ATTACHMENT A

Recorded at no charge in accordance with Streets & Highways Code Section 8325 at the request of and when recorded return to:

CITY OF PALO ALTO/REAL ESTATE
250 Hamilton Avenue
P.O. BOX 10250
PALO ALTO, CA 94303

SPACE ABOVE LINE FOR RECORDER’S USE

A.P. No.: 120-34-012
Project No.: CEV 07/03
Project: Vacation of Public
Right-of-way - Town & Country Shopping
Center, 855 El Camino Real

SUMMARY VACATION
RESOLUTION NO. ______

RESOLUTION OF THE COUNCIL OF THE CITY OF PALO ALTO SUMMARILY VACATING A PORTION OF THE ABANDONED EMBARCADERO AVENUE ROAD RIGHT-OF-WAY AND RESERVING AN EASEMENT FOR UTILITIES ADJACENT TO THE TOWN & COUNTRY SHOPPING CENTER, 855 EL CAMINO REAL

WHEREAS, Chapter 4 of the Public Streets, Highways and Service Easements Vacation Law, commencing with Streets and Highways Code section 8330, provides for summary vacation of streets and public service easements; and

WHEREAS, the City of Palo Alto acquired the right-of-way for street purposes located along Embarcadero Road adjacent to 855 El Camino Real as shown on “PLAT of a tract of Land on the SAN FRANCISQUITO RANCHO owned by CAPT. JOHN GREER,” Map was filed March 11, 1878 in Book A of Maps page 3, Records of Santa Clara County; and being a portion of the 32 ½ acres as shown on said Map, also being apart of the right of way as shown on the “FINAL CORRECTED PLANS OF EMBARCADERO ROAD UNDERPASS, DRAWING NO. 10,456 MARCH 1937, FILE NO. 10-A-1, SHEET 1 OF 20” (see City of Palo Alto file number 120-1102-003 and 120-1102-009 for right of way dimensions along section being abandoned); and
WHEREAS, Section 8334 of the Streets and Highways Code authorizes the City Council to summarily vacate excess right-of-way for a street which is not required for street or highway purposes; and

WHEREAS, a portion of the abandoned Embarcadero Avenue road right-of-way is no longer used or required for street or highway purposes; and

WHEREAS, the in-place public utility facilities within the street right-of-way to be vacated will not be affected due to the condition placed on this vacation that the City shall reserve a public service easement for utilities; and

WHEREAS, the City Council intends to summarily vacate a portion of a public service easement for streets, reserving a public service easement for utilities, as more particularly described in Exhibit "A", attached to this resolution and depicted on the plat map attached as Exhibit "B" to this resolution; and

WHEREAS, attached to this Resolution as Exhibit "C" is a copy of CMR No. 124:08, dated January 22, 2008, submitted by the City Manager to the City Council setting forth the reasons for the summary vacation of the portion of the street right-of-way and the reservation of the public service easement for utilities ("Report").

NOW, THEREFORE, the City Council does hereby RESOLVE as follows:

SECTION 1. The City Council hereby adopts the Report and, based upon the Report and all other evidence submitted, makes the following findings:

1. The portion of the abandoned Embarcadero Avenue road right-of-way is excess right-of-way and not required for street or highway purposes; and

2. This vacation is subject to the condition that the public service easement for utilities is reserved for the City; and

3. The portion of street right-of-way is not needed for present or prospective public facilities, except for utilities; and

4. The public convenience and necessity do require reservation of the public service easement for utilities; and
5. The portion of the street right-of-way to be vacated is not useful as a non-motorized transportation facility; and

6. The Council has considered the Palo Alto Comprehensive Plan and ratifies the determination of the planning department that the vacation of the portion of the street right-of-way and reservation of an easement for utilities is in conformity with the Palo Alto Comprehensive Plan.

SECTION 2. Based upon the findings made in Section 1 of this Resolution and the provisions of Section 8334 of the Streets and Highways Code, the City Council does hereby order that the portion of the street right-of-way as shown on the attached map(s) shall be and hereby is summarily vacated, subject to the reservation of the easement for utilities.

SECTION 3. The City Clerk, acting by and through the Real Property manager, is hereby directed to record at Santa Clara County Records a certified copy of this Resolution, including the Maps and the Report.

SECTION 4. The portion of the public service easement for streets described in Exhibit "A" and depicted in the plat map attached as Exhibit "B" will no longer constitute a street right-of-way but will constitute a public service easement for utilities from and after the date of recordation of the documents identified in Section 3 of this Resolution.

SECTION 5. The Council finds that summary vacation of the portion of the street right-of-way and reservation of an easement for utilities is exempt from review under the California Environmental Act pursuant to Title 14 California Code of Regulations section 15305 as a minor alteration in land use limitations.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST: 

APPROVED:
ATTEST:

________________________________________
City Clerk

APPROVED AS TO FORM:

________________________________________
Senior Asst. City Attorney

APPROVED:

________________________________________
Mayor

APPROVED:

________________________________________
City Manager

Director of Administrative Services
EXHIBIT "A"

LEGAL DESCRIPTION
SUMMARY VACATION
PORTION OF EMBARCADERO ROAD, PALO ALTO

BEING A SUMMARY VACATION OF REAL PROPERTY IN THE CITY OF PALO ALTO, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF PARCEL ONE, AS DESCRIBED IN THE TRUST TRANSFER DEED RECORDED MARCH 28, 2007, DOCUMENT NO. 19362067, SANTA CLARA COUNTY RECORDS;

THENCE SOUTH 70°10'00" WEST ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL ONE, A DISTANCE OF 336.77 FEET;

THENCE SOUTH 51°45'00" EAST, A DISTANCE OF 32.22 FEET;

THENCE NORTH 70°10'00" EAST, A DISTANCE OF 306.51 FEET;

THENCE NORTH 38°15'00" EAST, A DISTANCE OF 25.69 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF THE PENINSULA CORRIDOR JOINT POWERS BOARD RIGHT-OF-WAY;

THENCE NORTH 51°45'00" WEST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 16.22 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 9,004 SQUARE FEET OR 0.21 ACRES MORE OR LESS.

THE PROPERTY DESCRIBED HEREON IS SHOWN ON THE ATTACHED PLAT, "EXHIBIT B", AND BY REFERENCE, MADE A PART HEREOF.
AREA BEING VACATED
AREA = 9,004 ± S.F.
OR 0.21 ± AC

TOWN AND COUNTRY VILLAGE
APN 120-34-012
TRUST TRANSFER
DEED DOC NO.
19362967