

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE ADOPTING FINDINGS OF FACT AND  
ORDERING THE VACATION OF A PORTION OF CARL  
ROAD WESTERLY OF BORREGAS AVENUE**

WHEREAS, Section 8320 *et seq.* of the California Streets and Highways Code authorizes the City Council to vacate streets if it determines that the streets are unnecessary for present or prospective public use; and

WHEREAS, the City Council shall vacate a portion of the following street: Carl Road westerly of Borregas Avenue ("Carl Road"), as described in the legal descriptions and depicted in the plat maps, attached hereto as Exhibit A; and

WHEREAS, on February 27, 2018, City Council adopted a resolution vacating portions of the following streets: Borregas Avenue northerly of Carl Road and Crossman Avenue northerly of Caribbean Drive, and the decision at the time was to stay the vote on vacating a portion of Carl Road westerly of Borregas Avenue; 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, Pacific Gas and Electric, Frontier Communication, XO Communication and AT&T, have no objection to the vacation of the public streets; 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; and

WHEREAS, on October 16, 2018, Council approved the Resolution Declaring its Intention and Setting a Public Hearing to Vacate a Portion of Carl Road Westerly of Borregas Avenue, and Reserving Public Utility Easements Therein; and

WHEREAS, the City Council has heard all evidence submitted by City staff and all persons interested.

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

1. The City Council finds and determines that:
  - (a) The portion of the street vacated by this Resolution are unnecessary for present and prospective street purposes, and that the proposed vacation is

of no further necessity to the general public, except for easements to be reserved as stated in this Resolution; and

- (b) Proper notice has been given and all of the adjacent property owners, City departments and public utility companies were notified of the proposal and there were no objections; and
  - (c) City staff posted signs for the “Notice of Public Hearing” onsite at the road vacation location a minimum of two weeks prior to the hearing date and the Resolution of Intention was published in *The Sun* on October 26, 2018, and November 2, 2018.
- 2. The City Council hereby vacates a portion of the following street: Carl Road westerly of Borregas Avenue ("Carl Road"), as described in the legal descriptions and depicted in the plat maps, attached hereto as Exhibit A; and
  - 3. Nothing in this Resolution shall in any way affect or disturb any other existing easements for public utility purposes belonging either to the City of Sunnyvale or to any public utility that existed prior to these vacation proceedings; and
  - 4. The City Clerk is hereby directed and authorized to record a certified copy of this Resolution, attested by the City Clerk under seal, with the Santa Clara County Recorder’s Office.

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**

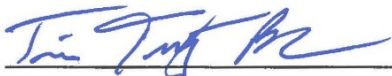
#### **PUBLIC RIGHT OF WAY**

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

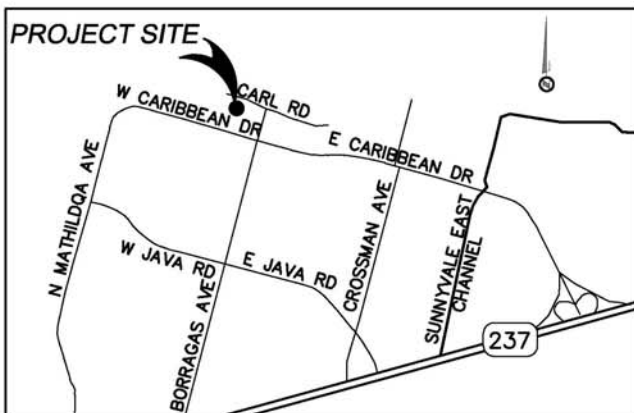
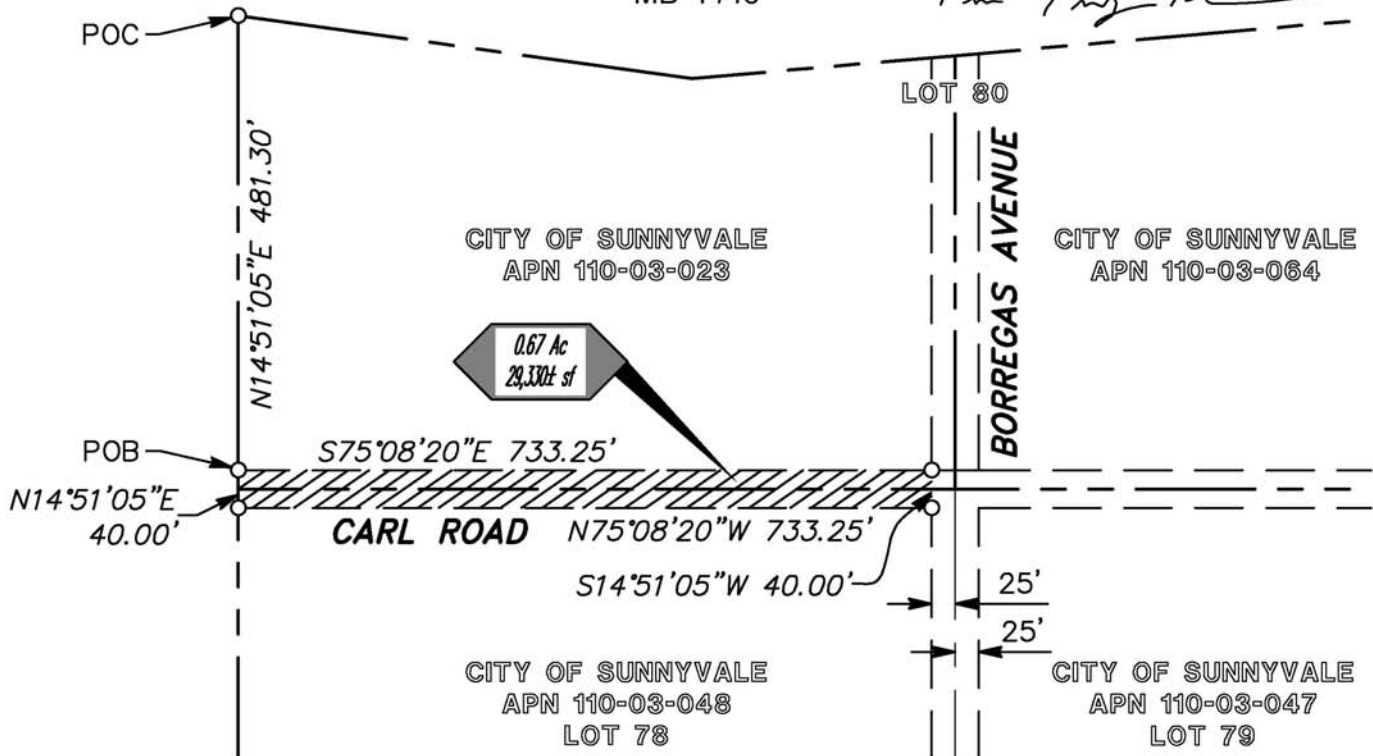
# **LEGEND**

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

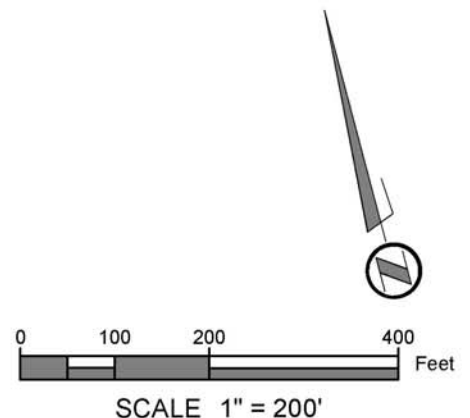


*Travis Timothy Bohan*

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