

ORDINANCE NO. 28849

AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING CERTAIN REAL PROPERTY SITUATED AT THE SOUTHEAST CORNER OF WEST SAN CARLOS STREET AND SUNOL STREET (860 WEST SAN CARLOS STREET) FROM HI-HEAVY INDUSTRIAL AND COMBINED INDUSTRIAL/COMMERCIAL TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, the area encompassed by the subject proposed rezoning was found to be addressed by that certain Environmental Impact Report prepared and processed pursuant to the requirements of the California Environmental Quality Act of 1970, together with guidelines promulgated thereunder and Title 21 of the San José Municipal Code (collectively, "CEQA"), as amended, which Environmental Impact Report was certified by the City Council on December 1, 2009, under File No. GP09-T-01/PDC08-061 (the "EIR"), and for which related Resolution No. 75192 was adopted, which determinations and CEQA actions have not been challenged, protested or appealed; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to A(PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves said EIR and related Resolution No. 75192 prior to taking any approval actions on this project.

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

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as A(PD) Planned Development Zoning District. The base zoning district of the subject property shall be the A-Agricultural Zoning District. The Planned Development Zoning of the subject property shall be that development plan for the subject property entitled, "Sunol Addition," **last revised October 27, 2010.**

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject property referred to in this section is all that real property situated in

the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. PDC08-061 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this 9th day of November, 2010 by the following vote:

AYES: CHIRCO, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CAMPOS.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

LEGAL DESCRIPTION

Real property in the City of SAN JOSE, County of SANTA CLARA, State of CALIFORNIA, described as follows:

PARCEL ONE:

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF SUNOL STREET AND THE NORTHERLY LINE OF SAN SALVADOR STREET, FORMERLY KNOWN AS SAINSEVIAN STREET, AT THE SOUTH EAST CORNER OF LOT 68 IN RANCHO LOS COCHES; THENCE WESTERLY ON THE LINE OF SAID SAN SALVADOR STREET 5.80 CHAINS TO THE SOUTH WEST CORNER OF SAID LOT 68; THENCE AT RIGHT ANGLES NORTHERLY 8.62 1/2 CHS. TO A STAKE; THENCE EASTERLY AT RIGHT ANGLES 5.80 CHAINS TO THE WESTERLY LINE OF SUNOL STREET; THENCE SOUTHERLY ON THE LINE OF SAID SUNOL STREET 8.62 1/2 CHAINS TO THE POINT OF BEGINNING.

PARCEL TWO:

A TRIANGULAR PARCEL OF LAND SITUATED IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, NEAR THE CITY OF SAN JOSE, BEING BOUNDED ON THE EAST BY SUNOL STREET, AND ON THE SOUTH BY THE LANDS OF THE WESTERN PACIFIC RAILROAD COMPANY, SAID PARCEL OF LAND CONTAINING 0.23 OF AN ACRE, MORE OR LESS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF SUNOL STREET, NEAR THE CITY OF SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA, SAID BEGINNING POINT BEING THE SOUTHEASTERLY CORNER OF THAT PARTICULAR TRACT OF LAND DEEDED BY A.J. BATTES, ET AL TO THE SAN JOSE-LOS GATOS INTERURBAN RAILWAY COMPANY, BY DEED RECORDED IN BOOK 269 OF DEEDS, PAGE 528, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA, THENCE FROM SAID POINT S.86° 40 1/2' W. 97.48 FEET, ALONG THE SOUTHERLY LINE OF SAID LAND SO CONVEYED TO SAID SAN JOSE-LOS GATOS INTERURBAN RAILWAY COMPANY, TO A POINT 30 FEET DISTANT WESTERLY MEASURED AT RIGHT ANGLES FROM THE LOCATED CENTER LINE OF THE WESTERN PACIFIC RAILROAD COMPANY'S BRANCH LINE OF RAILROAD FROM NILES OR NEAR NILES IN ALAMEDA COUNTY, TO SAN JOSE, CALIFORNIA, THENCE 21° 14 1/2' E. 233.72 FEET, PARALLEL TO AND 30 FEET FROM SAID LOCATED CENTER LINE TO THE SAID WESTERLY LINE OF SUNOL STREET, THENCE S. 3° 24 1/2' E. 212.57 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM PARCELS ONE AND TWO ABOVE DESCRIBED, ALL THAT PORTION OF LAND LYING EASTERLY OF THE WESTERLY LINE OF THAT PARCEL OF LAND GRANTED BY THE WESTERN PACIFIC RAILROAD COMPANY, A CORPORATION TO ABINANTE & NOLA PACKING COMPANY BY DEED FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA ON AUGUST 17, 1945 IN BOOK 1284 AT PAGE 253, OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ALL THAT PORTION OF LAND LYING WITHIN THE BOUNDS OF PARCELS A, B AND C AS SHOWN UPON THE RECORD OF SURVEY FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA ON JANUARY 14, 1977 IN BOOK 387 OF MAPS, AT PAGE 11.

APN: 264-14-110

LEGAL DESCRIPTION

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING AT THE INTERSECTION TO THE NORTHWESTERLY BOUNDARY LINE OF THE SOUTHERN PACIFIC RAILROAD COMPANY'S RIGHT OF WAY WITH THE WESTERLY LINE OF SUNOL STREET, SAID POINT OF INTERSECTION BEING NORTH 3° 24' 30" WEST 136.35 FEET MEASURED ALONG THE SAID WESTERLY LINE OF SUNOL STREET WITH THE NORTHERLY LINE OF AUZERAS AVENUE; RUNNING THENCE NORTH 3° 24' 30" WEST ALONG THE SAID WESTERLY LINE OF SUNOL STREET 10.00 FEET TO AN IRON PIPE AT THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION RUNNING THENCE NORTH 3° 24' 30" WEST ALONG THE SAID WESTERLY OF SUNOL STREET 190 FEET TO AN IRON PIPE; THENCE LEAVING SAID LAST NAMED LINE AND RUNNING SOUTH 86° 35' 30" WEST 138.39 FEET TO AN IRON PIPE; DISTANT 30.00 FEET SOUTHEASTERLY AT RIGHT ANGLES FROM THE CENTER LINE OF THE MAIN TRACK OF THE WESTERN PACIFIC RAILROAD COMPANY'S SAN JOSE BRANCH; RUNNING THENCE SOUTHWESTERLY AND PARALLEL WITH THE CENTER OF THE MAIN TRACT SOUTH 21° 14' 30" WEST 159.85 FEET TO AN IRON PIPE; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 1402.69 FEET; THROUGH AN ANGLE OF 1° 59' 39" FOR A DISTANCE OF 48.82 FEET TO AN IRON PIPE; THENCE LEAVING SAID LAST NAMED LINE AND RUNNING NORTH 86° 35' 30" EAST 224.65 FEET TO THE TRUE POINT OF BEGINNING.

BEING SHOWN UPON THAT CERTAIN MAP ENTITLED, "RECORD OF SURVEY OF THE DRENTON PAKING CO. PROPERTY", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON APRIL 13, 1940 IN BOOK 17 OF MAPS, AT PAGE 26.

APN: 264-14-025 and 264-14-026

LEGAL DESCRIPTION

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY BOUNDARY LINE OF THE SOUTHERN PACIFIC RAILROAD COMPANY'S RIGHT OF WAY WITH THE WESTERLY LINE OF SUNOL STREET, SAID POINT OF INTERSECTION BEING NORTH 3 DEGREES 24 MINUTES 30 SECONDS WEST 136.35 FEET MEASURED ALONG THE SAID WESTERLY LINE OF SUNOL STREET FROM THE NORTHERLY LINE OF AUZERAIS AVENUE; RUNNING THENCE NORTH 3 DEGREES 24 MINUTES 30 SECONDS WEST ALONG THE SAID WESTERLY LINE OF SUNOL STREET, 10.00 FEET TO AN IRON PIPE; THENCE LEAVING SAID LAST NAMED LINE AND RUNNING SOUTH 86 DEGREES 35 MINUTES 30 SECONDS WEST 224.65 FEET TO AN IRON PIPE, DISTANT 30.00 FEET SOUTHEASTERLY AT RIGHT ANGLES FROM THE CENTER LINE OF THE MAIN TRACT OF THE WESTERN PACIFIC RAILROAD COMPANY'S SAN JOSE BRANCH; RUNNING THENCE SOUTHWESTERLY AND PARALLEL WITH THE SAID CENTER LINE OF THE MAIN TRACT ON A CURVE TO THE LEFT, FROM A TANGENT BEARING OF SOUTH 19 DEGREES 14 MINUTES 51 SECONDS WEST WITH A RADIUS OF 1402.69 FEET, THROUGH AN ANGLE OF 6 DEGREES 19 MINUTES 38 SECONDS FOR A DISTANCE OF 154.90 FEET TO AN IRON PIPE ON THE SAID NORTHERLY LINE OF AUZERAIS STREET, RUNNING THENCE NORTH 86 DEGREES 40 MINUTES 30 SECONDS EAST ALONG THE SAID NORTHERLY LINE OF AUZERAIS STREET 142.04 FEET TO AN IRON PIPE SET AT THE INTERSECTION THEREOF WITH THE SAID NORTHWESTERLY BOUNDARY LINE OF THE SOUTHERN PACIFIC RAILROAD COMPANY'S RIGHT OF WAY; RUNNING THENCE NORTH 41 DEGREES 11 MINUTES 30 SECONDS EAST ALONG SAID NORTHWESTERLY BOUNDARY LINE 191.23 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF THE LAND SHOWN UPON THAT CERTAIN MAP ENTITLED, "RECORD OF SURVEY OF A PORTION OF THE DRENTON PACKING CO. PROPERTY," WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON APRIL 12, 1948 IN BOOK 17 OF MAPS, AT PAGE 26.

APN: 264-14-028

LEGAL DESCRIPTION

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

PARCEL ONE:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF SAN CARLOS STREET WITH THE WESTERLY LINE OF SUNOL STREET; THENCE ALONG SAID SOUTHERLY LINE OF SAN CARLOS STREET, SOUTH 86°40'30" WEST, 230.0 FEET TO A POINT; THENCE ALONG A LINE PARALLEL WITH THE SAID WESTERLY LINE OF SUNOL STREET, SOUTH 3°24'30" EAST 307.55 FEET TO A POINT IN THE SOUTHERLY LINE OF THE PARCEL OF LAND CONVEYED TO THE SAN JOSE, LOS GATOS INTERURBAN RAILWAY COMPANY BY ALBERT J. BATTEE AND BESSIE M. BATTEE, HIS WIFE, BY DEED DATED JULY 23, 1903, RECORDED AUGUST 4, 1903 IN BOOK 269 OF DEEDS, PAGE 528, RECORDS OF SAID SANTA CLARA COUNTY; THENCE ALONG SAID SOUTHERLY LINE OF THE SAID PARCEL OF LAND CONVEYED TO SAN JOSE, LOS GATOS INTERURBAN RAILWAY COMPANY, NORTH 86°40'30" EAST 132.52 FEET TO THE SOUTHWESTERLY CORNER OF THE PARCEL OF LAND SECONDLY DESCRIBED IN THE DEED FROM PENINSULAR RAILWAY COMPANY TO STANDARD REALTY & DEVELOPMENT COMPANY, DATED MAY 24, 1922; THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN THE SAID DEED TO THE STANDARD REALTY AND DEVELOPMENT COMPANY, NORTH 21°14'30" EAST 233.72 FEET TO A POINT IN THE SAID WESTERLY LINE OF SUNOL STREET; THENCE ALONG THE SAID WESTERLY LINE OF SUNOL STREET, NORTH 3°24'30" WEST 94.98 FEET TO THE POINT OF BEGINNING, AND BEING A PORTION OF LOT 68 OF THE LOS COCHES RANCHO.

PARCEL TWO:

BEGINNING AT A POINT MARKED BY A 1/2" IRON ROD DRIVEN IN THE GROUND ON THE NORTHERLY LINE OF THE TRACT OF LAND CONVEYED BY THE SANTA CLARA COUNTY FRUIT EXCHANGE TO THE WESTERN PACIFIC RAILROAD COMPANY, SAID BEGINNING POINT BEING SOUTH 86°40' 1/2' WEST, 108.48 FEET FROM THE NORTHEASTERLY CORNER OF SAID TRACT OF LAND AND 40 FEET DISTANT WESTERLY MEASURED AT RIGHT ANGLES FROM THE LOCATED CENTER LINE OF THE WESTERN PACIFIC RAILROAD COMPANY'S BRANCH LINE OF RAILROAD; THENCE FROM BEGINNING POINT SOUTH 86°40' 1/2' WEST 229.32 FEET ALONG THE AFOREMENTIONED NORTHERLY LINE OF THE PROPERTY NOW OR FORMERLY OF THE WESTERN PACIFIC RAILROAD COMPANY TO THE NORTHWESTERLY CORNER OF SAID TRACT; THENCE SOUTH 21°27' WEST 49.66 FEET TO THE MOST WESTERLY CORNER OF SAID TRACT OF LAND; THENCE SOUTH 3°24' EAST 154.79 FEET ALONG THE WESTERLY BOUNDARY LINE OF SAID TRACT TO A 1 1/4" IRON PIPE MARKING THE SOUTHWESTERLY CORNER OF LAND HEREIN CONVEYED; THENCE NORTH 86°40' 1/2' EAST 158.63 FEET TO A 3/4" IRON ROD WHICH IS SET 40 FEET DISTANT MEASURED AT RIGHT ANGLES FROM SAID LOCATED CENTER LINE OF THE WESTERN PACIFIC RAILROAD COMPANY; THENCE PARALLEL TO SAID LOCATED CENTER LINE NORTH 21°14' 1/2' EAST 219.86 FEET TO THE PLACE OF BEGINNING.

PARCEL THREE:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF SAN CARLOS STREET DISTANT WESTERLY THEREON 230.0 FEET FROM THE WESTERLY LINE OF SUNOL STREET; THENCE SOUTHERLY PARALLEL WITH THE WESTERLY LINE OF SUNOL STREET, 341.55 FEET TO A POINT IN THE SOUTHERLY LINE OF THE PARCEL OF LAND CONVEYED TO SAN JOSE LOS

GATOS INTERURBAN RAILWAY COMPANY BY ALBERT J. BATTEE AND BESSIE M. BATTEE, HIS WIFE, BY DEED DATED JULY 23, 1903, FILED FOR RECORD AUGUST 4, 1903, AND RECORDED IN BOOK 269 OF DEEDS, AT PAGE 528, SANTA CLARA COUNTY RECORDS; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF THE PARCEL OF LAND DESCRIBED IN SAID DEED, 152.8 FEET TO THE WESTERLY LINE OF THE PARCEL OF LAND DESCRIBED IN SAID DEED; THENCE NORTHERLY ALONG THE WESTERLY LINE OF THE PARCEL OF LAND DESCRIBED IN SAID DEED, 341.55 FEET TO THE NORTHWEST CORNER OF LOT 68 OF THE LOS COCHES RANCHO IN THE SOUTHERLY LINE OF SAN CARLOS STREET; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAN CARLOS STREET, 152.8 FEET TO THE POINT OF BEGINNING.

PARCEL FOUR:

BEGINNING AT THE NORTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN THE INDENTURE DATED DECEMBER 19, 1905, BETWEEN SANTA CLARA COUNTY FRUIT EXCHANGE AND SAN JOSE LOS GATOS INTERURBAN RAILWAY COMPANY, RECORDED JULY 26, 1907, IN VOLUME 320 OF DEEDS, AT PAGE 147, SANTA CLARA COUNTY RECORDS; THENCE EASTERLY ALONG THE NORTHERLY LINE OF THE PARCEL OF LAND DESCRIBED IN SAID DEED, 45 FEET TO THE EASTERLY LINE OF SAID PARCEL OF LAND; THENCE SOUTHERLY ALONG SAID EASTERLY LINE, 49.66 FEET; THENCE BY AN ANGLE OF 25°01' TO THE LEFT CONTINUING ALONG SAID EASTERLY LINE, 190 FEET, MORE OR LESS, TO THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF MORRIS AVENUE AS SAID AVENUE IS SHOWN ON THE MAP ENTITLED, "MAP OF THE HOME TRACT, F. GUBBAY'S SUBDIVISION BEING NORTH PART OF THE SOUTH HALF OF BLOCK 67 OF THE RANCHO LOS COCHES, SANTA CLARA COUNTY, CAL." OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY IN BOOK "E" OF MAPS AT PAGE 17; THENCE WESTERLY ALONG THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID MORRIS AVENUE, 24 FEET, MORE OR LESS, TO THE WESTERLY LINE OF THE PARCEL OF LAND DESCRIBED IN SAID DEED; THENCE NORTHERLY ALONG SAID WESTERLY LINE, 235 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TOGETHER WITH THE TRACKAGE AND FIXED IMPROVEMENTS LOCATED UPON THE PARCELS TWO THROUGH FOUR INCLUSIVE OF LAND HEREINABOVE DESCRIBED.

PARCEL FIVE:

BEGINNING AT THE NORTHWEST CORNER OF THE PROPERTY OF THE SANTA CLARA COUNTY FRUIT EXCHANGE LOCATED AT THE SOUTHWEST CORNER OF SUNOL AND AUZERAIS AVENUE, FORMERLY SAINSEVAIN STREETS; THENCE RUNNING SOUTHERLY ALONG THE WESTERLY BOUNDARY LINE OF THE PROPERTY OF THE SAID SANTA CLARA COUNTY FRUIT EXCHANGE, A DISTANCE OF 569.25 FEET TO A POINT IN THE SOUTHERLY BOUNDARY LINE OF THE PROPERTY OF THE SAID SANTA CLARA COUNTY FRUIT EXCHANGE, SAID LINE BEING ALSO THE NORTHERLY LINE OF AUZERAIS AVENUE; THENCE EASTERLY ALONG THE SAID NORTHERLY LINE OF AUZERAIS AVENUE A DISTANCE OF 24 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO AND DISTANT 24 FEET FROM THE SAID WESTERLY BOUNDARY LINE OF THE PROPERTY OF THE SAID SANTA CLARA COUNTY FRUIT EXCHANGE A DISTANCE OF 524.25 FEET; THENCE BY AN ANGLE OF 25°01' TO THE RIGHT A DISTANCE OF 49.66 FEET TO A POINT IN THE NORTHERLY BOUNDARY LINE OF THE PROPERTY OF THE SAID SANTA CLARA COUNTY FRUIT EXCHANGE, SAID LINE BEING ALSO THE SOUTHERLY BOUNDARY LINE OF THE PROPERTY OF THE SAN JOSE LOS GATOS INTERURBAN RAILWAY COMPANY; THENCE WESTERLY ALONG THE SAID NORTHERLY BOUNDARY LINE OF THE PROPERTY OF THE SAID SANTA CLARA COUNTY FRUIT EXCHANGE A DISTANCE OF 45 FEET TO THE POINT OF BEGINNING AND BEING PART OF LOT 68 OF THE LOS COCHES RANCHO.

EXCEPTING THEREFROM THAT CERTAIN PARCEL OF LAND CONVEYED BY SOUTHERN PACIFIC COMPANY, A CORPORATION TO A. J. RAISCH, BY DEED DATED JAN 22, 1941 AND RECORDED

FEBRUARY 11, 1941 IN BOOK 1021 OF OFFICIAL RECORDS, AT PAGE 317, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN THE INDENTURE DATED DECEMBER 19, 1905, BETWEEN SANTA CLARA COUNTY FRUIT EXCHANGE AND SAN JOSE-LOS GATOS INTERURBAN RAILWAY COMPANY, RECORDED JULY 26, 1907 IN VOLUME 320 OF DEEDS, AT PAGE 147, SANTA CLARA COUNTY RECORDS; THENCE EASTERLY ALONG THE NORTHERLY LINE OF THE PARCEL OF LAND DESCRIBED IN SAID DEED, 45 FEET TO THE EASTERLY LINE OF SAID PARCEL OF LAND; THENCE SOUTHERLY ALONG SAID EASTERLY LINE, 49.66 FEET; THENCE BY AN ANGLE OF 25°01' TO THE LEFT CONTINUING ALONG SAID EASTERLY LINE 190 FEET, MORE OR LESS, TO THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF MORRIS AVENUE AS SAID AVENUE IS SHOWN ON THE MAP ENTITLED, "MAP OF THE HOME TRACT, F. GUBBAY'S SUBDIVISION BEING NORTH PART OF THE SOUTH HALF OF BLOCK 67 OF THE RANCHO LOS COCHES, SANTA CLARA COUNTY, CAL." OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY IN BOOK "E" OF MAPS, AT PAGE 17; THENCE WESTERLY ALONG THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID MORRIS AVENUE, 24 FEET, MORE OR LESS, TO THE WESTERLY LINE OF THE PARCEL OF LAND DESCRIBED IN SAID DEED; THENCE NORTHERLY ALONG SAID WESTERLY LINE, 235 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL SIX:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF AUZERAIS AVENUE (FORMERLY KNOWN AS SAINSEVAIN STREET), AT A POINT DISTANT TWO HUNDRED (200) FEET EASTERLY FROM THE POINT OF INTERSECTION OF SAID NORTHERLY LINE OF AUZERAIS AVENUE WITH THE EASTERLY LINE OF LINCOLN AVENUE (FORMERLY KNOWN AS NORTHRUP STREET), AND FROM SUCH POINT OF BEGINNING RUNNING THE FOLLOWING COURSES AND DISTANCES: NORTHERLY AND PARALLEL TO SAID LINCOLN AVENUE TWO HUNDRED AND FIFTY-FIVE AND FOUR TENTHS (255.4) FEET; THENCE EASTERLY AND PARALLEL TO SAID AUZERAIS AVENUE ONE HUNDRED AND THIRTY (130) FEET TO THE WESTERLY LINE OF LOT 68 OF THE SUBDIVISION OF THE LOS COCHES RANCHO AS SAID WESTERLY LINE IS SHOWN UPON THAT CERTAIN MAP ENTITLED, "MAP SHOWING THE SUBDIVISIONS OF THE RANCHO DE LOS COCHES ADJOINING THE CITY OF SAN JOSE, SANTA CLARA COUNTY, SURVEYED BY CHAS T. HEALEY 1860", AND RECORDED IN BOOK A OF MAPS, AT PAGE 47, RECORDS OF SANTA CLARA COUNTY; THENCE SOUTHERLY ALONG SAID WESTERLY LINE OF SAID LOT 68 AND PARALLEL TO SAID EASTERLY LINE OF SAID LINCOLN AVENUE TWO HUNDRED AND FIFTY-FIVE AND FOUR TENTHS (255.4) FEET TO THE SAID NORTHERLY LINE OF SAID AUZERAIS AVENUE; THENCE WESTERLY ALONG SAID NORTHERLY LINE OF SAID AUZERAIS AVENUE ONE HUNDRED AND THIRTY (130) FEET TO THE POINT OF COMMENCEMENT. THE LAND HEREBY CONVEYED BEING A PART OF LOT 67 OF SAID SUBDIVISION OF SAID LOS COCHES RANCHO.

ALSO LOTS 10, 11 AND 12 AS SAID LOTS ARE SHOWN AND DELINEATED UPON THAT CERTAIN MAP ENTITLED, "MAP OF THE HOME TRACT, F. GUBBAY'S SUBDIVISION BEING NORTH PART OF THE SOUTH HALF OF BLOCK 67 OF THE RANCHO LOS COCHES, SANTA CLARA COUNTY, CAL.", WHICH MAP IS OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY IN BOOK "E" OF MAPS, AT PAGE 17.

ALSO ALL THE RIGHT, TITLE AND INTEREST OF SAID PARTY OF THE FIRST PART IN AND TO THAT TRACT OF LAND LYING SOUTH OF SAID LOTS, WHICH IS DESIGNATED ON SAID MAP AS MORRIS AVENUE.

ALSO: LOT 8 OF THE HOME TRACT, AS THE SAID LOT IS SHOWN AND DELINEATED UPON THAT CERTAIN MAP ENTITLED, "MAP OF THE HOME TRACT, F. GUBBAY'S SUBDIVISION BEING NORTH PART OF THE SOUTH HALF OF BLOCK 67 OF THE RANCHO LOS COCHES, SANTA CLARA

COUNTY, CAL.", WHICH SAID MAP IS RECORDED IN BOOK "E" OF MAPS, AT PAGE 17 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OF SANTA CLARA.

EXCEPTING THEREFROM THAT CERTAIN PARCEL OF LAND CONVEYED BY SOUTHERN PACIFIC COMPANY, A CORPORATION TO A. J. RAISCH, BY DEED DATED JANUARY 22, 1941 AND RECORDED FEBRUARY 11, 1941 IN BOOK 1021 OF OFFICIAL RECORDS, AT PAGE 317, DESCRIBED AS FOLLOWS:

LOTS 10, 11 AND 12, AS SAID LOTS ARE SHOWN AND DELINEATED UPON THAT CERTAIN MAP ENTITLED, "MAP OF THE HOME TRACT, F. GUBBAY'S SUBDIVISION BEING NORTH PART OF THE SOUTH HALF OF BLOCK 67 OF THE RANCHO LOS COCHES, SANTA CLARA COUNTY, CAL.", WHICH MAP IS OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY IN BOOK "E" OF MAPS, AT PAGE 17.

ALSO EXCEPTING THEREFROM THAT CERTAIN PARCEL OF LAND CONVEYED BY SOUTHERN PACIFIC COMPANY, A CORPORATION TO A. J. RAISCH, BY DEED DATED MAY 2, 1941 AND RECORDED MAY 19, 1941 IN BOOK 1036 OF OFFICIAL RECORDS, PAGE 569, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY LINE OF AUZERAIS AVENUE (FORMERLY SAINSEVAIN STREET) WITH THE EASTERLY LINE OF LINCOLN AVENUE (FORMERLY NORTHRUP STREET); THENCE EASTERLY ALONG THE NORTHERLY LINE OF AUZERAIS AVENUE, 200.0 FEET TO THE ACTUAL POINT OF BEGINNING OF THE PARCEL OF LAND TO BE DESCRIBED; THENCE NORTHERLY, PARALLEL TO THE EASTERLY LINE OF LINCOLN AVENUE, 280.40 FEET TO THE SOUTHERLY LINE OF MORRIS AVENUE; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF MORRIS 101.50 FEET TO A POINT DISTANT 10.0 FEET WESTERLY MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF THE SOUTHERN PACIFIC COMPANY'S SPUR TRACT AS IT NOW EXISTS, THENCE SOUTHERLY, PARALLEL WITH SAID CENTERLINE IN A DIRECT LINE TO A POINT IN THE NORTHERLY LINE OF AUZERAIS AVENUE, DISTANT 101.0 FEET EASTERLY THEREON FROM THE ACTUAL POINT OF BEGINNING; THENCE WESTERLY ALONG THE NORTHERLY LINE OF AUZERAIS AVENUE, 101.0 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT CERTAIN PARCEL OF LAND CONVEYED BY SOUTHERN PACIFIC COMPANY, A CORPORATION TO RENT-RITE EQUIPMENT COMPANY, A CORPORATION, BY DEED DATED OCTOBER 25, 1966 AND RECORDED NOVEMBER 25, 1966 IN BOOK 7572 OF OFFICIAL RECORDS, AT PAGE 678, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF MORRIS AVENUE (NOW ABANDONED) 50 FEET IN WIDTH, AS SAID AVENUE IS SHOWN UPON THE MAP ENTITLED, "MAP OF THE HOME TRACT, F. GUBBAY'S SUBDIVISION", RECORDED ON JUNE 11, 1890 IN BOOK E OF MAPS, AT PAGE 17, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, WITH THE EASTERLY LINE OF LAND DESCRIBED AS PARCEL NO. 5 IN INDENTURE DATED JANUARY 1, 1948 FROM A. J. RAISCH, A WIDOWER, TO ALBERT G. RAISCH, ET AL, RECORDED JANUARY 2, 1948 IN BOOK 1546 AT PAGE 587, RECORDS OF SAID COUNTY; THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF MORRIS AVENUE, 101.50 FEET TO THE NORTHWEST CORNER OF LOT 8, AS SAID LOT IS SHOWN ON SAID MAP RECORDED JUNE 11, 1890; THENCE NORTHERLY 50.25 FEET TO THE SOUTHWEST CORNER OF LOT 10 AS SAID LOT IS SHOWN ON SAID MAP, LAST MENTIONED CORNER BEING IN THE NORTHERLY LINE OF SAID MORRIS AVENUE; THENCE EASTERLY, ALONG SAID NORTHERLY LINE 106.50 FEET TO THE POINT OF INTERSECTION THEREOF WITH THE NORTHERLY PROLONGATION OF SAID EASTERLY LINE OF SAID PARCEL NO. 5; THENCE SOUTHERLY, ALONG SAID NORTHERLY PROLONGATION AND SAID EASTERLY LINE, 50.00 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE NORTH HALF OF SAID MORRIS AVENUE.

ALSO EXCEPTING THEREFROM, THAT PORTION OF MORRIS AVENUE LYING WESTERLY OF THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF LOT 8, AS SHOWN ON SAID MAP RECORDED JUNE 11, 1890.

PARCEL SEVEN:

COMMENCING AT THE POINT OF INTERSECTION OF THE WESTERLY LINE OF SUNOL STREET WITH THE NORTHERLY LINE OF AUZERAIS STREET, FORMERLY SAN SALVADOR STREET, IN SAID CITY OF SAN JOSE; THENCE FROM SAID POINT OF COMMENCEMENT SOUTH 86°40'30" WEST ALONG SAID NORTHERLY LINE OF AUZERAIS STREET, A DISTANCE OF 358.80 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND TO BE DESCRIBED; THENCE FROM SAID POINT OF BEGINNING CONTINUING SOUTH 86°40'30" WEST ALONG SAID NORTHERLY LINE OF AUZERAIS STREET, 20.15 FEET TO THE SOUTHWESTERLY CORNER OF THE PARCEL OF LAND CONVEYED BY SANTA CLARA COUNTY FRUIT EXCHANGE TO THE WESTERN PACIFIC RAILROAD COMPANY, AS RECORDED OCTOBER 16, 1917 IN VOLUME 464 OF DEEDS, PAGE 180, SANTA CLARA COUNTY RECORDS; THENCE NORTH 3°24'00" WEST ALONG THE WESTERLY LINE OF SAID PARCEL OF LAND CONVEYED TO THE WESTERN PACIFIC RAILROAD COMPANY, 369.46 FEET TO THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED BY THE WESTERN PACIFIC RAILROAD COMPANY TO STANDARD REALTY AND DEVELOPMENT COMPANY, AS RECORDED MARCH 13, 1922 IN VOLUME 548 OF DEEDS, PAGE 419, SANTA CLARA COUNTY RECORDS; THENCE ALONG THE SOUTHERLY AND SOUTHEASTERLY LINES OF SAID PARCEL OF LAND CONVEYED TO STANDARD REALTY AND DEVELOPMENT COMPANY THE FOLLOWING TWO COURSES AND DISTANCES: NORTH 86°40'30" EAST 158.67 FEET AND NORTH 21°14'30" EAST 219.86 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL OF LAND CONVEYED BY SANTA CLARA COUNTY FRUIT EXCHANGE TO THE WESTERN PACIFIC RAILROAD COMPANY; THENCE NORTH 86°40'30" EAST ALONG SAID NORTHERLY LINE OF 11.00 FEET; THENCE SOUTH 21°14'30" WEST 388.72 FEET; THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1462.69 FEET (THE CENTER OF SAID CURVE BEARS SOUTH 68°45'30" EAST) THROUGH A CENTRAL ANGLE OF 9°00'43", AN ARC DISTANCE OF 230.06 FEET, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL MINERALS, OIL, GAS AND OTHER HYDROCARBON SUBSTANCES BELOW A DEPTH OF 500 FEET OF SAID REAL PROPERTY, WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED BY THE WESTERN PACIFIC RAILROAD COMPANY, A CALIFORNIA CORPORATION, IN THE GRANT DEED RECORDED NOVEMBER 3, 1971 IN BOOK 9574 PAGE 392 OFFICIAL RECORDS AS INSTRUMENT NO. 4128968.

Real property in the unincorporated area of the County of Santa Clara, State of California, described as follows:

PARCEL EIGHT:

COMMENCING AT A POINT IN THE SOUTHERLY LINE OF SAN CARLOS STREET, WHERE THE WESTERLY LINE OF THE LAND NOW OR FORMERLY OF THE SAN JOSE, LOS GATOS INTERURBAN RAILWAY COMPANY AND THE EASTERLY LINE OF LAND NOW OR FORMERLY OF MARY K. THOMPSON, INTERSECTS THE SAME; RUNNING THENCE SOUTHERLY ALONG SAID WESTERLY LINE OF THE LAND NOW OR FORMERLY OF SAID RAILROAD COMPANY, 454 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF THE LAND NOW OR FORMERLY OF SAID MARY K. THOMPSON; THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF THE LAND NOW OF FORMERLY OF MARY K. THOMPSON 42 FEET; THENCE NORTHERLY PARALLEL TO THE SAID LINE OF THE LAND NOW OR FORMERLY OF SAID RAILROAD COMPANY TO THE SOUTHERLY

LINE OF SAN CARLOS STREET; AND THENCE EASTERLY ALONG SAID LINE OF SAN CARLOS STREET 42 FEET TO THE PLACE OF BEGINNING, BEING A PORTION OF LOT NO. 67 OF THE SUBDIVISION OF THE RANCHO LOS COCHES AND ALL THE LAND DESCRIBED IN THE INDENTURE DATED JULY 24, 1907, BETWEEN MARY KATE THOMPSON AND J. F. THOMPSON, HER HUSBAND AND SAN JOSE AND LOS GATOS INTERURBAN RAILWAY COMPANY, RECORDED JULY 26, 1907, IN VOLUME 321 OF DEEDS, AT PAGE 244, SANTA CLARA COUNTY RECORDS.

Real property in the City of San Jose, County of Santa Clara, described as follows:

PARCEL NINE:

EASTERLY 42 FEET, OF LOT 12, AS SAID LOT IS SHOWN AND DELINEATED UPON THAT CERTAIN MAP ENTITLED, "MAP OF THE HOME TRACT, F. GUBBAY'S SUBDIVISION, BEING NORTH PART OF THE SOUTH HALF OF BLOCK 67 OF THE RANCHO LOS COCHES, SANTA CLARA COUNTY, CAL." WHICH MAP IS OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY IN BOOK "E" OF MAPS AT PAGE 17.

PARCEL TEN:

THE NORTH HALF OF MORRIS AVENUE LYING SOUTH OF AND ADJACENT TO LOT 12 AS SAID LOT AND MORRIS AVENUE ARE SHOWN AND DELINEATED UPON THAT CERTAIN MAP ENTITLED, "MAP OF THE HOME TRACT, F. GUBBAY'S SUBDIVISION BEING NORTH PART OF THE SOUTH HALF OF BLOCK 67 OF RANCHO LOS COCHES, SANTA CLARA COUNTY, CAL.", WHICH MAP IS OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY IN BOOK "E" OF MAPS, AT PAGE 17.

EXCEPTING THEREFROM THAT CERTAIN PARCEL OF LAND CONVEYED BY SOUTHERN PACIFIC COMPANY, A CORPORATION TO RENT-RITE EQUIPMENT COMPANY, A CORPORATION, BY DEED DATED OCTOBER 25, 1966 AND RECORDED NOVEMBER 25, 1966 IN BOOK 7572 OF OFFICIAL RECORDS, AT PAGE 678, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF MORRIS AVENUE (NOW ABANDONED) 50 FEET IN WIDTH, AS SAID AVENUE IS SHOWN UPON THE MAP ENTITLED, "MAP OF THE HOME TRACT, F. GUBBAY'S SUBDIVISION", RECORDED ON JUNE 11, 1890 IN BOOK E OF MAPS, AT PAGE 17, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, WITH THE EASTERLY LINE OF LAND DESCRIBED AS PARCEL NO. 5 IN INDENTURE DATED JANUARY 1, 1948 FROM A. J. RAISCH, A WIDOWER, TO ALBERT G. RAISCH, ET AL, RECORDED JANUARY 2, 1948 IN BOOK 1546 AT PAGE 587, RECORDS OF SAID COUNTY; THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF MORRIS AVENUE, 101.50 FEET TO THE NORTHWEST CORNER OF LOT 8, AS SAID LOT IS SHOWN ON SAID MAP RECORDED JUNE 11, 1890; THENCE NORTHERLY 50.25 FEET TO THE SOUTHWEST CORNER OF LOT 10 AS SAID LOT IS SHOWN ON SAID MAP, LAST MENTIONED CORNER BEING IN THE NORTHERLY LINE OF SAID MORRIS AVENUE; THENCE EASTERLY, ALONG SAID NORTHERLY LINE 106.50 FEET TO THE POINT OF INTERSECTION THEREOF WITH THE NORTHERLY PROLONGATION OF SAID EASTERLY LINE OF SAID PARCEL NO. 5; THENCE SOUTHERLY, ALONG SAID NORTHERLY PROLONGATION AND SAID EASTERLY LINE, 50.00 FEET TO THE POINT OF BEGINNING.

APN: 264-14-130, as to Parcels One and Three
264-14-131, as to Parcels Two, Four, Five, Six and Seven
264-14-069, as to Parcel Eight
264-14-090, as to Parcel Nine
264-14-122, as to Parcel Ten

LEGAL DESCRIPTION

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING AT AN IRON PIPE SET AT THE POINT OF INTERSECTION OF THE NORTHWESTERLY BOUNDARY LINE OF SOUTHERN PACIFIC RAILROAD COMPANY'S RIGHT OF WAY WITH THE WESTERLY LINE OF SUNOL STREET, SAID POINT OF INTERSECTION BEING NORTH 3° 24' 30" WEST, 136.35 FEET MEASURED ALONG SAID WESTERLY LINE OF SUNOL STREET, FROM THE NORTHERLY LINE OF AUZERAIS AVENUE; RUNNING THENCE NORTH 3° 24' 30" WEST, ALONG THE SAID WESTERLY LINE OF SUNOL STREET, 200.00 FEET TO AN IRON PIPE SET AT THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE LEAVING SAID TRUE POINT OF BEGINNING AND RUNNING NORTH 3° 24' 30" WEST, ALONG THE SAID WESTERLY LINE OF SUNOL STREET, 301.61 FEET TO A POINT DISTANT 30.00 FEET SOUTHEASTERLY AT RIGHT ANGLES FROM THE CENTER LINE OF THE MAIN TRACT OF THE WESTERN PACIFIC RAILROAD COMPANY'S SAN JOSE BRANCH; RUNNING THENCE SOUTH 21° 14' 30" WEST, AND PARALLEL WITH THE SAID CENTER LINE OF THE MAIN TRACT, 331.86 FEET TO AN IRON PIPE; RUNNING THENCE NORTH 86° 35' 30" EAST, 138.39 FEET TO THE POINT OF BEGINNING.

APN: 264-14-024