

Control No. 2007-014

Recording requested by:

City of Milpitas

When recorded mail to:

City of Milpitas

City Clerk's Office

455 E. Calaveras Blvd.

Milpitas, Ca 95035

Record without fee under

Section 6103 – Government Code

State of California

APN 28-12-19

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
SUMMARILY VACATING EASEMENTS FOR PUBLIC SERVICE UTILITY
PURPOSES LOCATED WITHIN MILPITAS TOWN CENTER OFF CALAVERAS
BLVD, MILPITAS BLVD AND HILLVIEW DR**

WHEREAS, the City Council has received a request to vacate portions of easements for public utility purposes, located within Milpitas Town Center, off Calaveras Blvd, Milpitas Blvd and Hillview Dr; and

WHEREAS, Section 8333 (c) of the Streets and Highways Code of the State of California provides that the legislative body of a local agency may summarily vacate easements that have been superseded by relocation, and there are no other public facilities located within the easements; and

WHEREAS, the subject easements were dedicated to the City on February 27, 1984, recorded in book 1333, Official Records at page 661 and on July 20, 1987, recorded in book 576 of Maps at page 3 of Santa Clara County; and

WHEREAS, the Council finds such portions of the easements to be unnecessary for the reasons that the subject easements were dedicated to the City and subsequently will not be used for their intended purposes; and

WHEREAS, the Council finds that the portions of easements have been superseded by relocation, and there are no other public facilities located within the portions of the easements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas, California, that the portions of easements described and depicted on the attached exhibit "A" and exhibit "B" be summarily vacated; and

BE IT FURTHER RESOLVED that the City Clerk Shall cause a resolution, attested under seal of the City of Milpitas, to be recorded in the Office of the County Recorder of Santa Clara County.

PASSED AND ADOPTED this _____ day of _____ 2007 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION
VACATION OF PORTION OF THE PUBLIC SERVICE
UTILITY EASEMENT

REAL PROPERTY SITUATED IN THE CITY OF MILPITAS, SANTA CLARA COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

PORTIONS OF THOSE CERTAIN PUBLIC SERVICE UTILITIES EASEMENTS AS SAID EASEMENTS ARE SHOWN AND SO DESIGNATED ON THAT CERTAIN PARCEL MAP ENTITLED "MILPITAS TOWN CENTER", FILED IN SAID COUNTY ON JULY 20, 1987, IN BOOK 576 OF MAPS AT PAGE 3, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

A 10.00 FOOT WIDE PUBLIC SERVICE UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE BOUNDARY OF PARCEL 2, AS SAID PARCEL IS SHOWN AND SO DESIGNATED ON SAID MAP (576 M 3), SAID POINT BEING ON THE WESTERN TERMINUS OF THAT CERTAIN COURSE BEING NORTH 75°28'42" EAST 167.50 FEET; THENCE ALONG THE BOUNDARY OF SAID PARCEL 2 (576 M 3) NORTH 14°31'17" WEST 366.97 FEET; THENCE LEAVING SAID BOUNDARY NORTH 30°00'53" EAST 4.03 FEET TO A POINT ON THE CENTERLINE OF SAID EASEMENT, SAID POINT HEREINAFTER REFERED TO AS "POINT A", SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG THE CENTERLINE OF SAID EASEMENT THE FOLLOWING FOUR (4) COURSES: 1) SOUTH 59°59'07" EAST 88.29 FEET TO A POINT HEREINAFTER REFERED TO AS "POINT B"; 2) SOUTH 59°59'07" EAST 67.01 FEET TO A POINT HEREINAFTER REFERED TO AS "POINT C"; 3) SOUTH 59°30'23" EAST 63.43 FEET; AND 4) ALONG THE ARC OF A TANGENT 167.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 30°55'15", AN ARC DISTANCE OF 90.13 FEET TO A POINT FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH 00°25'38" WEST, SAID POINT ALSO BEING THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 1A

A 10.00 FOOT WIDE PUBLIC SERVICE UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED "POINT C"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT SOUTH 27°06'59" WEST 10.00 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 2

A 10.00 FOOT WIDE PUBLIC SERVICE UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED "POINT B"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT THE FOLLOWING SIX (6) COURSES: 1) NORTH 45°03'22" EAST 18.15 FEET; 2) SOUTH 80°07'43" EAST 315.85 FEET; 3) SOUTH 03°15'00" EAST 43.00 FEET; 4) SOUTH 15°15'00" EAST 95.00 FEET; 5) NORTH 78°00'00" EAST 80.00 FEET; AND 6) NORTH 47°28'23" EAST 188.00 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 2A

A 10.00 FOOT WIDE PUBLIC SERVICE UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED "POINT B"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT SOUTH 45°03'22" WEST 41.87 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 3

A 10.00 FOOT WIDE PUBLIC SERVICE UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE AFOREMENTIONED "POINT A"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT NORTH 59°59'07" WEST 79.23 FEET TO THE POINT OF BEGINNING; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT THE FOLLOWING EIGHT (8) COURSES: 1) NORTH 27°38'06" EAST 65.00 FEET TO A POINT HEREINAFTER REFERED TO AS "POINT D"; 2) NORTH 27°38'06" EAST 134.08 FEET; 3) ALONG THE ARC OF A NON-TANGENT 207.00 FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 55°34'53" EAST, THROUGH A CENTRAL ANGLE OF 40°08'05", AN ARC DISTANCE OF 145.00 FEET TO A POINT HEREINAFTER REFERED TO AS "POINT E"; 4) NORTH 76°21'06" EAST 168.49 FEET; 5) ALONG THE ARC OF A NON-TANGENT 214.00 FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 13°56'48" EAST, THROUGH A CENTRAL ANGLE OF 11°14'42", AN ARC DISTANCE OF 42.00 FEET TO A POINT HEREINAFTER REFERED TO AS "POINT F"; 6) CONTINUING ALONG THE ARC OF SAID 214.00 FOOT RADIUS CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 02°42'06" EAST, THROUGH A CENTRAL ANGLE OF 32°55'54", AN ARC DISTANCE OF 123.00 FEET; 7) SOUTH 59°46'12" EAST 125.00 FEET TO A POINT HEREINAFTER REFERED TO AS "POINT G"; AND 8) SOUTH 59°46'12" EAST 48.04 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 3A

A 10.00 FOOT WIDE PUBLIC SERVICE UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED "POINT D"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT SOUTH 62°21'54" EAST 27.00 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 3B

A 10.00 FOOT WIDE PUBLIC SERVICE UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED "POINT E"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT SOUTH 15°26'48" EAST 27.00 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 3C

A 10.00 FOOT WIDE PUBLIC SERVICE UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED "POINT F"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT SOUTH 02°42'06" EAST 27.00 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 3D

A 10.00 FOOT WIDE PUBLIC SERVICE UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED "POINT G"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT SOUTH 30°13'48" WEST 27.00 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 4

A 10.00 FOOT WIDE AND A 20.00 FOOT WIDE PUBLIC SERVICE UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL 2 (576 M 3); THENCE ALONG THE EASTERN BOUNDARY OF SAID PARCEL 2 (576 M 3) SOUTH 09°58'20" WEST 190.49 FEET; THENCE LEAVING SAID EASTERN BOUNDARY OF SAID PARCEL 2 (576 M 3) NORTH 59°45'00" WEST 10.66 FEET A POINT ON THE CENTERLINE OF SAID 10.00 FOOT WIDE EASEMENT, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID CENTERLINE OF SAID 10.00 FOOT WIDE EASEMENT THE FOLLOWING EIGHT (8) COURSES: 1) NORTH 59°45'00" WEST 34.85 FEET TO A POINT HEREINAFTER REFERRED TO AS "POINT H"; 2) NORTH 59°45'00" WEST 82.00 FEET TO A POINT HEREINAFTER REFERRED TO AS "POINT I"; 3) NORTH 59°45'00" WEST 57.00 FEET TO A POINT HEREINAFTER REFERRED TO AS "POINT J"; 4) NORTH 59°45'00" WEST 204.00 FEET TO A POINT HEREINAFTER REFERRED TO AS "POINT K"; 5) NORTH 59°45'00" WEST 59.00 FEET TO A POINT HEREINAFTER REFERRED TO AS "POINT L"; 6) NORTH 59°45'00" WEST 50.00 FEET TO A POINT HEREINAFTER REFERRED TO AS "POINT M"; 7) NORTH 59°45'00" WEST 219.00 FEET; AND 8) SOUTH 30°28'36" WEST 185.00 FEET TO A POINT ON THE CENTERLINE OF SAID 10.00 FOOT WIDE EASEMENT WHICH BECOMES 20.00 FEET WIDE; THENCE ALONG THE CENTERLINE OF SAID 20.00 FOOT WIDE EASEMENT SOUTH 30°28'36" WEST 125.00 FEET TO A POINT ON THE CENTERLINE OF SAID EASEMENT WHICH BECOMES 10.00 FEET WIDE; THENCE ALONG THE CENTERLINE OF SAID 10.00 FOOT WIDE EASEMENT ALONG THE ARC OF A TANGENT 210.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 04°05'33", AN ARC DISTANCE OF 15.00 FEET TO A POINT HEREINAFTER REFERRED TO AS "POINT N"; THENCE CONTINUING ALONG SAID CENTERLINE OF SAID 10.00 FOOT WIDE EASEMENT, CONTINUING ALONG SAID 210.00 FOOT RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 10°41'04", AN ARC DISTANCE OF 39.16 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 4A

A 10.00 FOOT WIDE PUBLIC SERVICE UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED "POINT H"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT SOUTH 30°15'00" WEST 13.00 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 4B

A 10.00 FOOT WIDE PUBLIC SERVICE UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED "POINT I"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT SOUTH 30°15'00" WEST 33.15 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 4C

A 20.00 FOOT WIDE PUBLIC SERVICE UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED "POINT J"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT SOUTH 30°15'00" WEST 32.83 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 4D

A 10.00 FOOT WIDE PUBLIC SERVICE UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED "POINT K"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT SOUTH 30°15'00" WEST 51.19 FEET TO A POINT HEREINAFTER REFERRED TO AS "POINT O", SAID POINT BEING THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 4E

A 10.00 FOOT WIDE PUBLIC SERVICE UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED "POINT L"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT SOUTH 30°15'00" WEST 15.00 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 4F

A 10.00 FOOT WIDE PUBLIC SERVICE UTILITY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED "POINT M"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT SOUTH 31°45'44" WEST 147.33 FEET THENCE ALONG SAID CENTERLINE OF SAID EASEMENT SOUTH 02°45'44" WEST, 5.78 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 4G

BEGINNING AT THE AFOREMENTIONED "POINT N"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT SOUTH 55°25'21" EAST 30.09 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

PARCEL 5

COMMENCING AT THE AFOREMENTIONED "POINT 0"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT SOUTH 30°15'00" WEST 3.80 FEET; THENCE CONTINUING ALONG SAID CENTERLINE OF SAID EASEMENT NORTH 60°01'40" WEST 5.48 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CENTERLINE OF SAID EASEMENT THE FOLLOWING FOUR (4) COURSES: 1) NORTH 60°01'40" WEST 39.43 FEET; 2) NORTH 15°01'40" WEST 50.00 FEET; 3) NORTH 60°01'40" WEST 270.00 FEET; AND 3) SOUTH 30°28'36" WEST 357.54 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

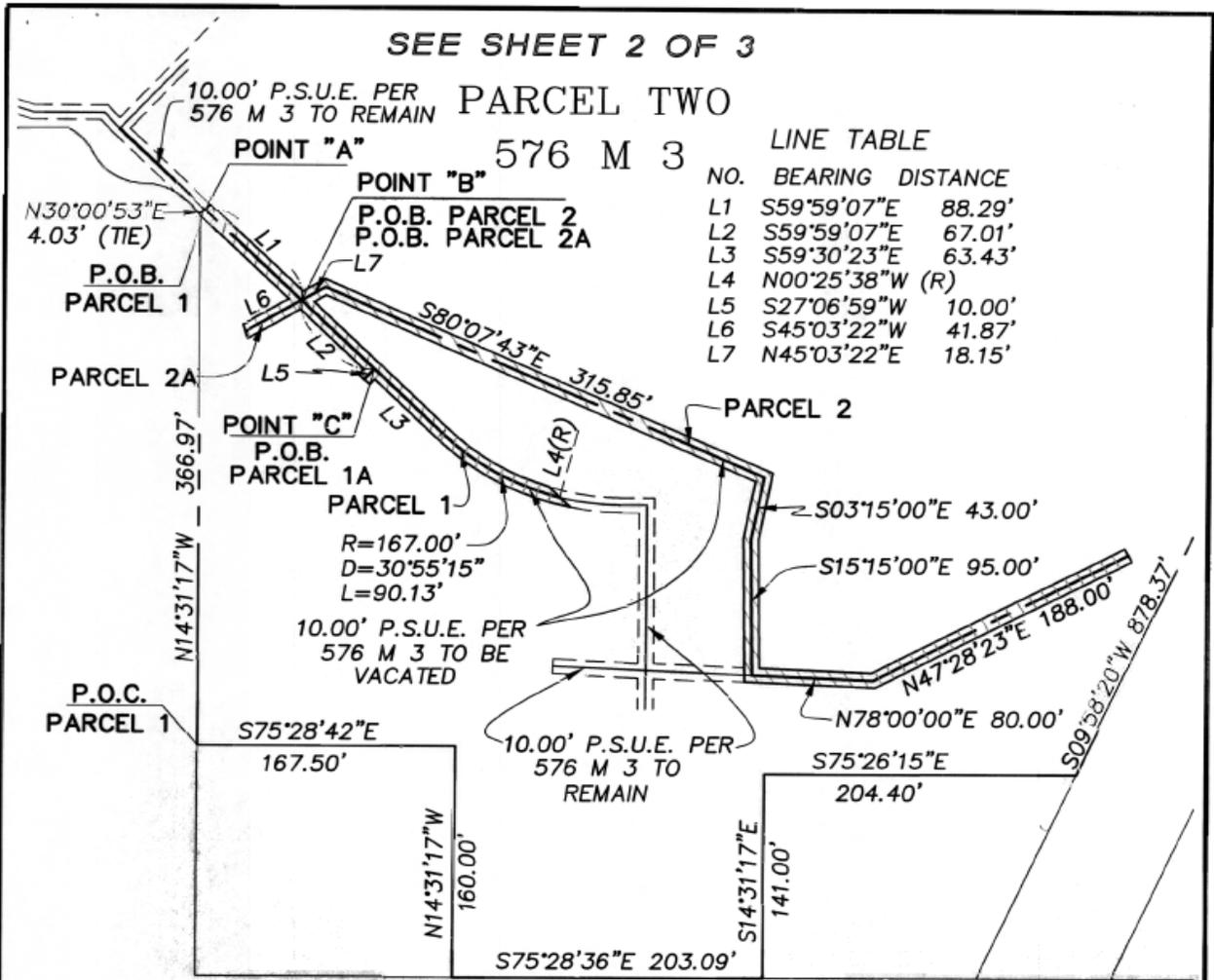
PARCEL 6

COMMENCING AT THE AFOREMENTIONED "POINT 0"; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT SOUTH 30°15'00" WEST 13.81 FEET; THENCE CONTINUING ALONG SAID CENTERLINE OF SAID EASEMENT NORTH 59°45'00" WEST 17.23 FEET TO THE POINT OF BEGINNING; THENCE ALONG SAID CENTERLINE OF SAID EASEMENT NORTH 59°45'00" WEST 12.77 FEET TO THE TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

THE ATTACHED PLAT MAP, LABELED "EXHIBIT B", IS MADE A PART OF THIS DESCRIPTION AND SHOWS THE INTENT OF THIS DESCRIPTION.



SEE SHEET 2 OF 3



EAST CALAVERAS BOULEVARD



CITY OF MILPITAS SANTA CLARA COUNTY CALIFORNIA



PLANNERS
CIVIL ENGINEERS
SURVEYORS

1390 SOUTH MAIN STREET
SUITE 310
WALNUT CREEK, CA. 94596
(925) 476-2300
FAX (925) 476-2350

Subject EXHIBIT B
 Job No. 204056.0
 By NLJ Date 07-29-06 Chkd. V.D'ALO

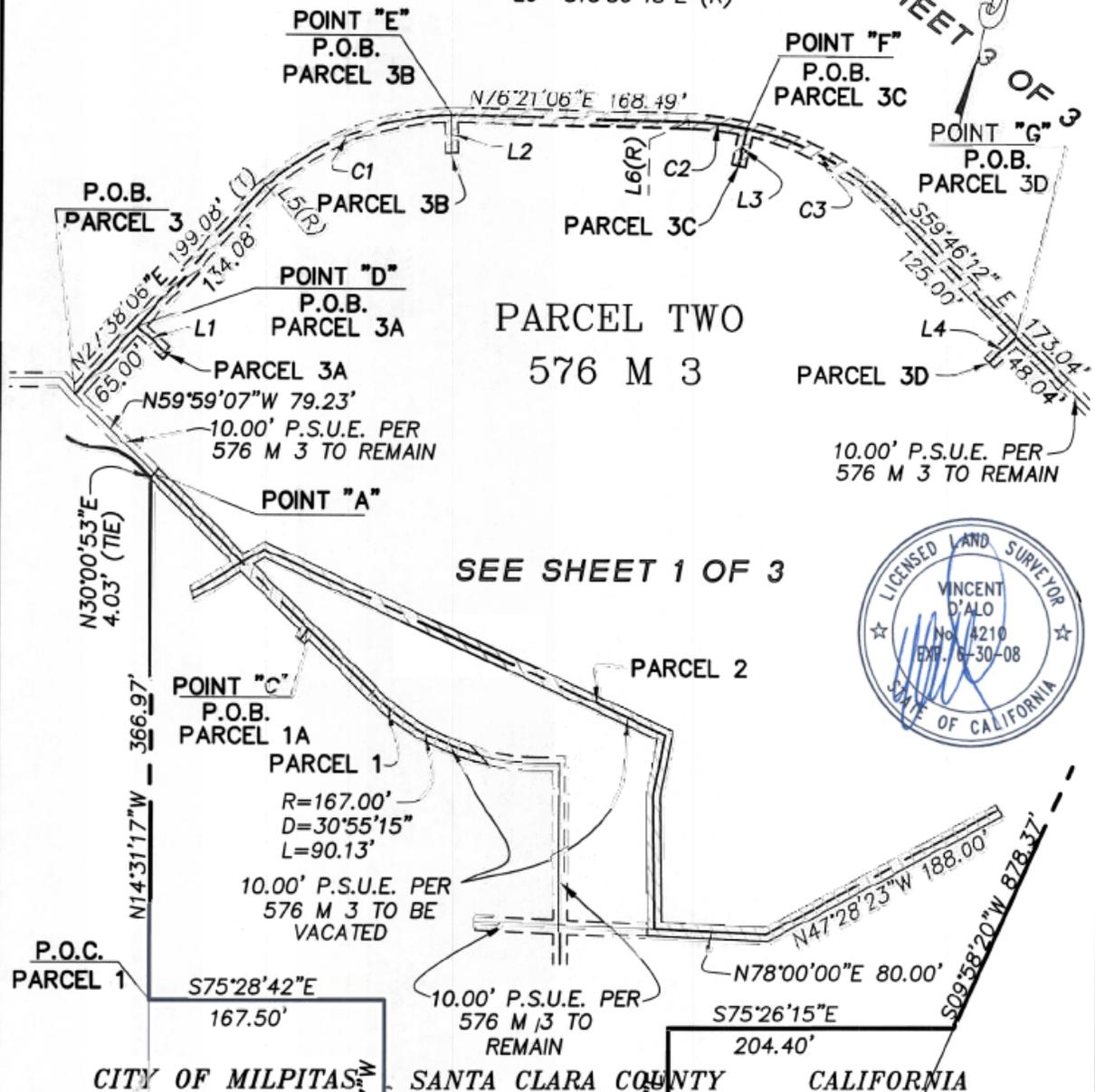
SHEET 1 OF 3

DRAWING: Y:\204056\SURVEY\VACATION OF EASEMENT PLATS\R-14\SH11 DATE: 07-29-2006 XREF: BOUNDARY

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	207.00'	40°08'05"	145.00'
C2	214.00	11°14'42"	42.00'
C3	214.00'	32°55'54"	123.00'

LINE TABLE		
NO.	BEARING	DISTANCE
L1	S62°21'54"E	27.00'
L2	S15°26'48"E	27.00'
L3	S02°42'06"E	27.00'
L4	S30°13'48"W	27.00'
L5	S55°34'53"E (R)	
L6	S13°56'48"E (R)	

1"=100'



SEE SHEET 1 OF 3



PLANNERS
CIVIL ENGINEERS
SURVEYORS

1390 SOUTH MAIN STREET
SUITE 310
WALNUT CREEK, CA. 94596
(925) 476-2300
FAX (925) 476-2350

Subject EXHIBIT B

Job No. _____

By NLJ Date 07-29-06 Chkd. V.D'ALO

SHEET 2 OF 3

DRAWING: Y:\204056\SURVEY\VACATION OF EASEMENT PLATS\R-14\SH2 DATE: 07-29-2006 XREF: BOUNDARY

