

RESOLUTION NO. 04-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ORDERING THE VACATION OF A CERTAIN STRIP OF LAND DESIGNATED AS A PUBLIC SERVICE EASEMENT RESERVED BY THE CITY COUNCIL IN RESOLUTION 67-87, JUNE 13, 1967, FILED WITH THE COUNTY RECORDER OF SANTA CLARA COUNTY CALIFORNIA.

WHEREAS, pursuant to the provisions of Chapter 4 of the California Streets and Highway Code, Section 8330 *et seq.*, the City Council may summarily vacate a public service easement when the easement has not been used for the purpose for which it was dedicated for five (5) consecutive years immediately preceding the proposed vacation, and there are no other public facilities located within the easement; and

WHEREAS, the public service easement was reserved by Resolution 67-87, June 13, 1967, at the time the City Council abandoned the underlying street because said street was unnecessary for public use (Resolution 67-87 is attached hereto as Exhibit "A"); and

WHEREAS, the City Council having duly considered all evidence, and followed the procedure prescribed by law, hereby finds and determines from all evidence submitted that the proposed order of vacation of the public service easement conforms with the provisions of Section 8333 of the California Streets and Highway Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOS ALTOS AS FOLLOWS:

1. That the public service easement reserved by Resolution 67-87 is now no longer necessary because it has not been used for the purpose for which it was dedicated for five (5) consecutive years immediately preceding the proposed vacation, and there are no other public facilities located within the easement.

2. That the City Council, pursuant to Streets and Highway Code, Chapter 4, Section 8330 *et seq.*, hereby orders the vacation of the public service easement described in Exhibit "A" attached hereto; and

3. This Resolution shall become effective on March 23, 2004, and shall be recorded by the City Clerk in the Santa Clara County Recorder's Office shortly thereafter; and

4. From and after the date this Resolution is recorded in the Santa Clara County Recorder's Office, the public service easement shall no longer constitute a public service easement and the land subject to the public service easement shall revert to the property located at 160 Fremont Avenue, Los Altos, California, APN 189-48-041, pursuant to Streets and Highway Code Section 8351.

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 23rd day of March, 2004, by the following role call vote:

AYES: COLE, PACKARD, CASAS, LEAR, MOSS

NOES: NONE

ABSENT: NONE:

APPROVED:



John Moss, Mayor

ATTEST:



Susan Kitchens, City Clerk

Exhibit "A"

Resolution No. 67-87

"All that land situate in the County of Santa Clara, State of California, and containing 0.14+ acres, more particularly described as follows:

BEGINNING at the point of intersection of the center line of Covington Road and the center line of El Monte Avenue as said Roads are shown in Record of Survey of Foothill Expressway, Unit #2, and recorded in Book 188, Page 30, OR (Official Records of the Santa Clara County Recorder);

THENCE North $76^{\circ} 40' 15''$ East along said center line of Covington Road a distance of 86.84 feet to a point, said point also being on the Easterly line of El Monte Avenue as shown on said Record of Survey, to the TRUE POINT OF BEGINNING;

THENCE North $36^{\circ} 12' 53''$ East along said Easterly line of El Monte Avenue a distance of 21.71 feet to a point, said point also being the Northerly line of said Covington Road;

THENCE North $76^{\circ} 40' 15''$ East along said Northerly line of Covington Road a distance of 128.56 feet to a point, said point also being on the Westerly line of Fremont Road;

THENCE Southerly along the arc of a curve to the right having a radius of 175 feet through a central angle of $14^{\circ} 35' 16''$ an arc distance of 44.55 feet to a point, said point also being on the Southerly line of said Covington Road;

THENCE South $76^{\circ} 40' 15''$ West along the said Southerly line of Covington Road a distance of 164.77 feet to a point, said point also being on the Easterly line of said El Monte Avenue;

THENCE North $36^{\circ} 12' 53''$ East along said Easterly line of El Monte Avenue a distance of 21.71 feet to the TRUE POINT OF BEGINNING."

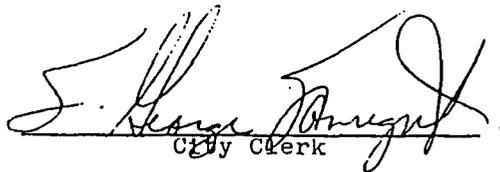
telephone lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and incidental purposes, including access and the right to keep the property free from flammable materials, and wood growth, and otherwise protect the same from all hazards, in, upon and over the street or part thereof proposed to be vacated;

4. That the City Clerk shall cause a certified copy of this order, attested by the Clerk under the seal of the City, to be recorded in the office of the County Recorder of Santa Clara County.

* * * * *

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Los Altos held on the 13th day of June, 1967, by the following roll call vote:

AYES: Vice-Mayor Kallshian, Councilmen Corenman, Lewis,
 Thurber
NOES: None
ABSENT: Mayor Fisher


City Clerk


Mayor

RESOLUTION NO. 67-37

A RESOLUTION OF THE COUNCIL OF THE CITY OF LOS ALTOS
ORDERING THE VACATION OF A STREET PURSUANT TO THE STREET
VACATION ACT OF 1941

WHEREAS, the Council of the City of Los Altos has passed Resolution No. 67-45, indicating its intent and election to proceed under the Street Vacation Act of 1941; and

WHEREAS, the City Council has heard evidence offered by interested persons, has considered the report of the Planning Commission, and has found from all the evidence submitted that the property described in Exhibit "A", which is attached hereto and incorporated herein by reference, is unnecessary for present or prospective public use, subject, however, to the exceptions and reservations as stated in Section 3.

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ORDERED:

1. That the street described in Exhibit "A" be abandoned pursuant to the Street Vacation Act of 1941;
2. That the public easement within the street ceases and the title to the land previously subject thereto revert to the respective owners thereof, free from the public easement for street purposes;
3. That said abandonment shall be subject to the exceptions and reservations from the vacation of the permanent easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove and renew sanitary sewers and storm drains and appurtenant structures in, upon, over and across any street or part thereof proposed to be vacated and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of gas pipe lines, telegraphic and

EXHIBIT A