Record of Survey is recorded in Book 19 of Maps, page 46, Santa Clara County Records, was taken as basis of bearings for this Map.

LEGEND

- Iron pipe set with R.E. tag number 7542.
- ⊙ Standard City of Sunnyvale monument set.
- Iron pipe found.
- N&S Nail and Shiner found.
- City of Sunnyvale Corporate Limits.

**TRACT NO. 3315
LAFFERTY SUBDIVISION**

PORTION OF LOT 21 OF THE MAP OF THE L.L. MORSE SUBDIVISION OF THAT PART OF LOT 2A OF THE MURPHY PARTITION IN THE RANCHO DE LAS BORREGAS WHICH MAP IS RECORDED IN BOOK "F1" OF MAPS, PAGE 39, SANTA CLARA COUNTY RECORDS.

SUNNYVALE, SANTA CLARA COUNTY, CALIFORNIA
SCALE 1" = 100' JUNE, 1962

JONES, THENN AND ASSOCIATES
CIVIL ENGINEERS
1944 UNIVERSITY AVENUE, PALO ALTO, CALIFORNIA

CONSISTING OF ONE SHEET

Exhibit B

NOTES:

1. THIS SUBDIVISION CONTAINS 37,800 SF OR 0.86 AC, MORE OR LESS.
2. BEARINGS NOT SHOWN ARE PERPENDICULAR OR PARALLEL TO THE LINE IT IS ADJACENT TO.

SI XXII LLC
110-14-174

SI 36 LLC
110-14-197

PUE to be vacated

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS N75°08'00"W ALONG THE CENTERLINE OF TOYAMA DRIVE AS SHOWN PER TRACT NO. 3315, FILED SEPTEMBER 25, 1962, IN BOOK 152 OF MAPS, AT PAGE 31, SANTA CLARA COUNTY RECORDS.

LEGEND

- BOUNDARY LINE
- LOT LINE
- CENTER LINE
- MONUMENT LINE
- EASEMENT LINE
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- (R) RADIAL
- (T) TOTAL
- ⊙ FOUND STANDARD STREET MONUMENT AS NOTED
- ⊙ SET STANDARD STREET MONUMENT LS 7176
- FOUND IRON PIPE OR REBAR AS NOTED
- SET 5/8" REBAR AND CAP LS 7176
- EMERGENCY VEHICLE ACCESS EASEMENT
- PUBLIC UTILITY EASEMENT DEDICATED HEREIN
- PROPOSED PRIVATE INGRESS AND EGRESS EASEMENT
- PSDE PROPOSED PRIVATE STORM DRAIN EASEMENT
- PSSE PROPOSED PRIVATE SANITARY SEWER EASEMENT
- PWE PROPOSED PRIVATE WATER EASEMENT
- SNF SEARCHED FOR, NOT FOUND
- () RECORD DATA AS NOTED

LINE TABLE		
NO.	BEARING	LENGTH
L1	N14°52'00"E	21.89'
L2	N14°52'00"E	4.39'
L3	N14°52'00"E	17.50'
L4	N75°08'00"W	6.92'
L5	N75°08'00"W	7.58'
L6	N14°52'00"E	8.50'
L7	N14°52'00"E	17.17'
L8	N14°52'00"E	1.00'
L9	N14°52'00"E	1.33'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	2.50'	90°00'00"	3.93'
C2	9.50'	90°00'00"	14.92'
C3	9.50'	74°25'26"	12.34'
C4	0.50'	90°00'00"	0.79'
C5	0.50'	105°34'34"	0.92'

REFERENCES:

- (1) TRACT 3315 (152 M 31)
- (2) TRACT 10114 (852 M 12)

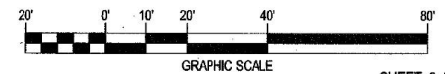
TRACT 10223 CLASSICS AT TOYAMA II

A 17 LOT RESIDENTIAL SUBDIVISION
CONSISTING OF 3 SHEETS
BEING A SUBDIVISION OF LOT 4, OF TRACT 3315, LAFFERTY SUBDIVISION,
BOOK 152 OF MAPS, AT PAGE 31, SANTA CLARA COUNTY RECORDS,
LYING ENTIRELY WITHIN THE CITY OF SUNNYVALE,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON CALIFORNIA

SCALE: 1" = 20' MAY 2014



SHEET 3 OF 3

2185-00

TRACT NO. 8782
808 M 32