

ATTACHMENT A

Recorded at no charge in
accordance with Streets &
Highways Code Section 8325
at the request of and
when recorded return to:

CITY OF PALO ALTO/REAL ESTATE
250 Hamilton Avenue
P.O. BOX 10250
PALO ALTO, CA 94303

SPACE ABOVE LINE FOR RECORDER'S USE

A.P. No.: 137-17-020
Project No.: CEV 07/09
Project: Vacation of Public
Right-of-way - 3740
Laguna Avenue

S U M M A R Y V A C A T I O N
RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF PALO
ALTO SUMMARILY VACATING A PORTION OF THE LAGUNA
OAKS PLACE STREET RIGHT-OF-WAY AT
3740 LAGUNA AVENUE

WHEREAS, Chapter 4 of the Public Streets, Highways and Service Easements Vacation Law, commencing with Streets and Highways Code section 8330, provides for summary vacation of streets and public service easements; and

WHEREAS, the City of Palo Alto maps show an 11.50-foot strip as a portion of the Laguna Oaks street right-of-way; however there is no other documentation that the City of Palo Alto has rights to the 11.50-foot strip; and

WHEREAS, an 11.50-foot portion of the Laguna Oaks Place street right-of-way is not used or required for street or highway purposes, and there are no other public facilities within the street right of way to be vacated; and

WHEREAS, Section 8334 of the Streets and Highways Code authorizes the City Council to summarily vacate excess right-of-way for a street which is not required for street or highway purposes; and

WHEREAS, the City Council intends to summarily vacate an 11.50-foot portion of a public service easement for streets, as more particularly described in Exhibit "A", attached to this

resolution and depicted on the plat map attached as Exhibit "B" to this resolution; and

WHEREAS, attached to this Resolution as Exhibit "C" is a copy of CMR No. _____, dated _____, submitted by the City Manager to the City Council setting forth the reasons for the summary vacation of the 11.50-foot portion of the street right-of-way "Report").

NOW, THEREFORE, the City Council does hereby RESOLVE as follows:

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 11.50-foot portion of the Laguna Oaks Place street right-of-way is excess right-of-way and not required for street or highway purposes; and

2. The 11.50-foot portion of street right-of-way is not needed for present or prospective public facilities; and

3. The public convenience and necessity do not require reservation of any portion of the public right-of-way for street or utilities purposes; and

5. The 11.50-foot portion of, the street right-of-way to be vacated is not useful as a non-motorized transportation facility; and

6. The Council has considered the Palo Alto Comprehensive Plan and ratifies the determination of the planning department that the vacation of the 11.50-foot portion of the street right-of-way is in conformity with the Palo Alto Comprehensive Plan.

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 11.50-foot portion of the street right-of-way as shown on the attached map shall be and hereby is summarily vacated.

SECTION 3. The City Clerk, acting by and through the Real Property manager, is hereby directed to record at Santa Clara County Records a certified copy of this Resolution, including the Maps and the Report.

SECTION 4. The 11.50-foot portion of the public service easement for streets described in Exhibit "A" and depicted in

the plat map attached as Exhibit "B" will no longer constitute a street right-of-way from and after the date of recordation of the documents identified in Section 3 of this Resolution.

SECTION 5. The Council finds that summary vacation of the 11.50-foot portion of the street right-of-way is exempt from review under the California Environmental Act pursuant to Title 14 California Code of Regulations section 15305 as a minor alteration in land use limitations.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Senior Asst. City Attorney

City Manager

Director of Administrative
Services

LEGAL DESCRIPTION
EXHIBIT 'A'
ABANDONMENT OF RIGHTS

All that certain real property situate in the City of Palo Alto, County of Santa Clara, State of California, more particularly described as follows:

BEGINNING at a point on the Southwesterly line of Laguna Avenue (40.00 feet in width) distant thereon North 56° 55' West 80.00 feet from the Easternmost corner of that certain 3.60 acre tract of land described in the deed from J.E. Reiter et al to James H. Neal et ux, dated February 27, 1925, recorded March 3, 1925 in Book 138 of Official Records, page 542 Santa Clara County Records, thence from said point of beginning North 56° 55' West along said Southwesterly line of Laguna Avenue 11.50 feet; thence South 33° 05' West and parallel with the Southeasterly line of said 3.60 acre tract 108.00 feet; thence South 56° 55' East and parallel with the Southwesterly line of Laguna Avenue 11.50 feet; thence North 33° 05' East and parallel with said Southeasterly line of the 3.60 acre tract 108.00 feet to the **POINT OF BEGINNING** and being a portion of the Santa Rita Rancho.

Containing an area of 1,242 square feet (0.029 acres), more or less.

Abandonment parcel is shown on attached plat Exhibit B and made a part hereof.

END OF DESCRIPTION

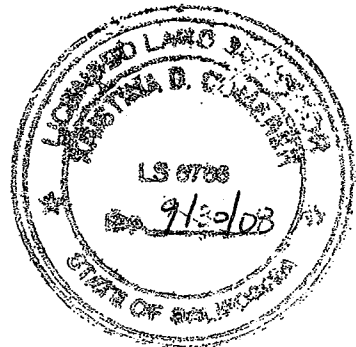
This description is based upon a field survey of Parcel Two, as described in the Interspousal Transfer Deed from Charles Wong and Ohn Sim Kim, husband and wife as joint tenants to Ohn Sim Kim and Charles Wong, wife and husband as community property with right of survivorship, recorded on October 18, 2004 as Document No. 18052705 of Official Records, Santa Clara County records.

APN: 137-17-020

Kristina D. Comeru

Kristina D. Comeru, PLS 6766
License expires: September 30, 2008

Aug. 8, 2008
Date



**PLAT TO ACCOMPANY
LEGAL DESCRIPTION
EXHIBIT 'B'**

3748 LAGUNA AVENUE
PALO ALTO, CALIFORNIA

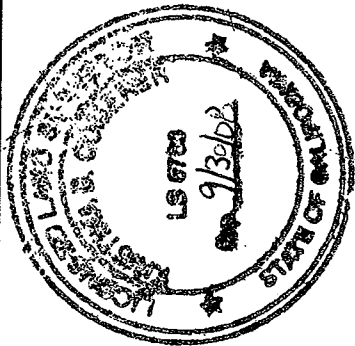
TRACT NO. 218
LAGUNA VISTA
7 M. 43

CROSS LAND SURVEYING, INC.
2210 MT. PLEASANT ROAD
SAN JOSE, CA 95148
(408) 274-7994
PROJECT NO. 08-53



FD. OPEN 3/4" I.P.,
DN. 0.1' IN AC RD.

LAGUNA AVENUE



R/S 59 M. 37

FD. 3/4" I.P. WITH
NAIL & TAG "RE 7605",
DN. 1.1' IN MON. WELL

LAGUNA OAKS COURT

AREA=1,242 S.F. +/-
(0.029 AC. +/-)

N 33°05'00" E 146.81

S 33°05'00" W 108.00

N 33°05'00" E 108.00

11.50 PARCEL TWO 11.50

N 33°05'00" E 108.00

POINT OF
BEGINNING
FD. OPEN 3/4"
I.P., DN. 0.3'

APN: 137-17-020
LANDS OF WONG
DOC. NO. 18052705
PARCEL ONE

LEGEND

--- ABANDONMENT PARCEL

— PARCEL LINES

- - - MONUMENT LINE

- - - CENTER LINE

● FOUND 3/4" I.P. AS NOTED

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF CHARLES WONG, IN AUGUST 2008.

Kristina D. Comer
KRISTINA D. COMER, PLS 6766
LICENSE EXPIRES: September 30, 2008

TRACT NO. '2727
Mc GREGOR GLENN
120 M. 1

DATE: *Aug. 8, 2008*

APPROVED *John Bengtson* 8-14-08

N 56°55'00" W
101.50

N 56°55'00" W

80.00

25'

111.50

20'

20'

20'

20'

20'

20'

20'

20'

20'

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20'

20'

FD. 3/4" I.P. WITH
WOOD PLUG & TACK,
FLUSH IN MON. WELL

SCALE: 1" = 40'

FD. OPEN 3/4" I.P.,
DN. 0.1' IN AC RD.

