

## **RESOLUTION NO. 19-XXX**

### **A RESOLUTION OF THE CUPERTINO CITY COUNCIL DECLARING ITS INTENTION TO ORDER VACATION OF A PORTION OF AN EMERGENCY ACCESS EASEMENT 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, a portion of an emergency access easement (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 emergency access easement is to be dedicated 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 21<sup>st</sup> 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 17<sup>th</sup> 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 EMERGENCY ACCESS EASEMENT**  
**PER L364 O.R. 2014 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 Parcel 2 as said parcel is described in the document entitled "Emergency Access Easement" recorded May 23, 1990, in Book L364 at Page 2014, Instrument Number 10533465, Santa Clara County Official Records, said portion being more particularly described as follows:

**BEGINNING** at the northwesterly terminus of that certain course described as "(51) South 33°30'00" East 36.74 feet"; **THENCE** proceeding along the following nineteen (19) numbered courses: (1) South 33°30'00" East 36.74 feet; (2) southeasterly along a tangent curve to the left, whose radius point bears North 56°30'00" East for 154.03 feet, an arc length of 92.75 feet and through a central angle of 34°30'00", to a point of tangent line; (3) South 68°00'00" East 25.00 feet, to a point hereby designated point "F"; (4) southeasterly along a tangent curve to the right, whose radius point bears South 22°00'00" West for 137.00 feet, an arc length of 117.16 feet and through a central angle of 49°00'00", to a point of tangent line; (5) South 19°00'00" East 52.15 feet; (6) southeasterly along a tangent curve to the left, whose radius point bears North 71°00'00" East for 100.50 feet, an arc length of 66.65 feet and through a central angle of 38°00'00", to a point of compound curvature; (7) easterly along a curve to the left, whose radius point bears North 33°00'00" East for 30.51 feet, an arc length of 17.57 feet and through a central angle of 33°00'00", to a point of non-tangent line; (8) South 24.00 feet, to a point of non-tangent curvature; (9) westerly along a curve to the right, whose radius point bears North for 54.51 feet, an arc length of 31.40 feet and through a central angle of 33°00'00", to a point of compound curvature; (10) northwesterly along a curve to the right, whose radius point bears North 33°00'00" East for 124.50 feet, an arc length of 82.57 feet and through a central angle of 38°00'00", to a point of tangent line; (11) North 19°00'00" West 18.35 feet; (12) northwesterly along a tangent curve to the left, whose radius point bears South 71°00'00" West for 5.00 feet, an arc length of 6.20 feet and through a central angle of 71°00'00", to a point of tangent line; (13) West 80.74 feet; (14) North 45°00'00" West 47.64 feet; (15) North 79.18 feet; (16) northwesterly along a tangent curve to the left, whose radius point bears West for 5.00 feet, an arc length of 5.22 feet and through a central angle of 59°46'10", to a point of reverse curvature; (17) northwesterly along a curve to the right, whose radius point bears North 30°13'50" East for 178.03 feet, an arc length of 81.62 feet and through a central angle of 26°16'10", to a point of tangent line; (18) North 33°30'00" West 36.74 feet; (19) leaving the last course North 56°30'00" East 24.00 feet, to the **POINT OF BEGINNING**.

November 19, 2019  
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Containing a gross area of 18,941 square feet, more or less.


**EXCEPTING THEREFROM** all of Parcel 2A as said parcel is described in the document entitled "Emergency Access Easement" recorded May 23, 1990, in Book L364 at Page 2014, Instrument Number 10533465, Santa Clara County Official Records.

Containing an area of 4,410 square feet, more or less.

The net area of Emergency Access Easement less the exception being 14,531 square feet, more or less.

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.

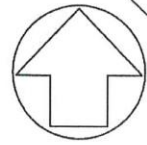
By:   
Davis Thresh, P.L.S No. 6868

Dated: 11.19.2019





THE FORUM AT  
RANCHO SAN ANTONIO  
K282 O.R. 1390



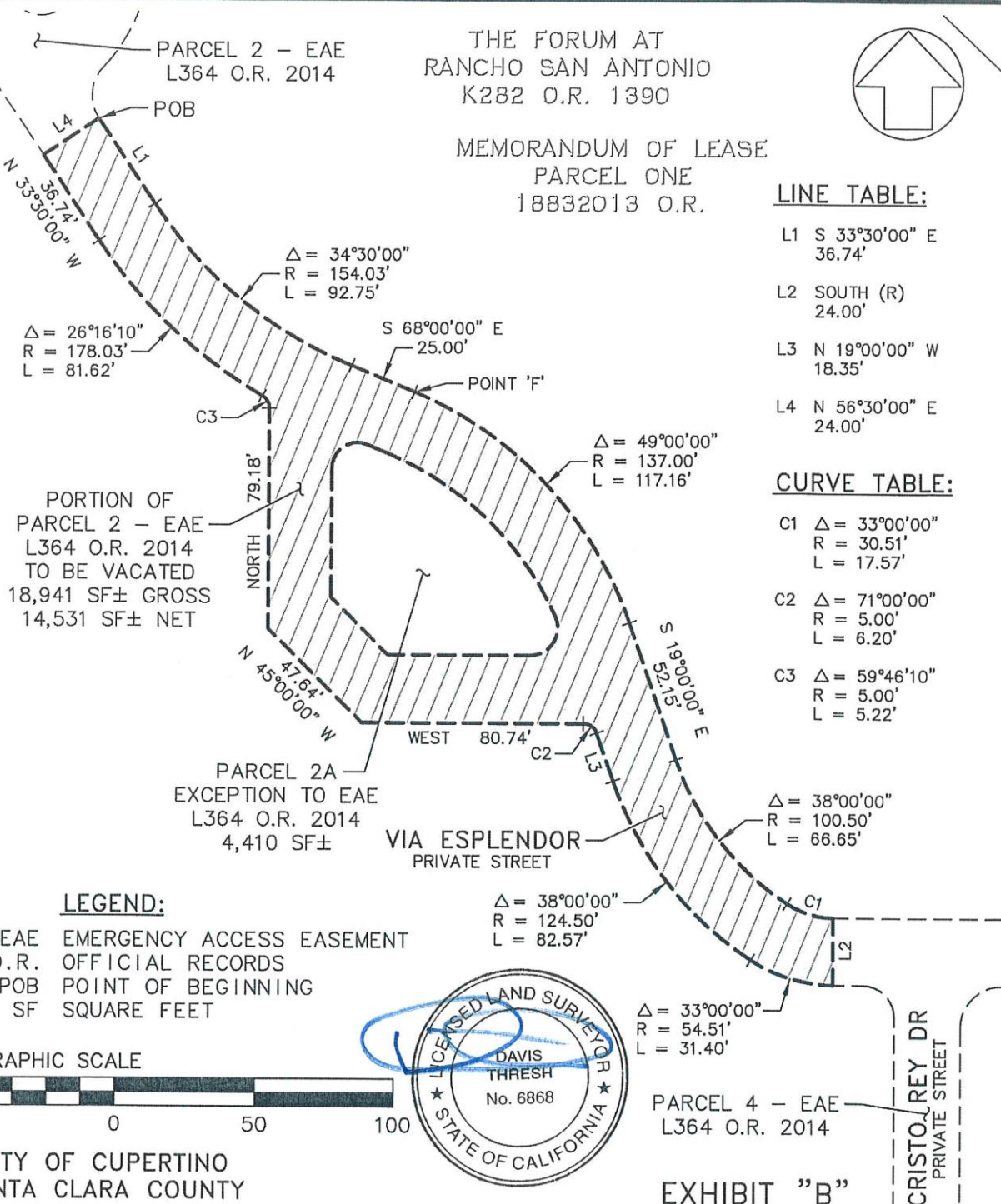
MEMORANDUM OF LEASE  
PARCEL ONE  
18832013 O.R.

LINE TABLE:

L1	S 33°30'00" E 36.74'
L2	SOUTH (R) 24.00'
L3	N 19°00'00" W 18.35'
L4	N 56°30'00" E 24.00'

CURVE TABLE:

C1	$\Delta = 33^\circ 00' 00''$ R = 30.51' L = 17.57'
C2	$\Delta = 71^\circ 00' 00''$ R = 5.00' L = 6.20'
C3	$\Delta = 59^\circ 46' 10''$ R = 5.00' L = 5.22'



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. RGM  
SHEET 1 OF 1

FO-QC-P2A-EAE-MCK.prn

FORUM, CUPERTINO

Project: 20165092-11

Tue November 19 12:37:13 2019

Parcel Map Check

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Parcel name: PARCEL 2A EXCEPTION TO EMERGENCY ACCESS EASEMENT PER PARCEL 2  
PER L364 O.R. 2014 TO BE VACATED

North:	71715.6599	East :	19004.1327
Curve Length:	85.81	Radius:	113.00
Delta:	43-30-35	Tangent:	45.09
Chord:	83.76	Course:	S 46-14-42 E
Course In:	S 22-00-00 W	Course Out:	N 65-30-35 E
RP North:	71610.8881	East :	18961.8022
End North:	71657.7310	East :	19064.6358
Curve Length:	19.98	Radius:	10.00
Delta:	114-29-25	Tangent:	15.54
Chord:	16.82	Course:	S 32-45-18 W
Course In:	S 65-30-35 W	Course Out:	S 00-00-00 W
RP North:	71653.5856	East :	19055.5355
End North:	71643.5856	East :	19055.5355
Line Course:	N 90-00-00 W	Length:	51.33
North:	71643.5856	East :	19004.2055
Curve Length:	1.12	Radius:	1.42
Delta:	45-00-00	Tangent:	0.59
Chord:	1.09	Course:	N 67-30-00 W
Course In:	N 00-00-00 E	Course Out:	S 45-00-00 W
RP North:	71645.0056	East :	19004.2055
End North:	71644.0015	East :	19003.2014
Line Course:	N 45-00-00 W	Length:	28.59
North:	71664.2177	East :	18982.9852
Line Course:	N 00-00-00 E	Length:	46.37
North:	71710.5877	East :	18982.9852
Curve Length:	17.94	Radius:	9.18
Delta:	112-00-00	Tangent:	13.61
Chord:	15.22	Course:	N 56-00-00 E
Course In:	S 90-00-00 E	Course Out:	N 22-00-00 E
RP North:	71710.5877	East :	18992.1652
End North:	71719.0992	East :	18995.6041
Line Course:	S 68-00-00 E	Length:	9.19
North:	71715.6566	East :	19004.1249
Line Course:	N 32-57-15 E	Length:	0.01
North:	71715.6650	East :	19004.1303

Perimeter: 260.34 Area: 4,410 Sq Ft 0.101 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)  
Error Closure: 0.0057 Course: N 25-14-56 W  
Error North: 0.00512 East : -0.00241  
Precision 1: 45,673.68