

RESOLUTION NO. 18-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
ORDERING THE VACATION OF AN
EASEMENT FOR STORM DRAINAGE AND INCIDENTAL PURPOSES
AS PROVIDED IN SECTION 8320 ET SEQ. OF THE STREETS
AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA

WHEREAS, an Easement for Storm Drainage and Incidental Purposes at 22445 and 22449 Cupertino Road and more particularly described in legal description and map attached hereto and made part hereof as Exhibits "A" and "B", is to be vacated; and

WHEREAS, the City Council did, on the 3rd of April 2018, adopt a resolution of intention to vacate the aforementioned easement, and the City Clerk has posted signs and published notice declaring said intention, and the date, time, and place of a public hearing to consider said intention, pursuant to the provisions of Section 8320 et seq. of the California Streets and Highways Code; and

WHEREAS, a new Drainage Easement is proposed to be granted to supersede the existing Easement for Storm Drainage and Incidental Purposes; and

WHEREAS, pursuant to Section 8324 of the California Streets and Highways Code, the City Council finds, from all the evidence submitted, that the public drainage easement described in the notice of hearing is unnecessary for present or prospective purposes after conditions have been satisfied; and

WHEREAS, it is deemed to be in the public interests that the City Council elects to proceed to order said vacation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cupertino hereby vacates the aforesaid Easement for Storm Drainage and Incidental Purposes, as shown and described on the attached map and description, pursuant to the provisions of Section 8320 et seq. of the California Streets and Highways Code.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Cupertino that the City Clerk is hereby authorized, upon notification from the Director or Public Works, that the new Drainage Easement has been prepared, approved and is ready for recordation, to record the executed original Resolution in the Office of the Recorder of the County of Santa Clara.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 1st day of May, 2018, by the following vote:

Vote: Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Grace Schmidt, City Clerk

Darcy Paul, Mayor, City of Cupertino