

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
ORDERING THE CONDITIONAL VACATION OF GAMEL WAY
AS A PUBLIC STREET AND PUBLIC EASEMENTS THEREON

BE IT RESOLVED by the City Council of the City of Mountain View:

Section 1. Findings.

a. On August 24, 2021, the City Council adopted Resolution No. 18591, Series 2021, pursuant to the provisions of Part 3, Division 9 (Sections 8300 through 8363) of the Streets and Highways Code of the State (the Public Streets, Highways, and Service Easements Vacation Law), declaring the City's intention to conditionally vacate the public street known as Gamel Way and public easements in the street. Together, the public street and easements to be conditionally vacated are referred to herein as the "Street Vacation Area" and are more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference.

b. By Resolution No. 18591, the City Council set September 28, 2021 at 6:30 p.m., as the date and time for hearing all persons interested in or objecting to the proposed vacation and directed the City Clerk to give notice of said hearing in the manner prescribed by law.

c. On September 28, 2021, the City Council held a duly noticed public hearing on the proposed vacation and received public comment and evidence bearing upon the present and prospective use of the public street and easements.

d. The vacation of the Street Vacation Area is necessary for the development of the proposed housing development project on a 2.3-acre site at 1919-1945 Gamel Way, 574 Escuela Avenue, and 1970 Latham Street ("PROJECT SITE") pursuant to the Planned Unit Development Permit and Development Review Permit (Application No. PL-2018-050) to construct a four-story, 121-unit residential condominium building with underground parking, a 50% density bonus with waivers from development standards under State Density Bonus Law, a Heritage Tree Removal Permit to remove 12 Heritage trees, and a Tentative Map to create 121 condominium lots and one common lot ("PROJECT"), to replace 29 existing rental units on the PROJECT site.

e. Because the street and easements will remain in use until specified times, no portion of the Street Vacation Area shall be vacated until certain conditions are satisfied as described in this Resolution.

f. These street and public easement vacation actions are conducted under the general vacation procedures of the Public Streets, Highways, and Service Easements Vacation Law, California Streets and Highways Code Sections 8300, *et seq.*

Section 2. Street Vacation and Conditions.

a. The City Council finds and determines that, based on all the evidence submitted, the public street and easements described and depicted in Exhibit A are unnecessary for present and prospective public uses, subject to the conditions described in this Resolution.

b. The City Council hereby orders that the said public street and easements described herein be, and the same are hereby, vacated, subject to the conditions described in this Resolution and the reservation of easement in Section 3 below.

c. The City Council, in accordance with Streets and Highways Code Section 8324(b), determines and directs that this Resolution shall not be effective and recorded until the following conditions have been satisfied:

(1) The Demolition Permit for the demolition of all seven existing buildings on the PROJECT SITE has been finalized by the City's Building Inspection Division.

(2) The building permit plans, improvement plans, and tract map for the PROJECT have been submitted to and determined to be sufficient by the City's Chief Building Official and Public Works Director.

(3) All conditions to close escrow under that certain Purchase and Sale Agreement, entered into by and between the City of Mountain View and D/S Gamel Way, LLC, for Gamel Way, have been satisfied.

Section 3. Reservation of Easement; Abandonment.

a. The City of Mountain View hereby declares the City's intention that easements for public utility purposes are to be reserved or excepted from such proposed vacation.

b. The City of Mountain View hereby retains a temporary utilities easement over the Street Vacation Area, not to be vacated until the utilities within the Street Vacation Area are relocated and accepted by the City Council.

c. The Public Works Director is hereby directed and authorized to vacate the temporary utilities easement and to file an abandonment of the said temporary easement upon City Council acceptance of the relocated utilities, and to take all further actions necessary to accomplish this intent.

Section 4. This Resolution shall be recorded prior to City Council approval of the Tract Map in accordance with approved City recording instructions.

Section 5. As findings of fact supporting the City Council’s decision vacating the said public street and easements on Gamel Way, the City Council incorporates by reference, as if fully set forth herein, the Council report dated September 28, 2021, and the following additional facts:

a. The existing utilities serving 1970 Latham Street are proposed to be relocated. New public service easements are shown on the Tentative Map to be dedicated.

b. A new Public Access Easement is shown on the Tentative Map to allow pedestrian and bicycle access along the sidewalk north of the proposed building.

Section 6. Pursuant to Sections 8324(b) and 8325 of the California Streets and Highways Code, the City Clerk is hereby directed to cause a certified copy of this Resolution to be recorded in the Office of the Recorder of the County of Santa Clara upon written notification from the Public Works Director that the conditions of this Resolution have been satisfied.

MN/1/RESO
813-09-28-21r

Exhibit: A. Grant Deed

104530 CP Application No.

581897

I.R.S.

Grant Deed Individual

FILED FOR RECORD AT REQUEST OF CALIFORNIA PACIFIC TITLE INSURANCE CO.

1949 JUL 5 PM 3:58 BOOK 1813 PAGE 46

OFFICIAL RECORDS, SANTA CLARA COUNTY, Recorder

DN 8

Above space for Recorder

HARRY E. GAMEL and NINA E. GAMEL, his wife, GUSTAVE E. DUNOIR and MARIE DUNOIR, his wife,

the first part hereby GRANT TO the CITY OF MOUNTAIN VIEW, a municipal corporation,

the second part all that real property situated in the

County of Santa Clara, State of California, described as follows:

PORTIONS OF LOTS 15 and 16, as shown upon that certain Map entitled "Map of the Subdivision of the Property of C. Castro being a portion of the Rancho Pastoria de Los Borregas", which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on January 6, 1886 in Book B of Maps, at page 32, and more particularly described as follows:

BEGINNING at a point in the centerline of Escuela Avenue formerly Castro Avenue, distant thereon North 26° East 705.66 feet from the point of intersection of the said centerline of Escuela Avenue with the Northeasterly line of the original San Francisco-San Jose Road, as said Avenue and Road are shown upon the map above referred to; running thence North 63° 59' West 380.01 feet to the point of tangency of a curve to the right of radius 91.25 feet; thence along the arc of said curve to the right of radius 91.25 feet through a central angle of 25° 59' 31" a distance of 41.40 feet; thence North 26° East 56.21 feet; thence along the arc of a curve to the right of radius 91.25 feet through a central angle of 12° 41' 48" for a distance of 20.22 feet to a common point of tangency with a curve to the left of radius 41.25 feet; thence along the arc of said curve to the left of radius 41.25 feet through a central angle of 31° 53' 26" for a distance of 22.96 feet to a point of tangency; thence South 63° 59' East 380 feet to the centerline of said Escuela Avenue; thence along the centerline of said Escuela Avenue South 26° West 50 feet to the point of beginning.

The above described parcel of land is shown as "50' FOR FUTURE STREET" upon that certain Record of Survey recorded in Book 21 of Maps, Page 38 in the office of the County Recorder of the County of Santa Clara, State of California on the 25th day of February, 1949.

WITNESS OUR hand this 22nd day of June 19 49

Pursuant to Resolution No. 257, Series of 1949, I hereby accept the foregoing deed and deliver the same for recordation.

E. B. ERICHSEN City Clerk of the City of Mountain View.

By [Signature] Deputy Clerk

On this 22nd day of June 19 49 before me, the undersigned, a Notary Public in and for said County and State, personally appeared NINA E. GAMEL, HARRY E. GAMEL, MARIE DUNOIR and GUSTAVE E. DUNOIR

they acknowledged to me that they are the persons who executed the foregoing instrument, and acknowledged to me that they are the persons who executed the same.

[Signature of Notary Public]