

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE SUMMARILY VACATING A PORTION
OF THE SLOPE EASEMENT LOCATED AT 1235
BORDEAUX DRIVE**

WHEREAS, Section 8331 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 portion of the Slope Easement ("Easement"), as more fully described in Exhibit A and as shown in Document No. 2720717, Book 6695, Page 437, 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 November 23, 2015, City Planning Commission conditionally approved a special development permit (2015-7459) for the construction of two new hotels on the same site - 8-story, 200-room AC Hotel and 8-story, 150-room Courtyard Marriott Hotel with a detached three-and-a-half level, above grade parking structure ("Project"), and since the Project is being proposed within the existing Easement, the Project requires the partial 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.

2. Based upon the findings made in Section 1 of this Resolution and the provisions of Sections 8331 and 8334 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 portion of 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 _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM

City Attorney



EXHIBIT "A"
Legal Description

SLOPE EASEMENT VACATION

Parcel 1, 361 M 56
(1235 Bordeaux Drive)

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

Being a portion of that certain 15 foot wide "Slope Easement", as described in that certain Easement Deed, conveyed to the City of Sunnyvale, recorded October 9, 1964 in Book 6695 at Page 437, Official Records of Santa Clara County, more particularly described as follows:

Beginning at the northerly terminus of the northwesterly line of Parcel 1, as said line is shown as "N 14°52'14" E 473.40' " on that certain Parcel Map, filed for record on September 24, 1975 in Book 361 of Maps at Page 56, Records of Santa Clara County, said point being also the beginning of a tangent curve to the right, having a Radius of 24.00 feet;

Thence leaving said point and continuing along said northwesterly line of said Parcel 1, northeasterly along said curve, through a central Angle of 53°22'16", with an arc Length of 22.36 feet to the **TRUE POINT OF BEGINNING** of this description;

Thence leaving said point and continuing along said northwesterly line of said Parcel 1, easterly along said curve, through a central Angle of 68°41'09", with an arc Length of 28.77 feet to a point on the southwesterly line of Java Drive, as said line is shown on said Parcel Map, said point being also the beginning of a compound curve, concave to the Southwest, having a Radius of 919.27 feet;

Thence along said southwesterly line of Java Drive, as shown on said Parcel Map, the following courses and distances:

- Southeasterly along said curve, through a central Angle of 05°12'47", with an arc Length of 83.64 feet to the beginning of a reverse curve, concave to the Northeast, having a Radius of 1,019.27 feet;
- Southeasterly along said curve, through a central Angle of 12°41'30", with an arc Length of 225.78 feet to the beginning of a reverse curve, concave to the Southwest, having a Radius of 50.00 feet;
- Southeasterly along said curve, through a central Angle of 44°36'30", with an arc Length of 38.93 feet to the beginning of a non-tangent curve, concave to the Northeast, having a Radius of 1,034.27 feet, with a radial line that bears South 37°30'12" West;

Thence leaving said southwesterly line of Java Drive, the following courses and distances:

- Northwesterly along said curve, through a central Angle of $14^{\circ}38'14''$, with an arc Length of 264.22 feet to the beginning of a reverse curve, concave to the Southwest, having a Radius of 904.27 feet;
- Northwesterly along said curve, through a central Angle of $06^{\circ}37'47''$, with an arc Length of 104.64 feet to the **TRUE POINT OF BEGINNING** of this description;

Containing an area of 5,262 square feet, more or less.

Said "Slope Easement" being vacated is shown on Plat attached hereto and made a part hereof as EXHIBIT "B".

This legal description was prepared by me, or under my direction, in conformance with the requirements of the Professional Land Surveyors Act.

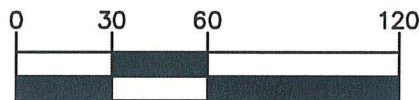
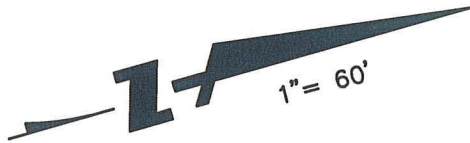
By: John Koroyan
John Koroyan
P.L.S. No. 8883



Date: APRIL 4, 2019

PARCEL A
305 M 31

N14°52'14"E
473.40'



(SCALE IN FEET)

PARCEL 1
361 M 56
APN 110-25-004

CURVE TABLE

NO.	RADIUS	DELTA	LENGTH
C1	24.00'	53°22'16"	22.36'
C2	24.00'	68°41'09"	28.77'

PORTION OF 15' WIDE
SLOPE EASEMENT
PER 6695 O.R. 437
TO BE VACATED
5,262 S.F.±

TRUE POINT
OF BEGINNING

POINT OF
BEGINNING

R=904.27'
Δ=6°37'47"
L=104.64'

R=919.27'
Δ=5°12'47"
L=83.64'

JAVA DRIVE
(PUBLIC STREET)

S37°30'12"W (R)
R=1034.27'

R=50.00'
Δ=44°36'30"
L=38.93'

R=1034.27' Δ=14°38'14" L=264.22'
R=1019.27' Δ=12°41'30" L=225.78'

BORDEAUX DRIVE
(PUBLIC STREET)

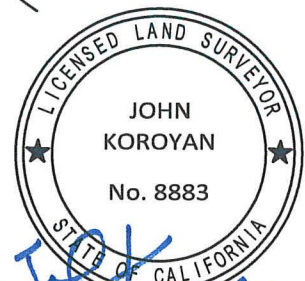


EXHIBIT "B"

PLAT TO ACCOMPANY
LEGAL DESCRIPTION

K:\2015\156061_MOFFET PARK HOTEL\SUR\DWG\PLAT\SLOPE ESMT VACATION.dwg



1730 N. FIRST STREET
SUITE 600
SAN JOSE, CA 95112
408-467-9100
408-467-9199 (FAX)

Subject SLOPE EASEMENT VACATION

1235 BORDEAUX DRIVE, SUNNYVALE, CA

Job No. 20156061

By JG Date 04-04-2019 Chkd. JVK

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EXHIBIT B

2720717

BOOK 6695 PAGE 437

EASEMENT DEED

(Slope Easement)

2720717

BOOK 6695 PAGE 437

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.

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 8th day of September, 1964.

GUY F. ATKINSON COMPANY

By [Signature]
Vice President

By [Signature]
Assistant Secretary

R. A. TRIPPEER, INC.

By [Signature]
Vice President

By [Signature]
Assistant Secretary

OSTRANDER CONSTRUCTION COMPANY

By [Signature]
Vice President

By [Signature]
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 ~~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

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 the 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

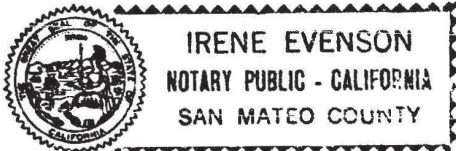
, a Notary Public, State of California, duly commissioned and sworn, personally appeared

J. A. Henderson and

T. J. Kane

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

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 James J. [Signature]
Director of Finance

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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