

RESOLUTION NO. 18-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
VACATING AN EASEMENT FOR STORM DRAIN RETENTION BASIN PURPOSES
LOCATED ON 23500 CRISTO REY DRIVE
AS PROVIDED IN SECTION 8320 ET SEQ. OF THE STREETS
AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA**

WHEREAS, that an easement for storm drain retention basin purposes located on 23500 Cristo Rey Drive, and more particularly described per Document No. 10533472, recorded on May 23, 1990 hereto and made part hereof as Exhibits "A", is to be vacated; and

WHEREAS, The City Council did, on 5th of November 2018, adopt Resolution No. 18-106 of intention to vacate the aforementioned easement, and the City Clerk has published notice and posted signs 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 storm drain retention basin easement is to be dedicated superseding the existing storm drain retention basin easement; and

WHEREAS, pursuant to Section 8324 of the California Streets and Highways Code, the City Council finds, from all the evidence submitted, that the 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, as shown and described per Document No. 10533472, recorded on May 23, 1990 hereto and made part hereof as Exhibits "A", pursuant to the provisions of Section 8320 et seq. of the California Streets and Highways Code.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Cupertino that the City Clerk is hereby authorized, upon notification from the Director of Public Works that the Applicant has met all precedent conditions, 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 4th day of December, 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

NO FEE IN ATTENDANCE
WITH GOV CODE 8103

NO FEE

MAY 23 1990

10533472

Return to:

CITY OF CUPERTINO

1730 Torre Avenue

Cupertino, CA 95014

GRANT OF EASEMENT FOR
STORM DRAIN RETENTION BASIN PURPOSES

Forum Lifecare, Inc., an Indiana Corporation

and The Roman Catholic Bishop of San Jose, a California corporation, sole
hereinafter called GRANTOR, hereby grants to the CITY OF CUPERTINO, a
municipal corporation, hereinafter called GRANTEE, the right to excavate
for, install, replace (of the initial or any other size), maintain and use
for storm drain purposes as Grantee shall from time to time elect within
the hereinafter described property of those certain premises which are
situate in the City of Cupertino, County of Santa Clara, State of
California, and described as follows:

(Description Attached)

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Grantor hereby further grants to Grantee the right and privilege to enter
upon his lands contiguous to and along the line of said hereinabove
described strip for the purpose of locating, constructing, repairing,
maintaining, or replacing said storm drain piping or appurtenances
thereto, and for the purpose of doing any necessary or lawful act in
connection with the construction or maintenance of said storm drain; there
is also granted the right of the use of sufficient land contiguous to said
strip on either or both sides thereof for the purpose of excavation of and
deposit of earth and necessary building material during the time of
constructing said storm drain, and any repair thereof.

The foregoing is subject to the following express conditions:

- a) The Grantor shall retain the obligation to keep the area within
the easement free and clear of debris, silt and non approved
vegetation. The Grantor shall annually maintain and clear the
basin area in order to insure the proper functioning of the
basin.
- b) The Grantor also shall have signs posted at all times in the
easement area to warn of a potential flood hazard.

The Grantee agrees to restore the ground surface and any improvements
thereon to its original grade or condition insofar as it is practicable
and reasonable to do so.

IN WITNESS THEREOF, said parties have executed this Grant of Easement
this 6th day of April, 1990.

Henry L. Laid, Pres.
Robert E. Sumner

(Notary acknowledgment
to be attached)

Brian Kangas Foulk

November 1, 1989
Revised November 3, 1989
Job No. 880186.D0

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RETENTION BASIN EASEMENT

Situate in the City of Cupertino, County of Santa Clara, State of California and described as follows:

Being a portion of that certain 54.04 acre tract of land described in Exhibit "A" in the Ground Lease to Forum Lifecare, Inc., filed for record December 11, 1987 in Book K387, page 1708 of Official Records, Series 9536539, Santa Clara County Records and being more particularly described as follows;

Beginning at point lying on that certain line described as North 61°04'48" West 100.85 feet, and being distant thereon from the beginning of said line 53.91 feet;

Thence proceeding along the following eight (8) numbered courses;

- (1) South 07°00'00" West 164.34 feet,
- (2) South 23°00'00" West 65.00 feet;
- (3) North 36°41'26" West 64.15 feet,
- (4) North 88°30'59" West 10.00 feet,
- (5) North 55°57'16" West 59.68 feet,
- (6) North 08°00'00" East 172.80 feet,
- (7) South 77°00'00" East 103.85 feet, to a point lying on the northeasterly line of said parcel, thence along said line,
- (8) South 61°04'48" East 20.53 feet, to the Point of Beginning.

Containing 0.562 acres more or less.

End of Description

Description prepare by:

Rex A. Betz, L.S. 5251
License expires 12/31/91

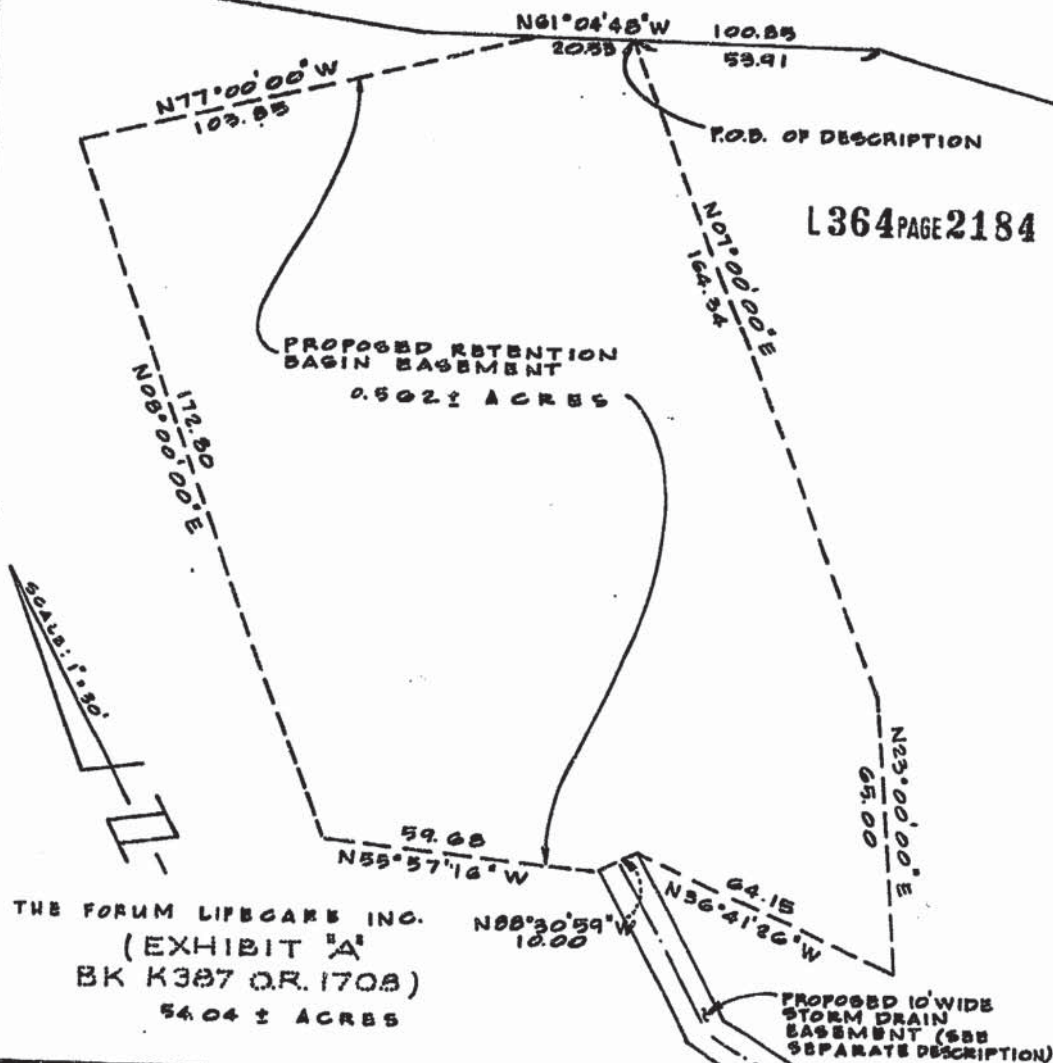
Signed Rex A. Betz
Dated Nov. 7, 1989

DV:pms:bc



Consulting Engineers
540 First Avenue
Redwood City, CA 94063
415/355 0412
FAX 415/355-1260

LANDS OF THE STATE OF CALIFORNIA
INTERSTATE 280



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THE FORUM LIFE CARE INC.
(EXHIBIT "A")
BK K387 OR.1708)
54.04 ± ACRES

PLAT TO ACCOMPANY A LEGAL DESCRIPTION FOR:
RETENTION BASIN EASEMENT

Brian Kangas Foulk
CONSULTING ENGINEERS

540 Price Avenue
Redwood City, CA 94063
415/385-0412

SCALE: 1" = 30'	DATE: 11.1.89
DRAWN BY: L.Y.V.	DRAWING NO.
APPROVED BY:	880186.00
DESIGNED BY: DV	