

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE A GRANT DEED TO THE STATE OF CALIFORNIA AND ALL OTHER DOCUMENTS NECESSARY TO CONVEY CERTAIN REAL PROPERTY TO THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE ABEL/CALAVERAS RIGHT TURN LANE PROJECT NO. 4186

WHEREAS, on June 15, 2004, the City Council approved the construction of right turn lane improvements for travelers moving northbound on Abel Street to eastbound Calaveras Boulevard as part of the Milpitas 2003-2008 Capital Improvement Program, Abel/Calaveras Right Turn Lane, Project No. 4186; and

WHEREAS, a portion of said improvements lie with the state right-of-way owned by the State of California Department of Transportation (“Caltrans”); and

WHEREAS, Caltrans regulations and permits require the transfer of all interests underlying improvements constructed within state right-of-ways to the State; and

WHEREAS, in accordance with Caltrans requirements and the mandates of Government Code section 27281, a Grant Deed has been prepared to transfer fee simple interest to the land underlying a portion of the right turn lane improvements completed by the City that lie within the state right-of-way to the State.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The proposed conveyance of real property is not subject to the reporting and other requirements of Government Code section 65402 because it involves, of a minor nature, one or more of the following: (a) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (b) acquisitions, dispositions, or abandonments for street widening; or (c) an alignment project.
3. The City Manager or designee is authorized to execute a Grant Deed and all other documents necessary to convey certain real property to the State of California, identified with greater particularity in Exhibits A and B to the Grant Deed included in the Council packet as an approximately 1,098 square foot portion of land near the intersection of Abel Street and Calaveras Boulevard in Milpitas, California.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

Space above this line for Recorder's Use

GRANT DEED
(CORPORATION)

District	County	Route	Post	Number

The City of Milpitas, A municipal Corporation of the State of California

_____ A corporation organized
and existing under and by virtue of the laws of the State of California , does hereby GRANT
to the STATE OF CALIFORNIA all that real property in the City of Milpitas , County of
Santa Clara , State of California, described as:

See Exhibit A, Attached hereto and make a part hereof.

Number

The grantor further understands that the present intention of the grantee is to construct and maintain a public highway on the lands hereby conveyed in fee and the grantor, for itself, its successors and assigns, hereby waives any claims for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said highway.

IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto, this _____ day of _____, 20____.

By _____ City Engineer /Public Works Director

By _____ City Clerk

[CORPORATE SEAL]

State of California
County of _____

} SS

ACKNOWLEDGMENT

On _____ before me, _____, personally
(Here insert name and title of the officer)
appeared _____

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20____.

WILL KEMPTON, Director of Transportation

By _____
R. A. MACPHERSON, Attorney in Fact
Deputy District Director
Right of Way



San Jose
(408) 487-2200
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William J. Wagner
Thomas A. Armstrong
Michael L. Morsilli
David M. Wilson
James E. Thompson

September 28, 2004
HMH 2919-06-001
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EXHIBIT "A"
LANDS OF PACIFIC BELL

REAL PROPERTY in the City of Milpitas, County of Santa Clara, State of California, being a portion of Parcel 1 as shown on that certain Parcel Map filed for record on December 1, 2003, in Book 766 of Maps, Pages 26 and 27, Santa Clara County Records, more particularly described as follows:

BEGINNING at the most southerly corner of said Parcel 1, being on the easterly line of Abel Street (90 feet wide);

Thence along said easterly line, North $11^{\circ}07'18''$ West, 56.47 feet, to the TRUE POINT OF BEGINNING, being on the southerly line of the State Right-of-Way as shown on that certain Right-of-Way Record Map R-132.11;

Thence North $78^{\circ}52'42''$ East, 11.50 feet, to a line parallel with and 11.50 feet easterly of the easterly line of Abel Street;

Thence along said parallel line, North $11^{\circ}07'18''$ West, 47.79 feet;

Thence along a tangent curve to the right, having a radius of 140.00 feet, through a central angle of $20^{\circ}25'29''$ for an arc length of 49.91 feet, to the northerly line of said Parcel 1, being the southerly line of Carlo Street;

Thence southwesterly along said southerly line, along a non-tangent curve to the left, having a radius of 30.00 feet, whose center bears South $29^{\circ}58'59''$ East, through a central angle of $71^{\circ}08'19''$ for an arc length of 37.25 feet, to the easterly line of Abel Street;

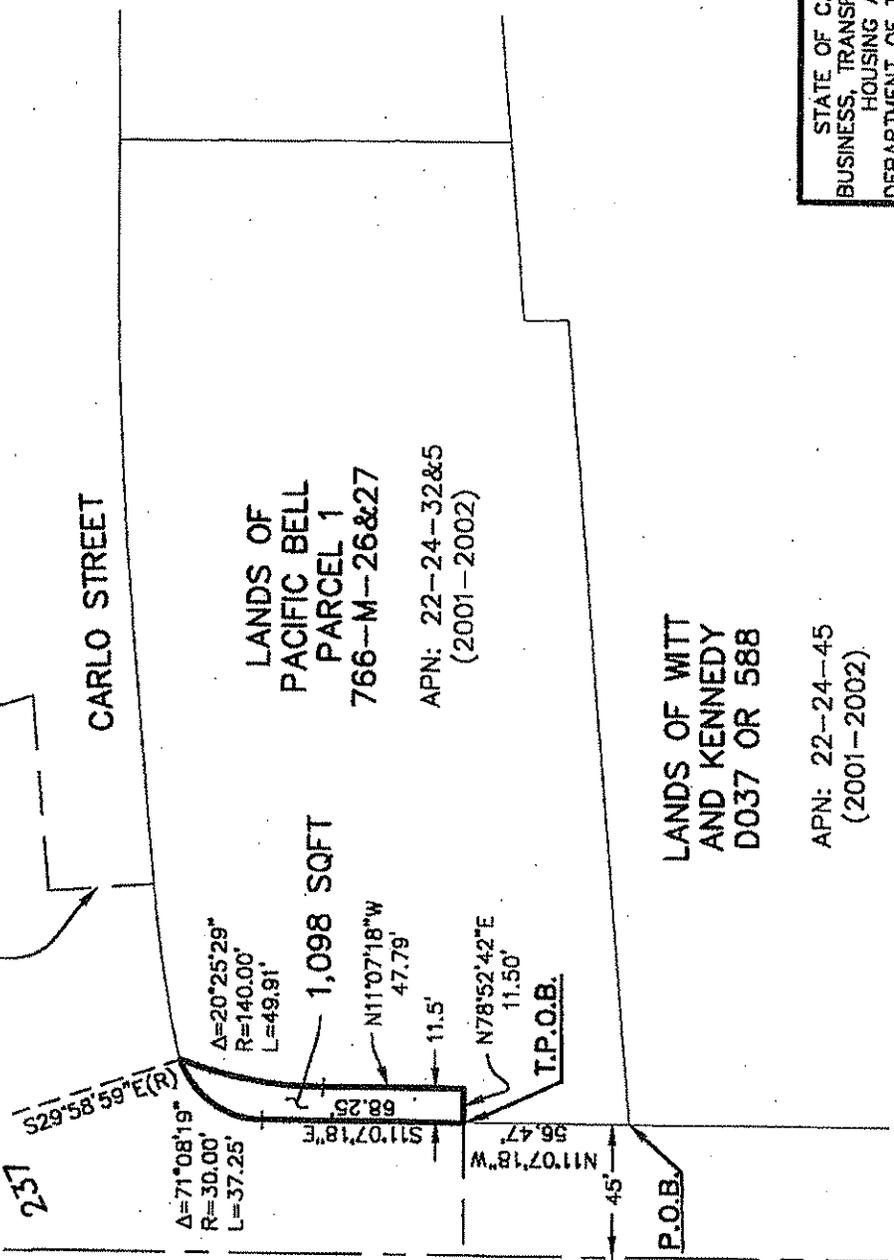
Thence along said easterly line, South $11^{\circ}07'18''$ East, 68.25 feet, to the TRUE POINT OF BEGINNING.

Containing 1,098 square feet, more or less.

See Exhibit "B" attached hereto and made a part hereof.

COORDINATES, BEARINGS AND DISTANCES AS SHOWN ARE THE CALIFORNIA COORDINATE SYSTEM ZONE III MULTIPLY DISTANCES SHOWN BY _____ TO OBTAIN GRID DISTANCES.

STATE R/W RECORD MAP R-132.11



ROUTE 237 SOUTH ABEL STREET

STATE R/W RECORD MAP R-132.11

STATE OF CALIFORNIA BUSINESS, TRANSPORTATION AND HOUSING AGENCY DEPARTMENT OF TRANSPORTATION DISTRICT 4			
EXHIBIT "B" LANDS OF PACIFIC BELL			
DR. BY:	AH	DATE:	09-15-04
CKD BY:	JM	SCALE:	1" = 60'
CO	RTE	P.M.	DR. NO.
--	--	--	2919PLOB

