

RESOLUTION NO. 2016-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ORDERING THE VACATION OF A CERTAIN PARTIAL STRIP OF LAND DESIGNATED AS A PUBLIC UTILITY EASEMENT DEDICATED TO THE PUBLIC BY THE APPROVED SUBDIVISION TRACT MAP NO. 1365, LOS ALTOS ESTATES FILED JANUARY 10, 1955, IN BOOK 54, PAGE 11, RECORDS 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 utility easement (“PUE”) when the easement has not been used for the purpose for which it was dedicated for more than five consecutive years immediately preceding the proposed vacation, and there are no other public facilities located within the easement; and

WHEREAS, the PUE was dedicated to the City by the subdivision map referenced in the legal description, as Exhibit “A”, and plat, as Exhibit “B”, filed January 10, 1955 in Book 54, Page 11, Records of Santa Clara County, California (said tract map is attached hereto as Exhibit “C”); 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 PUE conforms to the provisions of Section 8333 of the California Streets and Highway Code.

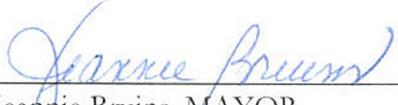
NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos as follows:

1. That the PUE dedicated to the City by the map filed January 10, 1955, in Book 54, Page 11, Records of Santa Clara County California, is now no longer necessary because it has not been used for the purpose for which it was dedicated by the City of Los Altos 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 utility easement described in Exhibit “A” attached hereto; and
3. This Resolution shall become effective on the 13th day of September, 2016, 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 partial PUE shall no longer constitute a public utility easement and the land subject to the PUE shall revert to the property located at 645 Riviera

Drive, Los Altos, California, APN 189-36-047 pursuant to Streets and Highway Code Section 8351.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 13th day of September, 2016 by the following vote:

AYES: BRUINS, MORDO, PEPPER, PROCHNOW, SATTERLEE
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



Jeannie Bruins, MAYOR

Attest:



Jon Maginot, CMC, CITY CLERK

EXHIBIT A

Portion of Public Utility Easement to be Vacated Over 645 Riveria Drive, Los Altos, California

ALL that real property situated in the City of Los Altos, County of Santa Clara, State of California, described as follows:

BEING a portion of Lot 7 and a portion of the "Public Utility Easement" thereon, both shown on that certain Tract Map, "Tract No. 1365, Los Altos Estates", filed for record in Book 54 of Maps, at Page 11, Santa Clara County Records and more particularly a strip of land, described as follows:

BEGINNING at the Southwesterly Corner of said Lot 7; thence along the Westerly line thereof North $00^{\circ}00'00''$ East 90.00 feet; thence parallel with the Northerly line of said Lot 7 and 10.00 foot distant therefrom, measured at right angles South $89^{\circ}59'00''$ East 30.00 feet to an angle point in the existing Public Utility Easement; thence along the Southeasterly line of said Public Utility Easement South $45^{\circ}00'30''$ West 28.28 feet; thence parallel with the Westerly line of said Lot 7 and 10.00 foot distant therefrom, measured at right angles and the Easterly line of said Public Utility Easement South $00^{\circ}00'00''$ West 73.60 feet to the Southwesterly line of said Lot 7; thence along said Southwesterly line thereof North $70^{\circ}10'53''$ West 10.63 feet to the Point of Beginning, containing 0.026 acres (1,118± sq. ft.), more or less, therein.

See Plat attached hereto and made a part thereof.

End of Description.

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

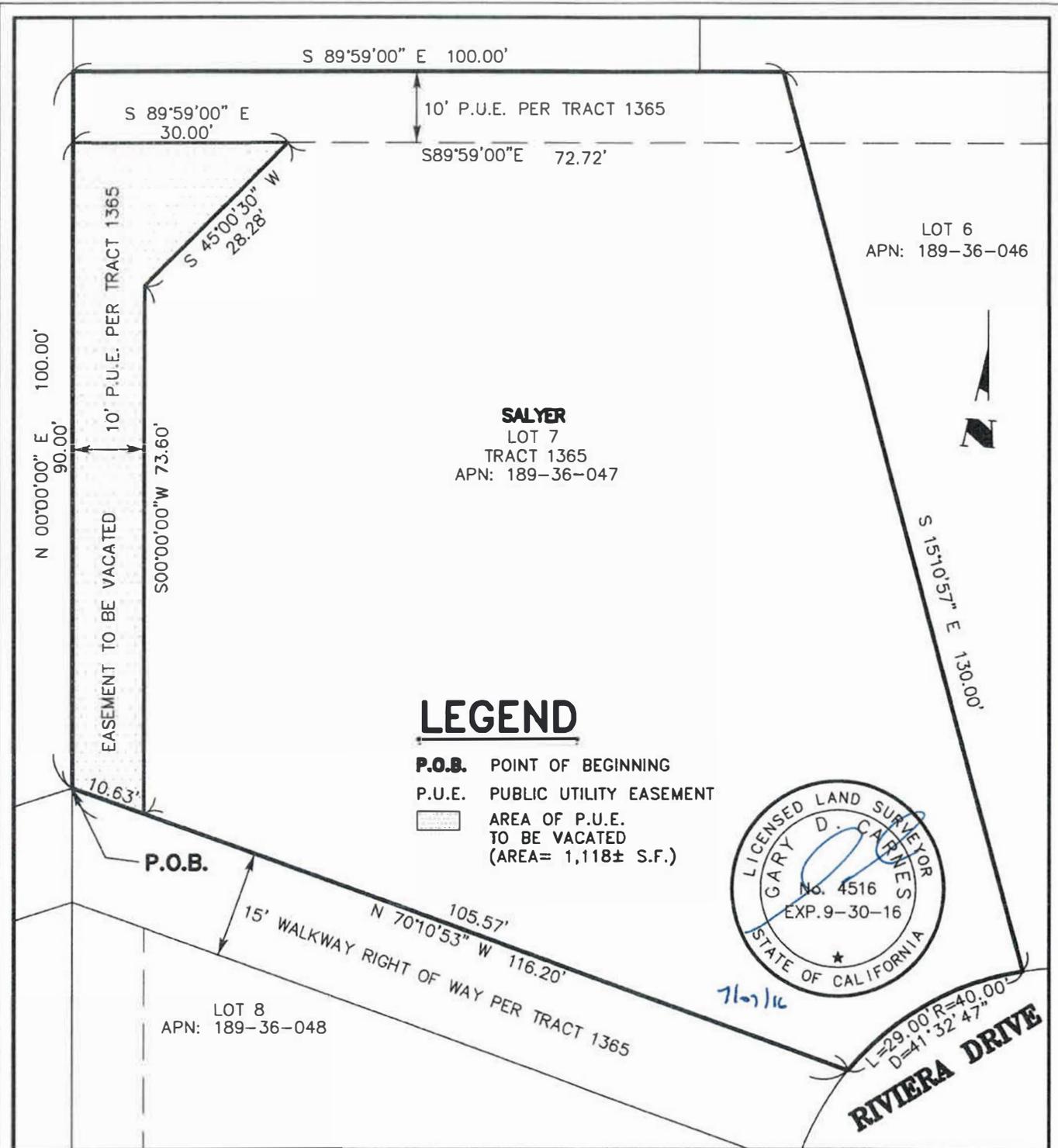


Gary D. Carnes, P.L.S. 4516
Expires 9/30/16

7/07/16
Date

Prepared by Carnes & Associates, Gilroy, Ca.
e-mail:gary@carnesandassociates.net





TO ACCOMPANY EXHIBIT A - LEGAL DESCRIPTION

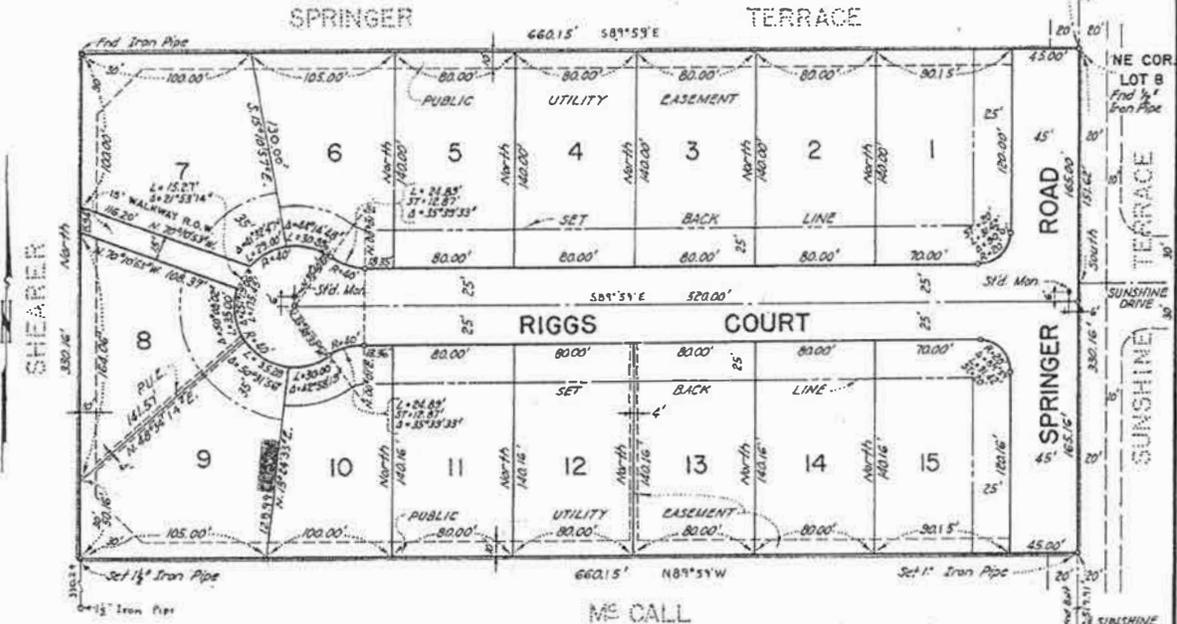
CARNES & ASSOCIATES
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 EMAIL: OFFICE@CARNESANDASSOCIATES.NET

| | | |
|--------------------------|--------------------|------------------|
| DRAWN BY: JD.W. | DATE: 05-26-16 | SHEET: 2 OF 2 |
| PROJECT MANAGER: G.C. | SCALE: 1" = 20' | JOB NO.: 1645 |

TRACT NO. 1365
LOS ALTOS ESTATES

THE EAST ONE-HALF OF THE NORTH ONE-HALF OF LOT 8
"MAP OF THE SUBDIVISION OF THE ESTATE OF G. MADIGAN"
LYING WITHIN THE
CITY OF LOS ALTOS, SANTA CLARA COUNTY,
CALIFORNIA

SCALE: 1" = 50 FEET SEPTEMBER 1954
ALAN W. WOLFF CIVIL ENGINEER



CERTIFICATE OF ENGINEER

I, Alan W. Wolff, hereby certify that I am a Registered Civil Engineer of the State of California, that this map, consisting of one sheet, correctly represents a survey made under my supervision in September 1954; that the survey is true and complete as shown; that all monuments shown hereon actually exist and that their positions are correctly shown; and that said monuments are sufficient to enable the survey to be retraced.

Alan W. Wolff
Registered Civil Engineer No. 7659

CERTIFICATE OF CITY ENGINEER

I hereby certify that I have examined the final map of Tract No. 1365; 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 all local ordinances 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.

Alan W. Wolff
City Engineer
City of Los Altos, California.

104-2507
CERTIFICATE OF COUNTY RECORDER

Accepted for record and recorded in Book 25 of Maps, Page 11, in the office of the County Recorder of the County of Santa Clara this 12th day of Sept. 1954 at 2:16 P.M.

County Recorder, Santa Clara County

By Deputy

CERTIFICATE OF OWNER

I hereby certify that I am the owner of, or have some right, title or interest in and to the real property included within the subdivision shown upon this map, and that I am the only person whose consent is necessary to pass a clear title to said property, and I consent to the making of said map and subdivision as shown within the border lines and hereby dedicate for public use all the streets and rights-of-way shown upon said map within said subdivision.

I also dedicate for public use easements for public utilities under and over those certain strips of land each designated as "Public Utilities Easement" as shown upon said map within said subdivision, such strips of land to be kept open and free from buildings and structures of any kind.

ACKNOWLEDGMENT

STATE OF CALIFORNIA ss
County of Santa Clara

On this 12th day of September, 1954, before me, Notary Public in and for the City of Los Altos, County of Santa Clara, State of California, residing therein, duly commissioned and sworn, personally appeared A. Dean Riggs known to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Harriet J. Riggs and acknowledged to me that he subscribed the name of Harriet J. Riggs thereto as principal, and his own name as attorney in fact.

In witness whereof, I have hereunto set my hand and affixed my official seal, in the City of Los Altos, County of Santa Clara, the day and year in this certificate first above written.

CERTIFICATE OF CITY COUNCIL

I hereby certify that the herein map of Tract No. 1365 was approved by the City Council of the City of Los Altos, California, at its meeting held on the 9th day of September, 1954, and that said Council hereby accepts the dedication of the streets shown hereon as public streets of the City of Los Altos.

City Clerk and Clerk of the City Council, City of Los Altos, California.

BASIS OF BEARINGS, AND NOTES

The bearing of Springer Road as shown on "Map of the Subdivision of the Estate of G. Madigan," recorded in Volume 16 of Maps, Page 71, Santa Clara County Recorder's Office, San Jose, was taken as the basis of bearings for this map.

All distances and dimensions are in feet and decimal fractions thereof. The blue border indicates the boundary of the land subdivided by this map.

3" diameter iron monument set at all lot corners and curve extremities.

P.U.E. - Public Utility Easement

R.O.W. - Right-of-Way

ALAN W. WOLFF
CIVIL ENGINEER
2650 - VALLEY ROAD
14 9 - 7816
Sacramento

My Commission Expires 12/31/55