**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 A PUBLIC UTILITY EASEMENT AND TWO WIRE CLEARANCE EASEMENTS LOCATED AT 3510-3530 DE LA CRUZ BOULEVARD [APN 101-09-026 (2007-08)]

**BE IT RESOLVED BY THE CITY OF SANTA CLARA, CALIFORNIA, 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, and which were recorded in Book 7580 of Official Records, at Page 42, Santa Clara County Records, against APN 101-09-026, commonly known as 3510-3530 De La Cruz Boulevard, Santa Clara, California;

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

(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 easements was not used continually since that date; and/or

(c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other pubic facilities located within the easement.

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

1. The public service easements described in Exhibits A and B are unnecessary for present or prospective use and therefore fall with the provisions of Section 8333(a) of the California Streets and Highways Code,

2. That the following public service easements described in Exhibits A and B in the City are hereby vacated pursuant to California Streets and Highways Code Section 8333(a),

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3. The vacation hereby releases all easement rights referred to in Exhibits A and B to the North Valley Baptist Church of Santa Clara.

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 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.

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 _____, 2008, 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

I:\ENGINEERING\Draft\WP\Agenda\Resolutions\SC16877 Res Vac Pue.Doc

# EXHIBIT "A"

## Legal Description

## A PUBLIC UTILITY EASEMENT AND WIRE CLEARANCE EASEMENTS

## At 3510 – 3530 De La Cruz Boulevard Santa Clara, California

All of that certain 10-foot wide public utility easement (P.U.E.) and two (2) 5-foot wide wire clearance easements, one on each side of said 10-foot wide P.U.E., as described in that certain document filed for record in Book 7580 of Official Records, at Page 42, Santa Clara County Records, within Parcel 5 as shown on that certain Parcel Map filed for record in Book 225 of Maps, at Page 32, said County Records.

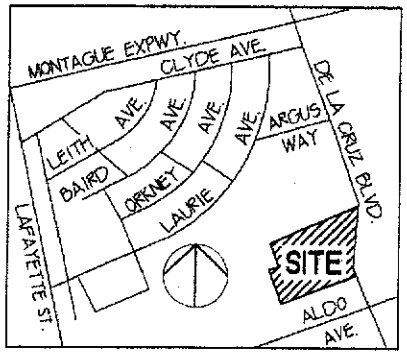
A plat showing the above described Public Utility Easement and the wire clearance easements is attached hereto and made a part hereof as EXHIBIT "B" (Tracing No. 11,582-A).

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.

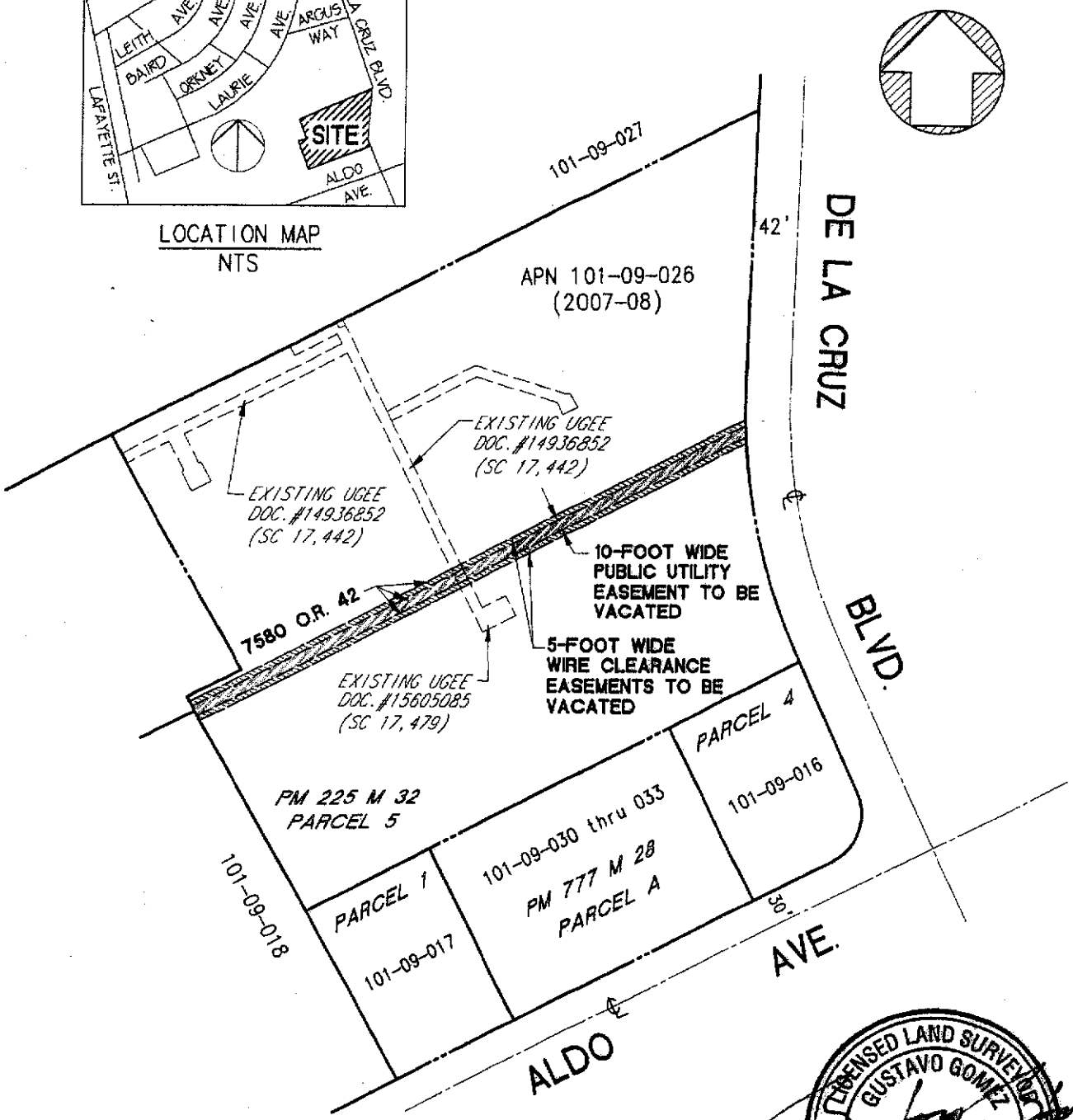
Gustavo Gómez, L.S. 7679
License expires: 12/31/2008

LICENSED LAND SURVEYOR
GUSTAVO GOMEZ
Exp. 12/31/08
No. 7679
STATE OF CALIFORNIA

Date: 8/25/2008




LOCATION MAP
NTS




LICENSED LAND SURVEYOR
GUSTAVO GOMEZ
Exp. 12/31/08
No. 7679
STATE OF CALIFORNIA

8/22/2008

# EXHIBIT "B"

| | | | |
|---|---|---|---|
| K:\...\AUTOCAD\LPD\NELSON\SC16877 RES vacate.DWG | | | |
| Revised | | CITY OF SANTA CLARA | Scale 1"=150' |
| Drawn By ND | 8-11-08 | | |
| Checked By DJM | 8-13-08 | RESOLUTION | Ref. SC 16,877 |
| Approved By G. Gómez | Date 8-22-08 | (ORDERING THE VACATION OF PUBLIC EASEMENT) | |
| RAJEEV BATRA | | 3510 - 3530 DE LA CRUZ BLVD. | Tracing No. 11,582-A |
| DIRECTOR OF PUBLIC WORKS/CITY ENGINEER | | | |

11,582-A