

RESOLUTION NO. 19-XXX

A RESOLUTION OF THE CUPERTINO CITY COUNCIL DECLARING ITS INTENTION TO ORDER VACATION OF PORTIONS OF A PUBLIC UTILITY EASEMENT FOR WATER LINE 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, FIXING TIME AND PLACE FOR PUBLIC HEARING, AND PROVIDING FOR NOTICE THEREOF

WHEREAS, portions of a public utility easement for water line purposes (hereinafter the "Easement") located on 23500 Cristo Rey Drive, more particularly described and attached herewith as Exhibit "A", is to be vacated; and

WHEREAS, that certain plat entitled "Plat to Accompany Vacation Description", attached herewith as Exhibit "B", shows the Easement that the City Council intends to vacate; and

WHEREAS, the City Council elects to proceed pursuant to the provisions of Section 8320 et seq. of the Streets and Highways Code of the State of California; and

WHEREAS, a new public utility easement for water line purposes was dedicated per Document No. 24327719, recorded on November 8, 2019, superseding the existing Easement; and

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

WHEREAS, on April 17, 2018 the City Council certified an Environmental Impact Report (hereinafter the "EIR") for Development Permit DP-2017-01, to allow construction of the Forum Project; and

WHEREAS, the vacation of the Easement will facilitate construction of the Forum Project and constitutes a minor modification to the Project, and based on substantial evidence in the record, no subsequent environmental review is required because there are no substantial changes in the Project or the circumstances under which the Project is to be undertaken that would result in new or substantially more severe environmental impacts requiring major revisions to the Final EIR, and there is no new information that involves new significant

environmental effects or a substantial increase in the severity of previously identified environmental effects that would require preparation of a subsequent or supplemental EIR pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby declare:

1. Its intention to vacate the aforesaid Easement;
2. The 21st day of January, 2020, at 6:45 p.m., in the Community Hall, 10350 Torre Avenue, Cupertino, California, is the time and place fixed for hearing on the above proposed vacation;
3. The aforesaid date is not less than 15 days from passage of this resolution pursuant to law;
4. The City Clerk shall cause a certified copy of this resolution to be published in the manner prescribed by law and shall cause certified copies to be posted along the line of said property proposed to be vacated at least 2 weeks before the date of hearing and no more than 300 feet apart with a minimum of 3 being posted.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 17th day of December, 2019, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Steven Scharf, Mayor City of Cupertino	 _____ Date
ATTEST: _____ Grace Schmidt, City Clerk	 _____ Date



ENGINEERS
SURVEYORS
PLANNERS

November 19, 2019
BKF Job No.: 20165092-50

EXHIBIT "A"
EASEMENT DESCRIPTION FOR:
PORTION OF PUBLIC UTILITY EASEMENT
PER L364 O.R. 1789 TO BE VACATED

All that certain real property in the City of Cupertino, County of Santa Clara, State of California, and described as follows:

BEING a portion of the public utility easement parcels as said parcels are described in Exhibit B in the document entitled "Grant of Easement for Public Utilities" recorded May 23, 1990, in Book L364 at Page 1789 (L364 O.R. 1789), Instrument Number 10533461, Santa Clara County Official Records, said portion being more particularly described as follows:

WATER METER PARCEL 1:

A 5.00 feet wide easement for water meter purposes lying 2.50 feet on each side of the following described line:

Commencing at a point lying on that certain line numbered seventeen (17) and being distant thereon South 61°28'45" East 3.33 feet from the terminus of course sixteen (16) as said courses are described in Parcel 1, 10 foot wide water line easement, as said parcel is described in said document (L364 O.R. 1789);

Thence perpendicular to said course seventeen (17), South 28°31'15" West 17.43 feet to the Point of Beginning;

Thence continuing along course seventeen (17), South 28°31'15" West 2.00 feet.

FIRE HYDRANT PARCEL 4:

A 6.00 wide easement for fire hydrant purposes lying 3.00 feet on each side of the following described line:

Beginning at the terminus of that certain line numbered fifteen (15) as said course is described in the aforementioned Parcel 1, 10 foot wide water line easement;

Thence South 56°30'00" West 18.50 feet.

FIRE HYDRANT PARCEL 5:

A 6.00 wide easement for fire hydrant purposes lying 3.00 feet on each side of the following described line:

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Beginning at a point lying on that certain line numbered seventeen (17) and being distant thereon South 61°28'45" East 137.35 feet from the terminus of course sixteen (16) as said courses are described in the aforementioned Parcel 1, 10 foot wide water line easement;

Thence perpendicular to said course seventeen (17), South 28°31'15" West 22.74 feet.

FIRE HYDRANT PARCEL 11:

A 6.00 wide easement for fire hydrant purposes lying 3.00 feet on each side of the following described line:

Beginning at a point lying on that certain line numbered thirty-nine (39) and being distant thereon South 09°13'39" West 59.11 feet from the terminus of course thirty-eight (38) as said courses are described in the aforementioned Parcel 1, 10 foot wide water line easement;

Thence perpendicular to said course thirty-nine (39), South 80°46'21" East 22.88 feet.

FIRE HYDRANT PARCEL 13:

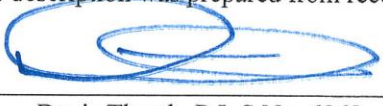
A 6.00 wide easement for fire hydrant purposes lying 3.00 feet on each side of the following described line:

Beginning at a point lying on that certain line numbered forty-three (43) and being distant thereon North 41°40'00" West 41.77 feet from the terminus of course forty-two (42) as said courses are described in the aforementioned Parcel 1, 10 foot wide water line easement;

Thence perpendicular to said course forty-three (43), South 48°20'00" West 25.00 feet.

A plat showing the above described easements is attached hereto and made a part hereof as Exhibit "B".

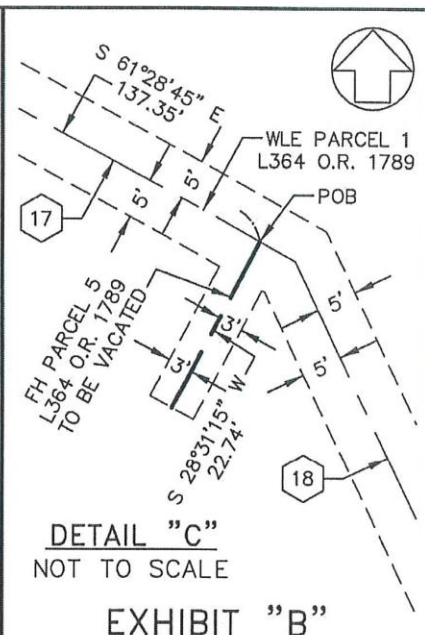
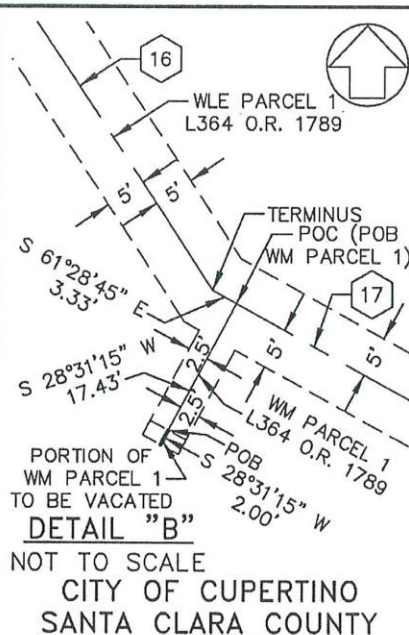
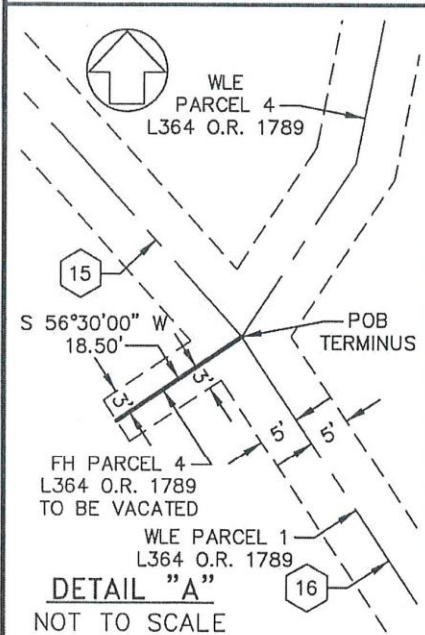
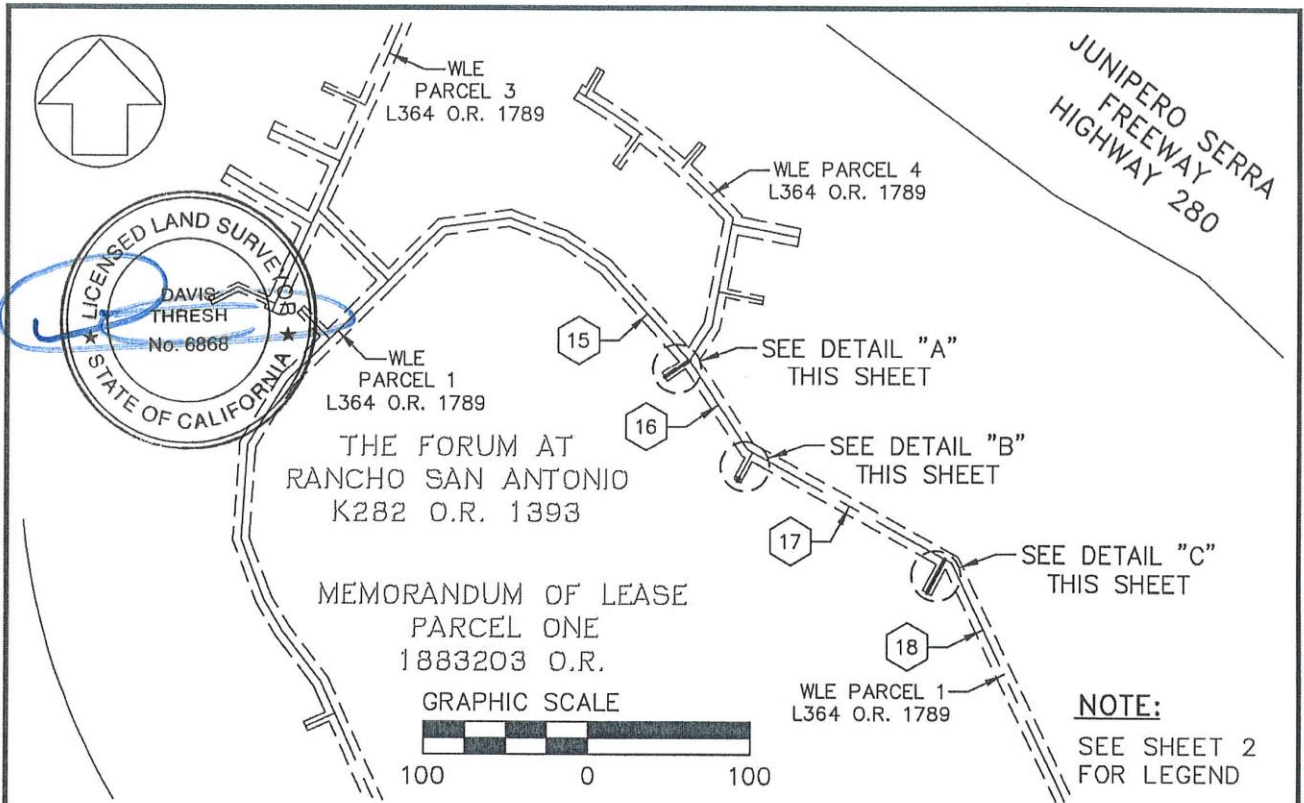
This description was prepared from record information for BKF Engineers.

By: 
Davis Thresh, P.L.S No. 6868

Dated: 11.19.2019

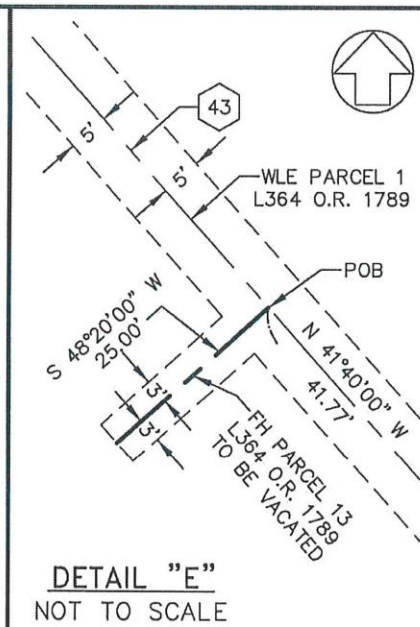
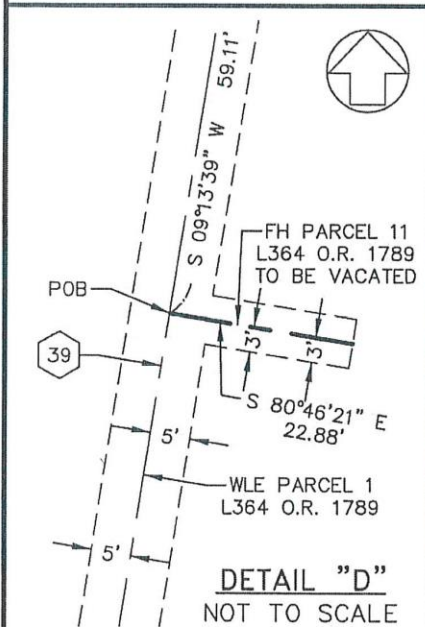
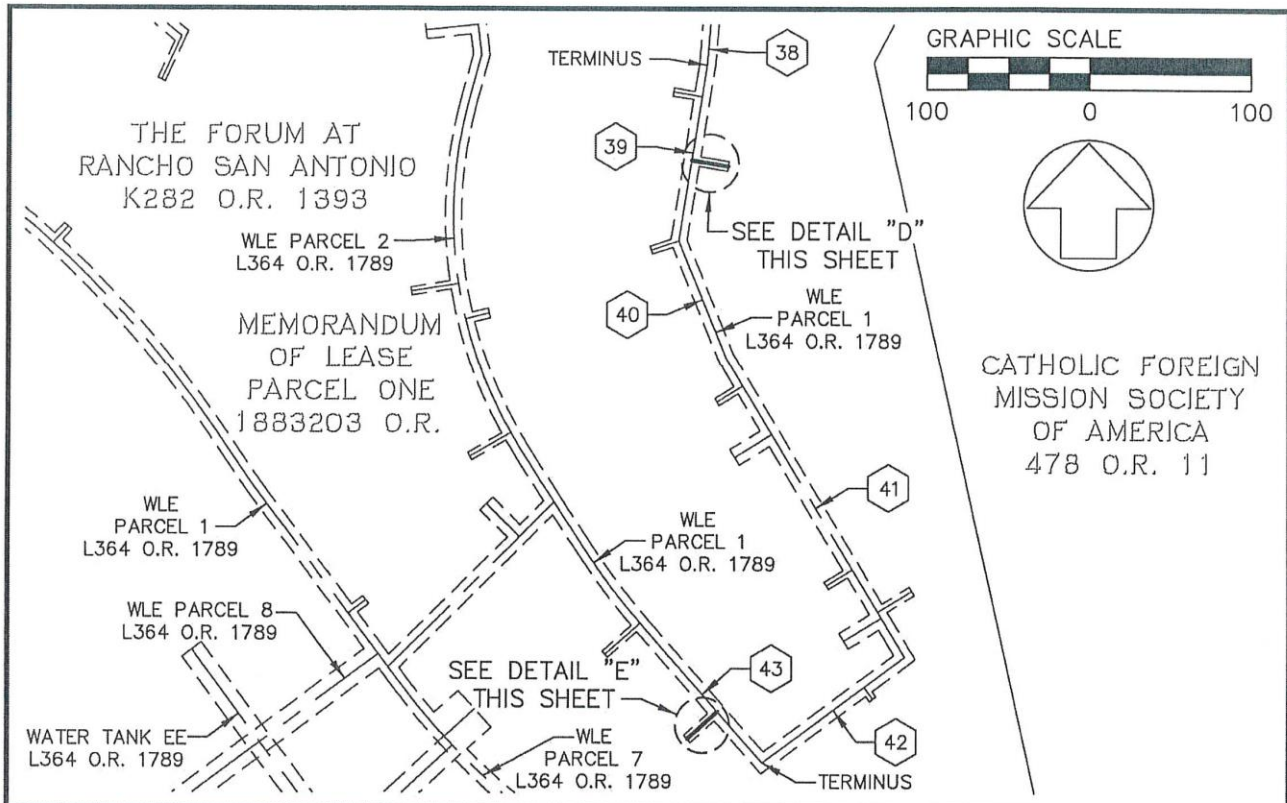


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1646 NORTH CALIFORNIA BLVD.
SUITE 400
WALNUT CREEK, CA 94596
925-940-2200
925-940-2299 (FAX)

Subject PLAT TO ACCOMPANY
VACATION DESCRIPTION
Job No. 20165092-50
By MLH Date 11/19/19 Chkd. BTW
SHEET 1 OF 2



LEGEND:

EE ELECTRIC LINE EASEMENT
FH FIRE HYDRANT PARCEL #
O.R. OFFICIAL RECORDS
POB POINT OF BEGINNING
WLE WATER LINE EASEMENT
PARCEL #
WM WATER METER PARCEL #
15 WLE PARCEL 1 PER L364
O.R. 1789 LINE NUMBER
--- PARCEL TO
BE VACATED

CITY OF CUPERTINO
SANTA CLARA COUNTY

EXHIBIT "B"



1646 NORTH CALIFORNIA BLVD.
SUITE 400
WALNUT CREEK, CA 94596
925-940-2200
925-940-2299 (FAX)

Subject PLAT TO ACCOMPANY
VACATION DESCRIPTION

Job No. 20165092-50

By MLH Date 11/19/19 Chkd. BTW
SHEET 2 OF 2