

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.: Various  
Project No.: CEV 03/06  
Project: Vacation of Public Utility Easement for District 37

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 PUBLIC SERVICE EASEMENTS FOR UTILITY POLES AND OVERHEAD LINES IN UNDERGROUND UTILITY DISTRICT 37, ENCOMPASSING THE AREAS CONTIGUOUS WITH PORTIONS OF EMBARCADERO ROAD, MIDDLEFIELD ROAD, SEALE AVENUE, BYRON STREET, BRET HARTE STREET, MARK TWAIN STREET, NEWELL ROAD, GUINDA STREET, FULTON STREET AND TENNYSON 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 services easements; and

WHEREAS, the following easements were accepted by the City of Palo Alto and recorded by the Office of the Santa Clara County Recorder: 1) the 5' easement at the rear of Blocks 141 and 142 as shown on Tract 37 Embarcadero Oaks, recorded February 5, 1929 in Volume X, page 24 and 25; 2) the 5' easement at the rear of Block 84 as shown on Tract 35 Emery Subdivision No. 1, recorded December 9, 1935 in Book 1 page 22 and 23; 3) the 5' pole line easement at the rear of Blocks 140 and 141 as shown on Tract 37 Embarcadero Oaks No.2, recorded on February 24, 1936 in Book 1 page 17; 4) the easement at the rear of Block 85 as shown on Tract 43 Emery Subdivision Map No.2, recorded on October 27, 1936 in Book 1 page 31; 5) the easement at the rear of Blocks 300 and 301 as shown on Tract 233, recorded October 17, 1945 in Book 8 pages 6 and 7; and 6) the easement at the rear of Blocks 140 and 300 as shown on Tract 253, recorded March 4, 1946 in Book 8 page 34; and

WHEREAS, Section 8333 of the Streets and Highways Code authorizes the City Council to summarily vacate public service easements for utilities when the easements have been superceded by

relocation, and there are no other public facilities located within the easements; and

WHEREAS, on April 7, 1997, the City Council approved Ordinance No. 4408 establishing Underground District No. 37 requiring the removal of poles and overhead lines and associated overhead structures from the areas contiguous with portions of Embarcadero Road, Middlefield Road, Seale Avenue, Byron Street, Bret Harte Street, Mark Twain Street, Newell Road, Guinda Street, Fulton Street and Tennyson Avenue, all as more particularly described on that certain map entitled "Embarcadero/Middlefield Road Underground Utility District Number 37," on file in the office of the City of Palo Alto City Clerk; and

WHEREAS, in September 2000, the removal of the overhead poles, lines and associated structures and construction of replacement underground facilities were completed; and

WHEREAS, the City Council intends to summarily vacate the Public Service Easements for Utilities as more particularly described herein 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 public service easements for utilities ("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 Public Utility Easements described herein on Exhibit "A" and depicted on the plat map attached as Exhibit "B" have been superceded by relocation; and
2. No public facilities are located within the said Public Utility Easements; and
3. The Public Utility Easements are not needed for present or prospective public facilities; and
4. The public convenience and necessity do not require reservation of any portion of the Public Utility Easements; and
5. The Public Utility Easements to be vacated are not useful as non-motorized transportation facilities; and
6. The Council has considered the Palo Alto

Comprehensive Plan and ratifies the determination of the planning department that the vacation of the Public Utility Easements 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 Public Utility Easements as shown on the attached Map shall be and hereby are 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 Map and the Report.

SECTION 4. The easements for overhead utility purposes described in Exhibit "A" and depicted in the plat map attached as Exhibit "B" will no longer constitute public easements 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 Public Utility Easements 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



ATTACHMENT B

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.: Various  
Project No.: CEV 04/06  
Project: Vacation of Public Utility Easement for District 38

**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 PUBLIC SERVICE EASEMENTS FOR UTILITY POLES AND OVERHEAD LINES IN UNDERGROUND UTILITY DISTRICT 38, ENCOMPASSING THE AREAS CONTIGUOUS WITH PORTIONS OF HIGH STREET AND COWPER STREET, AND OREGON EXPRESSWAY AND COLORADO 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 services easements; and

WHEREAS, the following easements were accepted by the City of Palo Alto and recorded in the Office of the Santa Clara County Recorder: 1) the Public Utility Easements as shown on the map of South Court Addition in blocks 200, 201, 202, 203, 204 and 205, recorded in Volume X of Maps pages 42 and 43 on June 17, 1929; and 2) the easements in the portion of Blocks 1, 2, 13, 14, 15, 16, 27, 28, 29, 30, 40 and 43 as shown on the map of Stanford City recorded in Volume M, page 97 on May 3, 1910; and

WHEREAS, Section 8333 of the Streets and Highways Code authorizes the City Council to summarily vacate public service easements for utilities when the easements have been superceded by relocation and there are no other public facilities located within the easements; and

WHEREAS, on February 23, 1998, the City Council approved Ordinance No. 4483 establishing Underground District No. 38 requiring the removal of poles and overhead lines and associated overhead structures from the areas contiguous with portions of High Street and Cowper Street, and Oregon Expressway and Colorado

Avenue, and shown on the Underground District 38 Boundary Map attached hereto as Exhibit D; and

WHEREAS, in 2005, the removal of the overhead poles, lines and associated structures and construction of replacement underground facilities were completed; and

WHEREAS, the City Council intends to summarily vacate the Public Service Easements for Utilities as more particularly described herein in Exhibit "A" attached to this resolution and depicted on the plat map attached as Exhibits "B1" and "B2" 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 public service easements for utilities ("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 Public Utility Easements described herein on Exhibit "A" and depicted on the plat map attached as Exhibits "B1" and "B2" have been superceded by relocation; and
2. No public facilities are located within the said Public Utility Easements; and
3. The Public Utility Easements are not needed for present or prospective public facilities; and
4. The public convenience and necessity do not require reservation of any portion of the Public Utility Easements; and
5. The Public Utility Easements to be vacated are not useful as non-motorized transportation facilities; and
6. The Council has considered the Palo Alto Comprehensive Plan and ratifies the determination of the planning department that the vacation of the Public Utility Easements 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 Public Utility Easements as 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 Map and the Report.

SECTION 4. The easements for overhead utility purposes described in Exhibit "A" and depicted in the plat map attached as Exhibits "B1" and "B2" will no longer constitute public easements 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 Public Utility Easements 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

