

RESOLUTION NO. 73760

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE
SUMMARILY VACATING A PORTION OF A SIDEWALK EASEMENT
ON WOZ WAY BETWEEN ALMADEN AVENUE AND ALMADEN
BOULEVARD**

WHEREAS, Section 8331 of the Streets and Highways Code of the State of California authorizes the City Council to summarily vacate a public right-of-way if the public right-of-way has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and

WHEREAS, the City Council intends to summarily vacate a portion of the public right-of-way used for sidewalk purposes (hereinafter the "Easement") constituting all that real property situated in the City of San Jose, County of Santa Clara, State of California, more particularly described as:

Beginning at the intersection of the northwesterly line of Woz Way (50 feet in width) with the southwesterly line of Almaden Avenue (60 feet in width) said point of intersection also being the easterly corner of said land described in Document No.15421811;

Thence, along the southwesterly line of Almaden Avenue, North 30°04'34" West, 4.11 feet to the True Point of Beginning;

Thence, continuing along said southwesterly line, North 30°04'34" West, 1.95 feet;

Thence, leaving said line, South 46°29'26" West, 204.05 feet;

Thence, along a curve to the right having a radius of 17.83 feet through a central angle of 43°13'00" for an arc distance of 13.45 feet to a point on the easterly line of Almaden Boulevard;

Thence along said easterly line, South 30°04'34" East, 2.16 feet;

Thence along a curve to the left having a radius of 19.73 feet and to which point a radial line bears South 03°24'05" East, through a central angle of 40°06,29" for an arc distance of 13.81 feet;

Thence North 46°29'26" East, 203.59 feet to the True Point of Beginning.

WHEREAS, on April 25, 2007 the Director of the Department of Public Works approved that certain map entitled "Plat Map Showing That Portion Of The Sidewalk Easement On Woz Way To Be Vacated" showing the portion of the Easement that the City Council intends to summarily vacate (hereinafter "Map"); and

WHEREAS, attached to this Resolution as Exhibit "A" is a copy of the report, dated April 25, 2007, that the Director of the Department of Public Works submitted to the City Council setting forth the reasons justifying summary vacation of the Easement (hereinafter "Report").

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 evidence submitted, makes the following findings of relevant fact:

- A. The Easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and
- B. No public facilities are located with the Easement that would be affected by a summary vacation; and
- C. The Easement to be vacated is not needed for present or prospective utility or other public facilities; and
- D. The public convenience and necessity does not require reservation of any portion of the Easement.

SECTION 2. Based upon the findings made in Section 1 of this Resolution and the provisions of Section 8331 of the Streets and Highways Code, the City Council does hereby order the Easement shall be and hereby is summarily vacated.

SECTION 3. The City Clerk is hereby directed to record at Santa Clara County Records this Resolution, including Exhibit "A" hereto, and the Map.

SECTION 4. The Easement to be vacated herein will no longer constitute a public right-of-way from and after the date of recordation of the documents identified in Section 3 of this Resolution.

ADOPTED this 15th day of May, 2007, by the following vote:

AYES:	CAMPOS, CHIRCO, CONSTANT, CORTESE, LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED
NOES:	NONE
ABSENT:	NONE
DISQUALIFIED:	NONE
VACANT:	DISTRICT 4

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk