

RESOLUTION NO. 73119

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A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO VACATE A PORTION OF NARVAEZ ROAD BETWEEN NARVAEZ AVENUE AND STATE ROUTE 87

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

Section 1. Pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California, the City Council desires to initiate proceedings to vacate a portion of Narvaez Road between Narvaez Avenue and State Route 87. Because the portion of Narvaez Road proposed for vacation contains a number of public facilities, including water, gas and electric facilities, the City proposes to reserve a public service easement over the subject area. The portion of Narvaez Road proposed for vacation, and the public service easement proposed for reservation, are more particularly described in Section 6 of this Resolution.

Section 2. Notice is hereby given that the City Council will conduct a public hearing on the proposed vacation at 1:30 p.m., or as soon thereafter as the matter can be heard, on the 25th day of April, 2006, in the Council Chambers located at City Hall on 200 East Santa Clara Street, San Jose, California. At the public hearing, all persons interested in, or objecting to, the proposed vacation may appear and be heard. The City Council will consider all evidence presented at the hearing in order to determine whether to vacate the portion of Narvaez Road.

Section 3. On February 23, 2006, the Director of Public Works approved the plat maps entitled "Plat Map Showing That Portion of Narvaez Road between Narvaez Avenue (near Sarah Court) and Route 87: Figure 1 Parcel 2855-6K; Figure 2 Parcel CTO315-54E, Figure 3 Parcel 2174-6E, Figure 4 Parcel 2855-12C, Figure 5 Parcel 2173-7A, Figure 6 Parcel 2173-8C, Figure 7 Parcel 2174-6F, Figure 8 Parcel 2173-8B, Figure 9 Parcel 2855-22D, Figure 10 Parcel CT0315-37B, Figure 11 Parcel 2855-21E" (Hereinafter "Plat Maps"). The Plat Maps show the portion of Narvaez Road proposed for vacation and the public service easement proposed for reservation. The City Clerk

is directed to file the Plat Maps in the Office of the City Clerk and to make it available for examination by any persons desiring to do so.

Section 4. The City Clerk is further directed to cause this Resolution to be published in its entirety for at least two successive weeks prior to the public hearing in a newspaper of general circulation in the City of San Jose.

Section 5. The Director of Public Works is directed to cause notices of the proposed street vacation to be posted conspicuously along the line of the street proposed to be vacated. The notices shall be posted at least two (2) weeks before the date set for the public hearing. Such notices shall be posted not more than 300 feet apart, but at least three (3) notices shall be posted. The notices shall state the passage of this Resolution and the time and place of the public hearing.

Section 6. The City Council intends to reserve a public service easement over portions of the street proposed to be vacated for the purpose of constructing, maintaining, operating, replacing, removing or renewing the public facilities located thereon. The portion of the street proposed to be vacated and the public service easement to be reserved is all that real property situated in the City of San Jose, County of Santa Clara, State of California described as follows:

Figure 1 - Parcel 2855-6K

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel B1 as shown on that Record of Survey filed for record in Book 196 of Maps at page 6, Santa Clara County, said parcel also lying within the westerly half of (Old) Narvaez Road (20.00 foot half-width), as said Road is shown on said Record of Survey and more particularly described as follows:

BEGINNING at the southeast corner of said Parcel B1, being a point in the centerline of (Old) Narvaez Road as shown on said Record of Survey;

THENCE North 19°13'14" West, 151.76 feet along the easterly line of said Parcel 81, said easterly line also being the centerline of said (Old) Narvaez Road;

THENCE leaving said easterly line at Parcel 81 and said centerline at (Old) Narvaez Road and proceeding South 20°19'44" West, 31.41 feet along the generally easterly right-at-way line at State Route 87 as shown on that certain State Right-at-Way Record Map R-X108.7, to the westerly line at said (Old) Narvaez Road;

THENCE along said westerly line South 19°13'14" East, 132.69 feet to the southerly line of said Parcel B1;

THENCE along said southerly line North 56°20'38" East, 20.65 feet to the **POINT OF BEGINNING**.

CONTAINING 0.065 acres, more or less.

FIGURE 2 - PARCEL CTO315-54E

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel B as shown on that Record of Survey filed for record in Book 202 of Maps at page 41, Santa Clara County, said parcel also lying within the easterly half of (Old) Narvaez Road (20.00 foot half-width), as said Road is shown on said Record of Survey and more particularly described as follows:

BEGINNING at the southwest corner of said Parcel B, being a point in the centerline of (Old) Narvaez Road as shown on said Record of Survey;

THENCE North 19°13'14" West, 151.76 feet along the westerly line of said Parcel B, said westerly line also being the centerline of said (Old) Narvaez Road;

THENCE leaving said westerly line of Parcel B and said centerline of (Old) Narvaez Road and proceeding North 27°23'22" East, 27.52 feet along the generally easterly right-of-way line of State Route 87 as shown on that certain State Right-of-Way Record Map R-X108.7, to a point in the easterly line of said (Old) Narvaez Road;

THENCE along the easterly line of said Road (20.00 foot half-width) South 19°13'14" East, 165.52 feet to the southerly line of said Parcel B;

THENCE along said southerly line South 56°20'38" West, 20.65 feet to the **POINT OF BEGINNING**.

CONTAINING 0.073 acres, more or less.

FIGURE 3 - PARCEL 2174-6E

Being all that real property situate in the City of San Jose, County of Santa Clara, State of California and described as follows:

BEING a portion of Parcel A as described in the deed from Steve J. Tallea to Santa Clara County, recorded on December 19, 1963, in Book 6316 of Official Records at page 355, in the Office of the Recorder of Santa Clara County, being a portion of Lot 5, as shown on the map entitled, "MAP OF J.D. ROBERTS SUBDIVISION NO. 2", which map was filed on October 1, 1904 in Book F-2 of Maps at page 33, in the Office of the Recorder of said Santa Clara County, more particularly described as follows:

BEGINNING at a point on the centerline of Narvaez Road, as shown on said map, said point being the northerly corner of said Lot 5 and the **TRUE POINT OF BEGINNING** of this description;

THENCE along said centerline, South 17°59'32" East, 171.20 feet;

THENCE leaving said centerline, North 82°17'26" West, 86.57 feet to a point on the general northerly line of said Parcel A, said point being the beginning of a non-tangent

curve, concave westerly, having a radius of 50.00 feet, from which point a radial line bears North 37°51'48" West;

THENCE along said general northerly line the following three (3) courses:

- 1) northerly, along said curve, through a central angle of 70°07'40", for an arc length of 61.20 feet;
- 2) North 17°59'32" West, 74.02 feet;
- 3) North 56°20'10" East, 46.74 feet to the **TRUE POINT OF BEGINNING** of this description.

Containing an area of 0.175 acres, more or less.

FIGURE 4 – PARCEL 2855-12C

Being all that real property situate in the City of San Jose, County of Santa Clara, State of California and described as follows:

BEING a portion of that certain parcel of land described in the deed from C. R. Howell and Barbara D. Howell, his wife, to the County of Santa Clara, recorded on June 22, 1967 in Book 7760 of Official Records at page 146, in the Office of the Recorder of Santa Clara County, also being a portion of that certain Parcel C as shown on the Record of Survey entitled "GUADALUPE FREEWAY UNIT NO.5 IN PUEBLO TRACT NO.1, SAN JOSE CITY LANDS" filed on November 19, 1965 in Book 202 of Maps at page 41 of said Santa Clara County Recorder, said parcel also lying within the easterly half of Narvaez Road (20.00 half-width), as said Road is shown on said Record of Survey and more particularly described as follows:

BEGINNING at a point on the centerline of said Narvaez Road (20.00' half-width), said **POINT OF BEGINNING** being the most northwesterly corner of said Parcel C;

THENCE along the northerly line of said Parcel C, North 56°20'10" East, 20.65 feet to a point on the easterly line of said Narvaez Road;

THENCE along said easterly line South 19°13'42" East, 5.36 feet;

THENCE continuing along said easterly line South 17°59'32" East, 56.23 feet to a point on the generally westerly line of said Parcel C;

THENCE, leaving said easterly line of Narvaez Road, along said generally westerly line the following two (2) courses:

- 1) South 72°00'28" West, 20.00 feet;
- 2) North 17°59'32" West, 56.01 feet to the **POINT OF BEGINNING**.

Containing an area of 0.027 acres, more or less.

FIGURE 5 – PARCEL 2173-7A

Being all that real property situate in the City of San Jose, County of Santa Clara, State of California and described as follows:

BEING a portion of that certain parcel of land described in the deed from C. R. Howell and Barbara D. Howell, his wife, to County of Santa Clara, recorded on March 18, 1964, in Book 6429 of Official Records at page 117, in the Office of the Recorder of Santa Clara County, being a portion of Lot 10, as shown on the map entitled, "MAP OF J.D. ROBERTS SUBDIVISION No. 2", which map was filed on October 1, 1904 in Book F-2 of Maps at page 33, in the Office of the Recorder of said Santa Clara County, more particularly described as follows:

BEGINNING at a point on the centerline of Narvaez Road, as shown on said map, said point being the most southerly corner of said Lot 10;

THENCE along the southerly line of said parcel to County of Santa Clara, being the dividing line between Lot 10 and Lot 11 of said subdivision, North 72°03'24" East, 15.28 feet to the **TRUE POINT OF BEGINNING** of this description;

THENCE along the southerly, northerly, and westerly lines of said parcel to County of Santa Clara, the following five (5) courses:

- 1) Continuing along said southerly line, North 72°03'24" East, 36.73 feet to the beginning of a non-tangent curve, concave northeasterly, having a radius of 100.00 feet, from which a radial line bears North 50°25'24" East;
- 2) Northwesterly, along said curve, through a central angle of 21°35'04", for an arc length of 37.67 feet;
- 3) North 17°59'32" West, 80.00 feet;
- 4) South 72° 00' 28" West, 45.00 feet;
- 5) South 17° 59' 32" East, 110.04 feet to the beginning of a non-tangent curve, concave northerly, having a radius of 7917.62 feet, from which a radial line bears North 05°46'17" East;

THENCE leaving said westerly line, easterly, along said curve, through a central angle of 00°07'15", for an arc length of 16.70 feet to the **TRUE POINT OF BEGINNING** of this description.

Containing an area of 0.121 acres, more or less.

FIGURE 6 – PARCEL 2173-8C

Being all that real property situate in the City of San Jose, County of Santa Clara, State of California and described as follows:

BEING a portion of Parcel A as described in the deed from George F. Silva, a married man dealing with his separate property, to County of Santa Clara, recorded on March 23, 1964, in Book 6435 of Official Records at page 38, in the Office of the Recorder of Santa Clara County, being a portion of Lot 11, as shown on the map entitled, "MAP OF J.D. ROBERTS SUBDIVISION NO. 2", which map was filed on October 1, 1904 in Book F-2 of Maps at page 33, in the Office of the Recorder of said Santa Clara County, more particularly described as follows:

BEGINNING at a point on the centerline of Narvaez Road, as shown on said map, said point being the most westerly corner of said Lot 11;

THENCE along the northerly line of said Parcel A, being the dividing line between Lot 10 and Lot 11 of said subdivision, North 72°03'24" East, 15.28 feet to the **TRUE POINT OF BEGINNING** of this description;

THENCE along the northerly line of said Parcel A the following two (2) courses:

- 1) Continuing North 72°03'24" East, 36.73 feet to the beginning of a non-tangent curve, concave northeasterly, having a radius of 100.00 feet, from which a radial line bears North 50°25'24" East;
- 2) southeasterly, along said curve, through a central angle of 13°33'15", for an arc length of 23.66 feet to the beginning of a non-tangent curve, concave northerly, having a radius of 7917.62 feet, from which a radial line bears North 05°16'20" East;

THENCE leaving said northerly line, westerly, along said curve, through a central angle of 00°22'42", for an arc length of 52.28 feet to the **TRUE POINT OF BEGINNING** of this description.

Containing an area of 0.008 acres, more or less.

FIGURE 7 – PARCEL 2174-6F

Being all that real property situate in the City of San Jose, County of Santa Clara, State of California and described as follows:

BEING a portion of Parcel A as described in the deed from Steve J. Tallea to Santa Clara County, recorded on December 19, 1963, in Book 6316 of Official Records at page 355, in the Office of the Recorder of Santa Clara County, being a portion of Lot 5, as shown on the map entitled, "Map of J.D. Roberts Subdivision No. 2", which map was filed on October 1, 1904 in Book F-2 of Maps at page 33, in the Office of the Recorder of said Santa Clara County, more particularly described as follows:

BEGINNING at a point on the centerline of Narvaez Road, as shown on said map, said point being the most easterly corner of said Parcel A and the **TRUE POINT OF BEGINNING** of this description;

THENCE along the general southerly line of said Parcel A the following two (2) courses:

- 1) leaving said centerline, South 72°00'28" West, 45.00 feet to the beginning of a non-tangent curve, concave southwesterly, having a radius of 100.00 feet, from which a radial line bears South 72°00'31" West;
- 2) northwesterly, along said curve, through a central angle of 32°30'40", for an arc length of 56.74 feet;

THENCE leaving said general southerly line, South 82° 17' 26" East, 67.33 feet to a point on the easterly line of said Parcel A, said line being the said centerline of Narvaez Road,;

THENCE along said line, South 17°59'32" East, 24.54 feet to the **TRUE. POINT OF BEGINNING** of this description.

Containing an area of 0.041 acres, more or less.

FIGURE 8 – PARCEL 2173-8B

Being all that real property situate in the City of San Jose, County of Santa Clara, State of California and described as follows:

BEING a portion of Parcel A as described in the deed from George F. Silva, a married man dealing with his separate property, to County of Santa Clara, recorded on March 23, 1964, in Book 6435 of Official Records at page 38, in the Office of the Recorder of Santa Clara County, being a portion of Lot 11, as shown on the map entitled, "MAP OF J.D. ROBERTS SUBDIVISION NO. 2", which map was filed on October 1, 1904 in Book F-2 of Maps at page 33, in the Office of the Recorder of said Santa Clara County, more particularly described as follows:

BEGINNING at a point on the centerline of Narvaez Road, as shown on said map, said point being the most westerly corner of said Lot 11;

THENCE along said centerline of Narvaez Road, South 17°59'32" East, 172.14 feet to the **TRUE POINT OF BEGINNING** of this description;

THENCE continuing along said centerline, South 17°59'32" East, 77.98 feet to the southwest corner of said Parcel A;

THENCE along the general southerly line of said Parcel A the following two (2) courses:

- 1) North 72°00'28" East, 45.00 feet to the beginning of a non-tangent curve, concave easterly, having a radius of 50.00 feet, from which a radial line bears North 72°00'28" East;
- 2) northerly, along said curve, through a central angle of 66°58'17", for an arc length of 58.44 feet to the beginning of a non-tangent curve, concave northerly, having a radius of 8081.61 feet, from which a radial line bears North 04°40'46" East; .

THENCE leaving said general southerly line, westerly, along said curve, through a central angle of 00°34'51 " , for an arc length of 81.93 feet to the **TRUE POINT OF BEGINNING** of this description.

Containing an area of 0.084 acres, more or less.

FIGURE 9 – PARCEL 2855-22D

Being all that real property situate in the City of San Jose, County of Santa Clara, State of California and described as follows:

BEING a portion of that certain parcel of land described in the deed from Steve Tallea to Santa Clara Count, recorded on May 9, 1966, in Book 7375 of Official Records at page 16, in the Office of the Recorder of Santa Clara County, being a portion of Lots 5 and 6, a shown on the map entitled, "MAP OF J.D. ROBERTS SUBDIVISION NO. 2", which map was filed on October 1, 1904 in Book F-2 of Maps at page 33, in the Office of the Recorder of said Santa Clara County, more particularly described as follows:

BEGINNING at the southeast corner of said Lot 6, said point being in the centerline of Narvaez Road as shown on said map;

THENCE along the southerly line of said Lot 6, South 71°57'44" West, 20.00 feet to a point in the westerly line of said Narvaez Road, said point being the TRUE POINT OF BEGINNING of this description;

THENCE leaving said southerly line, along said westerly line, North 17°59'32" West, 578.56 feet to a point on the southerly line of Parcel A as described in the deed from Steve J. Tallea to Santa Clara County, recorded December 19, 1963 in Book 6316 of Official Records at page 355, Santa Clara County Records;

THENCE along said southerly line, North 720 00' 28" East, 20.00 feet to the easterly line of said Lot 5, said point being in the centerline of said Narvaez Road;

THENCE leaving said southerly line, along said easterly line of Lot 5 and Lot 6,

South 17°59'32" East, 554.00 feet to the beginning of a non-tangent curve, concave easterly, having a radius of 242.00 feet, from which a radial line bears South 87°57'58" East; "

THENCE leaving said easterly line, southerly, along said curve, through a central angle of 06°04'51 " , to' an arc length of 25.68 feet to a point on the said southerly line of Lot 6;

THENCE along said southerly line, South 71°57'44" West, 12.50 feet to the **TRUE POINT OF BEGINNING** of this description.

Containing an area of 0.263 acres, more or less.

FIGURE 10 – PARCEL CT0315-37B

Being all that real property situate in the City of San Jose, County of Santa Clara, State of California and described as follows:

BEING a portion of Parcel One as described in the deed from Fenton F. O'Connell, et al, to Santa Clara County Transit District, an undivided 75% interest and to the City of San Jose, an undivided 25% interest, recorded January 2, 1985, in Book J158 of Official Records at page 120, in the Office of the Recorder of Santa Clara County, said parcel being a portion of Lots 11 and 12, as shown on the map entitled, "MAP OF J.D. ROBERTS SUBDIVISION NO. ", which map was filed on October 1, 1904 in Book F-2 of Maps at page 33, in the Office of the Recorder of said Santa Clara County, more particularly described as follows:

BEGINNING at a point on the centerline of Narvaez Road, as shown on said map, said point being the southwest corner of said Lot 12;

THENCE along the westerly line of said Lot 12, North 17°59'32" West, 24.55 feet to the **TRUE POINT OF BEGINNING** of this description;

THENCE continuing along said westerly line, North 17°59'32" West, 508.88 feet to a point on the southerly line of Parcel A as described in the deed from George F. Silva, a married man dealing with his separate property, to County of Santa Clara, recorded on March 23, 1964, in Book 6435 of Official Records at page 38, in the Office of said Santa Clara County Recorder;

THENCE leaving said westerly line, along said southerly line, North 72°00'28" East, 20.00 feet to a point on the easterly line of said Narvaez Road;

THENCE leaving said southerly line, along said easterly line, South 17°59'32" East, 467.00 feet to the beginning of a non-tangent curve, concave easterly, having a radius of 242.00 feet, from which a radial line bears South 76°57'43" East;

THENCE southerly, along said curve, through a central angle of $11^{\circ}00'15''$, for an arc length of 46.48 feet to the TRUE POINT OF BEGINNING of this description.

Containing an area of 0.223 acres, more or less.

FIGURE 11 – PARCEL 2855-21E

Being all that real property situate in the City of San Jose, County of Santa Clara, State of California and described as follows:

BEING a portion of that certain parcel of land described in the deed from M. Ikegami to Santa Clara County, recorded on December 6, 1966, in Book 7581 of Official Records at page 655, in the Office of the Recorder of Santa Clara County, being a portion of Lots 7 and 8, as shown on the map entitled, "MAP OF J.D. ROBERTS SUBDIVISION NO. 2", which map was filed on October 1, 1904 in Book F-2 of Maps at page 33, in the Office of the Recorder of said Santa Clara County, more particularly described as follows:

BEGINNING at the northeast corner of said Lot 7, said corner being in the centerline of Narvaez Road as shown on said map;

THENCE along the northerly line of said Lot 7, South $71^{\circ}57'44''$ West, 7.50 feet to the beginning of a non-tangent curve, concave easterly, having a radius of 242.00 feet, from which a radial line bears North $85^{\circ}57'11''$ East, said point being the TRUE POINT OF BEGINNING of this description;

THENCE southerly, along said curve, through a central angle of $19^{\circ}05'22''$, for an arc length of 80.63 feet;

THENCE South $23^{\circ}08'11''$ East, 132.38 feet to the beginning of a curve to the right, having a radius of 670.00 feet;

THENCE along said curve, through a central angle of $02^{\circ}09'23''$, for an arc length of 25.22 feet to a point on said centerline of Narvaez Road;

THENCE along said centerline, South $17^{\circ}59'32''$ East, 70.75 feet;

THENCE leaving said centerline, South $15^{\circ}36'43''$ East, 276.91 feet;

THENCE South $74^{\circ}23'17''$ West, 8.51 feet to a point on the westerly line of said Narvaez Road;

THENCE along said westerly line, North $17^{\circ}59'32''$ West, 584.08 feet to a point on the northerly line of said Lot 7;

THENCE leaving said westerly line, along said northerly line, North 71° 57'44" East, 12.50 feet to the **TRUE POINT OF BEGINNING** of this description.

Containing an area of 0.184 acres, more or less,

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1927, Zone 3. Multiply herein described distances by 1 .0000478 to obtain ground level distances. The information shown is based on a combination of record and measured data. See the attached drawing, Exhibit B, which is hereby made a part of this description.

ADOPTED this 28th day of March, 2006, by the following vote:

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AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,
NGUYEN, PYLE, REED, WILLIAMS, YEAGER;
GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk