

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.: 132-05-098
Project No.: CEV 07/05
Project: Vacation of PUE -
3480 Murdoch Court

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 10-FOOT PUBLIC
UTILITIES EASEMENT AT
3480 MURDOCH COURT

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 acquired a 10-foot public service easement for utilities on the property located at 3480 Murdoch Court as shown on the Map of Tract No. 587 recorded in Book 31 of Maps at page 39, records of Santa Clara County; and

WHEREAS, this 10-foot public service easement for utilities has never been used and there are no other public facilities within the easement to be vacated; and

WHEREAS, Section 8333 of the Streets and Highways Code authorizes the City Council to summarily vacate public service utilities easements which have never been used, and there are no public facilities located within the easement; and

WHEREAS, the City Council intends to summarily vacate the 10-foot public service easement for utilities, 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 10-foot utilities easement "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 easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation. The 10-foot public utilities easement has never been used, and no public facilities are located within the easement; and

2. The public utilities easement 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 utilities easement; and

4. The public service easement for utilities is not useful as a non-motorized transportation facility; and

5. The Council has considered the Palo Alto Comprehensive Plan and ratifies the determination of the planning department that the vacation of the 10-foot public utilities easement 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 8333 of the Streets and Highways Code, the City Council does hereby order that the 10-foot public utilities easement as shown on the attached map(s) 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 10-foot easement for utilities described in Exhibit "A" and depicted in the plat map attached as Exhibit

"B" will no longer constitute a public easement 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 10-foot public utilities easement 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

EXHIBIT A

LEGAL DESCRIPTION
Easement Vacation

The land referred to herein is situated in the State of California, County of Santa Clara, City of Palo Alto, described as follows:

Beginning on the southeast line of Murdoch Court at a common corner of Lots 11 and 12 as shown on the Map of Tract No. 587 recorded in Book 31 of Maps at page 39 and 40; thence South 38 Degrees 29 Minutes 00 Seconds West a distance of 17.54 feet to the beginning of a 80.00 foot tangent curve, concave to the Northwest; thence Southwesterly, along said curve, through a central angle of 15 Degrees 29 Minutes 26 Seconds an arc distance of 21.63 feet to the True Point of Beginning of this description;

thence non-tangent to said curve, South 23 Degrees 54 Minutes 01 Seconds East a distance of 130.76 feet; thence South 38 Degrees 29 Minutes 00 Seconds West a distance of 11.29 feet; thence North 23 Degrees 54 Minutes 01 Seconds West a distance of 134.50 feet to the beginning of a 80.00 foot non-tangent curve, concave to the Northwest, a radial to said beginning bears South 28 Degrees 46 Minutes 47 Seconds East; thence Northeasterly, along said curve, through a central angle of 07 Degrees 14 Minutes 47 Seconds an arc distance of 10.12 feet to the True Point of Beginning of this description.

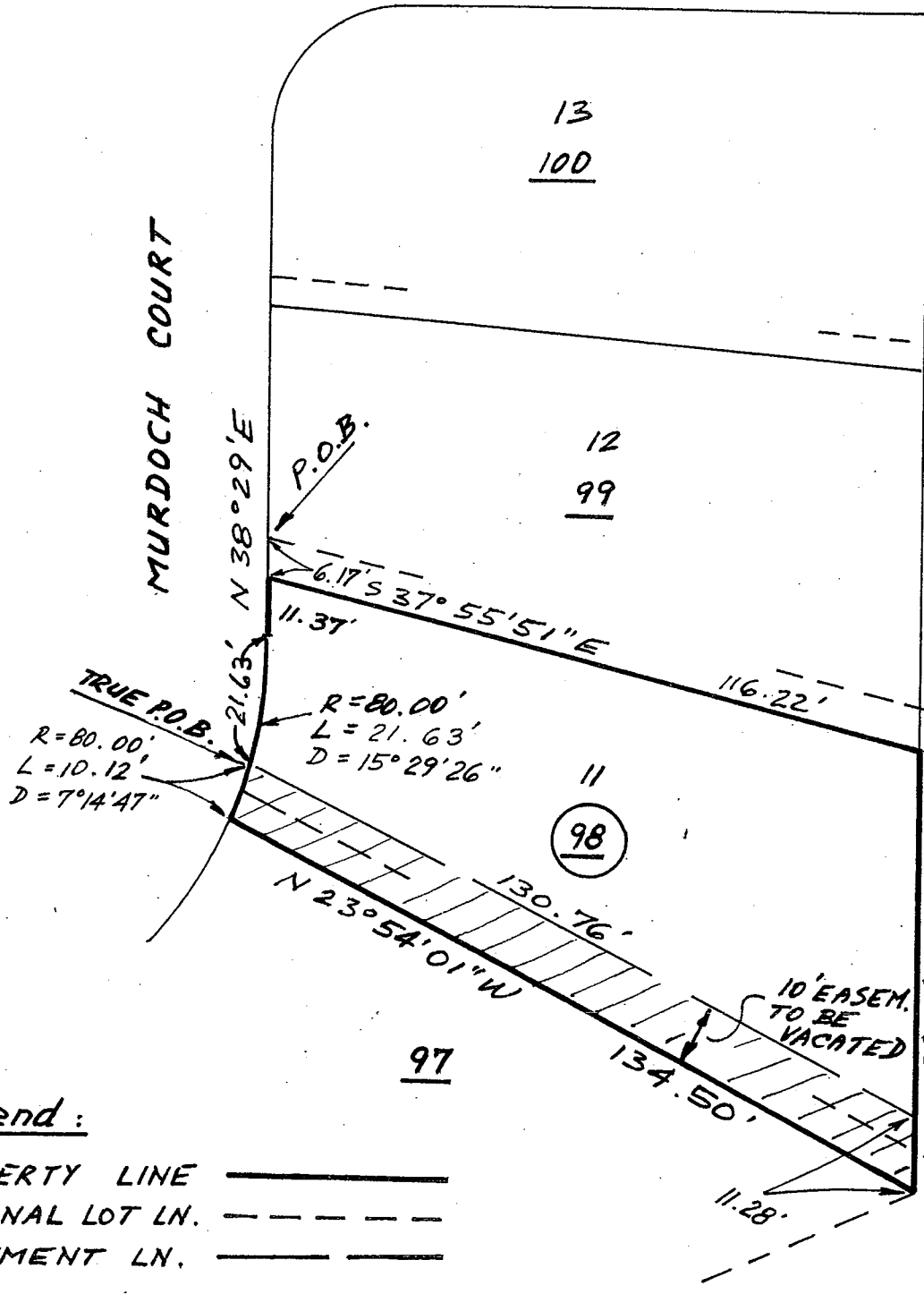
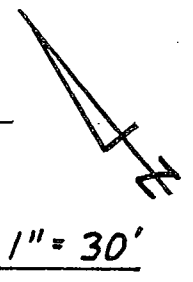
Containing 1,325 square feet, more or less.

Said lands are shown on attached plat exhibit B and made a part here of.



Harry Babicka

MURDOCH DRIVE



TRACT No. 587
Bk. 31 Maps, Pg. 39 & 40.

Legend :

- PROPERTY LINE
- ORIGINAL LOT LN.
- EASEMENT LN.

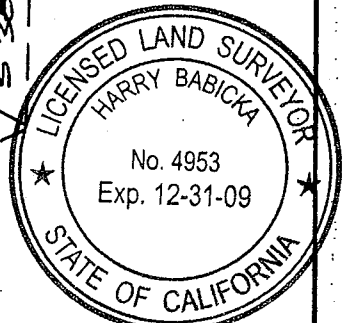


EXHIBIT B - PLAT TO ACCOMPANY LEGAL DESCRIPTION

LOCATION: 3480 MURDOCH CT., PALO ALTO, CA, APN 132-05-098

DATE:
6-16-08
JOB NO:
2008-067

WESTFALL ENGINEERS, INC.
14583 BIG BASIN WAY
SARATOGA, CA

BY: *Harry Babicka*
Harry Babicka, LS4953

