

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
DECLARING THE CITY-OWNED PORTION OF GAMEL WAY TO BE EXEMPT
SURPLUS LAND PURSUANT TO GOVERNMENT CODE SECTION 54221(f)(1)(E)
UPON THE VACATION OF GAMEL WAY AS A PUBLIC STREET

WHEREAS, the City of Mountain View (“City”) owns in fee that certain segment of the public street known as Gamel Way within the City limits, as more particularly described in Exhibit A and depicted in Exhibit B, both attached hereto and incorporated herein (“City-Owned Portion of Gamel Way” or the “Property”); and

WHEREAS, the City has an easement interest for public street purposes in the remaining segment of Gamel Way, also depicted in Exhibit B; and

WHEREAS, Gamel Way is currently used as a public street and provides access to the approximately five parcels along Gamel Way; and

WHEREAS, D/S Gamel Way, LLC, the owner of all of the parcels adjacent to the City-Owned Portion of Gamel Way, on both sides of the street (“Adjacent Property Owner”), submitted a development application to construct a residential project, currently proposed to be 121 units with and including a density bonus, on a project site consisting of their parcels and the City-Owned Portion of Gamel Way; and

WHEREAS, in order to proceed with the development project, the Adjacent Property Owner proposed to purchase the City-Owned Portion of Gamel Way; and

WHEREAS, on August 24, 2021, the City Council adopted a resolution providing notice of intention to vacate Gamel Way as a public street and any other public easements thereon or therein pursuant to the Streets and Highways Code, Section 8320(b)(2), and setting the public hearing date for September 28, 2021 to consider the vacation; and

WHEREAS, on September 28, 2021, the City Council held a duly noticed public hearing to consider the proposed purchase and sale of the City-Owned Portion of Gamel Way, including authorization to the City Manager or designee to negotiate and execute an agreement with the Adjacent Property Owner, together with the vacation of Gamel Way as a public street and other public easements; and

WHEREAS, after the public hearing, the City Council adopted Resolution No. _____ ordering the conditional vacation of Gamel Way as a public street and any other public easements thereon or therein, which vacation would become effective only after the demolition of the existing buildings on the Adjacent Property Owner's parcels, when street access on Gamel Way is no longer needed, and the satisfaction of other conditions as set forth in the resolution; and

WHEREAS, the City Council further authorized the City Manager to negotiate and execute a purchase and sale agreement with the Adjacent Property Owner; and

WHEREAS, the public easements in Gamel Way will be relocated, and the parcels at the end of the cul-de-sac do not require street access from Gamel Way; and

WHEREAS, when the vacation is effectuated, Gamel Way will become a former public street, and the portion that is not owned by the City will revert to the property owner of those adjacent properties, who owns the underlying fee; and

WHEREAS, the disposition and transfer of ownership of Gamel Way at close of escrow will only occur after the conditions to public street vacation are satisfied, the vacation is effectuated, and the vacation resolution is recorded; and

WHEREAS, the project is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15332 ("Infill Development Projects"); and

WHEREAS, the Surplus Land Act ("SLA" or the "Act") was amended to promote affordable housing development on unused or underutilized public land throughout the State to respond to the affordable housing crisis and now requires public agencies, including charter cities, to follow certain procedures to dispose of "surplus land" or declare land to be "exempt surplus land" at a public hearing prior to disposition; and

WHEREAS, pursuant to Government Code Section 54221(f)(1)(E), "exempt surplus land" means and includes "[s]urplus land that is a former street, right of way, or easement, and is conveyed to an owner of an adjacent property";

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View that:

1. Council adopts the recitals set forth above as findings of fact.
2. Council has determined and declares the City-Owned Portion of Gamel Way to be exempt surplus land under Government Code Section 54221(f)(1)(E) as a former street and right-of-way conveyed to an owner of an adjacent property upon the

completion and effectuation of the vacation of Gamel Way as a public street as approved by Council.

MN/6/RESO
813-09-28-21r-2

Exhibits: A. Legal Description
B. Map

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 Deputy Clerk

STATE OF CALIFORNIA COUNTY OF SANTA CLARA

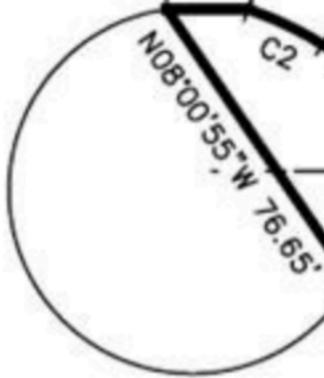
On this 22nd day of June 19 49 before me, the undersigned, a Notary Public in and for said County and State, personally appeared NINA E. GAMEL, HARRY E. GAMEL, MARIE DUNOIR and GUSTAVE E. DUNOIR

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.

Notary Public signature

RIHCHARD T. SPIEKER ET UX.
DOC. 18603981

APN 154-21-009



D/S GAMEL WAY, LLC
DOC. 24098324
APN 154-21-008

D/S GAMEL WAY, LLC
DOC. 24098337
APN 154-21-007

S63°41'55\"/>

GAMEL WAY **GAMEL WAY VACATION**

(A PUBLIC ROAD, 50' WIDE)

21,100 SQ.FT.±

25'
25'

N63°41'55\"/>

D/S GAMEL WAY, LLC
DOC. 24015272
APN 154-21-011

D/S GAMEL WAY, LLC
DOC. 24015272
APN 154-21-012

D/S GAMEL WAY, LLC
DOC. 24015272
APN 154-21-010

D/S GAMEL WAY, LLC
DOC. 24015272
APN 154-21-013



0 30 60 120

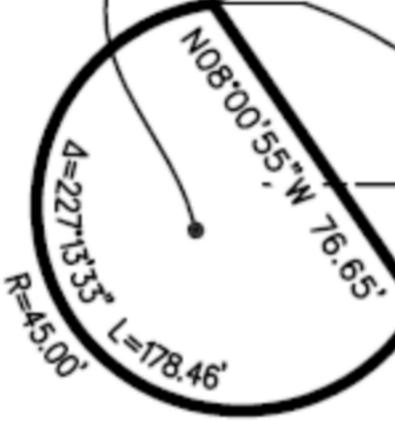
1"=60'

GAMEL WAY VACATION

4,908 SQ.FT.±

RIHCHARD T. SPIEKER ET UX.
DOC. 18603981

APN 154-21-009



D/S GAMEL WAY, LLC
DOC. 24098324
APN 154-21-008

D/S GAMEL WAY, LLC
DOC. 24098337
APN 154-21-007

GAMEL WAY

(A PUBLIC ROAD, 50' WIDE)

25'
25'

D/S GAMEL WAY, LLC
DOC. 24015272
APN 154-21-011

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D/S GAMEL WAY, LLC
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0 30 60 120

1"=60'