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City of Los Altos
One North San Antonio Road
Los Altos, California 94022

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Pages: 7

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REGINA ALCOMENDRAS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
City

RDE # 007
5/11/2011
2:16 PM

SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY

RESOLUTION NO. 2011-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS APPROVING THE VACATION OF A CERTAIN PUBLIC SERVICE EASEMENT DEDICATED TO THE CITY BY THE TRACT MAP NO. 1657, RANCHO VERDE ESTATES, FILED JULY 56, BOOK 66, PAGE 44 AND 45, RECORDS OF SANTA CLARA COUNTY CALIFORNIA.

WHEREAS, the Streets and Highways Code section 8306 defines “public service easement” to include easements for light and air; and

WHEREAS, a public service easement (“Easement”) for light and air was dedicated to the City of Los Altos (“City”) in Tract No. 1657, Rancho Verde Estates (“Subdivision”) and said map was recorded on February 21, 1956, Book 66, pages 44 and 45, records of Santa Clara County, as described in Exhibit “A” attached hereto; and

WHEREAS, pursuant to Streets and Highways Code section 8320 the City received a request from the owner of the Property at 1367 Montclair Way to vacate the Easement; and

WHEREAS, on February 3, 2011, the Planning Commission resolved pursuant to Streets and Highways Code section 8313 and Government Code section 65402, that the Easement is not necessary for present or prospective public use, and that the vacation of the Easement would be consistent with the City’s General Plan; and

WHEREAS, public notice of the hearing was made pursuant to the Streets and Highway Code section 8322; and

WHEREAS, the posting of the notice of vacation was made pursuant to Streets and Highway Code section 8323; and

WHEREAS, the proposed Easement vacation as set forth below has been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended (“CEQA”), and the guidelines promulgated thereunder and, further, said Council finds that it can be seen with certainty that there is no possibility that said amendments may have a significant effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations; and

WHEREAS, the location and custodian of the documents or other material which constitute the record of proceedings upon which this project approval is based is the office of the City Clerk.

NOW, THEREFORE, the City Council resolves as follows:

1. The foregoing recitals are true and correct and are included herein by reference.
2. The City Council considered the public testimony, the staff reports dated April 12, 2011, March 8, 2011, and February 3, 2011, and all other documentation related to the vacation of the Easement.
3. The City Council, pursuant to California Streets and Highways Code, section 8320 *et seq.*, hereby approves the vacation of the Easement described in Exhibit “A” hereto, having determined and found that the Easement is not necessary for present or prospective public purposes, and that the vacation is consistent with the City’s General Plan.
4. The City Council further finds that:
 - (a) Vacating the building setback line is in the best public interest because removing the easement provides for uniform application of the City’s zoning code and maintains the building setback line’s intended purpose for allowing light and air;
 - (b) The building setback line easement is not necessary for present or prospective public use, and that maintaining the building setback line easement will be inconsistent with the City’s General Plan; and
 - (c) Maintaining the building setback line is inconsistent with the General Plan goals and policies related to subdivisions because the existing zoning controls result in an orderly and compatible development pattern.
5. The vacation of the easement affects the properties identified with the following assessor’s parcel numbers (APN): 342-09-001, 342-09-002, 342-09-003, 342-09-004, 342-09-005, 342-09-007, 342-09-008, 342-09-009, 342-09-010, 342-09-011, 342-09-012, 342-09-013, 342-09-014, 342-09-015, 342-09-016, 342-09-017, 342-09-018, 342-09-019, 342-09-020, 342-09-021, 342-09-022, 342-09-023, and 342-09-024.

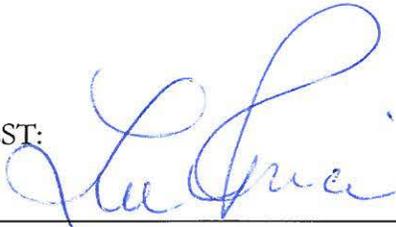
6. This Resolution shall become effective on April 12, 2011, and shall be recorded by the City Clerk in the Santa Clara County Recorder's Office shortly thereafter.

I HEREBY CERTIFY that the forgoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a regular meeting thereof held on the 12th day of April, 2011, by the following vote:

AYES: PACKARD, CARPENTER, FISHPAW, SATTERLEE
NOES: NONE
ABSTAIN: NONE
ABSENT: CASAS

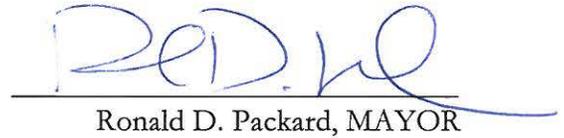
APPROVED:

ATTEST:



Lee Price, MMC, CITY CLERK

Date: 4/19/11



Ronald D. Packard, MAYOR

EXHIBIT A

NOTES

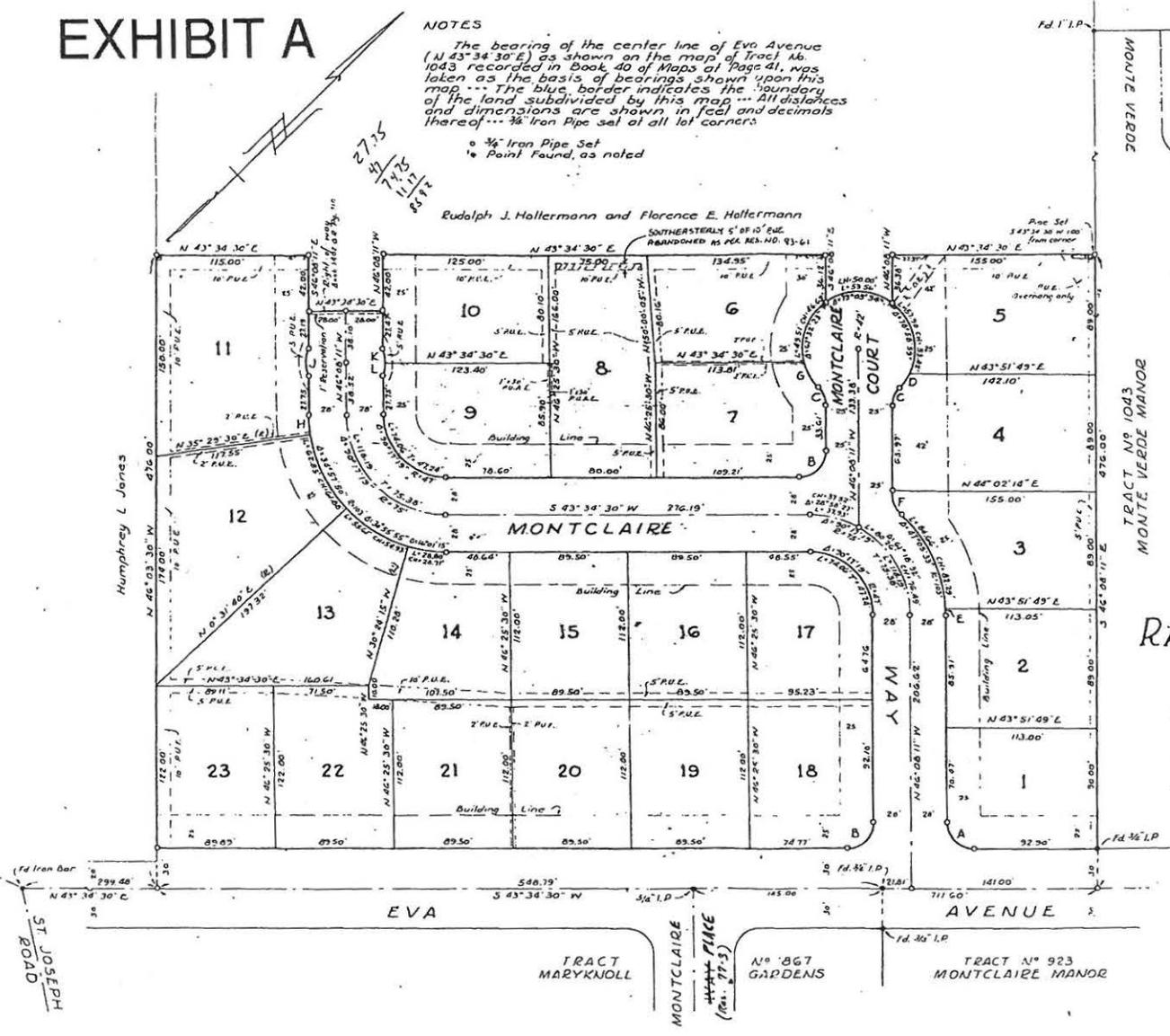
The bearing of the center line of Eva Avenue (N 43° 34' 30" E) as shown on the map of Tract No. 1043 recorded in Book 40 of Maps at Page 41, was taken as the basis of bearings shown upon this map. The blue border indicates the boundary of the land subdivided by this map. All distances and dimensions are shown in feet and decimals thereof. 3/4" Iron Pipe set at all lot corners.

- 3/4" Iron Pipe Set
- Point Found, as noted

Rudolph J. Hallermann and Florence E. Hallermann

SOUTHERN CALIFORNIA GAS CO. 5" P.U.E. RANCHED IN REC. RECD. NO. 93-61

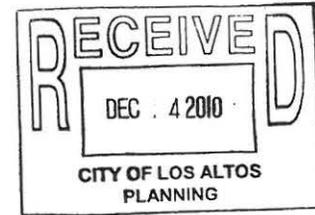
CURVE DATA				
Curve	Δ	R	L	CH
A	90° 17' 15"	20	3152	20.10
B	89° 42' 41"	20	3132	19.90
C	43° 27' 50"	20	15.17	14.81
D	17° 57' 04"	42	13.16	13.11
E	1° 43' 05"	103	3.09	3.09
F	48° 48' 42"	20	17.04	16.53
G	29° 43' 40"	42	21.55	21.31
H	8° 22' 19"	103	15.05	15.04
J	42° 04' 44"	30	22.03	21.54
K	20° 45' 03"	30	10.86	10.81
L	21° 19' 41"	30	11.17	11.10



TRACT N°1657 RANCHO VERDE ESTATES

Being a Subdivision of portions of Lots 7, 9 & 10 of the Granger Subdivision of the Bergin Ranch Santa Clara County, California

CHARLES L. COBURN CONSULTING ENGINEER
SAN JOSE, CALIFORNIA
SCALE: 1" = 50' DECEMBER, 1955



TR. 1657
6854

TRACT No 1657
RANCHO VERDE ESTATES

BEING A SUBDIVISION OF PORTIONS OF
 LOTS 7, 9 & 10 OF THE
 GRANGER SUBDIVISION OF THE BERGIN RANCH
 SANTA CLARA COUNTY, CALIFORNIA

CHARLES L. COBURN CONSULTING ENGINEER
 SAN JOSE, CALIFORNIA
 DECEMBER, 1955

OWNERS' CERTIFICATE

We hereby certify that we are the owners of or have some right, title or interest in and to the real property included within the subdivision shown upon this map, and that we are the only persons whose consent is necessary to pass a clear title to said property, and we consent to the making of said map and subdivision as shown within the border lines and hereby dedicate to public use all streets shown upon said map within said subdivision.

We also hereby dedicate to public use easements for public utilities under, on or over those certain strips of land designated as "P.U.E. and R.U.E." as shown on said map within said subdivision, such strips to be kept open and free from structures of any kind.

We also hereby dedicate to public use that strip of land designated as "Reservation" as shown upon said map, reserved exclusively for the owners of lots in said subdivision and R.J. Hoffmann until a strip of land is offered adjacent thereto for extending the street and the same is approved by the governing body.

We also hereby dedicate for public use easements for light and air under, on or over those certain strips of land lying between the lines of streets and the lines each designated as Building Lines, as shown on said map within said subdivision; such strips of land to be kept open and free from buildings and structures of any kind, excepting irrigation and sprinkling systems and appurtenances thereto.

We also hereby dedicate for public use drainage easements under or on those certain strips of land designated as "D.E.", as shown upon said map within said subdivision, such strips to be kept open and free from buildings and structures of any kind.

OWNERS

Thomas L. Branham
 Thomas L. Branham

Pauline E. Branham
 Pauline E. Branham

E. B. Flynn, Jr.
 E. B. Flynn, Jr.

Jacqueline Flynn
 Jacqueline Flynn

Edward D. Barnsley
 Edward D. Barnsley

Rachel Barnsley
 Rachel Barnsley

TRUSTEE

CALIFORNIA PACIFIC TITLE INSURANCE COMPANY
 by B.M. Blanchard and by Mel Gomes
 B.M. Blanchard, Assist. Vice Pres. Mel Gomes, Assist. Secretary

ACKNOWLEDGMENT

State of California
 County of Santa Clara - ss.
 On this 26th day of January, 1956, before me
Richard L. Olson, a Notary Public in and for said County of Santa Clara, State of California, residing therein, duly commissioned and sworn, personally appeared B.M. Blanchard, known to me to be the Assistant Vice President, and Mel Gomes, known to me to be the Assistant Secretary of the California Pacific Title Insurance Company, the corporation, that executed the within instrument, and known to me to be the persons who executed the same on behalf of the corporation named therein, and acknowledged to me that such corporation executed the same as trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Richard L. Olson
 Notary Public in and for the County of Santa Clara, State of California

My commission expires 4-15-56

ACKNOWLEDGMENT

State of California
 County of Santa Clara - ss.
 On this 26th day of January, 1956, before me
Richard L. Olson, a Notary Public in and for said County of Santa Clara, State of California, residing therein, duly commissioned and sworn, personally appeared THOMAS L. BRANHAM, PAULINE E. BRANHAM, E. B. FLYNN, JR., JACQUELINE FLYNN, EDWARD D. BARNESLEY, RACHEL BARNESLEY, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same as owners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Richard L. Olson
 Notary Public in and for the County of Santa Clara, State of California

My commission expires 4-15-56

COUNTY RECORDER'S CERTIFICATE 1181284

Accepted for record and recorded in Book 66 of Maps at Page 411 in the office of the County Recorder of the County of Santa Clara this 26th day of January, 1956, at 9:08 A.M.
Syl Tully, County Recorder,
 Santa Clara County, California

By E. B. Flynn, Jr.
 Deputy

CERTIFICATE OF ENGINEER

I, CHARLES L. COBURN, hereby certify that I am a Civil Engineer; that this map consisting of two sheets, correctly represents a survey made under my supervision in December, 1955; that the survey is true and complete as shown; that all of the monuments shown thereon actually exist and their positions are correctly shown and that said monuments are sufficient to enable the survey to be retraced.

Charles L. Coburn
 Certificate No. 5981

COUNTY ENGINEER'S CERTIFICATE

I hereby certify that I have examined the final map of Tract No. 1657; that the subdivision as shown thereon is substantially the same as it appeared on the tentative map thereof and any approved alterations; that all the provisions of the Map Act and of any local ordinance applicable at the time of the approval of the tentative map have been complied with, and that I am satisfied that said map is technically correct.
LEONARD BUSHNELL, County Engineer
 Santa Clara County, California

By James B. Bushnell
 Deputy

Dated February 26 1956

CERTIFICATE OF CLERK OF BOARD OF SUPERVISORS

It is ordered that the map of Tract No. 1657 be and the same is hereby approved; that all the streets and other parcels of land shown upon said map and thereon offered for dedication be and the same are hereby accepted for the purposes for which the same are offered for dedication, except Eva Avenue which is hereby accepted.

The Clerk of this Board is directed to endorse upon the face of said map a copy of this order authenticated by the seal of the Board of Supervisors.
 I hereby certify that the foregoing order was adopted by the Board of Supervisors at a meeting of said Board held Feb. 30, 1956.

Richard Olson, Clerk of the Board of Supervisors of the County of Santa Clara, State of California.

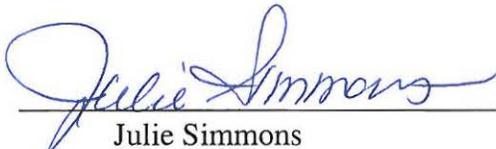
Richard Olson

State of California)
)
County of Santa Clara)

On April 19, 2011, before me, Julie Simmons, Notary Public, personally appeared Ronald D. Packard who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Julie Simmons
Notary Public



CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Santa Clara

On April 19, 2011 before me, Terryann Galvan, Notary Public,
(Here insert name and title of the officer)

personally appeared Lee Price,

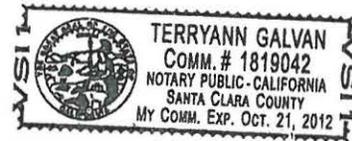
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Terryann Galvan
Signature of Notary Public

(Notary Seal)



ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
 Corporate Officer

(Title)

- Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____