

DRAFT 8/11/2020 RB

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE SUMMARILY VACATING A PORTION  
OF THE SLOPE EASEMENT LOCATED AT 212  
GIBRALTAR 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 a Public Service Easement (“Easement”), as more fully described in Exhibit A and as shown in Document Number 2720706, Book 6695, Page 368, 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 August 20, 2019, City Staff conditionally approved a design review permit (2018-7939) for the redevelopment of eight parcels with four, two-story buildings to be used for office and research and development totaling 400,199 square feet (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



April 14, 2020  
BKF No. 20180787  
Page 1 of 1

## EXHIBIT "A"

## PARTIAL VACATION OF A 15' SLOPE EASEMENT

SITUATE in the City of Sunnyvale, County of Santa Clara, State of California, and described as follows:

BEING a portion of that certain slope easement described in Deed to the City of Sunnyvale and recorded October 9<sup>th</sup>, 1964 in Book 6695 of Official Records of Santa Clara County, at Page 368;

BEING ALSO a portion of Parcel 1 as shown on that certain Parcel Map recorded August 15, 1977 in Book 405 of Maps at Page 49, Santa Clara County Records, more particularly described as follows;

BEGINNING at the southwesterly corner of said Parcel 1, as shown on said Parcel Map;

1. Thence North 14°51'05" East, 179.28 feet along the westerly line of said Parcel 1 to the beginning of a tangent curve to the right;
2. Thence along said tangent curve, having a radius of 50.00 feet, through a central angle of 45°34'23", an arc length of 39.77 feet;
3. Thence leaving said westerly line, South 14°51'05" West, 214.99 feet to the most southerly line of said Parcel 1;
4. Thence along said southerly line, North 75°08'55" West, 15.00 feet to the POINT OF BEGINNING.

Containing an area of 3,059 square feet, more or less.

Being a portion of Santa Clara County Assessor's Parcel Numbers 110-34-014 per roll year 2020-2021.

Description prepared by BKF Engineers, in April, 2020.




As shown on plat entitled, "EXHIBIT B", attached hereto and by this reference made a part hereof.

Signed

*David Darling* 4/14/20  
Dated



**LEGEND**

 PROJECT PARCEL BOUNDARY  
 ADJACENT PARCEL BOUNDARIES  
 EXISTING SLOPE EASEMENT  
  
R1 RECORD DATA PER 405-PM-49

THIS IS A VACATION OF A PORTION OF A 15' SLOPE EASEMENT AS DESCRIBED BY THAT CERTAIN EASEMENT DEED FILED IN BOOK 6695 OF OFFICIAL RECORDS OF SANTA CLARA COUNTY, AT PAGE 368.

**GIBRALTAR DRIVE**  
(PUBLIC STREET)

N75°08'55"W 1191.53' R1

N75°08'55"W 389.31' R1

R=50' R1  
Δ=90° R1  
L=78.54' R1

**PARCEL 1**  
**405 M 49**

APN 110-34-014

**PORTION OF 15'**  
**SLOPE EASEMENT**  
**PER 6695 OR 368**

**3,059 SF±**  
**TO BE VACATED HEREON**



*David Darling*

N14°51'05"E 145.38' R1

**BORREGAS AVENUE**  
(PUBLIC STREET)

N14°51'05"E 179.28' R1

S14°51'05"W 214.99'

POINT OF BEGINNING

15.00'

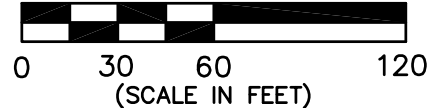
N75°08'55"W 439.31' R1

**CURVE TABLE**

NO.	RADIUS	DELTA	LENGTH
C1	50.00'	45°34'23"	39.77'



**GRAPHIC SCALE**



K:\2018\180787\_GIBRALTAR MOFFETT PARK\_SV\SUR\DWG\BNDY\  
15' P.U.E.\_VACATION\_(RECORD).DWG

**EXHIBIT "B"**  
**PLAT TO ACCOMPANY**  
**LEGAL DESCRIPTION**



1730 N. FIRST STREET  
SUITE 600  
SAN JOSE, CA 95112  
408-467-9100  
www.bkf.com

Subject **PARTIAL EASEMENT VACATION**  
**15' SLOPE EASEMENT PER 6695 OR 368**

Job No. 20180787 SUNNYVALE, CA

By LRS Date 04-14-2020 Chkd. DSD

PAGE 1 OF 1

## EXHIBIT B

City Clerk Room 102  
City Hall  
Sunnyvale, Calif.

2720706

BOOK 6695 PAGE 368  
EASEMENT DEED

(Slope Easement)

2720706  
BOOK 6695 PAGE 368FILED FOR RECORD  
AT REQUEST OF

City of Sunnyvale

OCT 9 12 33 PM 1964

OFFICIAL RECORDS  
SANTA CLARA COUNTY  
PAUL R. TEILH  
CLERK

GUY F. ATKINSON COMPANY, a Nevada Corporation,  
SEABRANDER CONSTRUCTION COMPANY, an Oregon Corporation,  
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 northerly  
of the northerly line of Moro Drive contiguous to and easterly of the  
easterly line of Borregas Ave. contiguous to and southerly of the  
southerly line of Java Drive and contiguous to and westerly of the  
westerly line of Crossman Road 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 Ave. 66  
feet wide with the intersection of Java Drive 100 feet wide; thence  
from said point of beginning southwesterly along said center line of  
Borregas Ave. S. 14° 51' 05" W. 100.01 feet; thence leaving said center  
line at right angles thereto S. 75° 08' 55" E. 33.00 feet to a point on  
the easterly line of said Borregas Ave. said point being the true  
point of beginning of the herein described line:

Thence from said true point of beginning along the arc of a curve to  
the right whose tangent bears N. 14° 51' 05" E. having a radius of 50.00  
feet thru a central angle of 90° 00' 28" an arc length of 78.55 feet;  
thence S. 75° 08' 27" E. 1159.26 feet; thence along the arc of a tangent  
curve to the right having a radius of 950 feet thru a central angle  
of 39° 46' 21" an arc length of 659.45 feet; thence S. 35° 22' 06" E.  
271.22 feet; thence along the arc of a tangent curve to the right  
having a radius of 400.00 feet thru a central angle of 50° 14' 08" an  
arc length of 350.71 feet; thence S. 14° 52' 02" W. 180.37 feet; thence  
along the arc of a tangent curve to the left having a radius of  
483.00 feet thru a central angle of 30° 47' 51" an arc length of 259.62  
feet; thence S. 15° 55' 49" E. 19.62 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° 39' 15" an arc length of 78.53 feet; thence  
S. 74° 03' 30" W. 2508.15 feet; thence along the arc of a tangent curve  
to the right having a radius of 50.00 feet thru a central angle of  
120° 47' 35" an arc length of 105.41 feet; thence N. 14° 51' 05" E.  
2405.28 feet to the point of beginning.

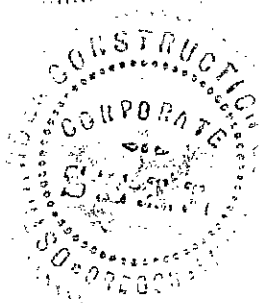
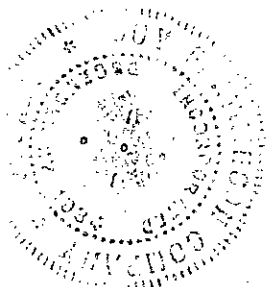
PERRY SCOTT, City Clerk

By Flavio W. Leonard  
Deputy City Clerk

2720706 OCT 9 1964

Executed this 8th day of September, 1964.

BOOK 6695 PAGE 369



GUY F. ATKINSON COMPANY

By F. R. Bonner Vice President

By Donald K. Grant Assistant Secretary

OSTRANDER CONSTRUCTION COMPANY

By R. S. Kerr Vice President

By Donald K. Grant Assistant Secretary

R. A. TRIPPEER, INC.

By J. A. Henderson Vice President

By P. Kane Assistant Secretary

PERRY SCOTT, City Clerk

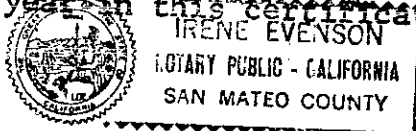
By Flavio W. Leonard Deputy City Clerk

STATE OF CALIFORNIA }  
COUNTY OF San Mateo } ss.

BOOK 6695 PAGE 370

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.



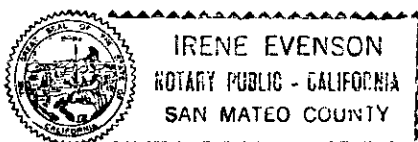
Irene Evenson  
Notary Public, State of California

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. Ken 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, State of California

My commission expires: January 17, 1965

2720706CCT 964

PERRY SCOTT, City Clerk

By Flavio W. Leonard  
Deputy City Clerk

STATE OF CALIFORNIA

COUNTY OF San Mateo } ss.

BOOK 6695 PAGE 371

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 COUNTYIrene Evenson  
Notary Public, State of CaliforniaMy commission expires: January 17, 1965

2720706 OCT 9 1964

PERRY SCOTT, City Clerk

By Flora W. Leonard  
Deputy City Clerk



BOOK 6695 PAGE 372

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 Thomas J. [Signature]  
Director of Finance

PERRY SCOTT, City Clerk

By Flavio W. Leonard  
Deputy City Clerk

2720706 OCT 9 1964

BOOK 6695 PAGE 373

RESOLUTION NO. 2256RESOLUTION 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 Flavien D. Leonard  
Deputy City Clerk

2720706 OCT 9 1964