

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2018

A RESOLUTION ORDERING THE VACATION OF
PUBLIC SERVICE EASEMENTS ON 700 AND 800 EAST MIDDLEFIELD ROAD
AND 1101 MAUDE AVENUE

WHEREAS, on October 23, 2018, by its adoption of Resolution No. 18256, Series 2018, the City Council of the City of Mountain View, 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 Easement Vacation Law), declared its intention to vacate the public easements over the properties at 700 and 800 East Middlefield Road and 1100 Maude Avenue; and

WHEREAS, by the said Resolution No. 18256, which Resolution is incorporated by reference as if fully set forth herein, the City Council set November 27, 2018 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; and

WHEREAS, on November 27, 2018, the said public hearing was held and evidence was submitted to the City Council, bearing upon the present and prospective use of the public service easements; and

WHEREAS, this vacation is necessary for Development Application PL-2017-074 for three 6-story office buildings and two parking garages;

NOW, THEREFORE, the City Council of the City of Mountain View finds, from all the evidence submitted, that public service easements described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is unnecessary for present and prospective public uses; and that, therefore, this body orders that the said public easements described herein be, and the same are hereby, vacated, subject to the conditions specified in this Resolution.

BE IT FURTHER RESOLVED that the City Council of the City of Mountain View, in accordance with Streets and Highways Code Section 8324(b), finds that this Resolution shall not be recorded until the following condition has been satisfied:

A. File with the City of Mountain View approved improvement plans, Parcel Map, agreements, and performance bonds for the abandonment of the existing utilities

within the public easement, the relocation of said utilities and the dedication of Public Utility Easements for the relocated utilities; and

B. This Resolution shall be recorded concurrently with the Parcel Map in accordance with approved City recording instructions.

BE IT FURTHER RESOLVED that as finding of fact supporting its decision vacating the said public easements on 700 and 800 East Middlefield Road and 1100 Maude Avenue, this body incorporates by reference, as if fully set forth at this point, the Council report dated November 27, 2018.

BE IT FURTHER RESOLVED that 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 Conditions A and B of this resolution has been satisfied.

BE IT FURTHER RESOLVED that the City of Mountain View hereby declares its intention to retain a temporary utility easement over the Public Service Easements to be vacated until the utilities within such temporary easement are relocated and accepted by the City Council.

BE IT FURTHER RESOLVED that the City Public Works Director is hereby directed and authorized to vacate the temporary utility easement and to file an abandonment of the said temporary easement upon the City Council' s acceptance of the relocated utilities, and to take all further actions necessary to accomplish this intent.

TIME FOR JUDICIAL REVIEW:

The time within which judicial review of this document must be sought is governed by California Code of Procedure Section 1094.6 as established by Resolution No. 13850 adopted by the City Council on August 9, 1983.

RG/2/RESO
926-11-27-18r

Exhibit: A. Public Service Easements Description
B. Map

OWNERS CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF OR HAVE SOME RIGHT TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THE HEREON MAP; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY. THAT WE HEREBY CONSENT TO THE MAKING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINES. WE HEREBY DEDICATE TO PUBLIC USE EASEMENTS FOR PUBLIC SERVICES (PUBLIC SERVICE EASEMENT) FOR SUCH USES AS PUBLIC UTILITIES, CABLE TELEVISION AND OTHER SIMILAR USES IN THOSE AREAS AS SHOWN ON THE WITHIN MAP. SAID PUBLIC SERVICE EASEMENT (P.S.E.) IS TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT LAWFUL FENCES, LAWFUL UNSUPPORTED ROOF OVERHANGS, IRRIGATION SYSTEMS AND APPURTENANCES AND UTILITY COMPANY STRUCTURES WHICH DO NOT EXCEED 5' IN HEIGHT ABOVE THE SURFACE OF THE GROUND.

OWNERS

Richard T. Peery
RICHARD T. PEERY, TRUSTEE, OR SUCCESSOR TRUSTEE UNDER THE TRUST AGREEMENT, DATED JULY 20, 1977 (RICHARD T. PEERY SEPARATE PROPERTY TRUST) AND AS AMENDED, AS TO AN UNDIVIDED 1/2 INTEREST.

John Arrillaga
JOHN ARRILLAGA, TRUSTEE, OR SUCCESSOR TRUSTEE UNDER THE TRUST AGREEMENT, DATED JULY 20, 1977 (JOHN ARRILLAGA SEPARATE PROPERTY TRUST) AND AS AMENDED, AS TO AN UNDIVIDED 1/2 INTEREST.

TRUSTEES

TICOR TITLE INSURANCE COMPANY OF CALIFORNIA, FORMERLY, TITLE INSURANCE AND TRUST COMPANY, A CALIFORNIA CORPORATION.

BY: Brenda R. Mortensen
BY: Robert Pictors

CONTINENTAL AUXILIARY COMPANY, A CORPORATION

BY: Mary B. Smith
BY: _____

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) s.s.

ON OCTOBER 19, 1984, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RICHARD T. PEERY, TRUSTEE, AND JOHN ARRILLAGA, TRUSTEE, KNOWN TO ME, OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE, TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS OWNERS.



Joseph E. Danila
NOTARY PUBLIC IN AND FOR
COUNTY OF SANTA CLARA,
STATE OF CALIFORNIA

MY COMMISSION EXPIRES : 1-30-87

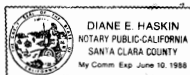
CERTIFICATE OF ACCEPTANCE

I, ALLEN SHELLEY, CITY ENGINEER OF THE CITY OF MOUNTAIN VIEW, STATE OF CALIFORNIA, DESIGNEE FOR THE CITY MANAGER PURSUANT TO THE PROVISIONS OF ORDINANCE NO. 4.81, HEREBY ACCEPT ON BEHALF OF THE PUBLIC, ALL PARCELS OF LAND AND EASEMENTS OFFERED FOR DEDICATION ON THIS MAP FOR THE PURPOSES SET FORTH IN THE OFFER OF DEDICATION.

Allen Shelley 10-26-84
ALLEN SHELLEY CITY ENGINEER
CITY OF MOUNTAIN VIEW R.C.E. 16390

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) S.S.

ON October 23, 1984, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED Brenda R. Mortensen AND Robert Pictors KNOWN TO ME, OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE Vice-President AND Assistant Secretary OF THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT AND THE OFFICERS WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF THE CORPORATION THEREIN NAMED, AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE WITHIN INSTRUMENT PURSUANT TO ITS BY-LAWS OR A RESOLUTION OF ITS BOARD OF DIRECTORS AS TRUSTEE.



Diane E. Haskin
NOTARY PUBLIC IN AND FOR
COUNTY OF SANTA CLARA,
STATE OF CALIFORNIA
MY COMMISSION
EXPIRES: 6/10/88

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) S.S.

ON 10-25, 1984, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED Mary B. Smith AND KNOWN TO ME, OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE Vice-President AND SECRETARY OF THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT AND THE OFFICERS WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF THE CORPORATION THEREIN NAMED, AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE WITHIN INSTRUMENT PURSUANT TO ITS BY-LAWS OR A RESOLUTION OF ITS BOARD OF DIRECTORS AS TRUSTEE.

Josephine A. Robinson
NOTARY PUBLIC IN AND FOR
COUNTY OF SANTA CLARA,
STATE OF CALIFORNIA
MY COMMISSION EXPIRES: 6-28-86

SOILS REPORT

A SOILS REPORT ON THIS PROPERTY HAS BEEN PREPARED BY UNITED SOILS ENGINEERING, INC. DATED JANUARY 1984 (FILE NO. 84-3126-SIA) BY MAX M. GAHRAHMAT, R.C.E. 21741. A COPY OF WHICH IS ON FILE AT THE CITY OF MOUNTAIN VIEW.

ENGINEER'S CERTIFICATE

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF RICHARD T. PEERY IN FEBRUARY 1984. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED Preliminary Parcel MAP IF ANY, AND ALL MONUMENTS ACTUALLY EXIST AS SHOWN OR WILL BE PLACED ON OR BEFORE MAY 1986 AND THAT THEIR POSITIONS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

Sam J. Zullo
SAM J. ZULLO R.C.E. 14330



CITY ENGINEER'S CERTIFICATE

THIS MAP CONFORMS WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE.

Allen Shelley 10-26-84
ALLEN SHELLEY R.C.E. 16390
CITY ENGINEER OF THE CITY OF
MOUNTAIN VIEW, CALIFORNIA

RECORDER'S CERTIFICATE

FILE NO. 8234128 FEE 8⁰⁰ FILED THIS 30th DAY OF October, 1984, AT 1:48 pm IN BOOK 535 OF MAPS, AT PAGES 44 + 45, AT THE REQUEST OF MARK THOMAS AND CO. INC.

GEORGE A. MANN, COUNTY RECORDER

BY: Garner Higley
DEPUTY

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PARCEL MAP

CONSISTING OF TWO SHEETS

BEING A PORTION OF LOTS 32, 33, 34 AND 35 OF THE B. D. MURPHY SUBDIVISION NO. 2 IN THE CITY OF MOUNTAIN VIEW CALIFORNIA
FEBRUARY 1984



MARK THOMAS & CO. INC.
CONSULTING CIVIL ENGINEERS & MUNICIPAL PLANNERS
OFFICES IN SAN JOSE AND CUPERTINO

PARCEL MAP

CONSISTING OF TWO SHEETS

BEING A PORTION OF LOTS 32, 33, 34 AND 35 OF THE
B. D. MURPHY SUBDIVISION NO. 2 IN THE

CITY OF MOUNTAIN VIEW CALIFORNIA

SCALE 1"=100'

FEBRUARY 1984



MARK THOMAS & CO. INC.

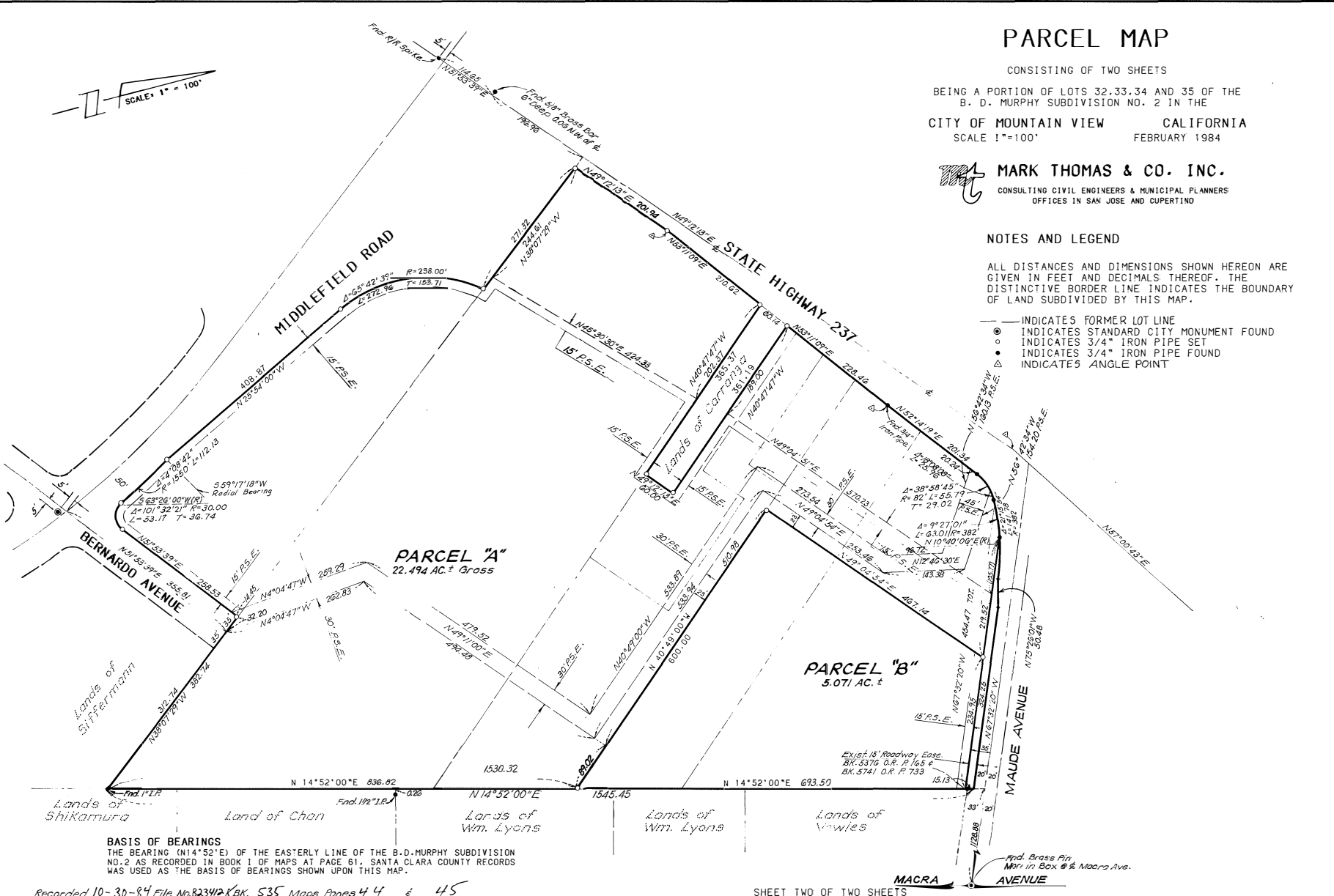
CONSULTING CIVIL ENGINEERS & MUNICIPAL PLANNERS
OFFICES IN SAN JOSE AND CUPERTINO

NOTES AND LEGEND

ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE
GIVEN IN FEET AND DECIMALS THEREOF. THE
DISTINCTIVE BORDER LINE INDICATES THE BOUNDARY
OF LAND SUBDIVIDED BY THIS MAP.

- INDICATES FORMER LOT LINE
- INDICATES STANDARD CITY MONUMENT FOUND
- INDICATES 3/4" IRON PIPE SET
- INDICATES 3/4" IRON PIPE FOUND
- ▲ INDICATES ANGLE POINT

BOOK
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PARCEL "A"
22.494 AC ± Gross

PARCEL "B"
5.071 AC ±

BASIS OF BEARINGS
THE BEARING (N14°52'00"E) OF THE EASTERLY LINE OF THE B.D. MURPHY SUBDIVISION NO. 2 AS RECORDED IN BOOK 1 OF MAPS AT PAGE 61, SANTA CLARA COUNTY RECORDS WAS USED AS THE BASIS OF BEARINGS SHOWN UPON THIS MAP.

Recorded 10-30-84 File No. 82342 BK. 535 Maps Pages 44 & 45

SHEET TWO OF TWO SHEETS

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