

RESOLUTION NO. 74211

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SUMMARILY VACATING A PORTION OF PUBLIC RIGHT-OF-WAY AT THE SOUTHEAST CORNER OF NORTH KING ROAD AND MABURY ROAD (796 NORTH KING ROAD) AND RESERVING A PUBLIC SERVICE EASEMENT

WHEREAS, subdivision (a) of Section 8334 of the Streets and Highways Code of the State of California authorizes the City Council to summarily vacate an excess right-of-way of a street not required for street or highway purposes; and

WHEREAS, the City Council intends to summarily vacate a portion of public right-of-way (hereinafter the "Right-of-Way") and reserve a public service easement over the entire area proposed for vacation, constituting all that real property situated in the City of San Jose, County of Santa Clara, State of California, more particularly described as:

A portion of land entitled "LANDS OF CARMELO & LETICIA ROSADO" as shown on that certain Record of Survey, which map was filed for record in the office of the recorder of the County of Santa Clara, State of California on August 4, 1992, in Book 639 of Maps page(s) 8 thru 13 and being more particularly described as follows:

Beginning at a point of intersection on the Southeasterly line of Mabury Road and the most northeasterly property line of Lot 5, as shown on the above mentioned map, thence Southwesterly from said point of intersection along said Southeasterly line of Mabury Road South 49°50'32" West a distance of 64.89 feet to a point of a tangent curve to the left; also being the POINT OF BEGINNING of this description;

Thence along the arc of said tangent curve, from a radial line which bears South 40°09'28" East, having a radius of 60.00 feet, a central angle of 87°30'24", an arc length of 91.64 feet; to the Northeasterly line of King Road as shown on said Record of Survey;

Thence Northwesterly along the prolongation of the Northeasterly line of King Road, North 37°39'52" West a distance of 30.64 feet to a tangent curve to the right;

Thence along the arc of said tangent curve, from a radial line which bears North 52°20'08" East, having a radius of 28.00 feet, a central angle of 87°30'24", an arc length of 42.76 feet to a point on the prolongation of the Southeasterly line of Mabury Road;

Thence Northeasterly along said prolongation of the Southeasterly line of Mabury Road North 49°50'32" East 30.64 feet, to the POINT OF BEGINNING;

Containing 0.0125 acres of land, more or less.

WHEREAS, on October 29, 2007, the Director of the Department of Public Works approved that certain map entitled "Plat Map Showing That Portion of Southeast Corner of King Road and Mabury Road" showing the portion of public right-of-way 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 December 17, 2007, that the Director of the Department of Public Works submitted to the City Council setting forth the reasons justifying the summary vacation of the Right-of-Way (hereinafter "Report");

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

SECTION 1. The City Council hereby adopts the Report and, based upon the Report and all other evidence submitted, makes the following findings:

1. The Right-of-Way is an excess right-of-way of a street not required for street or highway purposes; and
2. Public utility facilities exist within the Right-of-Way but would not be affected by the vacation since a public service easement will be reserved over the entire area being vacated.

SECTION 2. Based upon the findings made in Section 1 of this Resolution and the provisions of Section 8334 of the Streets and Highways Code, the City Council does hereby order that the Right-of-Way shall be and hereby is summarily vacated, and hereby reserves a public service easement over the entire area being vacated.

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

SECTION 4. The Right-of-Way 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 January, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CORTESE, LICCARDO,
NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED

NOES: NONE

ABSENT: CONSTANT

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk