

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE SUMMARILY VACATING A SLOPE  
EASEMENT LOCATED AT 1100 N. MATHILDA AVENUE**

WHEREAS, Section 8333 of the Streets and Highways Code of the State of California authorizes the City Council to summarily vacate a slope easement if it finds that the slope easement has been impassable for vehicular traffic for a period of five consecutive years and no public money was expended for maintenance on the slope easement; and

WHEREAS, the City Council intends to summarily vacate a Slope Easement ("Easement"), as more fully described in Exhibit A and as shown in Document Number 2720717, Book 6695 at Page 430, Official Records with the Santa Clara County Recorder's Office, attached hereto as Exhibit B; and

WHEREAS, the Easement was dedicated to the City for public use, and the City no longer has a public use for the Easement; and

WHEREAS, on August 24, 2021, the Zoning Administrator conditionally approved a special development permit (2020-7592) for the construction of a Sheraton Hotel as a modification to a previously approved special development permit (2017-7945). It consists of 243 rooms (142 new rooms, 61 demolished rooms, 112 renovated rooms), including three new buildings (Event Barn, Entry Pavilion, and a six-story tower building), with 8,241 square feet of meeting space, 6,615 square feet of food and beverage space, and 204 surface parking spaces (the "Project"). Since the Project no longer has use for the existing Easement, the Project requires the abandonment of the Easement.

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 impassable for vehicular traffic for a period of five consecutive years; and
  - b) No public money was expended for maintenance on the slope easement; 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 described in Exhibit A and Exhibit B.

2. Based upon the findings made in Section 1 of this Resolution and the provisions 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 described in Exhibit A will no longer constitute a Slope 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 August 30, 2022, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

---

DAVID CARNAHAN  
City Clerk  
(SEAL)

---

LARRY KLEIN  
Mayor

APPROVED AS TO FORM:

---

Susan Yoon  
Assistant City Attorney

EXHIBIT A

2720717

2720717

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FILED FOR RECORD  
AT REQUEST OF

City of Sunnyvale

OCT 9 12 33 PM 1964

OFFICIAL RECORDS  
SANTA CLARA COUNTY  
PAUL R. TEILH  
RECORDER

m - city clerk Room 102  
City Hall  
Sunnyvale, Calif.

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EASEMENT DEED

(Slope Easement)

GUY F. ATKINSON COMPANY, a Nevada Corporation,

OSTRANDER CONSTRUCTION COMPANY, an Oregon Corporation, and

R. A. TRIPPEER, INC., a Nevada Corporation,

hereby GRANT to the CITY OF SUNNYVALE, a municipal corporation of the State of California a SLOPE EASEMENT in, over, across and upon the following described real property situate in the City of Sunnyvale, County of Santa Clara, State of California, to wit:

Being a strip of land 15.00 feet in width, contiguous to and westerly of the westerly line of Borregas Avenue (66.00 feet wide), contiguous to and northerly of the northerly line of Moro Drive (46.00 feet wide), contiguous to and easterly of the easterly line of Mathilda Avenue (100.00 feet wide), and contiguous to and southerly of the southerly line of Java Drive (100.00 feet wide), the easterly, southerly, westerly and northerly line being more particularly described as follows:

Beginning at the intersection of the centerline of Borregas Avenue (66.00 feet wide) with the centerline of Java Drive (100 feet wide); thence from said Point of Beginning southwesterly along said centerline of Borregas Avenue, S. 14°51'05" W. 99.99 feet; thence leaving said centerline at right angles thereto, N. 75°08'55" W. 33.00 feet to a point on the westerly line of said Borregas Avenue and the TRUE POINT OF BEGINNING of the herein described line.

Thence from said TRUE POINT OF BEGINNING S. 14°51'05" W. 2504.23 feet; thence along the arc of a tangent curve to the right having a radius of 50.00 feet thru a central angle of 59°12'25" an arc length of 51.67 feet; thence S. 74°03'30" W. 50.36 feet; thence S. 74°04'00" W. 482.95 feet; thence along the arc of a tangent curve to the right having a radius of 960.00 feet thru a central angle of 7°52'03" an arc length of 131.82 feet; thence S. 81°56'03" W. 482.16 feet; thence along the arc of a tangent curve to the right having a radius of 560.00 feet thru a central angle of 17°49'43" an arc length of 174.25 feet; thence N. 80°14'14" W. 243.73 feet; thence along the arc of a tangent curve to the left having a radius of 640.00 feet thru a central angle of 4°56'49" an arc length of 55.26 feet to a point of reverse curvature; thence along the arc of a curve to the right having a radius of 50.00 feet thru a central angle of 97°18'26" an arc length of 84.92 feet; thence N. 12°07'23" E. 227.44 feet; thence along the arc of a tangent curve to the left having a radius of 1200.00 feet thru a central angle of 38°00'27" an arc length of 796.03 feet; thence N. 25°53'04" W. 98.31 feet; thence along the arc of a tangent curve to the right having a radius of 1100.00 feet thru a central angle of 40°45'18" an arc length of 782.44 feet; thence N. 14°52'14" E. 1742.18 feet; thence

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along the arc of a tangent curve to the right having a radius of 50.00 feet thru a central angle of  $89^{\circ}57'20''$  an arc length of 78.50 feet; thence S.  $75^{\circ}10'26''$  E. 100.15 feet; thence along the arc of a tangent curve to the right having a radius of 919.27 feet thru a central angle of  $37^{\circ}18'52''$  an arc length of 598.68 feet to a point of reverse curvature; thence along the arc of a curve to the left having a radius of 1019.27 feet thru a central angle of  $37^{\circ}16'53''$  an arc length of 663.22 feet; thence S.  $75^{\circ}08'27''$  E. 824.63 feet; thence along the arc of a tangent curve to the right having a radius of 50.00 feet thru a central angle of  $89^{\circ}59'32''$  an arc length of 78.53 feet to the True Point of Beginning.

Excepting therefrom all the lands lying within that certain parcel of land described in the Deed to Pacific Telephone & Telegraph Company, recorded in Book 5740 of Official Records at page 193.

Also excepting therefrom all the lands lying within that certain parcel of land described in the Deed to Santa Clara County Flood Control and Water Conservation District, recorded in Book 5013 of Official Records at page 690.

Executed this 8<sup>th</sup> day of September, 1964.

GUY F. ATKINSON COMPANY

By *J. R. Bonner*  
Vice President  
By *Donald J. Grant*  
Assistant Secretary

R. A. TRIPPEER, INC.

By *J. R. Bonner*  
Vice President  
By *J. R. Kane*  
Assistant Secretary

OSTRANDER CONSTRUCTION COMPANY

By *J. R. Kane*  
Vice President  
By *Donald J. Grant*  
Assistant Secretary

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STATE OF CALIFORNIA )  
COUNTY OF San Mateo ) ss.

On this 8th day of September, 1964, before me  
IRENE EVENSON, a Notary Public, State of  
California, duly commissioned and sworn, personally appeared  
F. R. Bonner and Donald K. Grant

known to me to be the Vice President and ~~Secretary~~ Secretary,  
respectively, of the corporation described in and that executed  
the within instrument, and also known to me to be the persons  
who executed the within instrument on behalf of the corporation  
therein named, and acknowledged to me that such corporation  
executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed  
my official seal in the County of San Mateo the day and  
year in this certificate first above written.



IRENE EVENSON  
NOTARY PUBLIC - CALIFORNIA  
SAN MATEO COUNTY

Irene Evenson  
Notary Public, State of California  
My commission expires: January 17, 1965

STATE OF CALIFORNIA )  
COUNTY OF San Mateo ) ss.

On this 8th day of September, 1964, before me  
IRENE EVENSON, a Notary Public, State of  
California, duly commissioned and sworn, personally appeared  
R. S. Kerr and Donald K. Grant

known to me to be the Vice President and Assistant Secretary,  
respectively, of the corporation described in and that executed  
the within instrument, and also known to me to be the persons  
who executed the within instrument on behalf of the corporation  
therein named, and acknowledged to me that such corporation  
executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed  
my official seal in the County of San Mateo the day and  
year in this certificate first above written.



IRENE EVENSON  
NOTARY PUBLIC - CALIFORNIA  
SAN MATEO COUNTY

Irene Evenson  
Notary Public, State of California  
My commission expires: January 17, 1965

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STATE OF CALIFORNIA )  
COUNTY OF San Mateo ) ss.

On this 8th day of September, 1964, before me

IRENE EVENSON

, a Notary Public, State of California, duly commissioned and sworn, personally appeared

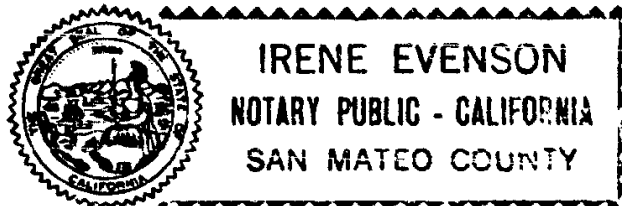
J. A. Henderson

and

T. J. Kame

known to me to be the Vice President and Assistant Secretary, respectively, of the corporation described in and that executed the within instrument, and also known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of San Mateo the day and year in this certificate first above written.



Irene Evenson  
Notary Public, State of California

My commission expires: January 17, 1965

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**CERTIFICATE OF ACCEPTANCE**

THIS IS TO CERTIFY that the interest in real property conveyed by the Deed or Grant, dated September 8, 1964, from GUY F. ATKINSON COMPANY, a Nevada Corporation,  
OSTRANDER CONSTRUCTION COMPANY, an Oregon corporation, and  
R. A. TRIPPEER, INC., a Nevada Corporation. to the City of Sunnyvale, a municipal corporation, is hereby accepted by order of the undersigned officer or agent on behalf of the City Council of the City of Sunnyvale pursuant to authority conferred by Resolution No. 2256 of the City Council, adopted on January 29, 1957, and the Grantee consents to recordation thereof by its duly authorized officer.

DATED: September 30, 1964

CITY OF SUNNYVALE

By

  
Director of Finance

RESOLUTION NO. 2256

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RESOLUTION AUTHORIZING THE DIRECTOR OF  
FINANCE ON BEHALF OF THE CITY OF SUNNYVALE  
TO ACCEPT ALL DEEDS AND GRANTS CONVEYING  
ANY INTEREST IN OR EASEMENT UPON REAL ESTATE  
TO THE CITY OF SUNNYVALE AND TO CONSENT TO  
THEIR RECORDATION

WHEREAS, Sec. 27281 of the Government Code of the State of California provides that deeds or grants conveying any interest in or easement upon real estate to a political corporation or governmental agency for public purposes shall not be acceptable for recordation without the consent of the grantee evidenced by the resolution of acceptance attached to said deed or grant deed; and

WHEREAS, said section further provides that an officer or agent of a municipal corporation may, by resolution, be authorized to consent to such deeds or grants;

NOW, THEREFORE, the Council of the City of Sunnyvale does resolve as follows:

1. That the Director of Finance be and he hereby is authorized and directed to accept, for and on behalf of the City of Sunnyvale, all deeds and grants conveying any interest in or easement upon real estate to the City of Sunnyvale, and to consent to their recordation.

2. That the City Clerk certify to the adoption of this resolution and that a copy thereof be attached to each such deed or grant presented for recordation.

The above and foregoing resolution was duly and regularly introduced and passed by the Council of the City of Sunnyvale at a regular meeting held on Tuesday, the 19th day of January, 1957, by the following called vote:

AYES: Councilmen: Boomer, Gilmore, Johnson, Jones and Ryan

NOES: Councilmen: None

ABSENT: Councilmen: Theller and Stout

APPROVED:

/s/ R. B. Gilmore  
Mayor Pro Tem

ATTEST:

/s/ Eugenia J. Brown  
Acting City Clerk

I, PERRY SCOTT, City Clerk of the City of Sunnyvale, do hereby certify that the above is a true and correct copy of Resolution No. 2256, adopted by the Council of the City of Sunnyvale on January 29, 1957.

DATED: Sept 29-1964

PERRY SCOTT, City Clerk

By Flora W. Leonard  
Deputy City Clerk

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## EXHIBIT B



January 21, 2022  
BKF Job No: 20180905

### LEGAL DESCRIPTION EXHIBIT A: QUIT CLAIM 15' SLOPE EASEMENT

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

Being a portion of Parcel 1 as shown on that certain Parcel Map filed for record on April 24, 1996 in Book 675 of Maps, Pages 50 and 51, in Santa Clara County, more particularly described as follows:

**COMMENCING** at a Santa Clara County monument set in the centerline of Bordeaux Drive near the intersection of Bordeaux Drive and Moffett Park Drive as shown on said Parcel Map;

Thence South  $81^{\circ}56'03''$  West, 78.54 feet to a point on the southerly line of said Parcel 1, said point also being the **TRUE POINT OF BEGINNING**;

Thence along said southerly line the following seven (7) courses:

- 1) South  $81^{\circ}56'03''$  West, 96.14 feet to the beginning of a curve to the right, having a radius of 560.00 feet;
- 2) Westerly along said curve, through a central angle of  $17^{\circ}49'43''$ , an arc length of 174.25 feet;
- 3) North  $80^{\circ}14'14''$  West, 243.73 feet to the beginning of a curve to the left, having a radius of 640.00 feet;
- 4) Westerly along said curve, through a central angle of  $4^{\circ}56'49''$ , an arc length of 55.26 feet to the beginning of a reverse curve, having a radius of 50.00 feet, from said point a radial line bears North  $4^{\circ}48'57''$  East;
- 5) Northwesterly along said curve, through a central angle of  $97^{\circ}18'26''$ , an arc length of 84.92 feet;
- 6) North  $12^{\circ}07'23''$  East, 42.44 feet along the westerly line of said Parcel 1;
- 7) North  $29^{\circ}00'00''$  East, 51.67 feet;

Thence leaving westerly line along the following seven (7) courses:

- 1) South  $12^{\circ}07'23''$  West, 91.88 feet to the beginning of a curve to the left, having a radius of 35.00 feet;
- 2) Southeasterly along said curve, through a central angle of  $97^{\circ}18'26''$ , an arc length of 59.44 feet to the beginning of a reverse curve, having a radius of 655.00 feet, from said point a radial line bears South  $4^{\circ}48'57''$  West;
- 3) Easterly along said curve, through a central angle of  $4^{\circ}56'49''$ , an arc length of 56.55 feet;
- 4) South  $80^{\circ}14'14''$  East, 243.73 feet to the beginning of a curve to the left, having a radius of 545.00 feet;
- 5) Easterly along said curve, through a central angle of  $17^{\circ}49'43''$ , an arc length of 169.59 feet;
- 6) North  $81^{\circ}56'03''$  East, 131.85 feet to the beginning of a non-tangent curve, concave Northwest, having a radius of 50.00 feet, from said point a radial line bears North  $53^{\circ}38'20''$  West;



January 21, 2022  
BKF Job No: 20180905

- 7) Southwesterly along said curve, through a central angle of  $45^{\circ}34'23''$ , an arc length of 39.77 feet to the **TRUE POINT OF BEGINNING**.

Containing an area of 10,975 square feet more or less.

**As shown on plat attached hereto and by this reference made part hereof as Exhibit "B".**

For: BKF Engineers

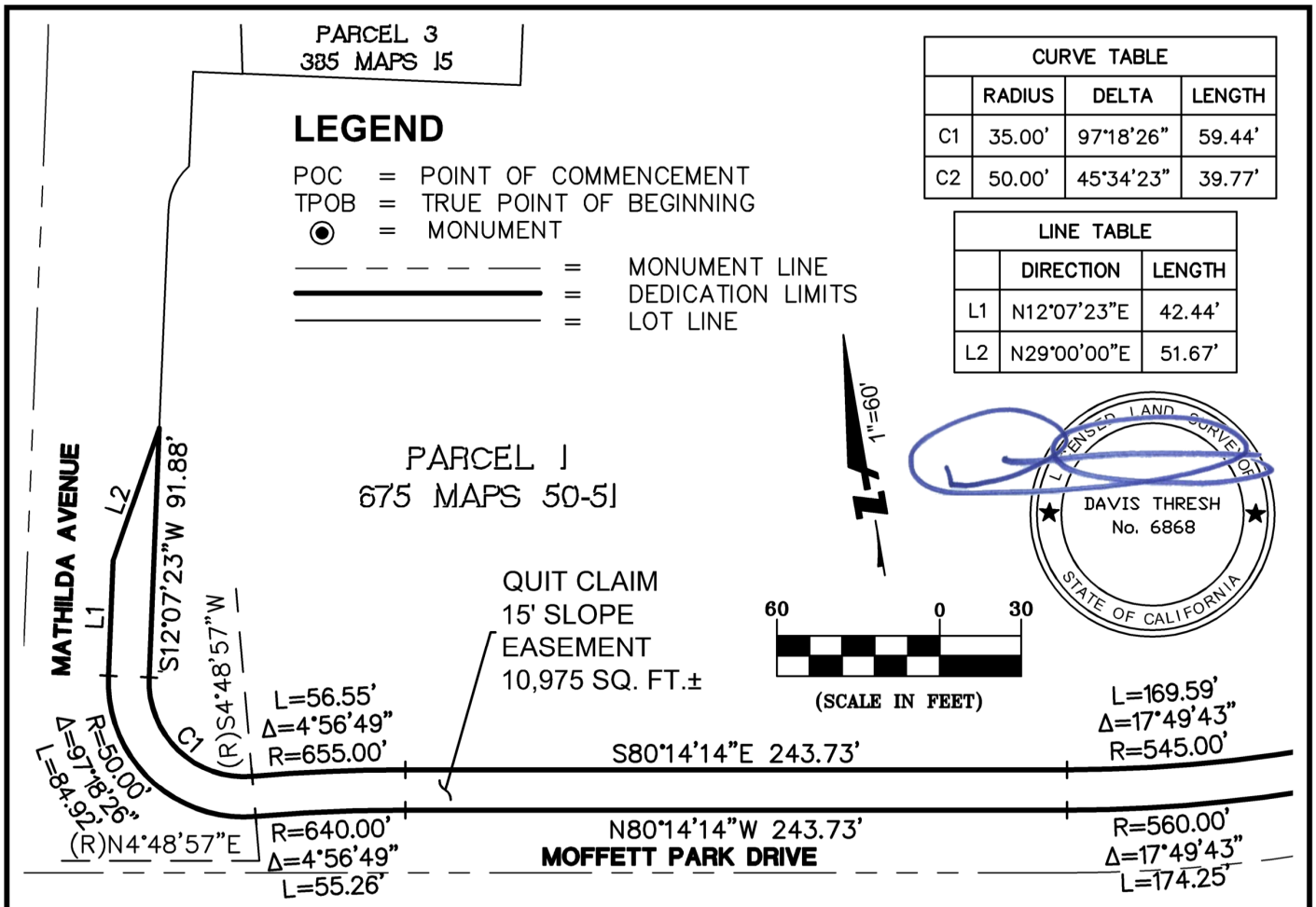
A handwritten signature in blue ink, appearing to read "Davis Thresh", is written over a horizontal line.

Davis Thresh, P.L.S. No. 6868

1/21/2022

Dated

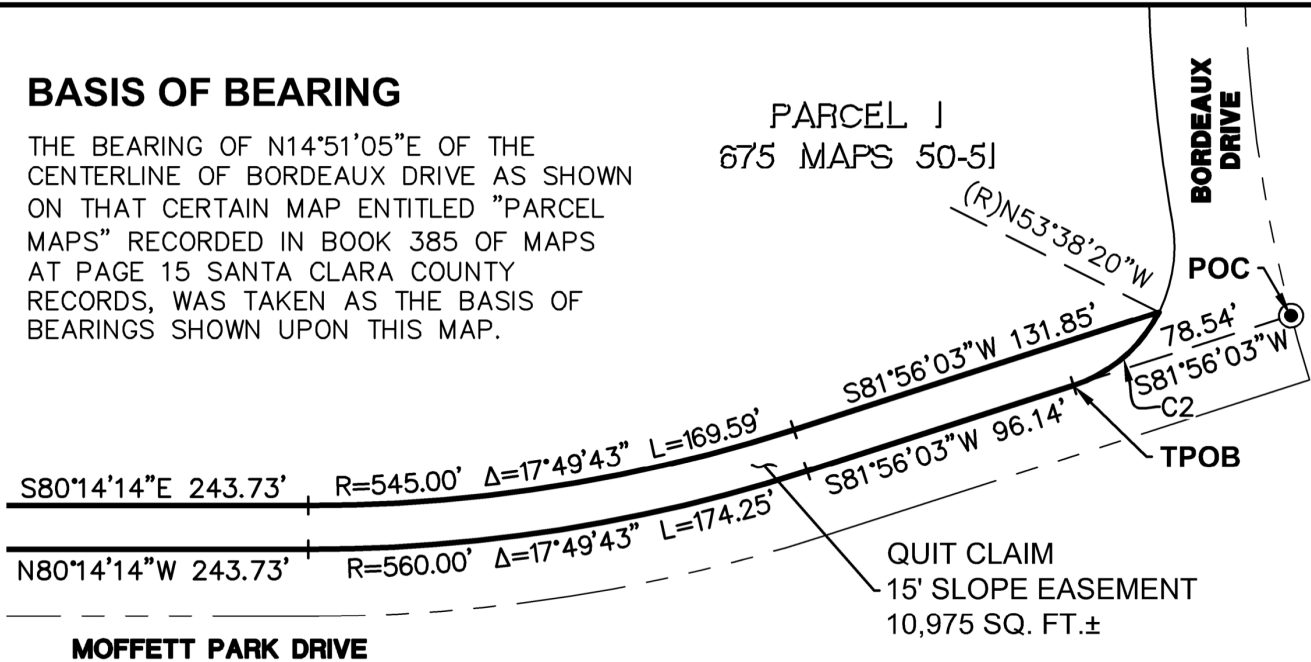




## BASIS OF BEARING

THE BEARING OF N14°51'05"E OF THE CENTERLINE OF BORDEAUX DRIVE AS SHOWN ON THAT CERTAIN MAP ENTITLED "PARCEL MAPS" RECORDED IN BOOK 385 OF MAPS AT PAGE 15 SANTA CLARA COUNTY RECORDS, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN UPON THIS MAP.

PARCEL 1  
675 MAPS 50-51



4670 WILLOW ROAD  
SUITE 250  
PLEASANTON, CA 94588  
(925) 396-7700  
www.bkf.com

Subject EXHIBIT B  
QUITCLAIM 15' SLOPE EASEMENT  
Job No. 20180905

By MGR Date 1/21/22 Chkd. WS  
SHEET 1 OF 1