

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE SUMMARILY VACATING A PORTION
OF THE SLOPE EASEMENT LOCATED AT 1390
BORREGAS AVENUE**

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 a Public Service Easement (“Easement”), as more fully described in Exhibit A and as shown in Document Number 2720716, Book 6695, 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 October 16, 2019, the Zoning Administrator conditionally approved a special development permit (2019-7071) for the construction of a mechanical facility that consists of two equipment storage buildings, four water storage tanks, and one 1,794 square foot building with a control room and office meeting space that will provide heating and cooling services to nearby Google buildings (the “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 the portion of the Easement described in Exhibit A.

2. Based upon the findings made in Section 1 of this Resolution and the provisions of Section 8331 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 of the City of Sunnyvale 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
PORTION OF EXISTING SLOPE EASEMENT
TO BE VACATED (6695 O.R. 430)

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SUNNYVALE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND BEING A PORTION OF PARCEL 1 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD ON MARCH 15, 1978 IN BOOK 414 OF MAPS AT PAGE 47, SANTA CLARA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE 18-FOOT-WIDE SLOPE EASEMENT IN FAVOR OF THE CITY OF SUNNYVALE, RECORDED OCTOBER 9, 1964 IN BOOK 6695, AT PAGE 430, OFFICIAL RECORDS OF SANTA CLARA COUNTY, LYING WITHIN SAID PARCEL 1 (141 M 47), MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL 1, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF CARIBBEAN DRIVE (100' WIDE);

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 1, SOUTH 14° 51' 33" WEST, 18.00 FEET TO A POINT ON A LINE WHICH LIES 18.00' SOUTHERLY AND PARALLEL WITH THE SOUTHERLY RIGHT OF WAY LINE OF SAID CARIBBEAN WAY (100' WIDE), SAID LINE ALSO BEING THE SOUTHERLY LINE OF SAID 18.00 WIDE SLOPE EASEMENT (6695 O.R. 430);

THENCE LEAVING SAID EASTERLY LINE AND ALONG THE FOLLOWING THREE (3) COURSES:

- 1) ALONG SAID SOUTHERLY LINE (6695 O.R. 430), NORTH 75° 09' 07" WEST, 170.92 FEET TO THE BEGINNING OF A CURVE TO THE LEFT,
- 2) ALONG THE SOUTHERLY AND EASTERLY LINE OF SAID EASEMENT (6695 O.R. 430), ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 32.00 FEET, THROUGH A CENTRAL ANGLE OF 89° 59' 48" FOR AN ARC DISTANCE OF 50.26 FEET TO A POINT ON A LINE WHICH LIES 18.00 FEET EASTERLY AND PARALLEL WITH THE EASTERLY RIGHT OF WAY LINE OF BORREGAS AVENUE (66' WIDE), SAID PARALLEL ALSO BEING THE EASTERLY LINE OF SAID EASEMENT (6695 O.R. 430), AND
- 3) ALONG SAID EASTERLY LINE (6695 O.R. 430) PARALLEL LINE, SOUTH 14° 51' 05" WEST, 324.93 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 1;

THENCE ALONG SAID SOUTHERLY LINE, NORTH 75° 08' 27" WEST, 18.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 1, SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF BORREGAS AVENUE (66' WIDE);

THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 14° 51' 05" EAST, 324.93 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 89° 59' 48" FOR AN ARC DISTANCE OF 78.54 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF CARIBBEAN DRIVE (100' WIDE);

THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, SOUTH 75° 09' 07" EAST, 170.92 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 1 AND THE **POINT OF BEGINNING**.

CONTAINING 10,085 SQUARE FEET OF LAND, MORE OR LESS.

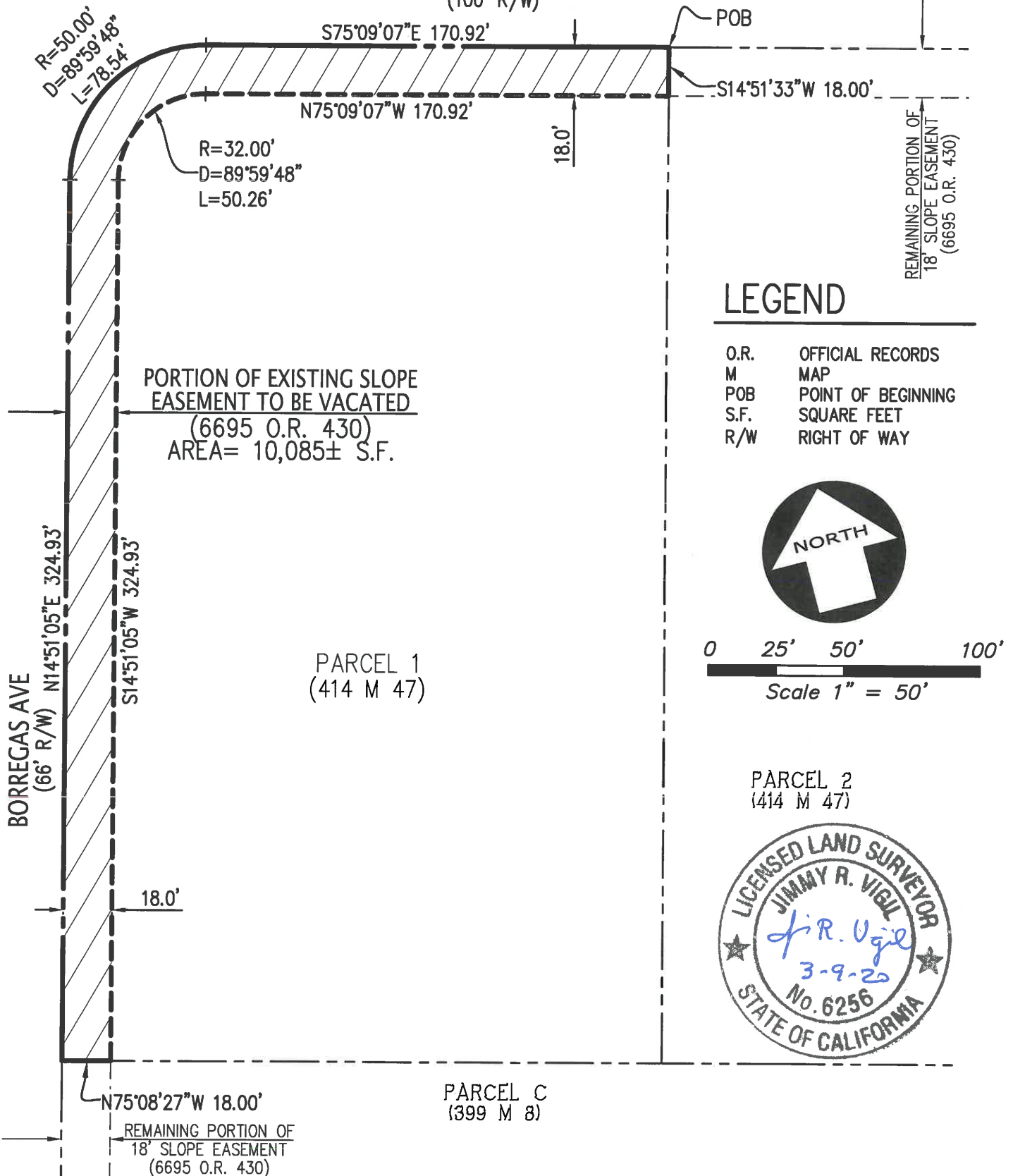
ATTACHED HERETO IS A PLAT LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HERE OF DESCRIPTION PREPARED BY KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.

JIMMY R. VIGIL
 JIMMY R. VIGIL, LS 6256

3-9-20
 DATE



CARIBBEAN DR
(100' R/W)



LEGEND

O.R.	OFFICIAL RECORDS
M	MAP
POB	POINT OF BEGINNING
S.F.	SQUARE FEET
R/W	RIGHT OF WAY



0 25' 50' 100'

Scale 1" = 50'



KIER+WRIGHT

2850 Collier Canyon Road
Livermore, CA 94551

Phone: (925) 245-8788
www.kierwright.com

EXHIBIT "B" SLOPE EASEMENT VACATION

SUNNYVALE,

CALIFORNIA

DATE	MARCH 2020
SCALE	1" = 50'
BY	KJK
JOB NO.	A17048-6
SHEET	1 OF 1

EXHIBIT B

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2720716
BOOK 6695 PAGE 430
EASEMENT DEED
(Slope Easement)

2720716
BOOK 6695 PAGE 430
FILED FOR RECORD
City of Sunnyvale
OCT 9 12 33 PM 1964

City Clerk
Room 102
City Hall
Sunnyvale, Calif.

GUY F. ATKINSON COMPANY, a Nevada Corporation,
COMMANDER CONSTRUCTION COMPANY, an Oregon Corporation,
R. A. TRIPPEER, INC., a Nevada Corporation,

OFFICIAL RECORDS
SANTA CLARA COUNTY
RECORDED

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 18.00 feet in width, contiguous to and
southerly of the southerly line of Caribbean Drive (100.00 feet
wide), contiguous to and westerly of the westerly line of
Crossman Road (90.00 feet wide), contiguous to and northerly of
the northerly line of Java Drive (100.00 feet wide), contiguous
to and easterly of the easterly line of Borregas Avenue (68.00
feet wide), the northerly, easterly, southerly and westerly line
of which is being more particularly described as follows:

BEGINNING at the intersection of the center line of Borregas
Avenue with the center line of Caribbean Drive; thence from said
point of beginning easterly along said center line of Caribbean
Drive S. 75° 09' 07" E., 82.99 feet; thence leaving said center
line of Caribbean Drive at right angles thereto S. 14° 50' 53" W.,
50.00 feet to the true point of beginning for the hereinafter
described line, said point being on the southerly line of said
Caribbean Drive; thence from said true point of beginning along the
said southerly line of Caribbean Drive S. 75° 09' 07" E., 673.67
feet; thence along the arc of a tangent curve to the left having a
radius of 1250.00 feet thru a central angle of 18° 33' 03" an arc
length of 404.72 feet to a point of reverse curvature; thence along
the arc of a curve to the right having a radius of 1150.00 feet
thru a central angle of 18° 12' 13" an arc length of 365.37 feet;
thence S. 75° 29' 57" E., 651.57 feet; thence along the arc of a
tangent curve to the right having a radius of 50.00 feet thru a
central angle of 90° 21' 59" an arc length of 78.86 feet to the
westerly line of said Crossman Road; thence southwesterly along
said westerly line of Crossman Road S. 14° 52' 02" W., 2330.78
feet; thence S. 23° 52' 02" W., 15.25 feet; thence along the arc
of a tangent curve to the right having a radius of 109.00 feet thru
a central angle of 19° 18' 32" an arc length of 36.73 feet to a
point of compound curvature; thence along the arc of a curve to
the right having a radius of 29.00 feet thru a central angle of
83° 11' 35" an arc length of 42.11 feet to a point of compound
curvature; thence along the arc of a curve to the right having a
radius of 289.00 feet thru a central angle of 14° 15' 45" an arc
length of 71.94 feet; thence N. 39° 22' 06" W., 36.62 feet; thence
S. 54° 37' 59" W., 7.06 feet; thence N. 35° 22' 06" W., 199.13
feet; thence along the arc of a tangent curve to the left having

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a radius of 1050.00 feet thru a central angle of $39^{\circ} 46' 21''$ an arc length of 728.87 feet; thence N. $75^{\circ} 08' 27''$ W., 1159.28 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 easterly line of said Borregas Avenue; thence along said easterly line of Borregas Avenue N. $14^{\circ} 51' 05''$ E. 1793.94 feet; thence along the arc of a tangent curve to the right having a radius of 50.00 feet thru a central angle of $89^{\circ} 59' 48''$ an arc length of 78.54 feet to the TRUE POINT OF BEGINNING.

DR. BOOK

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Executed this 8th day of September, 1964.



GUY F. ATKINSON COMPANY

By [Signature]
F. R. Rogers Vice President

By [Signature]
Donald K. Grant Assistant Secretary



OSTRANDER CONSTRUCTION COMPANY

By [Signature]
R. A. Kerr Vice President

By [Signature]
Donald K. Grant Assistant Secretary



R. A. TRIPPEER, INC.

By [Signature]
J. R. Henderson Vice President

By [Signature]
Assistant Secretary

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STATE OF CALIFORNIA

COUNTY OF San Mateo

ss.

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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. Bodger 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 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. 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 - CALIFORNIA
SAN MATEO COUNTY

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 James A. [Signature]
Director of Finance

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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 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: Theiler 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. Lonsdale
Deputy City Clerk

