

RB

RESOLUTION NO. \_\_\_\_-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE VACATING A PUBLIC STREET EASEMENT WITHIN PRIVATE PROPERTY LOCATED AT 610 EAST WEDDELL DRIVE**

WHEREAS, Section 8320 *et seq.* of the California Streets and Highways Code authorizes the City Council to order a general vacation of a street easement if it determines that the street is unnecessary for present or prospective public use; and

WHEREAS, on April 28, 2014, the City Planning Commission conditionally approved a special development permit for a 205-unit residential apartment project at 610 - 630 E. Weddell Drive (the "Project") with the following conditions: the Public Street Easement shall be vacated; a Public Utility Easement shall be dedicated to accommodate new public utilities; and a Public Access Easement shall be dedicated to provide for public access; and

WHEREAS, the developer has executed and delivered to the City the Public Utility Easement and Public Access Easement for the Project; and

WHEREAS, the City Council now intends to vacate the Public Street Easement ("the Public Street Easement") dedicated for public use as shown on an Easement Deed recorded on October 27, 1969 in Book 8716 at pages 58 thru 62, Santa Clara County Records and further shown in the legal description attached hereto as Exhibit "A"; and

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

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

1. The City Council, based upon the Report to Council and all other information submitted, makes the following findings and determinations:

- a) The Public Street Easement is unnecessary for present and prospective public use; and
- b) All public utility companies providing service in the project area have been notified about the proposed vacation and have not objected; and

- c) Notice of the City Council public hearing to consider vacation of the Public Street Easement was published in the *Sunnyvale Sun* for at least two successive weeks and signs notifying the public were posted along the street right-of-way at least two consecutive weeks prior to the hearing in conformance with Streets and Highways Code Sections 8322 and 8323.
- 2. Based upon the findings made in Section 1 of this Resolution and Section 8324(b) of the Streets and Highways Code, the City Council does hereby order that the Public Street Easement shall be vacated.
- 3. The City Council hereby authorizes and directs the City Clerk to record a certified copy of this Resolution, attested by the City Clerk under seal, with the Santa Clara County Recorder's Office.
- 4. The Public Street Easement will no longer constitute a public street 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 February \_\_\_\_\_, 2015, by the following vote:

AYES:  
 NOES:  
 ABSTAIN:  
 ABSENT:  
 RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
 City Clerk  
 (SEAL)

\_\_\_\_\_  
 Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
 City Attorney

**EXHIBIT A**

September 15, 2014  
Job No. A08037-2  
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**EXHIBIT "A"  
LEGAL DESCRIPTION  
FOR: STREET EASEMENT VACATION**

All that certain real property situate in the City of Sunnyvale, County of Santa Clara, State of California, being all of the easement described in that certain Easement Deed recorded on October 27, 1969 as Book 8716, Page 58 of Official Records, Santa Clara County.

As shown on EXHIBIT "B" attached hereto and by this reference made a part hereof.

**Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.**

Date 9-16-14

  
Ryan M. Amaya LS 8134



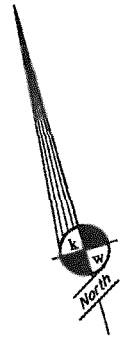
LANDS OF  
CITY & COUNTY OF  
SAN FRANCISCO

STREET EASEMENT VACATION  
(8716 O.R. 58)

GRANT DEED

(DOC No. 15239897)  
APN 110-28-001  
RECORD OF SURVEY  
(538 M 23)

HIGHWAY 101  
(OFF RAMP)



HIGHWAY 101  
(BAYSHORE FREEWAY)



LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- EASEMENT TO BE VACATED
- OFFICIAL RECORDS O.R.

EASEMENT EXHIBIT

FOR: STREET EASEMENT VACATION (8716 O.R. 58)

SUNNYVALE

CALIFORNIA

DATE SEPT., 2014

SCALE 1" = 80'

DR. BY MJA

JOB A08037-2

SHEET NO.

EXHIBIT "B"



KIER & WRIGHT

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Santa Clara, California 95054 fax (408) 727 5641

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