

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE
ESTABLISHING A PUBLIC RIGHT-OF-WAY OVER A
PORTION OF RAMBLEWOOD PARK TO
ACCOMMODATE THE EXISTING SOUTHBOUND ROUTE
101 OFF RAMP TO YERBA BUENA ROAD, IN
ACCORDANCE WITH CHARTER SECTION 1702**

WHEREAS, in 2009, the Valley Transportation Plan 2035 included the Route 101 Freeway Improvement Project between Story Road and Yerba Buena Road (“Project”) to improve traffic safety, relieve traffic congestion, and improve local access to the East San José and Evergreen area; and

WHEREAS, during the development of the Project it was discovered that the City of San José (“City”) had not conveyed to the State of California Department of Transportation (“Caltrans”) the necessary right-of-way for the existing Route 101/Yerba Buena Road interchange (“Interchange”) in accordance with prior agreements between the City and Caltrans; and

WHEREAS, a portion of the right-of-way required for the Interchange consists of approximately 31,109 square feet located along the eastern boundary within Ramblewood Park, as described in Exhibit A attached to this Ordinance, to accommodate the existing freeway southbound off ramp to Yerba Buena Road, plus an additional 15 feet from the retaining/sound wall toward the park for operation, maintenance, and repair purposes; and

WHEREAS, Charter Section 1702 provides that the Council may, by ordinance, authorize the establishment of streets or other public ways in or through any of the public parks without a vote of the electorate; and

WHEREAS, Caltrans, acting as lead agency, prepared an Initial Study and adopted a Mitigated Negative Declaration in 2005 for the US 101 Operational Improvement Project, and the City, acting as a responsible agency, can rely upon this Mitigated Negative Declaration for purposes of informing the City's decision to complete the proposed agreement with Caltrans;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

A public right-of-way to accommodate the existing southbound Route 101 off ramp to Yerba Buena Road, within a portion of Ramblewood Park, as shown on Exhibit A, attached to this Ordinance, is hereby authorized and established.

PASSED FOR PUBLICATION of title this _____ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk

EXHIBIT A

PROPERTY DESCRIPTION

Parcel: 62570. HIGHWAY EASEMENT

A portion of PARCEL ONE and PARCEL TWO described in the Grant Deed from Morrison Homes Corporation, a Delaware corporation, successor by merger to Morrison Homes, a California corporation to the City of San Jose, recorded September 15, 1976 in Book C 282, Page 359, Official Records of Santa Clara County, lying in the City of San Jose, Santa Clara County, State of California, more particularly described as follows:

BEGINNING at the most northeasterly corner of said PARCEL TWO, also being a point on the westerly right of way line of existing State Highway, Road 04-SCL-101-PM 31.1 in Santa Clara County as described in the Grant Deed (31055) from Rosalina Alvernaz, also known as Rosalie Alvernaz, as her separate property, to the State of California, recorded January 7, 1963 in Vol 5854, Page 552, Official Records of Santa Clara County; Thence, along the common boundary line of said parcels, from the beginning of a non-tangent curve to the right, to which a radial line bears North 62°36'43" East, southwesterly along the arc of said curve, having a radius of 2886.00 feet, through a central angle of 09°14'37", an arc length of 465.60 feet to the southeasterly corner of said PARCEL TWO, said corner also being the northeasterly corner of said PARCEL ONE and also being a point on the westerly right of way line of existing State Highway, Road 04-SCL-101-PM 31.1 in Santa Clara County as described in the Grant Deed (31058) from Adele Weaver Maynard, a widow, to the State of California, recorded April 2, 1963 in Vol 5965, Page 246, Official Records of Santa Clara County; Thence, along the common boundary line of said PARCEL ONE and said 31058, from the beginning of a tangent curve to the right, to which a radial line bears North 71°51'20" East, southwesterly along the arc of said curve, having a

radius of 2886.00 feet, through a central angle of $00^{\circ}10'29''$, an arc length of 8.80 feet to a point on the common boundary line of said parcels; Thence, continuing along the common boundary line of said parcels, South $21^{\circ}10'15''$ East, 96.57 feet to the beginning of a non-tangent curve to the right, to which a radial line bears North $73^{\circ}56'23''$ East; Thence, southwesterly along the arc of said curve, having a radius of 2893.00 feet, through a central angle of $05^{\circ}02'53''$, an arc length of 254.88 feet to the southeasterly corner of said PARCEL ONE, said corner also being on the common boundary line of said PARCEL ONE and said 31058; Thence, leaving said common boundary line of said PARCEL ONE and said 31058, South $44^{\circ}40'33''$ West, 53.01 feet along the southerly line of said PARCEL ONE; Thence, leaving said southerly line North $45^{\circ}19'27''$ West, 1.99 feet along the westerly line said PARCEL ONE to the beginning of a non-tangent curve to the left, to which a radial line bears North $79^{\circ}32'31''$ East; Thence, northwesterly along the arc of said curve, having a radius of 2847.50 feet, through a central angle of $07^{\circ}11'20''$, an arc length of 357.28 feet to a point on the northwesterly line of said PARCEL ONE said point also being on the southwesterly line of said PARCEL TWO and the beginning of a tangent curve to the left, to which a radial line bears North $72^{\circ}21'11''$ East; Thence, northwesterly along the arc of said curve, having a radius of 2847.50 feet, through a central angle of $04^{\circ}09'31''$, an arc length of 206.67 feet; Thence North $17^{\circ}23'51''$ West, 130.48 feet to the beginning of a non-tangent curve to the left, to which a radial line bears North $65^{\circ}35'17''$ East; Thence, northwesterly along the arc of said curve, having a radius of 2861.00 feet, through a central angle of $02^{\circ}59'35''$, an arc length of 149.45 feet to a point on the northwesterly line of said PARCEL TWO; Thence, along said northwesterly line of said PARCEL TWO, North $62^{\circ}36'43''$ East, 25.01 feet to the **POINT OF BEGINNING.**

CONTAINING an area of 31,109 square feet of land, more or less

RD:JVP
12-15-11

The bearings and distances for the above descriptions are based on CCS83, Zone 3, CA-HPGN, EPOCH 1991.35. Multiply the grid distances shown above by 1.00004381 to obtain ground level distances.



