

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE DECLARING ITS INTENTION AND
SETTING A PUBLIC HEARING TO CONSIDER
WHETHER TO VACATE FOUR PUBLIC UTILITY
EASEMENTS AT 520-592 EAST WEDDELL DRIVE AND
THE LANDS OF THE CITY AND COUNTY OF SAN
FRANCISCO**

WHEREAS, Section 8320 *et seq.* of the California Streets and Highways Code authorizes the City Council to initiate a proceeding and set a hearing to vacate public easements; and

WHEREAS, Section 8316 of the California Streets and Highways Code authorizes the City Council to include one or more public easements, whether or not contiguous, be vacated in the same proceeding; and

WHEREAS, there are four existing Public Utility Easements ("PUEs") within the Project site and within the Lands of the City and County of San Francisco, there is a parcel in the middle of the Project; and

WHEREAS, the PUEs as recorded with the Santa Clara County Recorder's Office include a 5-foot PUE on two parcels in Book 6545, Page 606, a 46-foot PUE on two parcels in Book D024, Page 211, a 10-foot PUE on one parcel in Book 348, Page 129, and a 51-foot PUE on the Lands of the City and County of San Francisco in Book C933, Page 170, as shown and attached hereto as Exhibit A; and

WHEREAS, on April 28, 2014, the City Planning Commission conditionally approved a special development permit for a 465-unit residential apartment project (the "Project") at 520-592 East Weddell Drive; and

WHEREAS, the vacation of the four PUEs is one of the Project's Conditions of Approval to allow for the construction of buildings on the Project site.

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

1. The City Council desires to initiate the proceeding to vacate four existing Public Utility Easements at 520-592 East Weddell Drive and the Lands of the City and County of San Francisco; and
2. The City Council directs the City Clerk to set a public hearing on July 14, 2015 at the hour of 7:00 p.m. at the meeting place of the City Council located at City Hall, Council Chambers, 456 West Olive Avenue, Sunnyvale, California to hear evidence offered by persons interested; and

3. The City Council directs the City Clerk to publish and post the hearing notice in accordance with the Streets and Highways Code Section 8322 and 8323.

Adopted by the City Council at a regular meeting held on _____, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

2649146

BOOK 6545 PAGE 606

EASEMENT DEEDOFFICIAL RECORDS
SANTA CLARA COUNTY
PAUL R. TETH
RECORDER

JUN 17 10 46 AM 1964

FILED FOR RECORD
AT REQUEST OF

BOOK 6545 PAGE 606

2649146

54

UNITED CALIFORNIA THEATRES, INC., a California corporation, hereby grant to the City of Sunnyvale, a municipal corporation of the State of California, an EASEMENT for the construction, reconstruction, and maintenance of streets and street improvements, including but not limited to sidewalks, drainage facilities, storm sewers, water mains and pipes, street lighting facilities, sanitary sewer and other public utilities 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:

BEGINNING at the intersection of the westerly line of the W. E. Crossman's Subdivision No. 3, a map of which is recorded in Book "K" of Maps, at page 95, in the office of the Recorder of said County, with the northerly line of Parcel "4" as said Parcel is described in the "Relinquishment of Highway Right of Way in the City of Sunnyvale, No. 22171," recorded in Book 6174, at pages 125 and 126; thence South $76^{\circ} 35' 39''$ East, along said northerly line, 336.70 feet to a tangent curve to the left, concave to the northwest; thence northeasterly along said curve having a radius of 222.00 feet, a central angle of $87^{\circ} 39' 43''$ an arc length of 339.66 feet; thence North $15^{\circ} 44' 38''$ East, along a line tangent to last said curve, 633.01 feet to a tangent curve to the right, concave to the southeast; thence northeasterly along said curve having a radius of 196.00 feet, a central angle of $27^{\circ} 37' 49''$, an arc length of 94.52 feet to a point of compound curvature; thence northeasterly along said compound curve having a radius of 82.00 feet a central angle of $42^{\circ} 06' 30''$ an arc length of 60.26 feet; thence North $85^{\circ} 28' 57''$ East, along a line tangent to last said compound curve, 31.38 feet to a tangent curve to the left, concave to the northwest; thence northeasterly along last said curve, having a radius of 29.00 feet a central angle of $59^{\circ} 51' 47''$ an arc length of 30.30 feet, to a point of compound curvature; thence northeasterly along last said compound curve having a radius of 164.00 feet, a central angle of $5^{\circ} 05' 26''$ an arc length of 14.57 feet; thence North $20^{\circ} 31' 44''$ East, along a line tangent to last said compound curve, 114.75 feet to a line running parallel with and distant 43.00 feet westerly measured at right angles from the center line of Fair Oaks Avenue as said Avenue is shown on said Crossman Subdivision No. 3; thence North $15^{\circ} 44' 38''$ East, along said parallel line, 136.18 feet; thence South $74^{\circ} 15' 22''$ East, 3.00 feet to the westerly line of that certain parcel of land described in the Deed to City of Sunnyvale recorded in Book 6121, at page 186, in the office of the Recorder of said County; thence North $15^{\circ} 44' 38''$ East, along last said westerly line, 261.87 feet to the southerly line of that certain parcel of land described in the Deed to City of Sunnyvale recorded in Book 6121, at page 183, in the office of the Recorder of said County; thence

2649146 JUN 17 64

North 74° 15' 22" West, along said southerly line 5.00 feet to a line running parallel with and distant 45.00 feet westerly, measured at right angles, from said center line at Fair Oaks Avenue; thence South 15° 44' 38" West along last said parallel line, 398.05 feet; thence South 22° 00' 21" West, 118.72 feet to a tangent curve to the right concave to the northwest; thence southwesterly along last said curve, having a radius of 159.00 feet a central angle of 3° 36' 49" an arc length of 10.03 feet, to a point of compound curvature; thence southwesterly along last said compound curve, having a radius of 24.00 feet a central angle of 59° 51' 47" an arc length of 25.08 feet to a line running parallel with and distant 5.00 feet northerly measured at right angles from the course that reads "North 85° 28' 57" East, 31.38 feet;" thence South 85° 28' 57" West, along last said parallel line, 31.38 feet to a tangent curve to the left, concave to the southeast; thence southwesterly along last said curve having a radius of 87.00 feet a central angle of 42° 06' 30" an arc length of 63.94 feet to a point of compound curvature; thence southwesterly along last said compound curve having a radius of 201.00 feet a central angle of 27° 37' 49" an arc length of 96.93 feet; thence South 15° 44' 38" West, along a line tangent to last said compound curve, 633.01 feet to a tangent curve to the right, concave to the northwest; thence northwesterly along last said curve having a radius of 217.00 feet a central angle of 87° 39' 43" an arc length of 332.01 feet to a line running parallel with and distant 5.00 feet northerly, measured at right angles from the course that reads, "South 76° 35' 39" East, 336.70 feet;" thence North 76° 35' 39" West, along last said parallel line, 336.50 feet to the said westerly line of Crossman's Subdivision No. 3; thence South 15° 44' 38" West, along last said westerly line 5.00 feet to the point of beginning.

EXECUTED this 7th day of February, 1964.

UNITED CALIFORNIA THEATRES, INC.,
a California corporation

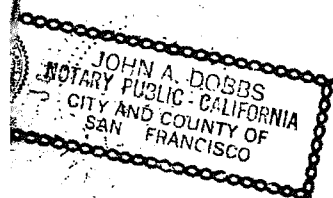
By [Signature]

By [Signature]

STATE OF CALIFORNIA,
City & County of San Francisco
On this 7th day of February ss.

before me, John A. Dobbs in the year one thousand nine hundred and Sixty Four
State of California, duly commissioned and sworn, personally appeared
A. C. CHILHOUSE & J. A. VINAY, a Notary Public,
known to me to be the Vice President & Asst. Secretary
of the corporation described in and that executed the within instrument, and also known to me to be
the person 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
City & County of San Francisco the day and year in this certificate
first above signed, John A. Dobbs, Notary Public
in and for the City and County of San Francisco, State of Cal.
My Commission Expires Dec. 9, 1965.
122 Golden Gate Ave., San Francisco, Calif.
My Commission Expires December 9, 1965
John A. Dobbs
Notary Public, State of California.



2649146 JUN 17 64

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the interest in real property conveyed by the Deed or Grant, dated February 7, 1964, from UNITED CALIFORNIA THEATRES, INC., a California 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: June 12, 1964.

CITY OF SUNNYVALE

By Thomas J. Ziemer
Director of Finance

2649146 JUN 17 1964

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: June 16, 1964

PERRY SCOTT, City Clerk

By Flora W. Leonard

Deputy City Clerk

2649146 JUN 17 1964

E. WEDDELL DRIVE

T.P.O.B.

S75°08'00"E
5.34'

S54°16'45"E (R)

N75°08'00"W
81.35'

R=201.00'
L=71.26'
 $\Delta=20^{\circ}18'44''$

P.O.B.

R=196.00'
L=71.34'
 $\Delta=20^{\circ}51'15''$

5' PUE
6545 O.R. 606
2,615.38 SF

LOT 19
356 MAPS 53-55

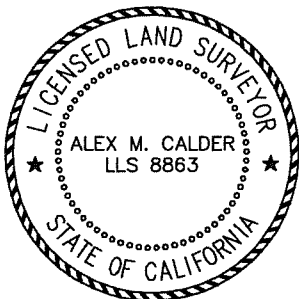
N14°52'00"E
451.75'

S14°52'00"W
451.81'

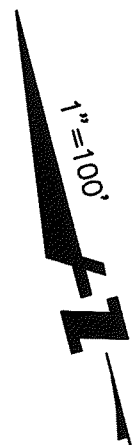
CITY AND COUNTY OF SAN
FRANCISCO RIGHT OF WAY

N74°27'26"W
5.00'

CALTRANS RIGHT OF WAY



Alex M. Calder



PLOTTED BY: ocon



255 SHORELINE DR
SUITE 200
REDWOOD CITY, CA 94065
650-482-6300
650-482-6399 (FAX)

Subject EXHIBIT A - ABANDONMENT OF
5' PUE PER 6545 O.R. 606

Job No. 20120062-13

By MAO Date 12/10/14 Chkd. _____

SHEET 1 OF 1

LOT 19
356 MAPS 53-55

CITY AND COUNTY OF SAN
FRANCISCO RIGHT OF WAY

S74°27'26"E
5.00'

T.P.O.B.

P.O.B.

N74°27'26"W
46.00'

S14°52'00"W
100.65'

N14°52'00"E
100.71'

PARCEL A
401 MAPS 29

R=217.00'
L=332.01'
 $\Delta=87^{\circ}39'43''$

5' PUE
6545 O.R. 606
3,863.44 SF

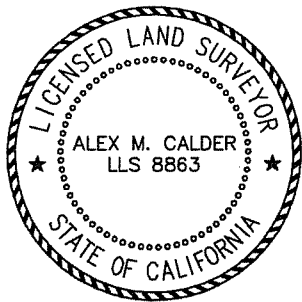
R=222.00'
L=339.66'
 $\Delta=87^{\circ}39'43''$

S77°28'17"E
336.07'

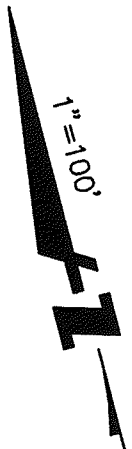
N14°52'00"E
5.00'

N77°28'17"W
336.28'

CALTRANS RIGHT OF WAY



Alex M. Calder



255 SHORELINE DR
SUITE 200
REDWOOD CITY, CA 94065
650-482-6300
650-482-6399 (FAX)

Subject EXHIBIT A - ABANDONMENT OF
5' PUE PER 6545 O.R. 606

Job No. 20120062-13

By MAO Date 12/10/14 Chkd. _____

SHEET 1 OF 1

5732256

SJ-390000-2
Title Insurance & Trust

RESOLUTION NO. 270-77

Kollreal
3000 Scott Blvd., #210
Santa Clara, CA 95050

D 024 PAGE 211

RESOLUTION OF THE COUNCIL OF THE CITY OF SUNNYVALE
DECLARING CERTAIN PARCELS OF REAL PROPERTY COMPRISING
PREVIOUSLY ABANDONED PORTIONS OF A PROPOSED ALIGNMENT
OF WEDDELL DRIVE TO BE SURPLUS AND UNUSABLE EXCEPT
IN CONJUNCTION WITH CONTIGUOUS PROPERTY, AUTHORIZING
CONVEYANCE THEREOF AND EXECUTION AND DELIVERY OF DEED

WHEREAS, the City Council by resolutions has previously vacated portions of a certain proposed public right of way more specifically described in said resolutions, reserving therein certain public utility easements; and

WHEREAS, included in such vacated property are parcels of real property designated Parcel 1 and Parcel 2, more specifically described in the report of the Director of Public Works dated June 28, 1977, and incorporated herein by reference, which parcels are surplus to the City's needs; and

WHEREAS, in the opinion of the City Council it is in the best interests of and for the benefit of the City of Sunnyvale, and the inhabitants thereof that said property be transferred; and

WHEREAS, said property lacks sufficient area and is of a shape that prevents its development under the applicable zoning district regulations and therefore is usable only in conjunction with an adjacent parcel; and

WHEREAS, all adjacent parcels to said Parcel 1 and Parcel 2, are owned by Kollreal, a California general partnership, which having previously dedicated the entire right of way upon which Weddell Drive has been constructed now requests that said real property described above be conveyed to it in return;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE
DOES RESOLVE AS FOLLOWS:

The Mayor and the City Clerk hereby are authorized and
directed to execute and attest and deliver, respectively, a deed
in the name and on behalf of the City to be prepared by the City
Attorney incorporating the descriptions contained in the above-
referenced report of the Director of Public Works with exceptions
and reservations as noted pertaining to public utility easements.

PASSED AND ADOPTED by the City Council of the City of
Sunnyvale at a regular meeting held on the 28th day of June,
1977, by the following called vote:

AYES: McKenna, Wulforth, Cude, Morris, Stone, Logan
NOES: None
ABSENT: Gunn

ATTEST:

LEE S. AYRES, City Clerk
By Carol Ann Butler
Deputy City Clerk

APPROVED:

[Signature]
Mayor

(SEAL)

Certified as a true copy
LEE S. AYRES, City Clerk
By [Signature]
Deputy City Clerk of the City of Sunnyvale

5732256

RECORDED AT THE REQUEST OF
Title Insurance and Trust Company
JUL 26 1977 8:01 AM
George A. Mann, Recorder
SANTA CLARA COUNTY, OFFICIAL RECORDS

QUITCLAIM DEED

D 024 PAGE 213

CITY OF SUNNYVALE, a Municipal Corporation of the State of California, hereby quitclaims to Kollreal, a general partnership, all of that certain real property situate in the City of Sunnyvale, County of Santa Clara, State of California, and more particularly described in Exhibit "A" attached hereto and incorporated by reference herein, excepting and reserving however in the whole of said property:

(a) A permanent easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge water mains and pipes, sanitary sewers and storm drains, street lighting facilities, and other public utilities and appurtenant structures, in, through, upon, over, across, beneath, and under said property described in Exhibit "A"; and

(b) A permanent easement and right at any time, or from time to time, and pursuant to any existing franchise 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, and for transportation or distribution of electric energy, water, and for incidental purposes, including materials, and wood growth, and otherwise protect the same from all hazards, in, upon and over said property, described in Exhibit "A."
NO WARRANTIES ARE EXPRESSED OR IMPLIED.

Dated:

CITY OF SUNNYVALE

ATTEST:

LEE S. AYRES, City Clerk

By Carol Ann Butler
Deputy City Clerk

W. J. Scott
Mayor

(SEAL)

EXCESS CITY PROPERTY

D 024 PAGE 214

Old Weddell Drive, West of Fair Oaks, vacated by Resolution No. 256-77

Parcel No. 1

All that real property situate in the City of Sunnyvale, County of Santa Clara, State of California, being a portion of Lot 19 as said Lot is shown on that certain Parcel Map filed for record on June 9, 1975, in Book 356 of Maps, at pages 53, 54 and 55, records of said county, and being more particularly described as follows:

Commencing at the Southerly terminus of that certain course having a bearing of North $14^{\circ}52'00''$ East, a distance of 451.75 feet, as shown on said parcel map, said point also being a point on the Southerly line of said Lot 19;

Thence South $74^{\circ}27'26''$ East along said Southerly line 5.00 feet to the TRUE POINT OF BEGINNING;

Thence North $14^{\circ}52'00''$ East, a distance of 451.81 feet to the beginning of a tangent curve to the right having a radius of 196.00 feet;

Thence Northerly and Northeasterly along said curve through a central angle of $20^{\circ}51'16''$, an arc distance of 71.34 feet to a point on the Southerly line of Weddell Drive as said Drive is shown on said Parcel Map;

Thence South $75^{\circ}08'00''$ East along said Southerly line, a distance of 81.35 feet to a point on a curve concave Southerly having a radius of 17.00 feet a radial line to said point bears North $8^{\circ}45'20''$ East;

Thence Southwesterly and Southerly along said curve through a central angle of $17^{\circ}28'00''$, an arc distance of 5.18 feet to a point of compound curvature, being the beginning of a curve to the left having a radius of 72.00 feet, a radial line to said point of compound curvature bears North $8^{\circ}42'40''$ West;

Thence Southwesterly and Southerly along said curve through a central angle of $66^{\circ}25'20''$, an arc distance of 83.47 feet;

Thence South $14^{\circ}52'00''$ West tangent to last said curve, a distance of 454.81 feet to a point on the Northerly line of that certain 80.00 foot strip of land entitled, "City and County of San Francisco" as shown on said Parcel Map;

Thence North $74^{\circ}27'26''$ West along last said Northerly line, a distance of 46.00 feet to said TRUE POINT OF BEGINNING.

Retaining over, upon and beneath the hereinabove described real property, a Public Utility Easement.

Exhibit "A"

Old Weddell Drive, West of Fair Oaks, vacated by Resolution No. 234-77

Parcel No. 2

All that certain real property situate in the City of Sunnyvale, County of Santa Clara, being a portion of Lot 18 as shown on that certain parcel map filed for record on June 9, 1975, in Book 356 of Maps, pages 53, 54 and 55, Santa Clara County Records, said portion being more particularly described as follows:

Beginning at a point on the Northerly line of said Lot 18, said point being the most Northerly terminus of that certain course having a bearing of North $14^{\circ}52'00''$ East and a distance of 100.11 feet;

Thence South $14^{\circ}52'00''$ West, along said course, a distance of 100.11 feet to the beginning of a tangent curve to the right, having a radius of 268.00 feet;

Thence along the arc of said curve through a central angle of $87^{\circ}39'43''$, a distance of 410.04 feet;

Thence North $77^{\circ}28'17''$ West, 352.96 feet;

Thence along the arc of a tangent curve to the right having a radius of 5,018 feet, through a central angle of $2^{\circ}52'01''$, a distance of 251.09 feet to a point of cusp;

Thence from a tangent bearing of South $74^{\circ}36'16''$ East, along the new alignment of Weddell Drive as shown on said Parcel Map, and along the arc of a curve to the left, having a radius of 263.35 feet and a central angle of $35^{\circ}15'46''$, a distance of 162.10 feet, a radial line to last said point bears North $19^{\circ}52'02''$ West;

Thence, leaving said new alignment, from a tangent bearing of South $76^{\circ}21'25''$ East, along the arc of a curve to the left having a radius of 4,972 feet, through a central angle of $1^{\circ}06'52''$, a distance of 96.71 feet;

Thence South $77^{\circ}28'17''$ East, along a line parallel with and distant Northerly, measured at right angles, 46.00 feet from the Southerly line of said Lot 18, a distance of 352.96 feet;

Thence along the arc of a tangent curve to the left having a radius of 222 feet, through a central angle of $87^{\circ}39'43''$, a distance of 339.66 feet;

Thence North $14^{\circ}52'00''$ East, 100.65 feet to said Northerly line of Lot 18;

Thence South $74^{\circ}27'26''$ East, along said Northerly line, 46.00 feet to the Point of Beginning.

Retaining over, upon and beneath the hereinabove described real property, a Public Utility Easement.

EXHIBIT "A"

77-53

E. WEDDELL DRIVE

S75°08'00"E
81.35'

R=196.00'
L=71.34'
Δ=20°51'15"

P.O.B.

R=72.00'
L=83.47'
Δ=66°25'20"

N14°52'00"E
451.81'

454.81'
S14°52'00"W

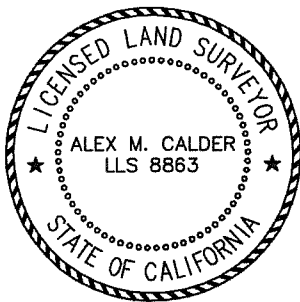
LOT 19
356 MAPS 53-55

46' WIDE PUE PER
D024 O.R. 211
24,566.58 SF

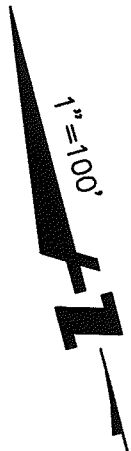
CITY AND COUNTY OF SAN
FRANCISCO RIGHT OF WAY

N74°27'26"W
46.00'

CALTRANS RIGHT OF WAY



Alex M. Calder



255 SHORELINE DR
SUITE 200
REDWOOD CITY, CA 94065
650-482-6300
650-482-6399 (FAX)

Subject EXHIBIT A - ABANDONMENT OF
46' PUE PER D024 O.R. 211
Job No. 20120062-13
By MAO Date 12/10/14 Chkd.
SHEET 1 OF 1

R=5018.00'
L=251.09'
 $\Delta=2^{\circ}52'01''$

R=263.39'
L=162.10'
 $\Delta=35^{\circ}15'42''$

N28°54'49"W (R)



CALTRANS RIGHT OF WAY

E. WEDDELL DRIVE

R=4972.00'
L=96.71'
 $\Delta=1^{\circ}06'52''$

S77°28'17"E
352.96'

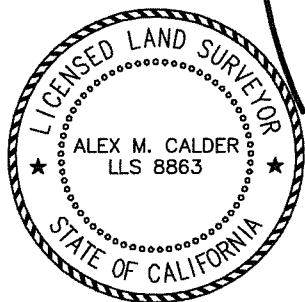
N77°28'17"W
352.96'

PARCEL A
401 MAPS 29

46' PUE
D024 O.R. 211
44,832.96 SF
R=222.00'
L=339.66'
 $\Delta=87^{\circ}39'43''$

CITY AND COUNTY OF SAN
FRANCISCO RIGHT OF WAY

LOT 19
356 MAPS 53-55



Alex M. Calder

R=268.00'
L=410.04'
 $\Delta=87^{\circ}39'43''$

N14°52'00"E
100.65'

S74°27'26"E
46.00'

100.11'

S14°52'00"W

P.O.B.

PLOTTED BY: ocon



255 SHORELINE DR
SUITE 200
REDWOOD CITY, CA 94065
650-482-6300
650-482-6399 (FAX)

Subject EXHIBIT A - ABANDONMENT OF
46' PUE PER D024 O.R. 211
Job No. 20120062-13
By MAO Date 12/10/14 Chkd.
SHEET 1 OF 1

RETURN TO:
CITY ATTORNEY'S OFFICE
P.O. BOX 697
SUNNYVALE, CA. 94088

NO FEE

EASEMENT DEED

(Public Utilities)

4978515

KOLLELAL, A General Partnership

4978515
B 348 REC 129

FILED FOR RECORD
AT REQUEST OF

City of Sunnyvale
APR 4 11 18 AM '75

OFFICIAL RECORDS
SANTA CLARA COUNTY
GEORGE A. MANN
REGISTERED RECORDER

B 348 REC 129

hereby GRANT to the CITY OF SUNNYVALE a Municipal Corporation of the State of California, an 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, over, across, beneath and upon the following described real property situate in the City of Sunnyvale, County of Santa Clara, State of California, being a 10.00 foot strip of land, being a portion of Parcel "A" as said Parcel "A" is shown on that certain Record of Survey Map filed for record on February 4, 1964, in Book 172 of Maps, at page 56, Records of Santa Clara County, State of California, and also being a portion of Lot 19 as said Lot 19 is shown on that certain map entitled "Map of L. L. Morse Subdivision", which map was recorded in the Office of the County Recorder, in Book "F-1" of Maps, at page 39, and being more particularly described as follows:

A strip of land 10.00 feet in width lying contiguous to and Easterly and South-easterly of the following described lines:

Beginning at the Northwest corner of said Parcel "A";

Thence South 14°52'00" West, along the Westerly line of said Parcel "A", a distance of 129.89 feet to the beginning of a tangent curve to the right having a radius of 263.58 feet;

Thence Southerly and Southwesterly along said curve through a central angle of 55°15'58" an arc distance of 254.06 feet to a point on the Northerly line of Weddell Drive (46 feet wide).

These easements are granted as written above provided, however, that the easements may be used by grantor or its successors or assigns for parking, driveways, and landscaping and shall include reasonable right of access to and egress from said real property over the adjacent lands of grantor. Said uses shall not interfere with the maintenance of and repair to said easements and/or utilities provided

B 348 WCE130

therein by the City of Sunnyvale. These easements shall remain free and clear of any and all obstructions including, but not limited to, poles, buildings, structures and appurtenances thereto.

Executed this 21st day of February, 1975.

KOLLREAL,
A General Partnership

By: Don Koll Company, Inc.
General Partner

By:

By:

By: Jovencal Realty, Inc.
General Partner

By:

By:

Dwight B. Sullivan
Asst. Treas.

J. Fred Kimmel
Vice Pres.

TO 448 C
(Corporation as a Partner of a Partnership)

B 348 AC:131

(71)

STATE OF CALIFORNIA
COUNTY OF Santa Clara } ss.

On February 21, 1975, before me, the undersigned, a Notary Public in and for said State, personally appeared G. D. GIBSON, JR. known to me to be the Vice President, and ROBERT A. CHURCH known to me to be the Assistant Secretary of KOLLE COMPANY, INC. the corporation that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of said corporation, said corporation being known to me to be one of the partners of

KOLLEAL the partnership that executed the within instrument, and acknowledged to me that such corporation executed the same as such partner and that such partnership executed the same.

WITNESS my hand and official seal.

Signature Jeanne M. Kenne

JEANNE M. KENNE
Name (Typed or Printed)



(This area for official notarial seal)

(Corporation as a Partner of a Partnership)

STATE OF TENNESSEE
COUNTY OF DAVIDSON } ss.

On MARCH 18, 1975, before me, the undersigned, a Notary Public in and for said State, personally appeared J. FRED HUMMEL known to me to be the VICE President, and MILDRED BIDWELL known to me to be the ASSISTANT XXXXXXXXX TREASURER OF JOVENAL REALTY, INC. the corporation that executed the within instrument and known to me to be the persons who executed the within instrument on behalf of said corporation, said corporation being known to me to be one of the partners of

KOLLEAL the partnership that executed the within instrument, and acknowledged to me that such corporation executed the same as such partner and that such partnership executed the same.

WITNESS my hand and official seal.

Signature Deborah Wallace

DEBORAH WALLACE

Name (Typed or Printed)



(This area for official notarial seal)

RESOLUTION NO. 2256

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 PROPERTY TO THE CITY OF SUNNYVALE AND TO CONSENT TO THEIR RECORDATION

WHEREAS, Section 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 29th 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, JOHN E. DEVER, 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: April 3, 1975

JOHN E. DEVER, City Clerk

by Carol Ann Smith
Deputy City Clerk

(SEAL)

B 348 INC133

CERTIFICATION OF ACCEPTANCE

THIS IS TO CERTIFY that the interest in real property
conveyed by Deed or Grant, dated February 21, 1975,
from KOLLREAL, a General Partnership,

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: April 3, 1975

CITY OF SUNNYVALE

BY

Carl D. Hishy
Director of Finance

LOT 19
356 MAPS 53-55

CITY AND COUNTY OF SAN
FRANCISCO RIGHT OF WAY

S74°27'26"E
253.58'

T.P.O.B.

P.O.B.

N15°32'34"E
10.00'

N74°27'26"W
253.70'

N74°27'26"W
51.00'

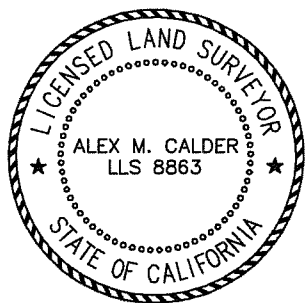
S14°52'00"W
10.00'

PARCEL A
401 MAPS 29

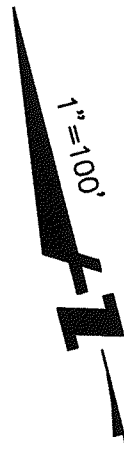
10' PUE
348 O.R. 129
2,536.39 SF

E. WEDDELL DRIVE

CALTRANS RIGHT OF WAY



Alex M. Calder



255 SHORELINE DR
SUITE 200
REDWOOD CITY, CA 94065
650-482-6300
650-482-6399 (FAX)

Subject EXHIBIT A - ABANDONMENT OF
10' PUE PER 348 O.R. 149
Job No. 20120062-13
By MAO Date 12/10/14 Chkd. _____
SHEET 1 OF 1

5693148

City Clerk's Office
City of Sunnyvale
P.O. Box 607
Sunnyvale, CA 94088

RESOLUTION NO. 234-77

C 933 PAGE 170

RESOLUTION OF THE COUNCIL OF THE CITY OF SUNNYVALE
ORDERING VACATION OF A CERTAIN PUBLIC STREET COMMONLY
KNOWN AS OLD WEDDELL DRIVE BETWEEN MORSE AVENUE AND
FAIR OAKS AVENUE, AND RESERVING PUBLIC UTILITY EASEMENT

D.H.

WHEREAS, the City Council by Resolution No. 205-77 adopted on April 19, 1977, has declared its intention to vacate a certain public street, or portion thereof, within the City of Sunnyvale, hereinafter more particularly described, and set a public hearing thereon; and

WHEREAS, Resolution No. 205-77 fixed a time and place for hearing all persons interested in or objecting to the proposed vacation, which hearing was duly continued to May 24, 1977, at the hour of 8:00 p.m. in the Council Chambers of the City of Sunnyvale, 456 West Olive Avenue, Sunnyvale, California, which said time was not less than fifteen (15) days from the above-mentioned date and the passage of Resolution No. 205-77; and

WHEREAS, Resolution No. 205-77 was published in the manner prescribed by law for publication of legal notices for the City of Sunnyvale in the Valley Journal, a newspaper of general circulation in the City of Sunnyvale; and

WHEREAS, on May 6, 1977, notices of street vacation consisting of copies of Resolution No. 205-77 were conspicuously posted along the lines of said public street or portion thereof to be vacated, not more than three hundred (300) feet apart;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. This Council finds from all of the evidence submitted that the public street, or portion thereof, in the City of Sunnyvale, more particularly described in Exhibits "A" and "B" attached hereto and incorporated herein by reference, is unnecessary for present or prospective

public use.

SECTION 2. It is hereby ordered that the public street, or portion thereof, which is lawfully, officially and commonly known as Old Weddell Drive between Morse Avenue and Fair Oaks Avenue in Exhibits "A" and "B" be and it is hereby abandoned and vacated, pursuant to the provisions of Part 3, Division 9 of the Streets and Highways Code of the State of California, being the Street Vacation Act of 1941, as amended.

SECTION 3. 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 and reserved therefrom (a) a permanent easement and right at any time, or from time to time to construct, maintain, operate, replace, remove, renew and enlarge water mains and pipes, sanitary sewers and storm drains, street lighting facilities, and other public utilities and appurtenant structures, in, through, upon, over, across, beneath and under said public street, or portion thereof, described in Exhibits "A" and "B," and (b) a permanent easement and right at any time, or from time to time, and pursuant to any existing franchise 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, and for 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 same from all hazards in, upon and over said public street, or portion thereof, described in Exhibits "A" and "B."

C 933 PAGE 172

SECTION 4. The City Clerk is directed to 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.

PASSED AND ADOPTED by the City Council of the City of Sunnyvale at a regular meeting held on the 24th day of May, 1977, by the following called vote:

AYES: McKenna, Wulforst, Cude, Morris, Stone, Logan

NOES: None

ABSENT: None

ABSTAIN: Gunn

ATTEST:

LEE S. AYERS, City Clerk

By Carol Ann Butler
Deputy City Clerk

APPROVED:

Gilbert R. Gunn
VICE-Mayor

(SEAL)

Certified as a true copy
LEE S. AYERS, Clerk

By Carol Ann Butler
Deputy City Clerk of the City of Sunnyvale

C 933 PAGE 170

FILED FOR RECORD
AT REQUEST OF
City of Sunnyvale
JUN 21 10 23 AM '77
OFFICIAL RECORDER
SANTA CLARA COUNTY
GEORGE A. HANN
REGISTER RECORDER

5693148

VACATION OF STREET RIGHT-OF-WAY

C 933 PAGE 173

All that real property situated in the City of Sunnyvale, County of Santa Clara, State of California, being a portion of that 80.00 foot wide strip of land entitled, "City and County of San Francisco", as shown on that certain Parcel Map filed for record on June 9, 1975, in Book 356 of Maps, at pages 53, 54 and 55, records of said county and being more particularly described as follows:

Beginning at the Northerly terminus of that certain course having a bearing of North $14^{\circ}52'00''$ East and a distance of 100.71 feet as shown on said Parcel Map, said point also being a point on the Northerly line of Lot 18 of said Parcel Map;

Thence continuing North $14^{\circ}52'00''$ East, a distance of 80.00 feet to a point on the Southerly line of Lot 19 of said Parcel Map;

Thence South $74^{\circ}27'26''$ East along the Northerly line of said 80.00 foot strip of land, a distance of 51.00 feet;

Thence South $14^{\circ}52'00''$ West a distance of 80.00 feet to a point on the Southerly line of said 80.00 foot strip of land;

Thence North $74^{\circ}27'26''$ West along last said Southerly line, a distance of 51.00 feet to the Point of Beginning.

Retaining thereon a Public Utilities Easement.

EXHIBIT "A"

77-37

VACATION OF STREET RIGHT-OF-WAY

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

Being a portion of Lot 18 as said Lot is shown on that certain parcel map filed for record on June 9, 1975, in Book 356 of Maps, at pages 53, 54 and 55, records of said county and being more particularly described as follows:

Beginning at the most Northerly terminus of that certain course having a bearing of North $14^{\circ}52'00''$ East and a distance of 100.71 feet as shown on said Parcel Map, said point also being a point on the Northerly line of said Lot 18;

Thence South $14^{\circ}52'00''$ West, a distance of 100.71 feet to the beginning of a tangent curve to the right having a radius of 217.00 feet;

Thence Southerly and Southwesterly along said curve through a central angle of $87^{\circ}39'43''$ an arc distance of 332.01 feet;

Thence North $77^{\circ}28'17''$ West, a distance of 336.07 feet;

Thence South $14^{\circ}52'00''$ West, a distance of 5.00 feet;

Thence North $77^{\circ}28'17''$ West, a distance of 13.68 feet, to the beginning of a tangent curve to the right having a radius of 4,972.00 feet;

Thence Westerly along said curve through a central angle of $1^{\circ}06'52''$ an arc distance of 96.71 feet to a point on the Southeasterly line of Weddell Drive as said drive is shown on said parcel map, said Southeasterly line also being on a curve concave Northwesterly having a radius of 263.39 feet; a radial line to said point from the center of said curve having a radius of 4,972.00 feet bears South $13^{\circ}38'35''$ West, a radial line to said point from the center of said curve having a radius of 263.39 feet bears South $19^{\circ}52'02''$ East;

Thence Southwesterly and Westerly along said curve and said Southeasterly line, through a central angle of $35^{\circ}15'46''$, an arc distance of 162.10 feet to a point of cusp, said point also being a point on the Southerly line of Weddell Drive as said drive is shown on said Parcel Map, a radial line to said point bears South $15^{\circ}23'44''$ West;

Thence Easterly and Northeasterly along a curve concave Northerly having a radius of 5,018.00 feet through a central angle of $2^{\circ}52'01''$ an arc distance of 251.09 feet;

Thence South $77^{\circ}28'17''$ East tangent to said curve, a distance of 352.96 feet to the beginning of a tangent curve to the left having a radius of 268.00 feet;

Thence Northeasterly and Northerly along said curve through a central angle of $87^{\circ}39'43''$ an arc distance of 410.04 feet;

Thence North $14^{\circ}52'00''$ East, a distance of 100.11 feet to a point on said Northerly line of said Lot 18;

Thence North $74^{\circ}27'26''$ West along said Northerly line, a distance of 51.00 feet to the Point of Beginning.

Retaining thereon a Public Utilities Easement.

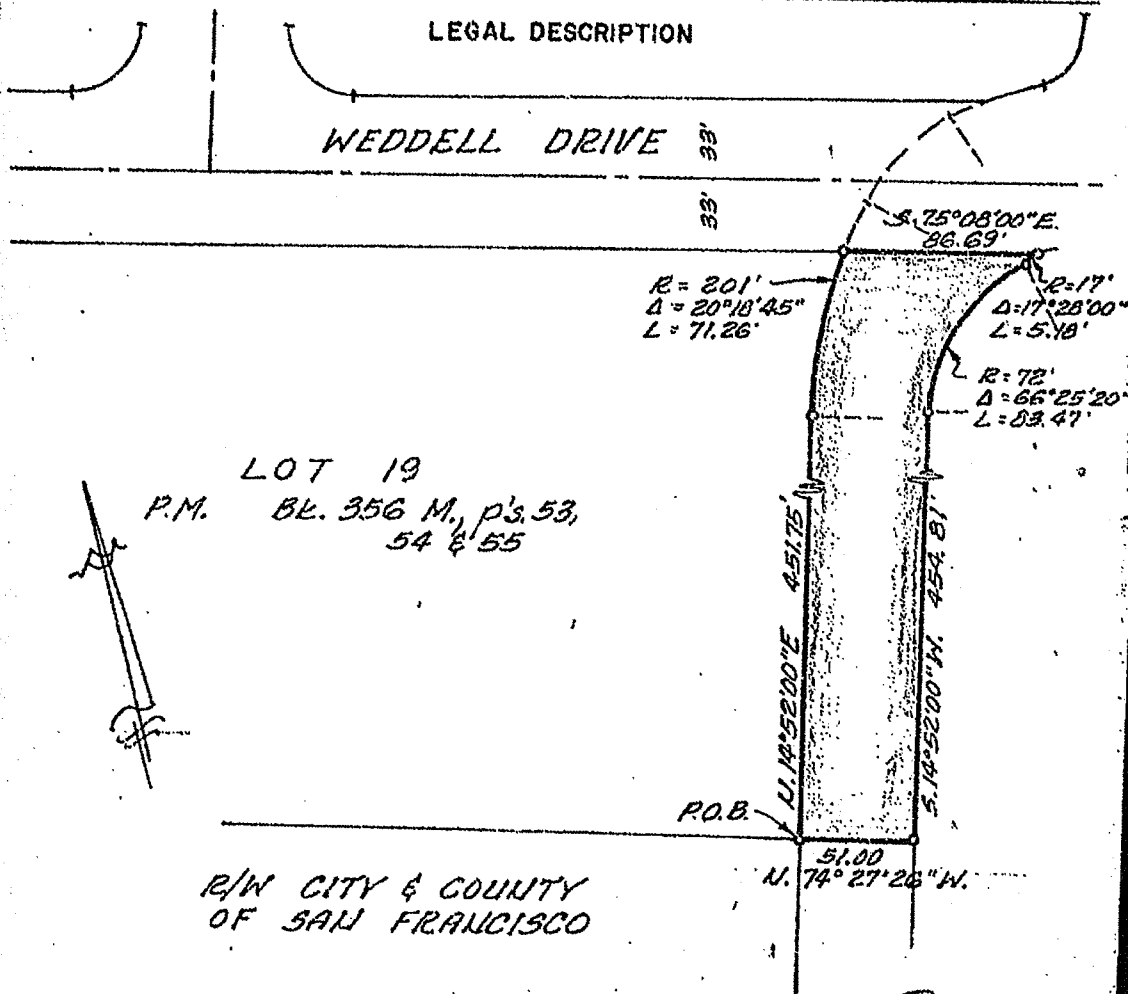
ABANDONMENT DESCRIPTION AND DIAGRAM

C 933 PAGE 175

CITY OF SUNNYVALE, CALIFORNIA

PROJECT _____ PROJ. NO. _____
 LOCATION Section of Weddell Drive, parallel with Fair Oaks Ave., Northerly of Hetch-Hetchy
 OWNER CITY OF SUNNYVALE
 OWNER'S RESIDENCE _____
 PROPOSED USE OF LAND VACATION OF RIGHT-OF-WAY, RETAINING P.U.E.

LEGAL DESCRIPTION



SCALE: 1" = 60'

PREPARED U.I.B.

CHECKED RB

DATE Mar. 15, 1977

APPROVED: *[Signature]*

DIRECTOR OF PUBLIC WORKS

DATE 4/15/77

Revised	Checked	Approved	Date
---------	---------	----------	------

77-36
 PW-57

LOT 19
356 MAPS 53-55

E. WEDDELL DRIVE

CALTRANS RIGHT OF WAY

T.P.O.B.

S74°27'26"E
51.00'

CITY AND COUNTY OF SAN
FRANCISCO RIGHT OF WAY

N14°52'00"E
80.00'

S14°52'00"W
80.00'

51' PUE
C933 O.R. 170
4,080.00 SF

PARCEL A
401 MAPS 29

N74°27'26"W
51.00'



Alex M. Calder

1"=100'



255 SHORELINE DR
SUITE 200
REDWOOD CITY, CA 94065
650-482-6300
650-482-6399 (FAX)

Subject EXHIBIT A - ABANDONMENT OF
51' PUE PER C 933 O.R. 170
Job No. 20120062-13
By MAO Date 2/27/15 Chkd.
SHEET 1 OF 1

R=5018.00'
L=251.09'
 $\Delta=2^{\circ}52'01''$

R=263.39'
L=170.94'
 $\Delta=37^{\circ}11'08''$

N28°54'49"W (R)



CALTRANS RIGHT OF WAY

E. WEDDELL DRIVE

R=4967.00'
L=89.32'
 $\Delta=1^{\circ}01'49''$

352.96'
S77°28'17"E

N77°28'17"W
352.96'

PARCEL A
401 MAPS 29

51' PUE
C933 O.R. 170
49,245 SF ±

CITY AND COUNTY OF SAN
FRANCISCO RIGHT OF WAY

LOT 19
356 MAPS 53-55



R=217.00'
L=332.01'
 $\Delta=87^{\circ}39'43''$

R=268.00'
L=410.04'
 $\Delta=87^{\circ}39'43''$

N14°52'00"E
100.65'
100.11'

S74°27'26"E
51.00'

S14°52'00"W

P.O.B.



255 SHORELINE DR
SUITE 200
REDWOOD CITY, CA 94065
650-482-6300
650-482-6399 (FAX)

Subject EXHIBIT A - ABANDONMENT OF
51' PUE PER C933 O.R. 170
Job No. 20120062-13
By MAO Date 5/15/15 Chkd.
SHEET 1 OF 1