



Date: February 28, 2012

To: City Manager for Council Action

From: Director of Public Works / City Engineer

Subject: Resolution ordering the summary vacation of various easements at 4900 Centennial Boulevard (APN 104-06-086 and 104-43-030, 047, and 049) to the City of Santa Clara, California

EXECUTIVE SUMMARY:

The above-referenced properties are encumbered with various easements that are no longer necessary. The subject easements have been superseded by the dedication of new easements on the 49ers Stadium Final Map or are no longer required. Therefore, the various easements are being vacated to clear the unnecessary encumbrances on the subject properties. The vacation shall be effective after the recordation of the 49ers Stadium Final Map (Tract No. 10118) and the receipt of approval from PG&E and AT&T.

A Resolution ordering the vacation of the various easements has been prepared by staff and approved for form by the City Attorney.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The vacation will remove unnecessary encumbrance from the properties' title.

ECONOMIC/FISCAL IMPACT:

There is no additional cost to the City other than staff time and expense.

RECOMMENDATION:

That the Council:

1. Adopt the Resolution ordering the summary vacation of various easements at 4900 Centennial Boulevard (APN 104-06-086 and 104-43-030, 047, and 049; S.C. 18,549) to The City of Santa Clara, California; and
2. Authorize the recordation thereof, after recordation of the 49ers Stadium Final Map and receipt of approval from PG&E and AT&T.

Rajeev Batra
Director of Public Works / City Engineer

APPROVED:

Jennifer Sparacino
City Manager

Documents Related to this Report:

Resolution

**RECORD WITHOUT FEE PURSUANT
TO GOV'T CODE SECTION 6103**

Recording Requested by:
Office of the City Attorney
City of Santa Clara, California

When Recorded, Mail to:
Office of the City Clerk
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Form per Gov't Code Section 27361.6

[SPACE ABOVE THIS LINE FOR RECORDER'S USE]

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, ORDERING THE VACATION OF
VARIOUS PUBLIC EASEMENTS LOCATED AT 4900
CENTENNIAL BOULEVARD [APN 104-06-086 AND 104-43-
030, 047, AND 049 (2011-12)]**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City of Santa Clara currently possesses the easements described in Exhibits A and B, which Exhibits are incorporated herein by reference. Said easements were dedicated by those certain documents filed for record as Document Nos. 21539739, 16762497, 15605081, 14755438, and by that Parcel Map filed for record in Book 575 of Maps, at Page 44, Santa Clara County Records, against APN 104-06-086 and 104-43-030, 047, and 049, located at 4900 Centennial Boulevard; and,

WHEREAS, pursuant to Section 8333 of the California Streets and Highways Code, the City Council "may summarily vacate a public service easement" in any of the following cases:

- (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.

(b) The date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date.

(c) The easement has been superseded by relocation, or determined to be excess by easement holder, and there are no other public facilities located within the easement.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the various easements described in Exhibits A and B have been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

2. That the various easements described in Exhibits A and B in the City are hereby vacated pursuant to California Streets and Highways Code Section 8333.

3. That the vacation hereby releases all easement rights of the City referred in Exhibits A and B to The City of Santa Clara, California, a chartered municipal corporation.

4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

5. Effective date. This resolution shall become effective after the recordation of the 49ers Stadium Final Map (Tract No. 10118) and receipt of letters of approval from PG&E and AT&T.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2012, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Exhibits A and B

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EXHIBIT "A"
LEGAL DESCRIPTION
FOR: VACATION OF EASEMENTS

EASEMENT 1: - Underground Electric Easement (U.G.E.E.)

All that certain real property situate in the City of Santa Clara, County of Santa Clara, State of California, being a portion of that certain Underground Electric Easement (U.G.E.E.) as reserved on that certain Parcel Map filed for record on July 13, 1987 in Book 575 at Page 44, Santa Clara County Records, being more particularly described as follows:

STRIP 1:

All of that certain ten (10.00) foot wide U.G.E.E., lying within Parcel 4 of said Parcel Map.

As shown on EXHIBIT "B", SHEET 1 attached hereto and by this reference made a part hereof.

STRIP 2:

Being a portion of that certain ten (10.00) foot wide U.G.E.E. lying within Parcels 1, 2 and 3 of said Parcel Map, the westerly line of said strip being more particularly described as follows:

Beginning at the most southerly corner of Parcel 3 of said Parcel Map;

Thence along the westerly lines of said Parcel 3 and Parcel 2 and Parcel 1 of said Parcel Map, the following five (5) courses and distances:

1. Northerly along a non-tangent curve to the right having a radius of 550.00 feet, to which point a radial line bears South 69°05'37" West, through a central angle of 15°59'27" for an arc distance of 153.50 feet;
2. North 04°54'56" West, 417.50 feet;
3. Along a curve to the left having a radius of 650.00 feet, through a central angle of 26°14'34" for an arc distance of 297.71 feet;
4. North 31°09'30" West, 227.97 feet;
5. Along a curve to the right having a radius of 40.00 feet, through a central angle of 90°53'27" for an arc distance of 63.45 feet to the Point of Termination of Strip 2.

As shown on EXHIBIT "B", SHEET 1 attached hereto and by this reference made a part hereof.

STRIP 3:

All of the certain fifty (50.00) foot wide U.G.E.E. lying within Parcel 3 of said Parcel Map, being more particularly described as follows:

Beginning at the most Easterly corner of said Parcel 3;

Thence along the southeasterly line of said Parcel 3, South 61°31'44" West, 10.00 feet to the True Point of Beginning;

Thence continuing along said southeasterly line, South 61°31'44" West, 719.83 feet;

S.C. 18,549

Thence leaving said southeasterly line, the following three (3) courses and distances:

1. North 28°28'16" West, 50.00 feet;
2. North 61°31'44" East, 720.00 feet;
3. South 28°16'16" East, 50.00 feet to the True Point of Beginning.

As shown on EXHIBIT "B", SHEET 2 attached hereto and by this reference made a part hereof.

EASEMENT 2: - Electric Utility Easement (E.U.E)

All that certain real property situate in the City of Santa Clara, County of Santa Clara, State of California, being all of that certain Electric Utility Easement (E.U.E) lying within Parcels 3 and 4 as reserved on that certain Parcel Map filed for record on July 13, 1987 in Book 575 at Page 44, Santa Clara County Records.

As shown on EXHIBIT "B", SHEET 3 attached hereto and by this reference made a part hereof.

EASEMENT 3 – Anchor Easement (A.E.)

All that certain real property situate in the City of Santa Clara, County of Santa Clara, State of California, being all of those certain Anchor Easement (A.E.) lying within Parcel 4 as reserved on that certain Parcel Map filed for record on July 13, 1987 in Book 575 at Page 44, Santa Clara County Records.

As shown on EXHIBIT "B", SHEET 4 attached hereto and by this reference made a part hereof.

EASEMENT 4 – Underground Electric Easement (U.G.E.E.)

All that certain real property situate in the City of Santa Clara, County of Santa Clara, State of California, being all of that certain Underground Electric Easement (U.G.E.E.) reserved in that certain document entitled "Resolution No. 6783" recorded on March 23, 2001 as Document No. 15605081, Official Records of Santa Clara County.

As shown on EXHIBIT "B", SHEET 5 attached hereto and by this reference made a part hereof.

EASEMENT 5 – Underground Electric Easement (U.G.E.E.)

All that certain real property situate in the City of Santa Clara, County of Santa Clara, State of California, being a portion of that certain ten (10.00) foot wide Underground Electric Easement (U.G.E.E.) reserved in that certain document entitled "Resolution No. 6555" recorded on April 15, 1999 as Document No. 14755438, Official Records of Santa Clara County, being more particularly described as follows:

S.C. 18,549

Beginning at the most southerly corner of said Parcel 2;

Thence along the southeasterly line of said Parcel 2, North 61°31'44" East, 113.60 feet;

Thence leaving said southeasterly line, the following two (2) courses and distances:

1. North 28°28'16" West, 10.00 feet;
2. South 61°31'44" West, 109.24 feet to a point on the westerly line of said Parcel 2;

Thence along said westerly line, South 04°54'56" East, 10.91 feet to Point of Beginning.

As shown on EXHIBIT "B", SHEET 6 attached hereto and by this reference made a part hereof.

EASEMENT 6 – Public Utility Easement (P.U.E.)

All that certain real property situate in the City of Santa Clara, County of Santa Clara, State of California, being all of that certain Public Utility Easement (P.U.E.) reserved in that certain document entitled "Resolution No. 6990" recorded on January 21, 2003 as Document No. 16762497, Official Records of Santa Clara County.

As shown on EXHIBIT "B", SHEET 7 attached hereto and by this reference made a part hereof.

EASEMENT 7 – Public Utility Easement (P.U.E.) & Ingress/Egress Easement (I.E.E.)

All that certain real property situate in the City of Santa Clara, County of Santa Clara, State of California, being all of that certain Public Utility Easement (P.U.E.) and all of that certain Ingress and Egress Easement reserved in that certain document entitled "Resolution No. 12-7907" recorded on February 16, 2012 as Document No. 21539739, Official Records of Santa Clara County.

As shown on EXHIBIT "B", SHEET 8 attached hereto and by this reference made a part hereof.

EASEMENT 8 – Storm Drain & Sanitary Sewer Easement (S.D.E. & S.S.E.)

All that certain real property situate in the City of Santa Clara, County of Santa Clara, State of California, being a portion of that certain 20.00' Storm Drain & Sanitary Sewer Easement (S.D.E. & S.S.E.) lying within Parcel 1 as reserved on that certain Parcel Map filed for record on July 13, 1987 in Book 575 at Page 44, Santa Clara County Records, being more particularly described as follows:

Beginning at the most southerly corner of Parcel 1 of said Parcel Map;

Thence along the southeasterly line of said Parcel 1, North 61°31'44" East, 4.51 feet;

S.C. 18,549

Thence leaving said southeasterly line, the following three (3) courses and distances:

1. Northerly along a non-tangent curve to the left having a radius of 560.00 feet, to which point a radial line bears North $53^{\circ}23'14''$ East, through a central angle of $01^{\circ}01'56''$ for an arc distance of 10.09 feet to a point of reverse curvature;
2. Along a curve to the right having a radius of 540.00 feet, through a central angle of $01^{\circ}04'34''$ for an arc distance of 10.14 feet;
3. South $61^{\circ}31'44''$ West, 2.41 feet to the southwesterly line of said Parcel 1;

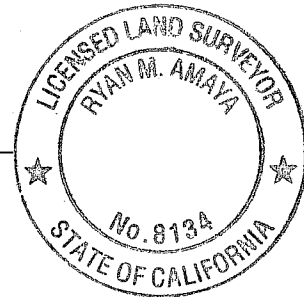
Thence along said southwesterly line, South $31^{\circ}09'30''$ East, 20.02 feet to the Point of Beginning.

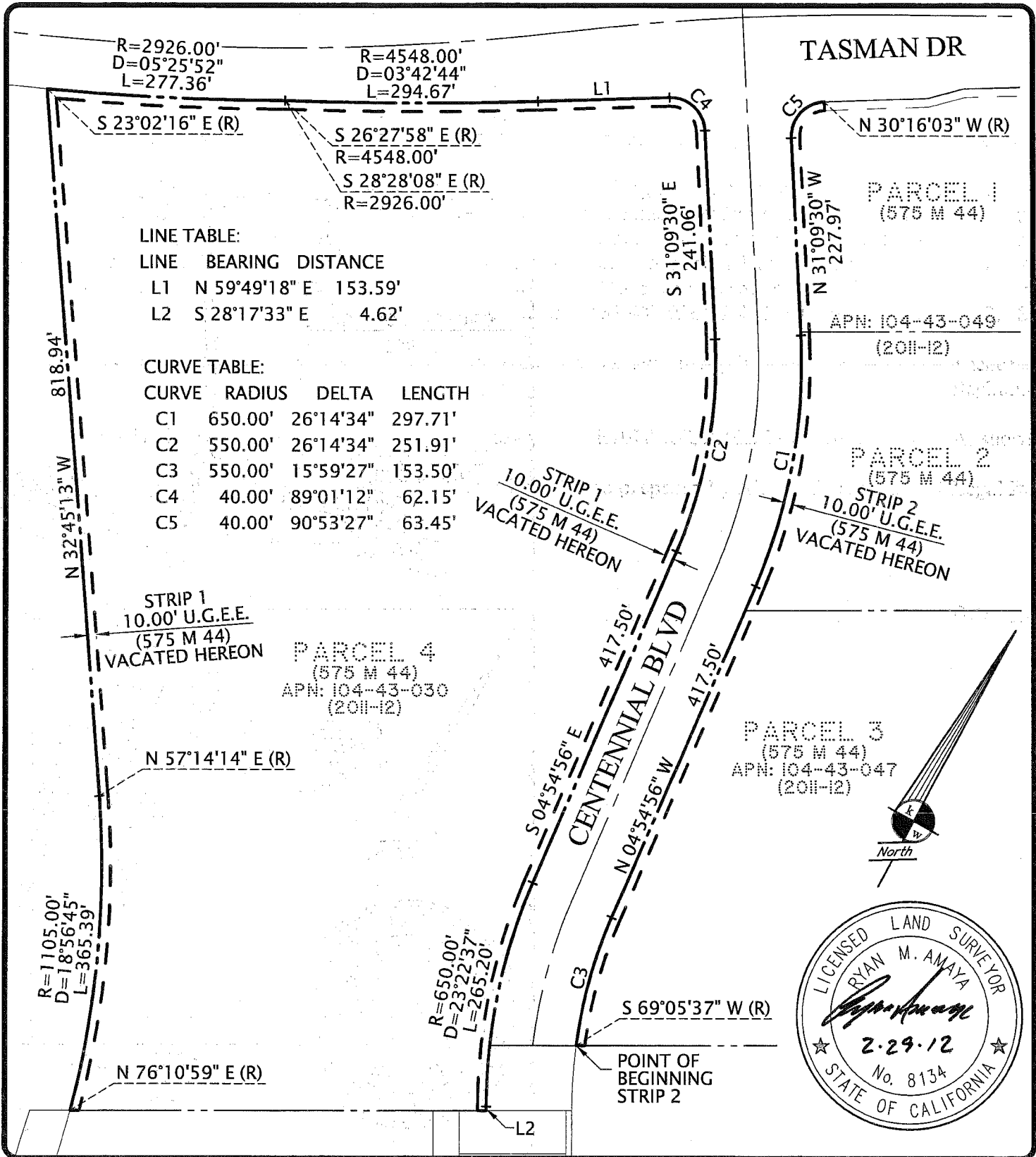
As shown on EXHIBIT "B", SHEET 9 attached hereto and by this reference made a part hereof.

Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.

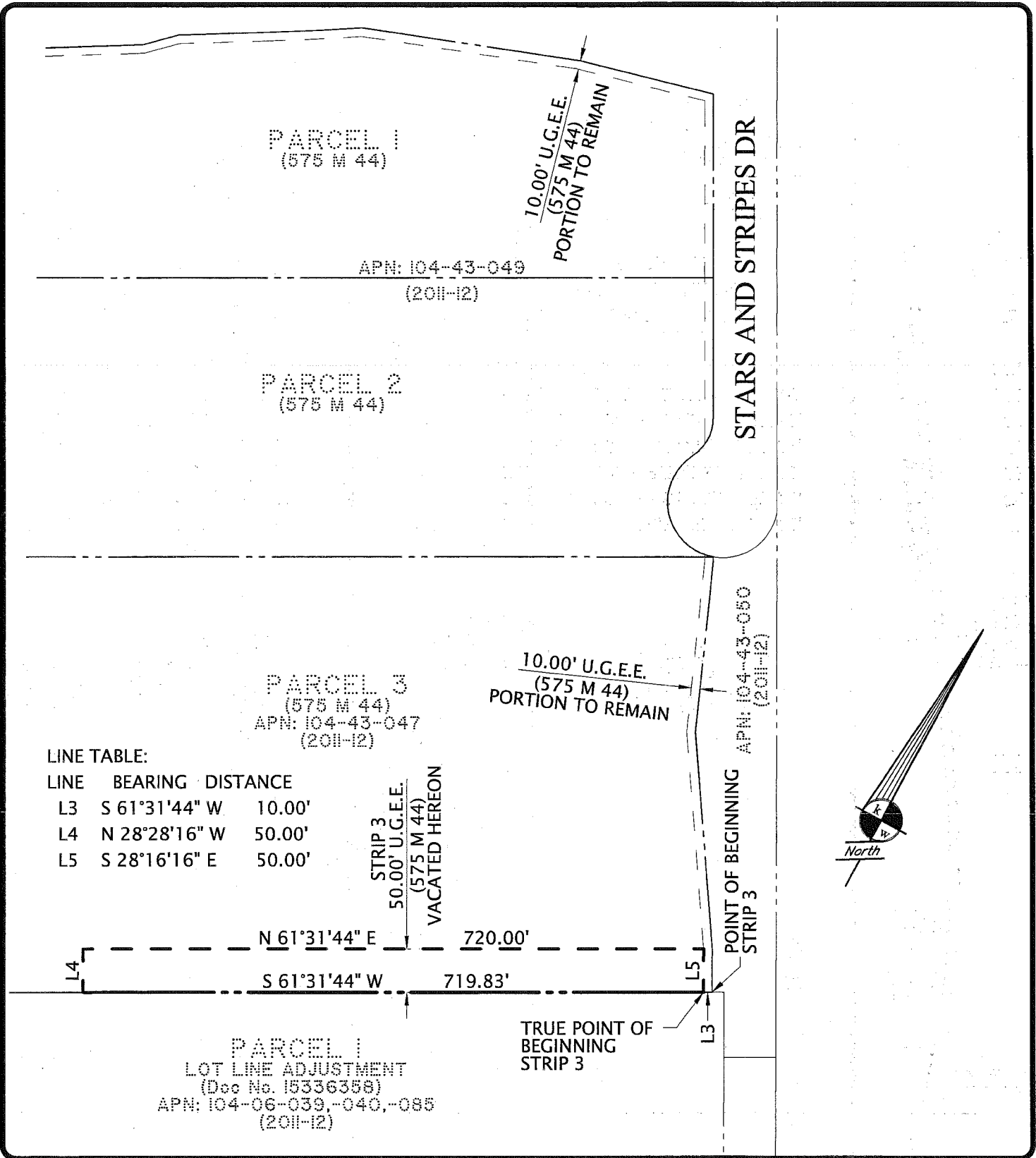
Date 2-29-12


Ryan M. Amaya LS 8134

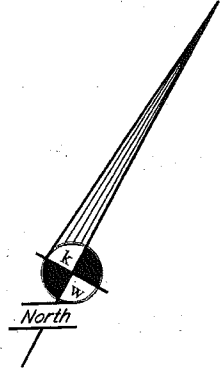
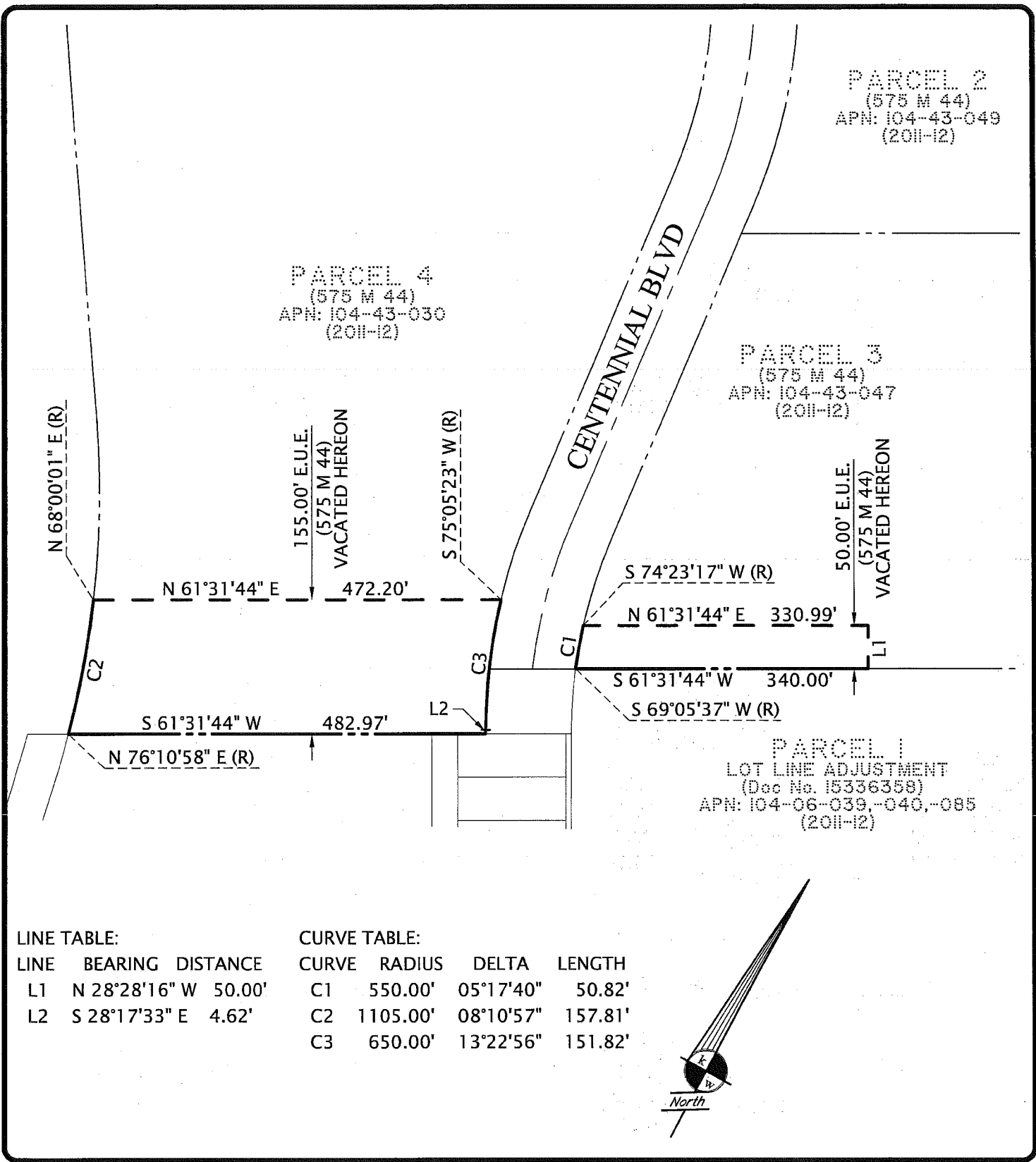





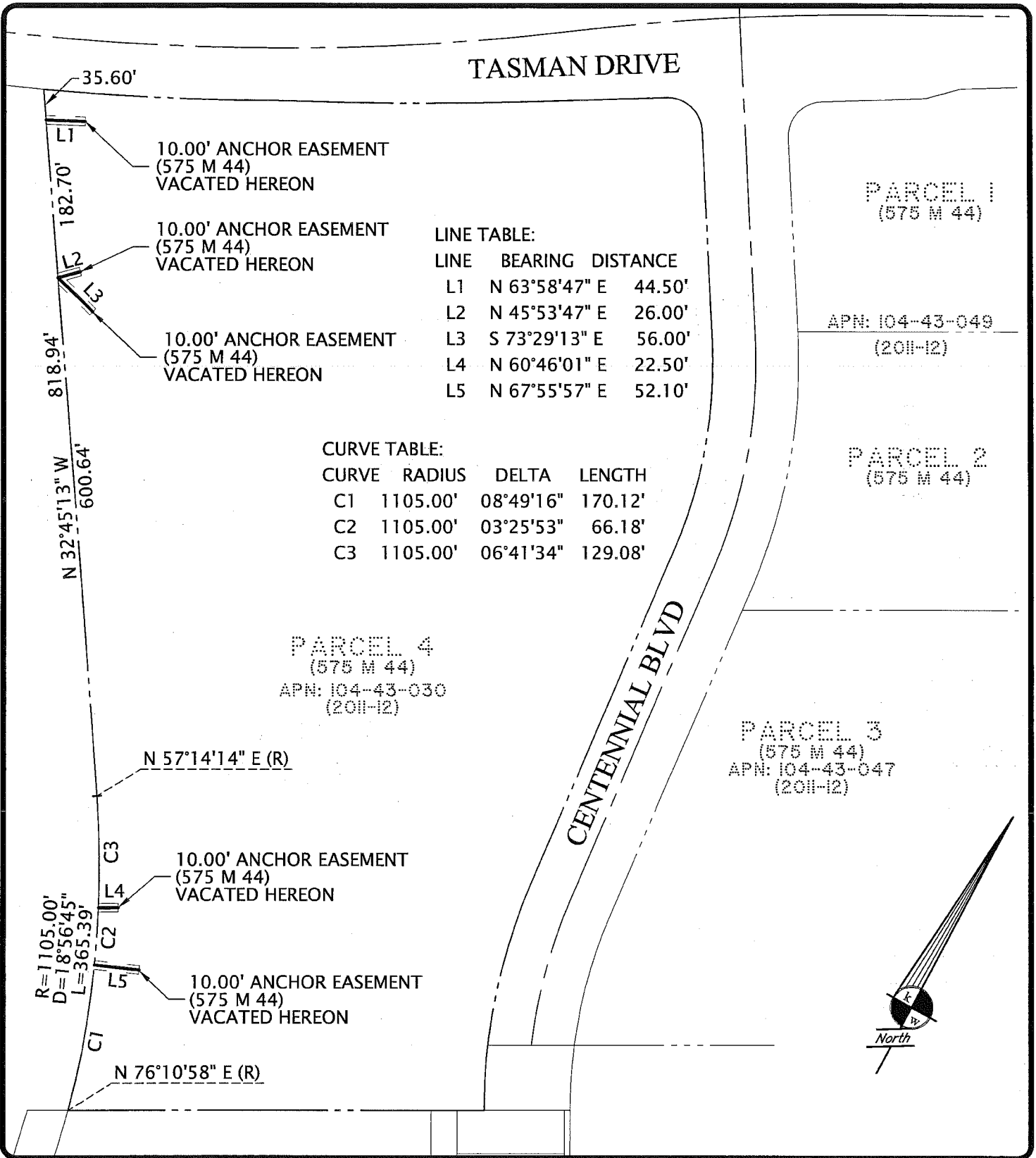
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| PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR: EASEMENT 1 | | DATE | FEB. 2012 | |
| | | SCALE | 1" = 150' | |
| SANTA CLARA | S.C. 18,549 | CALIFORNIA | DR. BY | SB |
| EXHIBIT "B" | | KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 3350 Scott Boulevard, Building 22 (408) 727 6665 Santa Clara, California 95054 fax (408) 727 5641 | | |
| | | JOB | A07216-5 | |
| SHEET NO. | | 1 OF 9 | | |



| | | | |
|--|-------------|--------------------------------------|-----------|
| PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR: EASEMENT 1 | | DATE | FEB. 2012 |
| | | SCALE | 1" = 150' |
| SANTA CLARA | S.C. 18,549 | DR. BY | SB |
| EXHIBIT "B" | | JOB | A07216-5 |
| | | SHEET NO. | 2 OF 9 |
| KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 3350 Scott Boulevard, Building 22 Santa Clara, California 95054 | | (408) 727 6665 fax (408) 727 5641 | |



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|---|---|------------|-----------|
| PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR: EASEMENT 2 | | DATE | FEB. 2012 |
| | | SCALE | 1" = 150' |
| SANTA CLARA | S.C. 18,549 | CALIFORNIA | DR. BY SB |
| EXHIBIT "B" |  KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 3350 Scott Boulevard, Building 22 Santa Clara, California 95054 | JOB | A07216-5 |
| | | SHEET NO. | 3 OF 9 |



TASMAN DRIVE

PARCEL 1
(575 M 44)

APN: 104-43-049
(2011-12)

PARCEL 2
(575 M 44)

PARCEL 3
(575 M 44)
APN: 104-43-047
(2011-12)

PARCEL 4
(575 M 44)
APN: 104-43-030
(2011-12)

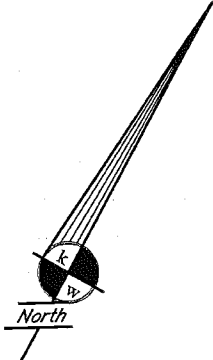
LINE TABLE:

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 63°58'47" E | 44.50' |
| L2 | N 45°53'47" E | 26.00' |
| L3 | S 73°29'13" E | 56.00' |
| L4 | N 60°46'01" E | 22.50' |
| L5 | N 67°55'57" E | 52.10' |

CURVE TABLE:

| CURVE | RADIUS | DELTA | LENGTH |
|-------|----------|-----------|---------|
| C1 | 1105.00' | 08°49'16" | 170.12' |
| C2 | 1105.00' | 03°25'53" | 66.18' |
| C3 | 1105.00' | 06°41'34" | 129.08' |

CENTENNIAL BLVD



PLAT TO ACCOMPANY LEGAL DESCRIPTION
FOR: EASEMENT 3

SANTA CLARA

S.C. 18,549

CALIFORNIA

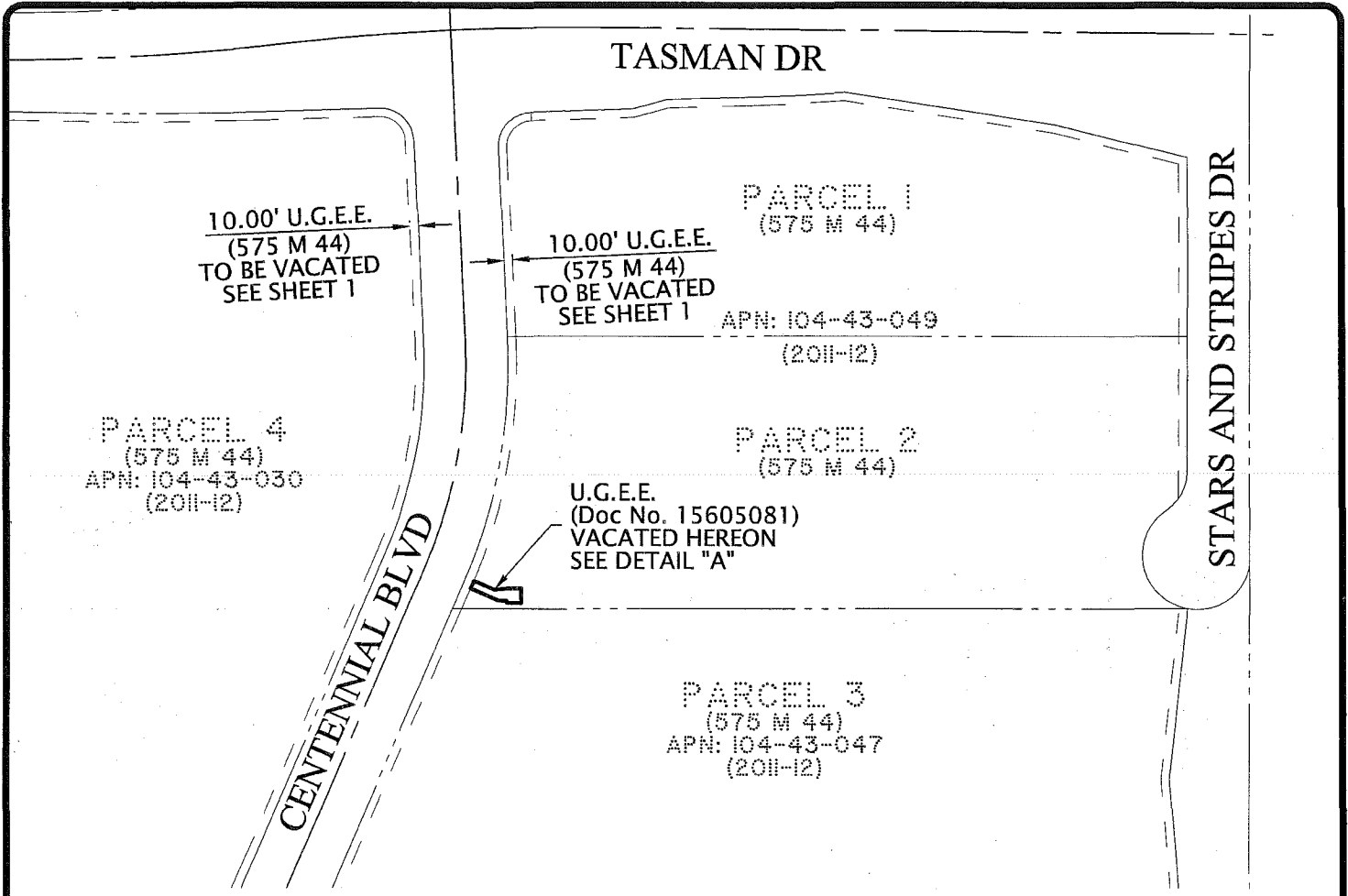
EXHIBIT "B"



KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
3350 Scott Boulevard, Building 22
Santa Clara, California 95054

(408) 727 6665
fax (408) 727 5641

| | |
|-----------|-----------|
| DATE | FEB. 2012 |
| SCALE | 1" = 150' |
| DR. BY | SB |
| JOB | A07216-5 |
| SHEET NO. | 4 OF 9 |

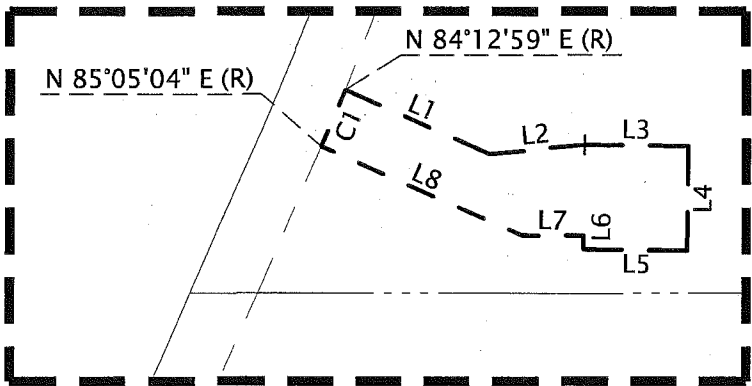


CURVE TABLE:

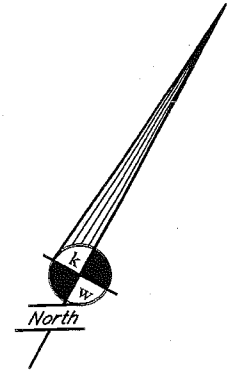
| CURVE | RADIUS | DELTA | LENGTH |
|-------|---------|-----------|--------|
| C1 | 660.00' | 00°52'05" | 10.00' |

LINE TABLE:

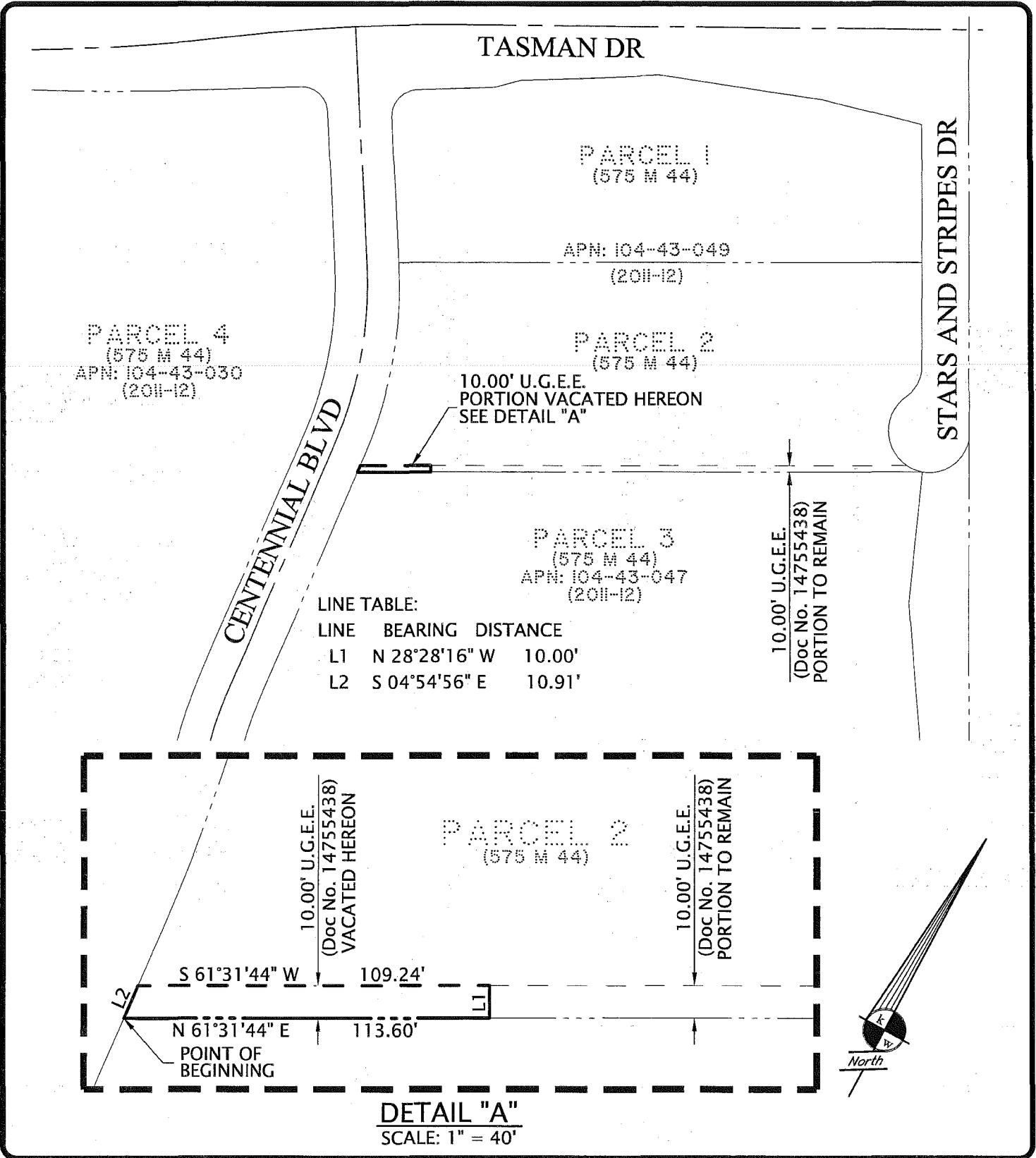
| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 85°05'04" E | 26.00' |
| L2 | N 56°05'04" E | 15.45' |
| L3 | N 62°05'04" E | 17.00' |
| L4 | S 27°54'56" E | 17.00' |
| L5 | S 62°05'04" W | 17.00' |
| L6 | N 27°54'56" W | 2.24' |
| L7 | S 62°05'04" W | 10.00' |
| L8 | S 85°05'04" W | 36.00' |



DETAIL "A"
SCALE: 1" = 30'



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|---|-------------|--------------------------------------|-----------|
| PLAT TO ACCOMPANY LEGAL DESCRIPTION | | DATE | FEB. 2012 |
| FOR: EASEMENT 4 | | SCALE | 1" = 200' |
| SANTA CLARA | S.C. 18,549 | DR. BY | SB |
| EXHIBIT "B" | | JOB | A07216-5 |
| KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 3350 Scott Boulevard, Building 22 Santa Clara, California 95054 | | SHEET NO. | 5 OF 9 |
| USER: sharter E:\PROJECTS\A07216\DWG\SURVEY\PLATS\EASEMENT VACATIONS\UGEE - Doc No. 15605081\C-PLAT.dwg FEBRUARY 29, 2012 8:08 AM | | (408) 727 6665 fax (408) 727 5641 | |

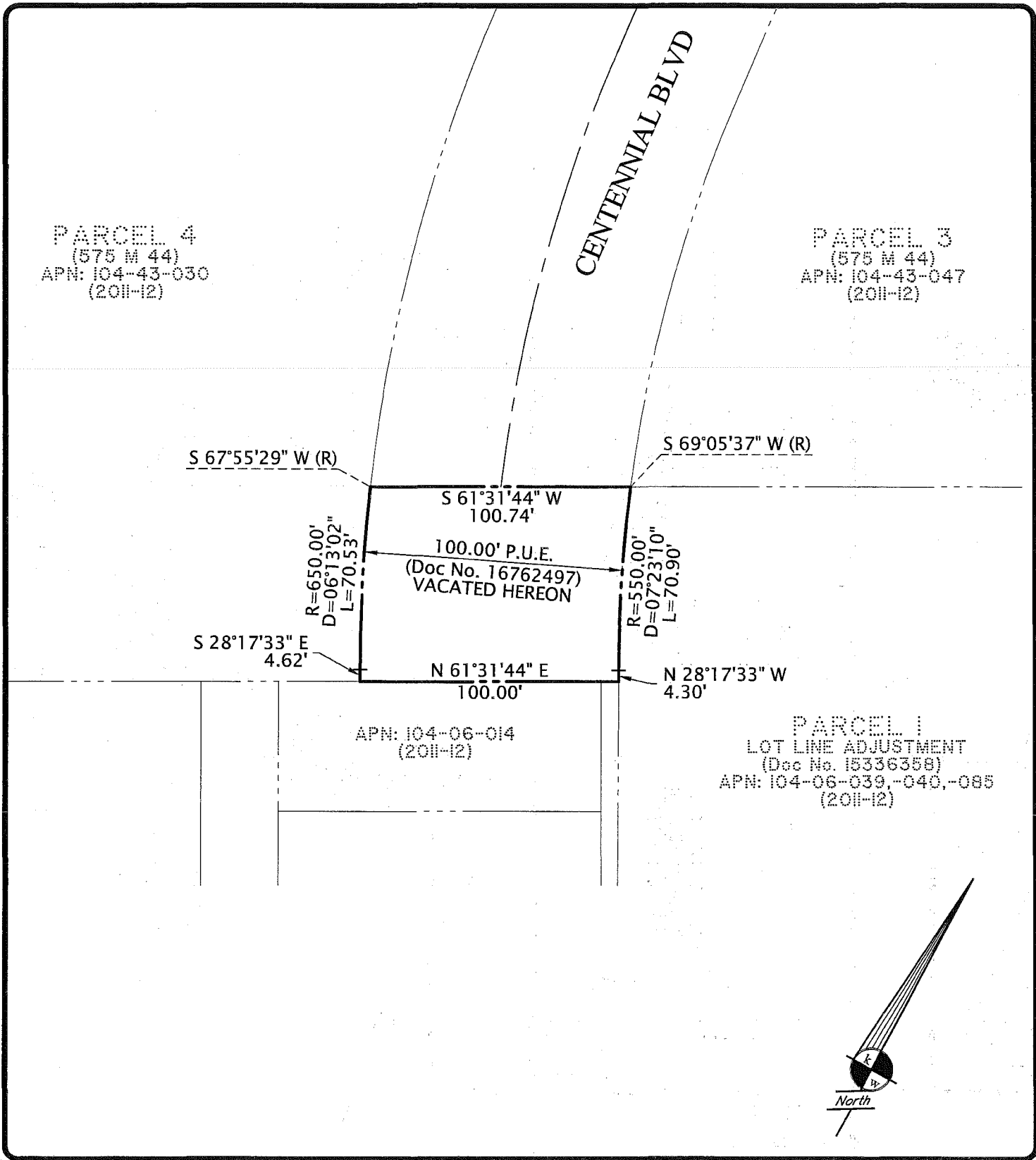



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| PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR: EASEMENT 5 | | DATE | FEB. 2012 |
| | | SCALE | 1" = 200' |
| SANTA CLARA | S.C. 18,549 | CALIFORNIA | DR. BY SB |
| EXHIBIT "B" | | JOB | A07216-5 |
| | | SHEET NO. | 6 OF 9 |



KIER & WRIGHT
 CIVIL ENGINEERS & SURVEYORS, INC.
 3350 Scott Boulevard, Building 22
 Santa Clara, California 95054

(408) 727 6665
 fax (408) 727 5641



| | | | | |
|---|---|--|-----------|--|
| PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR: EASEMENT 6 | | DATE | FEB. 2012 | |
| | | SCALE | 1" = 50' | |
| SANTA CLARA | S.C. 18,549 | CALIFORNIA | DR. BY | SB |
| EXHIBIT "B" |  KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 3350 Scott Boulevard, Building 22 Santa Clara, California 95054 | JOB | | A07216-5 |
| | | SHEET NO. | | 7 OF 9 |
| | | <small>USER: sshorter E:\PROJECTS\A07216\DWG\SURVEY\PLATS\EASEMENT VACATIONS\PUE - Doc No. 16762497\0-PLAT.dwg FEBRUARY 29, 2012 8:12 AM</small> | | <small>(408) 727 6665 fax (408) 727 5641</small> |

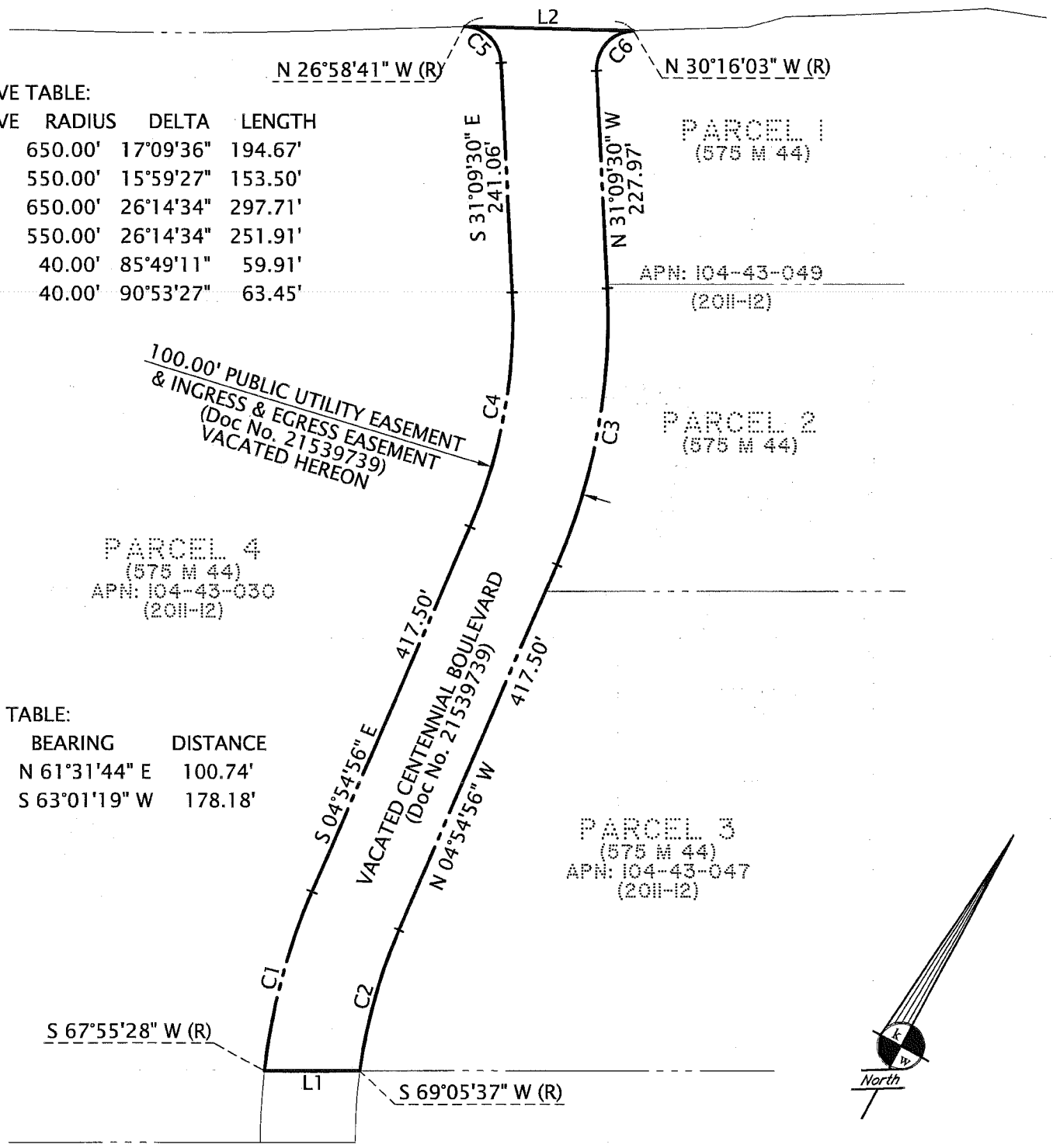
TASMAN DRIVE

CURVE TABLE:

| CURVE | RADIUS | DELTA | LENGTH |
|-------|---------|-----------|---------|
| C1 | 650.00' | 17°09'36" | 194.67' |
| C2 | 550.00' | 15°59'27" | 153.50' |
| C3 | 650.00' | 26°14'34" | 297.71' |
| C4 | 550.00' | 26°14'34" | 251.91' |
| C5 | 40.00' | 85°49'11" | 59.91' |
| C6 | 40.00' | 90°53'27" | 63.45' |

LINE TABLE:

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 61°31'44" E | 100.74' |
| L2 | S 63°01'19" W | 178.18' |



PLAT TO ACCOMPANY LEGAL DESCRIPTION
FOR: EASEMENT 7

SANTA CLARA

S.C. 18,549

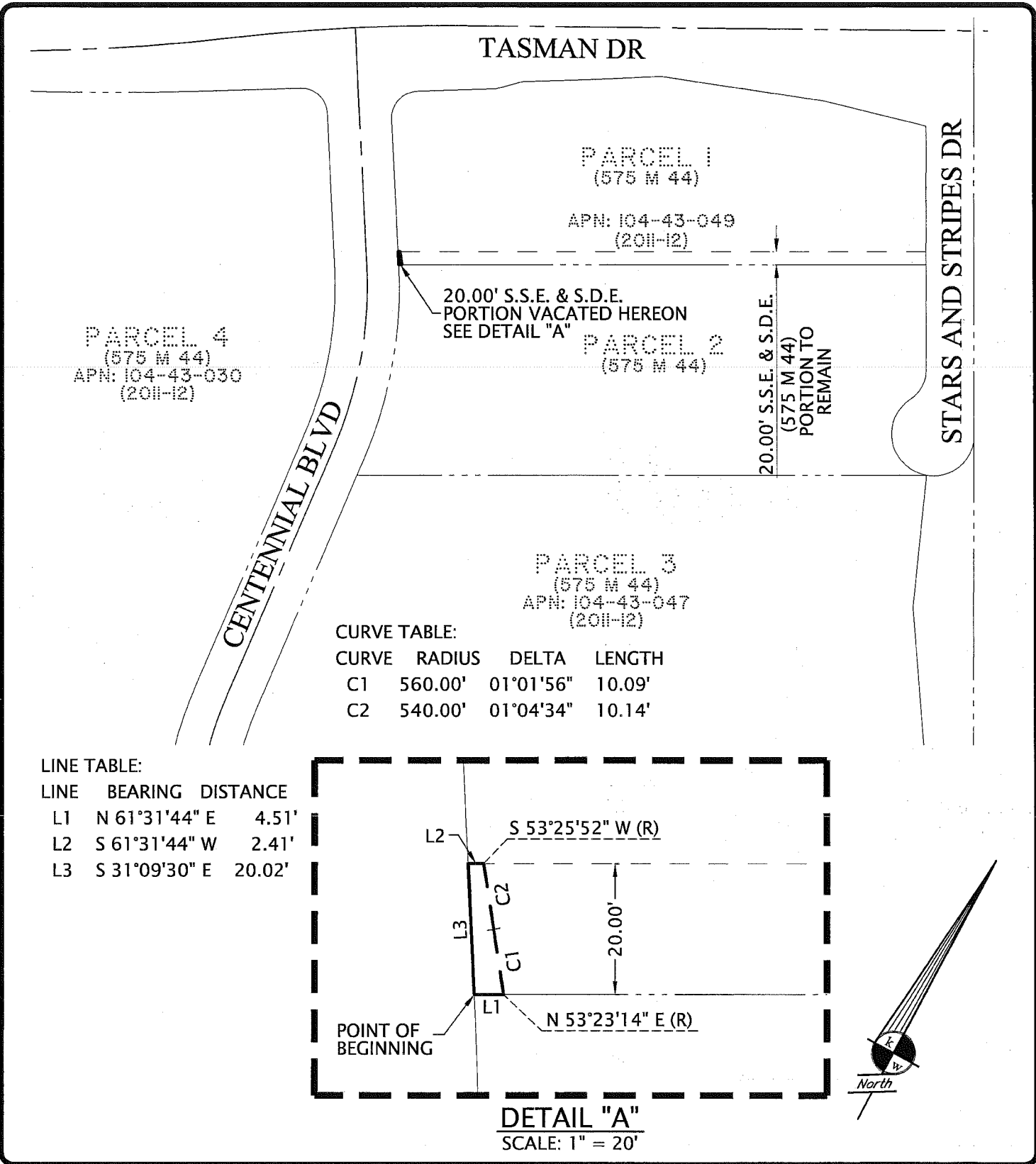
CALIFORNIA

EXHIBIT "B"



KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
3350 Scott Boulevard, Building 22
Santa Clara, California 95054
(408) 727 6665
fax (408) 727 5641

| | |
|-----------|-----------|
| DATE | FEB. 2012 |
| SCALE | 1" = 150' |
| DR. BY | SB |
| JOB | A07216-5 |
| SHEET NO. | 8 OF 9 |



| | | | |
|---|-------------|--------------------------------------|-----------|
| PLAT TO ACCOMPANY LEGAL DESCRIPTION | | DATE | FEB. 2012 |
| FOR: EASEMENT 8 | | SCALE | 1" = 200' |
| SANTA CLARA | S.C. 18,549 | DR. BY | SB |
| EXHIBIT "B" | | JOB | A07216-5 |
| KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC. 3350 Scott Boulevard, Building 22 Santa Clara, California 95054 | | SHEET NO. | 9 OF 9 |
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