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.: 003-45-037
Project No.: CEV 06/07
Project: Vacation of Public Utility Easement
1401 Parkinson Ave

SUMMARY VACATION
RESOLUTION NO.

RESOLUTION OF THE COUNCIL OF THE CITY OF PALO ALTO SUMMARILY VACATING A PUBLIC SERVICE EASEMENT FOR UTILITIES AT 1401 PARKINSON AVENUE

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 services easements; and

WHEREAS, the City of Palo Alto acquired a public service easement for utilities on the property at 1401 Parkinson Avenue as shown in Resolution No. 1560 recorded in Book 1426 Page 414 on March 10, 1947; and

WHEREAS, Section 8333 of the Streets and Highways Code authorizes the City Council to summarily vacate public service utility easements when the easement has never been used, has been superceded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the City Council intends to summarily vacate the public utility easement as more particularly described in Exhibit A attached to this Resolution; and

WHEREAS, attached to this Resolution as Exhibit “C” is a copy of CMR No. ______, dated ________, submitted by the City Manager to the City Council setting forth the reasons for the summary vacation public utility easement (“Report”).

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

1 of 3
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 The easement has been superseded by relocation and there are no other public facilities located within the Public utility easement; and

2. The Public utility easement is not needed for present or prospective public facilities; and

3. The public convenience and necessity does not require reservation of any portion of the Public utility easement; and

4. The Public utility easement to be vacated is not useful as a non-motorized transportation facility; and

5. The Council has considered the Palo Alto Comprehensive Plan and ratifies the determination of the planning department that the vacation of the Public utility easement 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 8333 of the Streets and Highways Code, the City Council does hereby order that the Public utility easement as described on Exhibit A shall be and hereby is summarily vacated.

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 Description and the Report.

SECTION 4. The easement for electrical purposes described in Exhibit A will no longer constitute a public easement from and after the date of recordation of the documents identified in Section 3 of this Resolution; and

SECTION 5. The Council finds that summary vacation of the public utility easement 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:

City Clerk

APPROVED AS TO FORM:

Senior Asst. City Attorney

APPROVED:

Mayor

APPROVED:

Assistant City Manager

Director of Administrative Services
ATTACHMENT B

WADE HAMMOND
LAND SURVEYOR
36660 NEWARK BLVD. SUITE D
NEWARK, CALIFORNIA  94560-3000
TEL: 510-739-1600   FAX: 510-739-1620   WADEHAMMOND@COMCAST.NET

APN: 003-45-037

PREPARED:     L. WADE HAMMOND    PLS
CHECKED BY:   L. WADE HAMMOND    PLS
APPROVED BY:  ____________________________

November 20, 2007

LEGAL DESCRIPTION  EASEMENT ABANDONMENT

ALL THAT CERTAIN REAL PROPERTY IN THE CITY OF PALO ALTO, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE EASTERLY LINE OF PINE STREET (NOW ABANDONED) AND THE NORTHERLY LINE OF PARKINSON AVENUE AS SAID STREETS ARE SHOWN ON THAT CERTAIN MAP ENTITLED, “MAP OF ALBA PARK ADDITION, ADJOINING PALO ALTO, BEING A SUBDIVISION OF LOT 4 IN THE MERCIER TRACT,” WHICH MAPS WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON DECEMBER 18, 1905 IN BOOK “L” OF MAPS, AT PAGE 8; THENCE NORTH 89°58’00” WEST ALONG THE SAID WESTERLY PROLONGATION OF THE NORTHERLY LINE OF PARKINSON AVENUE A DISTANCE OF 13.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 00°02’00” EAST AND PARALLEL TO THE EASTERLY LINE OF PINE STREET A DISTANCE OF 147.00 FEET TO A POINT ON THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF AN ALLEY AS SHOWN ON SAID MAP; THENCE ALONG SAID WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF AN ALLEY, NORTH 89°58’00” WEST 17.00 FEET; THENCE SOUTH 00°02’00” WEST AND PARALLEL TO THE EASTERLY LINE OF PINE STREET, 147.00 FEET TO SAID WESTERLY PROLONGATION OF THE NORTHERLY LINE OF PARKINSON AVENUE; THENCE ALONG SAID WESTERLY PROLONGATION OF THE NORTHERLY LINE OF PARKINSON AVENUE SOUTH 89°58’00” EAST 17.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 2499 SQ. FT. MORE OR LESS

END OF REAL PROPERTY DESCRIPTION.

EXHIBIT A

PAGE 1 OF 2

SAID LANDS ARE SHOWN ON THE ATTACHED PLAT EXHIBIT B AND MADE A PART HEREOF.
EASEMENT ABANDONMENT

PORTION OF PINE ST. (ABANDONED) AS SHOWN ON THE
"MAP OF ALBA PARK ADDITION, ADJOINING PALO ALTO, BEING A
SUBDIVISION OF LOT 4 IN THE MERCIER TRACT"
RECORDED 12-18-1905 IN BOOK "L" OF MAPS, PAGE 8
PALO ALTO

EXHIBIT B

PLAT TO ACCOMPANY LEGAL DESCRIPTION