

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE DECLARING ITS INTENTION AND SETTING A PUBLIC HEARING TO CONSIDER THE VACATION OF A PORTION OF CARL ROAD WESTERLY OF BORREGAS AVENUE, A PORTION BORREGAS AVENUE NORTHERLY OF CARL ROAD AND A PORTION OF CROSSMAN AVENUE NORTHERLY OF CARIBBEAN DRIVE, AND RESERVING PUBLIC UTILITY EASEMENTS THEREIN**

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

WHEREAS, Section 8316 of the California Streets and Highways Code authorizes multiple streets, whether or not contiguous, to be vacated in the same proceeding; and

WHEREAS, the City Council intends to vacate portions of the following streets: Carl Road westerly of Borregas Avenue ("Carl Road"), Borregas Avenue northerly of Carl Road ("Borregas Avenue") and Crossman Avenue northerly of Caribbean Drive ("Crossman Avenue"), as described in the legal descriptions and depicted in the plat maps, attached hereto as Exhibit "A"; and

WHEREAS, Carl Road has provided the public with access to the San Francisco Bay Trail since 2010, and vacating Carl Road is one of the first steps in moving forward with the Sunnyvale Clean Water Program build out; and

WHEREAS, the public's access to the San Francisco Bay Trail from Sunnyvale will be relocated to Carribean Drive, where the Caribbean Drive Parking and Trail Access Enhancement project is underway to enhance the entrance of the Bay Trail; and

WHEREAS, the vacation of Borregas Avenue and Crossman Avenue was added to the Caribbean Drive Parking and Trail Access Enhancements design contract as both are no longer used by the public and were not previously vacated; and

WHEREAS, Pacific Gas and Electric, Frontier Communication, XO Communication and AT&T, have no objection to the vacation of the public streets; and

WHEREAS, pursuant to California Streets & Highways Code section 8341, AT&T requested that the City reserve a utility easement over Borregas Avenue and the eastern portion of Crossman Avenue measured 25' north from the southerly end of Carribean Drive as further described in Exhibit "B" for their existing facilities and the City Council determines that the public convenience and necessity requires the reservation of the utility easement; and

WHEREAS, the proposed vacation of the public streets shall not in any way affect or disturb any other existing easements for public utility purposes belonging to either the City of Sunnyvale or to any public utility.

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 the public streets located on portions of Carl Road, Borregas Avenue and Crossman Drive as further described in Exhibit "A"; and
2. The City Council hereby reserves to AT&T, its successors, and assigns a temporary easement over Borregas Avenue northerly of Carl Road and over the eastern portion of Crossman Avenue measured 25' north from Carribean Drive, to operate, inspect, maintain, repair and replace only the existing underground and overhead structures consisting of wires, cables and necessary fixtures and appurtenances, but not any new utilities, including rights of ingress and egress thereto, and said temporary easement shall terminate upon relocation or abandonment of the affected existing utilities; and
3. The City Council directs the Director of Public Works to post Notices of Street Vacation at least two weeks prior to the hearing as required by California Streets and Highways Code section 8323; and
4. The City Council directs the City Clerk to publish the hearing notice for two successive weeks in The Sun in accordance with Streets and Highways Code section 8322; and
5. The City Council directs the City Clerk to set a public hearing on February 27, 2018, 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.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM

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

## **EXHIBIT A**

### **VACATION OF A PORTION OF CARL ROAD**


#### **PUBLIC RIGHT OF WAY**

All that property situated in the City of Sunnyvale, County of Santa Clara, State of California, being a portion of Carl Road (40 feet wide) as dedicated per that certain Map entitled, "Map of the J.T. Murphy Subdivision No. 3", recorded in the office of the County Recorder of the County of Santa Clara, on October 17, 1896, in Book "I" of Maps, Page 45, and further shown on that Record of Survey recorded in the office of said County on February 2, 2009, in Book 830 of Maps, Page 16, and more particularly described as follows:

**Commencing** at a point on the northwest corner of Lot 80 of said J.T. Murphy Subdivision No. 3; thence along the westerly line of said Lot 80, South 14°51'05" West, a distance of 481.30 feet, to the intersection of the northerly right of way line of Carl Road, said point also being the **Point of Beginning**; thence along said northerly right of way, South 75°08'20" East, a distance of 733.25 feet, to a point of intersection at the westerly right of way line of Borregas Avenue (50 feet wide); thence along said westerly right of way line, South 14°51'05" West, a distance of 40.00 feet, to a point of intersection at the southerly right of way line of said Carl Road; thence along said right of way line, North 75°08'20" West, a distance of 733.25 feet, to a point of intersection at the westerly parcel line of Lot 78 of said J.T. Murphy Subdivision No. 3; thence northerly along the westerly line of said Lot 78 and Lot 80, North 14°51'05" East, a distance of 40.00 feet, to the **Point of Beginning**.

Containing 0.67 acres or 29,330 square feet, more or less.

This real property description has been prepared at Mark Thomas & Company, Inc., by me, or under my direction, in conformance with the Professional Land Surveyors Act.



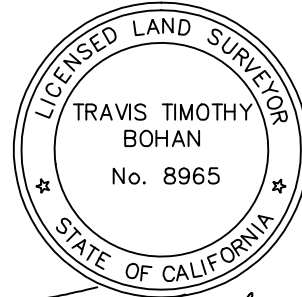
Travis Timothy Bohan, LS 8965

**JUNE 9, 2017**

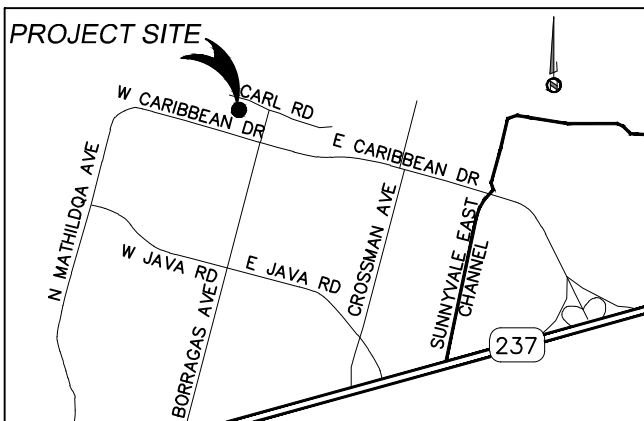
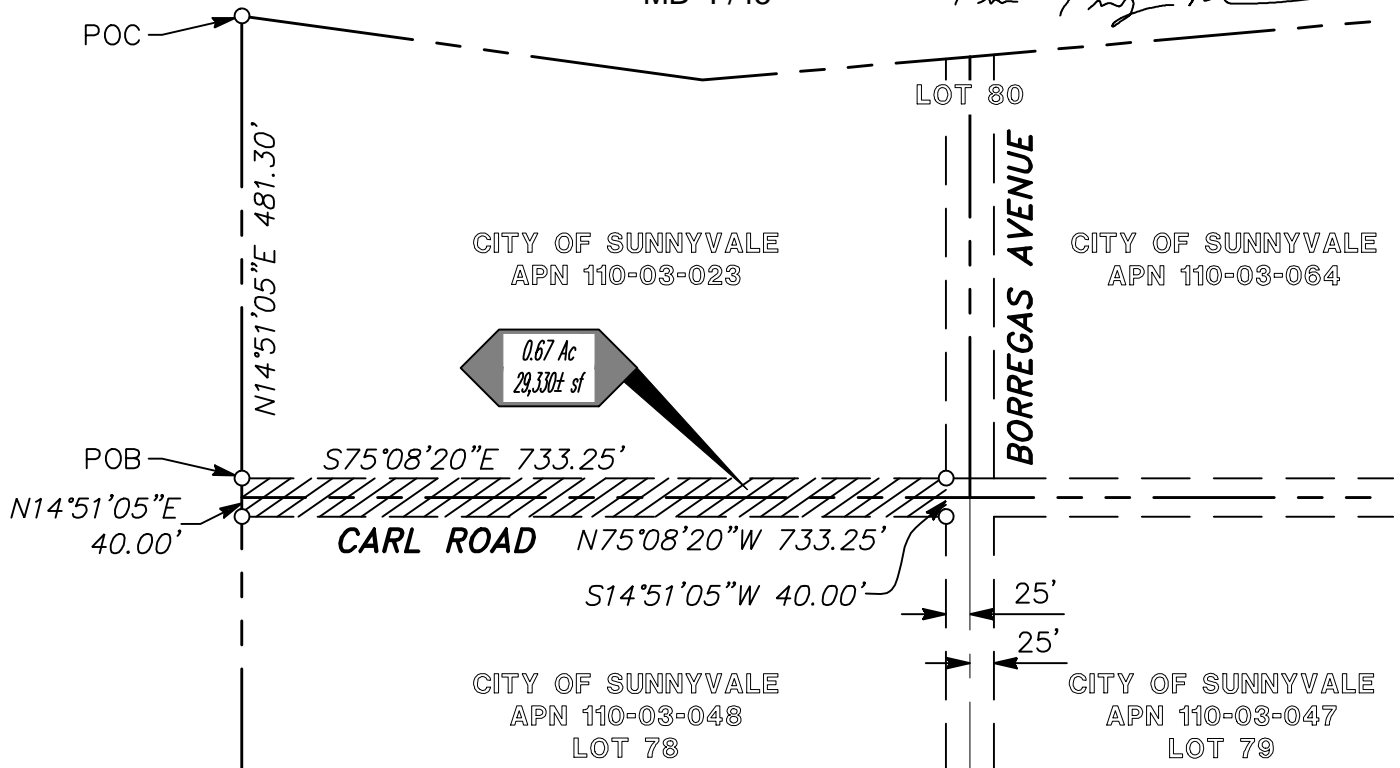
Date

# **LEGEND**

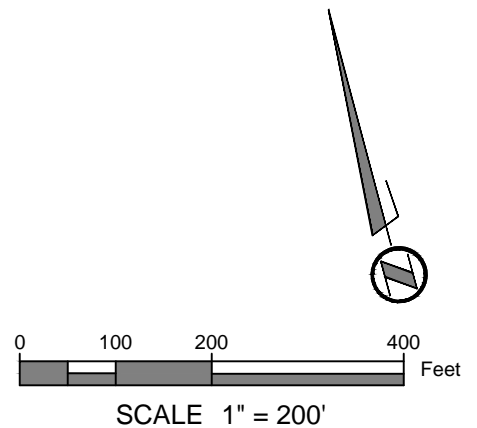
POB POINT OF BEGINNING  
 POC POINT OF COMMENCEMENT  
 ○ DIMENSION POINT  
 ▨ AREA TO BE VACATED



J.T. MURPHY SUBDIVISION  
 NO. 3 OF LOT 3A  
 MB "I"/45



**VICINITY MAP**



**SHEET 1 OF 1**



**MARK THOMAS**

Scale: 1" = 200'  
 Date MAY 2017  
 Drawn By AMM  
 Checked By TTB

Portion of CARL ROAD to be Vacated  
 Plat to Accompany Legal Description  
 In the City of Sunnyvale  
 Santa Clara County, California

**VACATION OF A PORTION OF CROSSMAN AVENUE**  
**PUBLIC RIGHT OF WAY**

All that property situated in the City of Sunnyvale, County of Santa Clara, State of California, being a portion of Crossman Avenue (40 feet wide) as dedicated per that certain Map entitled, "Map of the Crossman Subdivision No. 2", recorded in the office of the County Recorder of the County of Santa Clara, in Book "F2" of Maps, at Pages 24, and further shown on that Record of Survey recorded in the office of said County on July 18, 1969, in Book 256 of Maps, at Pages 28 and 29, and more particularly described as follows:

All of that portion of Crossman Avenue (40 feet wide) North of the northerly right of way of Caribbean Drive (100 feet wide) as shown on said Record of Survey.

Containing 1.04 acres or 45,666 square feet, more or less.

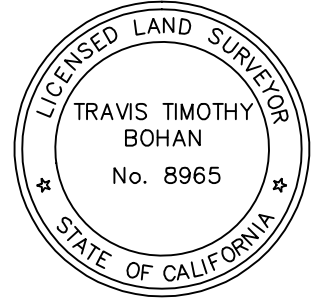
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Travis Timothy Bohan, LS 8965

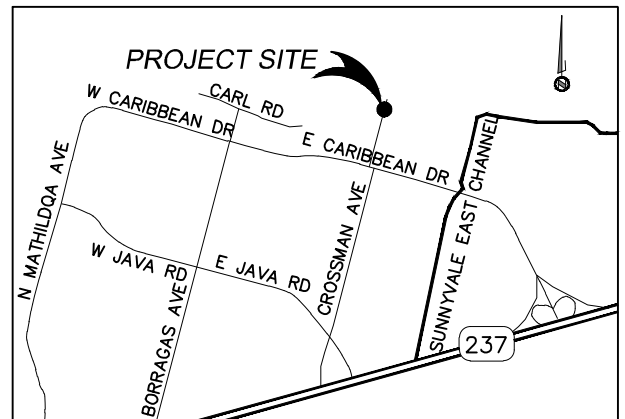
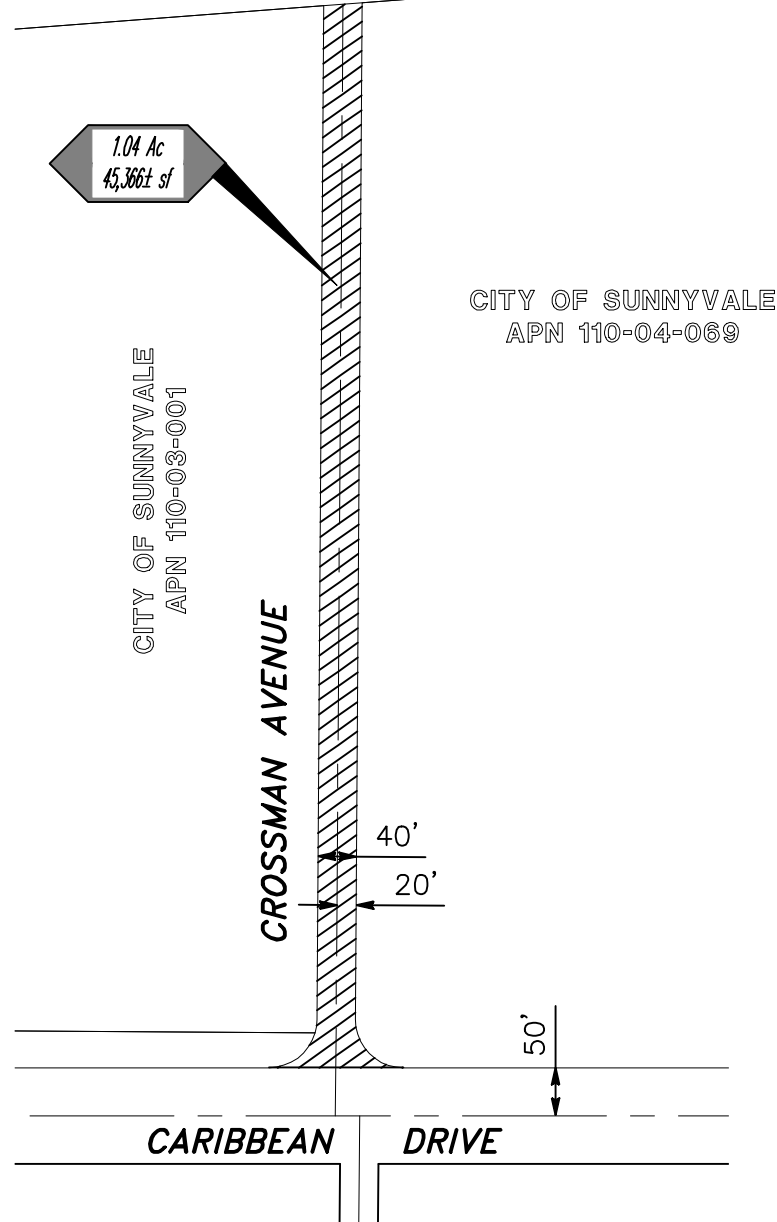
JUNE 9, 2017  
Date

**LEGEND**

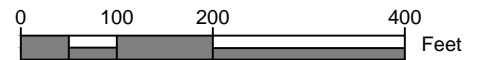
 AREA TO BE VACATED



*Travis Bohan*



**VICINITY MAP**



SCALE 1" = 200'

**SHEET 1 OF 1**



**MARK THOMAS**

Scale: 1" = 200'  
Date MAY 2017  
Drawn By TGH  
Checked By TB

**CROSSMAN AVENUE**  
Plat to Accompany Legal Description  
In the City of Sunnyvale  
Santa Clara County, California



## VACATION OF A PORTION OF BORREGAS AVENUE

### PUBLIC RIGHT OF WAY

All that property situated in the City of Sunnyvale, County of Santa Clara, State of California, being a portion of Borregas Avenue (50 feet wide) as dedicated per that certain Map entitled, "Map of the J.T. Murphy Subdivision No. 3", recorded in the office of the County Recorder of the County of Santa Clara, on October 17, 1896, in Book "I" of Maps, Page 45, and further shown on that Record of Survey recorded in the office of said County on February 2, 2009, in Book 830 of Maps, Page 16, and more particularly described as follows:

**Commencing** at a point on the northwest corner of Lot 80 of said J.T. Murphy Subdivision No. 3; thence along the westerly line of said Lot 80, South 14°51'05" West, a distance of 481.30 feet, to the intersection of the northerly right of way line of Carl Road (40 feet wide); thence along the said northerly right of way line, South 75°08'20" East, a distance of 733.25 feet, to a point of intersection at the westerly right of way line of Borregas Avenue (50 feet wide), said point also being the **Point of Beginning**; thence along said westerly right of way line, North 14°51'05" East, a distance of 436.82 feet, to a point of intersection at the northerly Parcel line of Lot 80; thence along said parcel line, South 80°07'43" East, a distance of 50.19 feet, to a point of intersection at the easterly right of way line of said Borregas Avenue; thence along said right of way line, South 14°51'05" West, a distance of 441.18, feet to a point of intersection at the northerly right of way line of Carl Road; thence along said right of way line, North 75°08'20" West, a distance of 50.00 feet, to the **Point of Beginning**.

Containing 0.50 acres or 21,950 square feet, more or less.

This real property description has been prepared at Mark Thomas & Company, Inc., by me, or under my direction, in conformance with the Professional Land Surveyors Act.



Travis Timothy Bohan, LS 8965

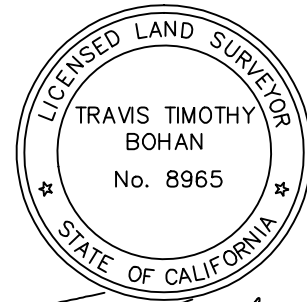
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Date

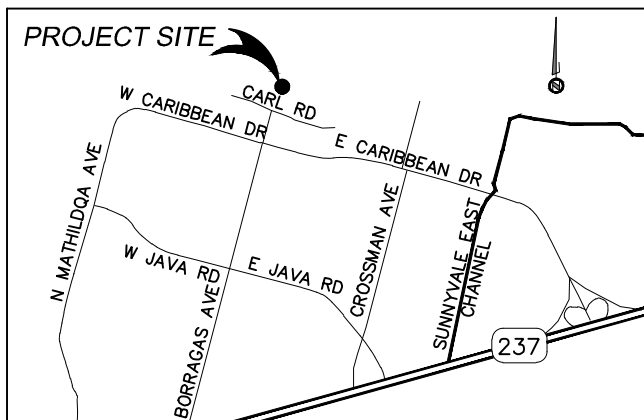
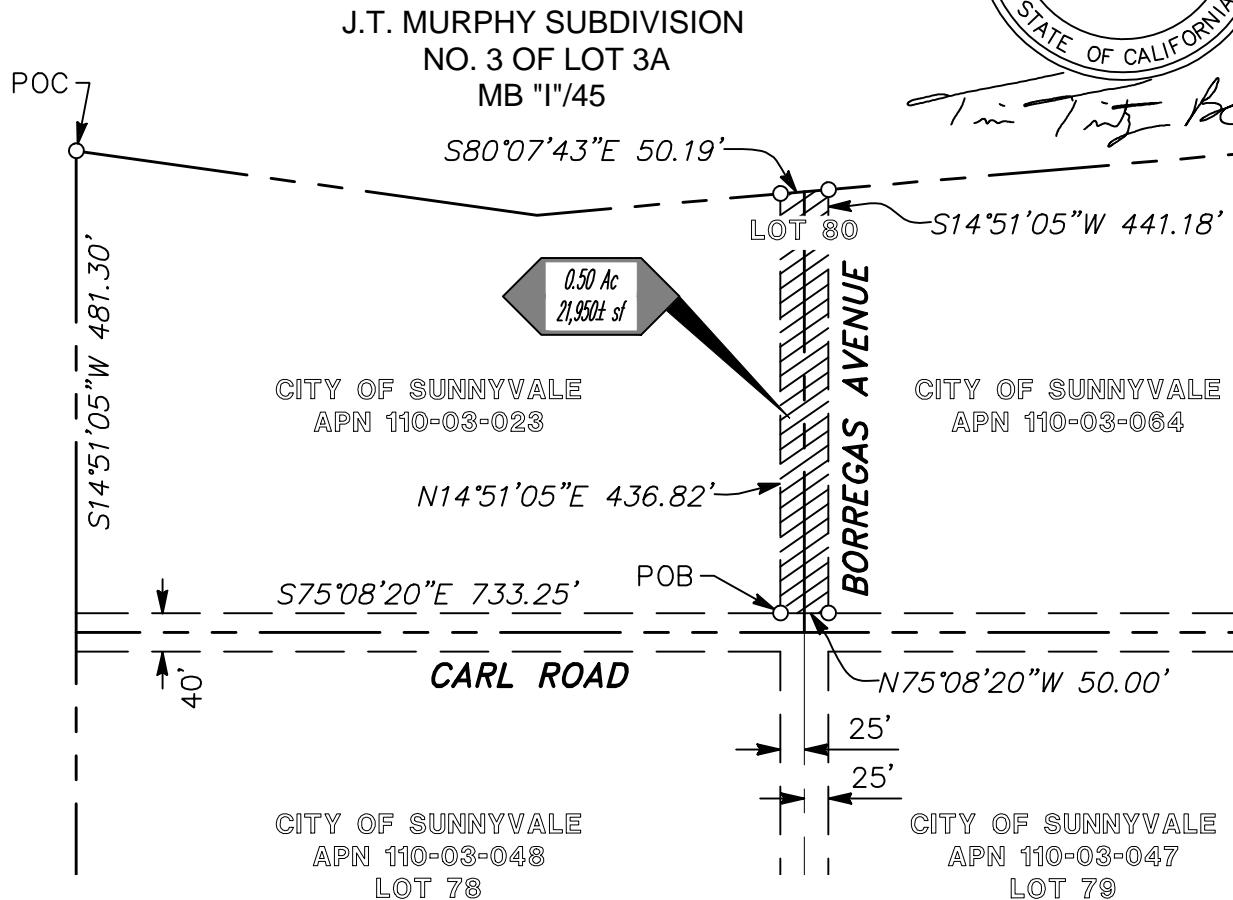


# **LEGEND**

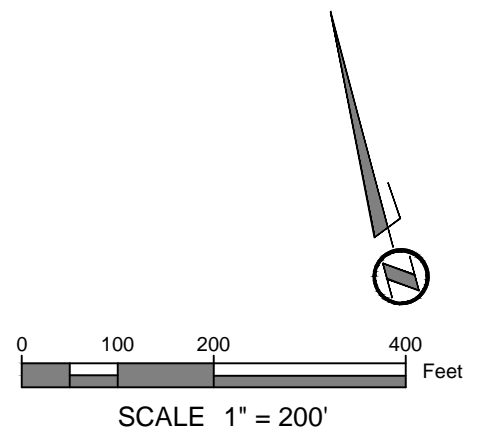
POB POINT OF BEGINNING  
 POC POINT OF COMMENCEMENT  
 ○ DIMENSION POINT  
 ▨ AREA TO BE VACATED



*Travis Bohan*



**VICINITY MAP**



**SHEET 1 OF 1**



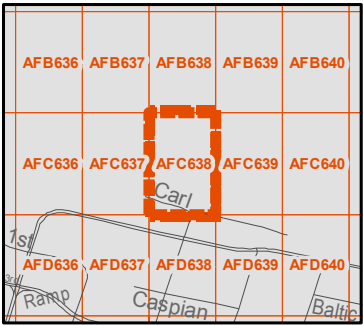
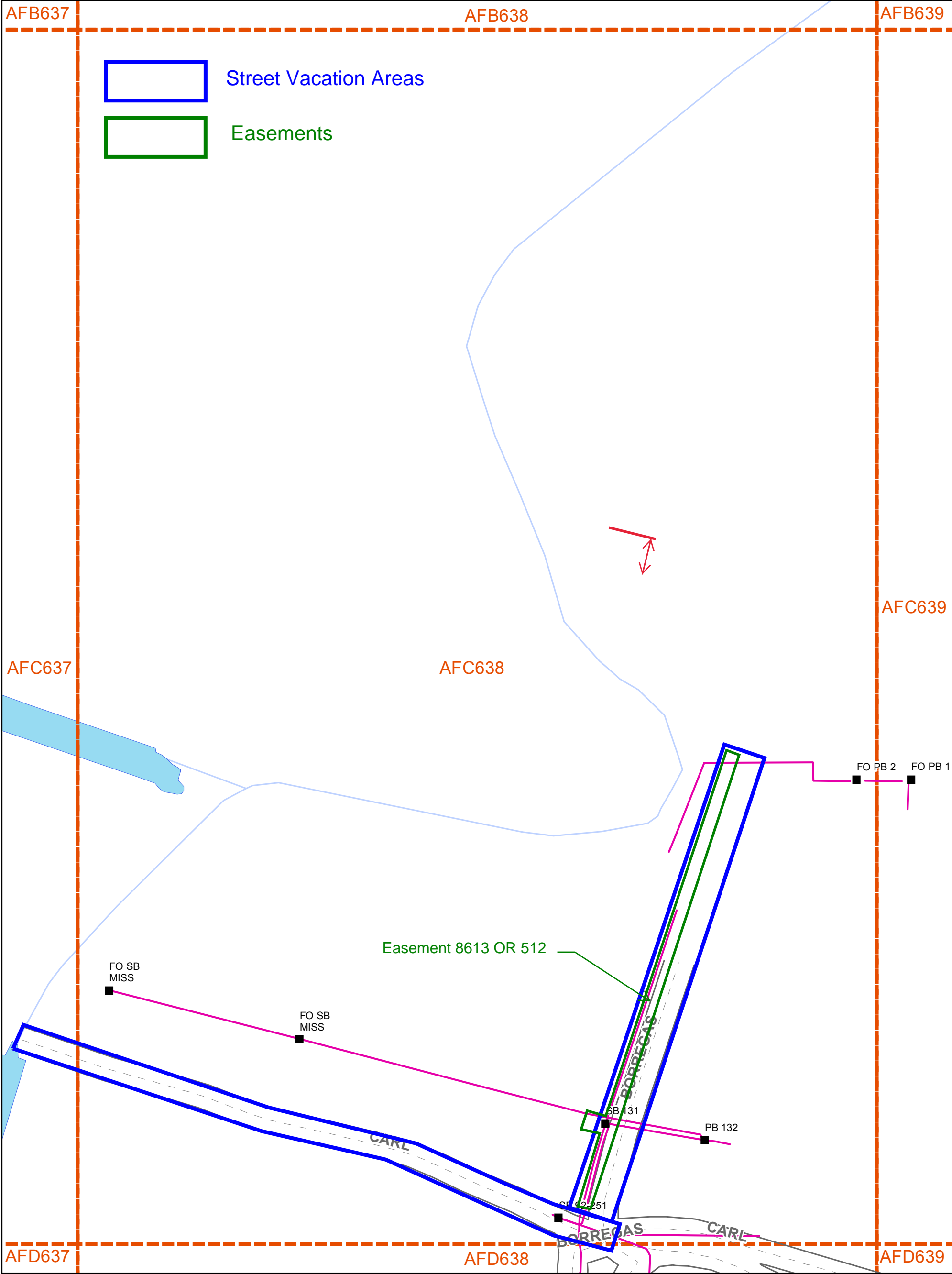
**MARK THOMAS**

Scale: 1" = 200'  
 Date MAY 2017  
 Drawn By AMM  
 Checked By TTB

**Portion of BORREGAS AVENUE to be Vacated  
 Plat to Accompany Legal Description  
 In the City of Sunnyvale  
 Santa Clara County, California**

EXHIBIT B

AT&T Utility Easement  
Borregas Avenue

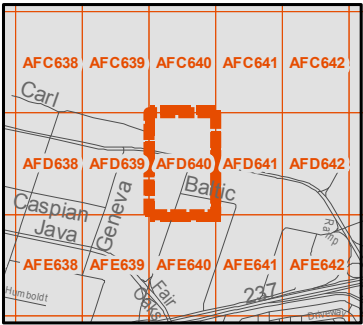
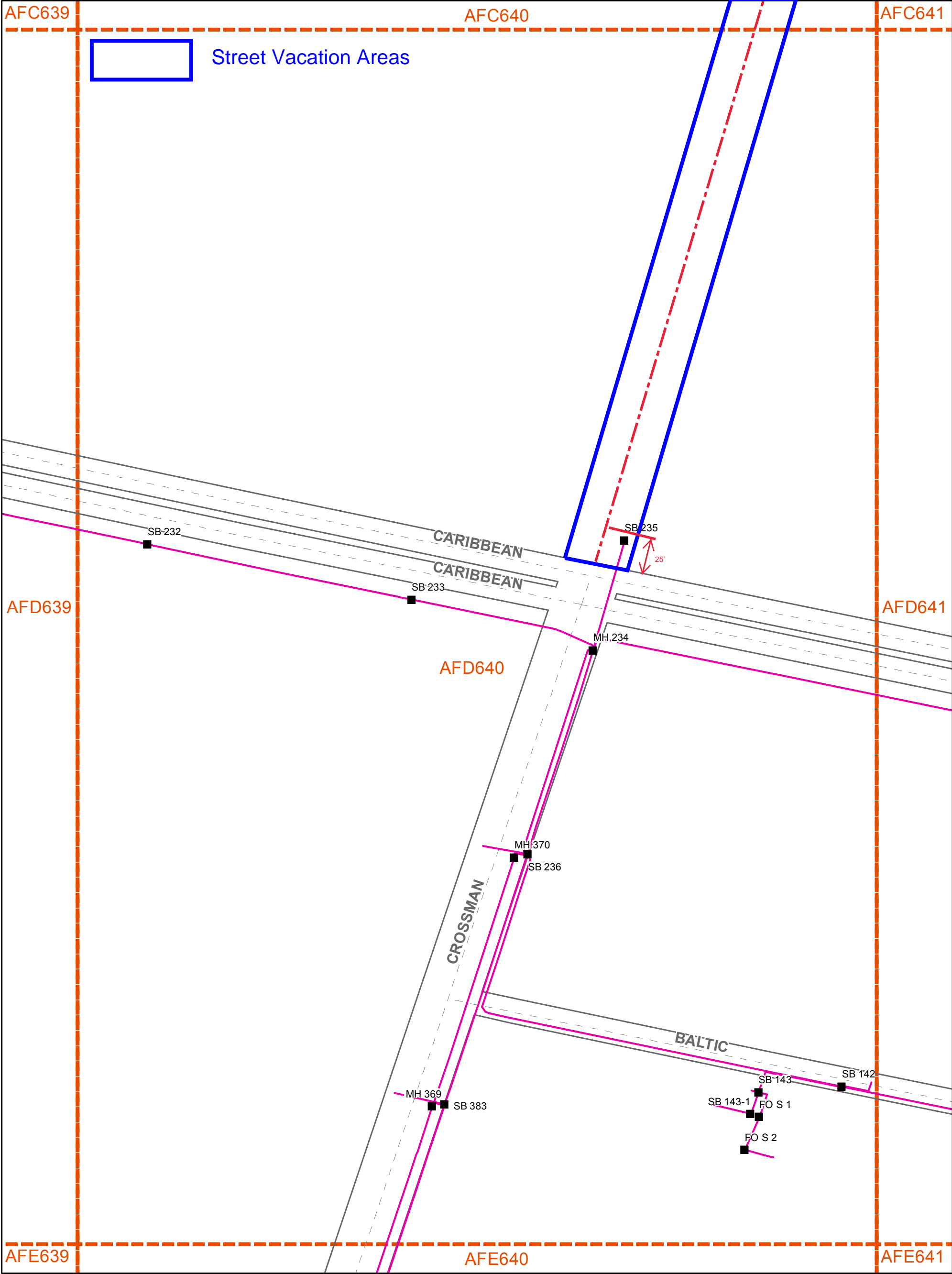


1:1,820



- Manholes
- Conduit
- Street Centerlines
- Street Edges
- Mapping Index

AT&T Utility Easement  
Crossman Avenue



1:1,820



- Manholes
- Conduit
- Street Centerlines
- Street Edges
- Mapping Index