

RESOLUTION NO. 73140

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE VACATING A PORTION OF NARVAEZ ROAD BETWEEN NARVAEZ AVENUE AND STATE ROUTE 87 AND RESERVING A PUBLIC SERVICE EASEMENT

WHEREAS, the vacation of the portion of Narvaez Road described in Section 3 of this Resolution is being conducted pursuant to and in accordance with the provisions of Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California; and

WHEREAS, on March 28, 2006, the City Council adopted Resolution No. 73119 ("Resolution of Intention") declaring its intention to vacate the portion of Narvaez Road described in Section 3 of this Resolution and to reserve a public service easement over the area vacated; and

WHEREAS, the Resolution of Intention gave notice that on Tuesday, the 25th day of April at 1:30 p.m., in the Council Chambers of the City Council, in the City Hall of the City of San Jose, the Council would hear any and all persons interested in or objecting to the vacation of said portion of Narvaez Road; and

WHEREAS, the Resolution of Intention giving notice of the date, time and place of the public hearing was published in the manner prescribed by law; and

WHEREAS, notices of the proposed street vacation, stating the purpose of the Resolution of Intention and the time and place set for the public hearing, were posted in the manner prescribed by law; and

WHEREAS, prior to the public hearing the plat map approved by the Director of Public Works on March 24, 2005, 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 CT0315-54E, 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" and showing the portion of Narvaez Road proposed for vacation and the public service easement proposed for reservation ("Plat Map") was filed in the Office of the City Clerk and made available for examination by any persons desiring to do so; and

WHEREAS, on April 25, at 1:30 p.m. in the City Council chambers, the City Council heard any and all persons interested in or objecting to the proposed vacation of the portion of Narvaez Road, and received and considered all evidence submitted; and

WHEREAS, at the public hearing on the vacation of the portion of Narvaez Road described in Section 3 of this Resolution, the City Council had before it a report from the

Director of Public Works to the City Council, dated March 8, 2006, identified as "EXHIBIT A" and incorporated herein, and the Plat Map, identified as "EXHIBIT B" and incorporated herein.

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

SECTION 1. The City Council hereby adopts the Report and, based upon the Report and all other evidence submitted at the public hearing, makes the following findings of relevant fact:

- A. The portion of Narvaez Road, as described in Section 3 of this Resolution, is not needed for public purposes; and
- B. The Planning Commission considered the proposed street vacation as a City-initiated vacation to be consistent with the City's General Plan and recommended approval of the proposed vacation, as reported in the report from the Planning Commission to the City Council dated February 17, 2006, attached hereto as "EXHIBIT C" and incorporated herein; and
- C. There are public facilities on the portion of Narvaez Road described in Section 3 of this Resolution; and
- D. All affected public utilities have been contacted and have no objections to the proposed vacation provided a public service easement is reserved.

SECTION 2. The City Council makes the following conclusions and findings based upon an analysis of the above facts:

- A. The portion of Narvaez Road described in Section 3 of this Resolution and depicted in the revised Plat Map is not necessary for present or prospective public street purposes; and
- B. Pursuant to the provisions of Section 892 of the Streets and Highways Code of the State of California, the portion of Narvaez Road proposed for vacation is not useful as a nonmotorized transportation facility; and
- C. The public convenience and necessity requires the reservation of a public service easement over portions of the area of the street proposed for vacation;
- D. The proposed vacation is consistent with the City's General Plan.

SECTION 3. Based on the above stated facts, conclusions and findings, the City Council hereby vacates the following portion of Narvaez Road subject to the reservation of public service easement over and beneath portions of the subject area, as hereinafter described, for the purposes of constructing, maintaining, operating, replacing, removing or renewing the existing, or any future, public facilities located thereon:

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 B1, said easterly line also being the centerline of said (Old) Narvaez Road;

THENCE leaving said easterly line at Parcel B1 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 CT0315-54E

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 $72^{\circ}03'24''$ 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 $72^{\circ}03'24''$ 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 $50^{\circ}25'24''$ East;
- 2) southeasterly, along said curve, through a central angle of $13^{\circ}33'15''$, 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 $05^{\circ}16'20''$ East;

THENCE leaving said northerly line, westerly, along said curve, through a central angle of $00^{\circ}22'42''$, 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 $66^{\circ}58'17''$, 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 $04^{\circ}40'46''$ East;

THENCE leaving said general southerly line, westerly, along said curve, through a central angle of $00^{\circ}34'51''$, 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 County, 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, 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 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 $71^{\circ}57'44''$ 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 $17^{\circ}59'32''$ 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 $72^{\circ}00'28''$ 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 $17^{\circ}59'32''$ 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 $87^{\circ}57'58''$ East; "

THENCE leaving said easterly line, southerly, along said curve, through a central angle of $06^{\circ}04'51''$, 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 $71^{\circ}57'44''$ 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. 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 southwest corner of said Lot 12;

THENCE along the westerly line of said Lot 12, North $17^{\circ}59'32''$ West, 24.55 feet to the **TRUE POINT OF BEGINNING** of this description;

THENCE continuing along said westerly line, North $17^{\circ}59'32''$ 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 $72^{\circ}00'28''$ 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 $17^{\circ}59'32''$ 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 $76^{\circ}57'43''$ 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 $71^{\circ}57'44''$ 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.

SECTION 4. The City Clerk is directed to record a certified copy of this Resolution in the Santa Clara County Recorder's Office.

SECTION 5. From and after the date this Resolution is recorded, the portion of the street vacated will no longer constitute a public street.

ADOPTED this 25th day of April, 2006, by the following vote:

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