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

A.P. No.: 127-33-065
Project No.: CEV 07/04
Project: Vacation of Public Utility Easement - 780 Rosewood Drive

S U M M A R Y V A C A T I O N

RESOLUTION NO.

RESOLUTION OF THE COUNCIL OF THE CITY OF PALO ALTO SUMMARILY VACATING A PUBLIC SERVICE EASEMENT FOR UTILITIES AT 780 ROSEWOOD DRIVE

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 reserved a public service easement (PUE) for utilities on the property at 780 Rosewood Drive as described and shown in the Quitclaim Deed document 2136318, recorded in Book 5456 Page 284 on February 5, 1962; 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Code authorizes the City Council to summarily vacate public service utility easements when the easement has been superceded by relocation and there are no other public facilities located within the easement; and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:
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 The public utility easement at 780 Rosewood Drive has been superceded by relocation;

2. No public facilities are located within the Public utility easement; and

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

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

5. The Public utility easement 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 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:                  APPROVED:

City Clerk

 APPROVED AS TO FORM:  

Senior Asst. City Attorney

Mayor

APPROVED:

Deputy City Manager

Director of Administrative Services
LEGAL DESCRIPTION
EXHIBIT 'A'
VACATION OF
PUBLIC UTILITY EASEMENT (P.U.E.)

All that certain parcel of land situate in the City of Palo Alto, County of Santa Clara, State of California, more particularly described as follows:

BEING all of that certain strip of land of the uniform width of 10 feet, as reserved in the Quitclaim Deed from the City of Palo Alto, a municipal corporation to Carlyle Barry Whitman, Sr., recorded on February 5, 1962 in Book 5456 of Official Records at page 284, Santa Clara County records, more particularly described as follows:

BEING a strip of land of the uniform width of 10 feet, lying adjacent to and southeasterly of the southeasterly line of Lot 9, Block 224 as shown on the map of Tract No. 268 entitled "MIDDLEFIELD PARK UNIT NO. 1", filed on May 6, 1946 in Book 10 of Maps at Pages 14 and 15, said Santa Clara County records.

The sidelines of said strip to be prolonged or shortened so as to terminate northeasterly in the northeasterly line of the parcel of land described in said Whitman deed and southwesterly in the southwesterly line of the parcel of land described in said Whitman deed.

P.U.E. contains an area of 1,293 square feet, more or less.

This easement is not a subdivision and creates no new parcel.

P.U.E. is shown on attached plat Exhibit B and made a part hereof.

END OF DESCRIPTION

This description is based upon a field survey of Lands of Cortale as described in Document No. 19001877, Santa Clara County records.

APN: 127-33-065

Kristina D. Comerer, PLS 6766
License expires: September 30, 2008

October 11, 2007
Date

[Stamp: Approved by: [Signature] 11-27-07]
**LEGEND**
- FD. 3/4" I.P. WITH PLUG & TACK "BGT LS 7551"
- FD. 1-1/2" I.P. WITH CONCRETE, TAG & NAIL "RE 684"
- EXISTING EASEMENT LINE
- DESCRIBED EASEMENT
- BOUNDARY LINE
- LOT LINES
- CENTER LINE

**TRACT NO. 288**
MIDDLEFIELD PARK
UNIT NO. 1
10 M. 14-15

**FD. 1-3/4" I.P. WITH CONCRETE, TAG & PIN "RE 2959", DN. 0.7'**

**SCALE: 1" = 30'**

**PLAT TO ACCOMPANY LEGAL DESCRIPTION EXHIBIT 'B'**

**VACATION OF PUBLIC UTILITY EASEMENT**
780 ROSEWOOD DRIVE
PALO ALTO, CALIFORNIA

**127-33-065 LANDS OF CORTALE**
DOC. NO. 19001877

**SOUTHEASTERLY LINE LOT 9, BLOCK 224, 10 M. 14-15**

**CITY OF PALO ALTO**
10 PUE 5456 O.R. 284 TO BE VACATED 1,293 S.F. +/−
N 54°44'05" E 130.00 (FORMER LANDS OF WHITMAN - 5456 O.R. 284)

**TRIANGULAR EASEMENT FOR WIRE OVERHANG 5456 O.R. 284**

**SURVEYOR'S STATEMENT**

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF MARIA CORTALE IN MARCH 2007.

**DATE: October 11, 2007**

**Kirstina D. Comer, PLS 6766**
LICENSE EXPIRES: September 30, 2008

**CROSS LAND SURVEYING, INC.**
2210 MT. PLEASANT ROAD
SAN JOSE, CA 95148
(408) 274-7994
PROJECT NO. 07-17