

CITY OF MOUNTAIN VIEW  
RESOLUTION NO.  
SERIES 2017

A RESOLUTION ORDERING THE VACATION OF  
PUBLIC UTILITY EASEMENT AND WIRE CLEARANCE EASEMENT  
AT 2044 AND 2054 MONTECITO AVENUE

WHEREAS, the City of Mountain View has elected to proceed under the provisions of the Public Streets, Highways, and Service Easement Vacation Law, commencing with Section 8300 and, in particular to Chapter 4, Sections 8333 and 8334, regarding summary vacation of the Streets and Highways Code of the State of California, to summarily vacate certain public utility easement and wire clearance easement recorded February 19, 1964 as Book 6392, Page 304 of Official Records in the County of Santa Clara, California, for such uses as sanitary sewers, water mains, storm drains, gas mains, poles, overhead and underground electrical and telephone wires, electroliers, and other utility and municipal uses, together with the appurtenances situated within the corporate limits of said City, and more particularly described and shown in Exhibit A attached hereto; and

WHEREAS, pursuant to said provisions, the City Council may summarily vacate (no public hearing required) said easement described above; and

WHEREAS, the City Council has found, from all the evidence submitted, that the easements described above have been unused for the purpose for which they were dedicated for five consecutive years prior hereto or superseded by relocation at the time of vacation, and they are unnecessary for present or prospective public use; and

WHEREAS, the vacation is requested for the development application by SummerHill Homes for 52 new rowhomes (Application No. 387-16-PUD);

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Mountain View, in accordance with Streets and Highways Code Section 8335, finds that this Resolution shall not be recorded until the following conditions have been satisfied:

A. File with the City of Mountain View approved improvement plans, agreements, and performance bonds for the new private streets and related improvements.

BE IT FURTHER RESOLVED that pursuant to Section 8336(a) 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.

-----

PS/7/RESO  
815-11-07-17r-E-2

Exhibit: A. Original Easement Dedication

6892

2576474

BOOK 6392 PAGE 304  
FILED FOR RECORD  
AT REQUEST OF

*City of Mountain View*  
FEB 19 11 32 AM 1964

OFFICIAL RECORDS  
SANTA CLARA COUNTY  
PAUL R. TEIHL  
RECORDER

2576474

ORIGINAL

BOOK 6392 PAGE 304

EASEMENT

UTILITIES - GENERAL

M. DOUGLASS COUCH and ROBERTA ANN COUCH

*5/4*

do(es) hereby grant to the CITY OF MOUNTAIN VIEW, a municipal corporation, a perpetual easement, with right of ingress and egress, for the purpose of laying, installing, maintaining, repairing, protecting and replacing sanitary sewers, water mains, storm drains, gas mains, poles, overhead and underground electrical and telephone wires, electrolliers, and other utility and municipal uses, together with the appurtenances thereof, along, over, across, and in the lands delineated on the map attached hereto, and designated EXHIBIT "A", as "P.U.E.", said lands being situate in the County of Santa Clara, State of California, and more particularly described as follows:

BEGINNING at a point on the Northwesterly line of Lot 31 distant thereon North 24°47' East 30.01 feet from the centerline of Montecito Avenue. as said Lot and Avenue are shown upon that certain Map entitled "Map of Bella Vista Acres" which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California on July 23, 1930 in Book Y of Maps at pages 16 and 17; thence North 24°47' East along the Northwesterly line of said Lot 31 a distance of 373.8 feet to the most northerly corner of said Lot 31; thence South 63°53' East along the Northeasterly line of Lots 31, 32 and 33 of the hereinabove referred to Bella Vista Acres a distance of 323.73 feet to the most Easterly corner of said Lot 33; thence South 24°47' West along the Southeasterly line of said Lot 33 a distance of 5.00 feet; thence North 63°53' West along a line parallel to the Northeasterly line of said Lots 33, 32 and 31 a distance of 318.73 feet; thence South 24°47' West along a line parallel to and distant 5.00 feet southeasterly measured at right angles from the Northwesterly line of said Lot 31 a distance of 368.8 feet; thence North 63°53' West along a line parallel to the centerline of Montecito Avenue a distance of 5.00 feet to the Point of Beginning.

Containing an area of 3,462.85 square feet more or less.

The above described utilities easement is to be kept clear of buildings and structures of any kind, excepting utilities structures related to the use of said easement, and lawful fences.

6392

BOOK 6392 PAGE 305

2. A perpetual easement for wire clearance purposes only, over and across the lands delineated on EXHIBIT "A" attached hereto as "W.C.E", said lands being situate in the County of Santa Clara, State of California, and more particularly described as follows:

BEGINNING at the most westerly corner of Lot 31, said corner being on the Centerline of Montecito Avenue as said Lot and Avenue are shown upon that certain Map entitled "Map of Bella Vista Acres" which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California on July 23, 1930 in Book Y of Maps at pages 16 and 17; thence North  $24^{\circ} 47'$  East along the northwesterly line of said Lot 31 a distance of 30.01 feet; thence North  $63^{\circ} 53'$  East a distance of 5.00 feet to the True Point of Beginning; thence North  $24^{\circ} 47'$  East a distance of 368.8 feet; thence South  $63^{\circ} 53'$  East a distance of 318.73 feet to a point on the southeasterly line of Lot 33 of the hereinabove referred Bella Vista Acres; thence South  $24^{\circ} 47'$  West along last named line a distance of 5.00 feet; thence North  $63^{\circ} 53'$  West a distance of 313.73 feet; thence South  $24^{\circ} 47'$  West a distance of 363.8 feet; thence North  $63^{\circ} 53'$  West a distance of 5.00 feet to the True Point of Beginning.

Containing an area of 3,412.65 square feet more or less.

Prepared by J. Erwin 10-25-63  
Checked by J. Penoyer 10-25-63

The above described wire clearance easement shall be limited in use as follows: No buildings, structures, or appurtenances thereof having a height greater than fifteen (15) feet above the grade at the ground line of poles shall be constructed or placed on said easement.

15-35.2


(2)


6392

BOOK 6392 PAGE 306

All of the rights, or any of them, granted by this Instrument to said City of Mountain View may, at the option of said City, be assigned without warranty, express or implied, to any person, firm or corporation authorized by law to operate or maintain a public utility, or utility structures and facilities, on such terms and conditions as may be designated by said City.

Dated this 13th day of February, 19 64

  
M. DOUGLASS COUCH

  
ROBERTA ANN COUCH

6392

BOOK 6392 PAGE 307

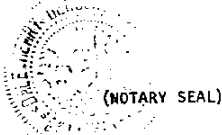
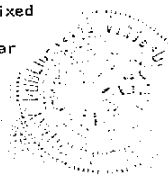
STATE OF CALIFORNIA }  
County of Santa Clara } ss.

On this 13th day of February, 19 64,

before me, the undersigned, a Notary Public in and for the aforesaid  
County and State, residing therein, duly commissioned and sworn,  
personally appeared M. Douglass Couch and Roberta Ann Couch

known to me to be the persons whose names are subscribed  
to the within instrument, and acknowledged to me that they  
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
my official seal in the aforesaid County and State the day and year  
in this certificate first above written.



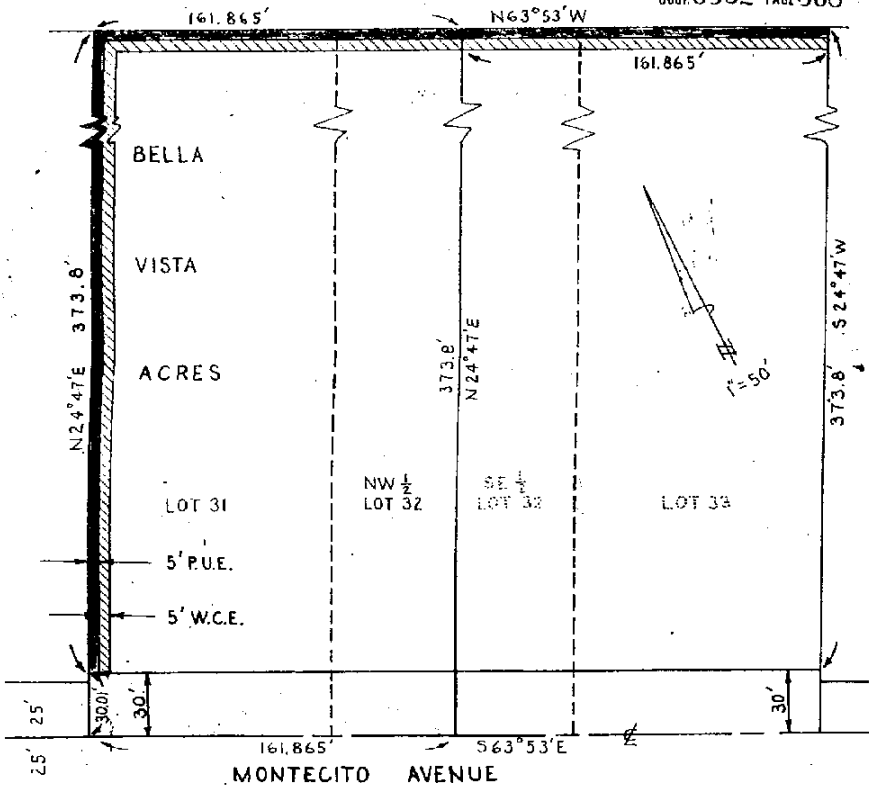
Del Henry Benson  
Notary Public in and for the  
aforesaid County and State.

My Commission expires: Feb 5, 1967

6392

BY PENoyer DATE 10-11-63 SUBJECT SHEET NO. OF  
CHKD. BY ERWIN DATE 10-21-63 JOB NO.

BOOK 6392 PAGE 308



EASEMENTS FOR R.U.E. AND W.C.E.  
GRANTED TO  
CITY OF MOUNTAIN VIEW  
BY DOUG COUCH  
AND ROBERTA ANN COUCH

6392

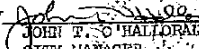
BOOK 6392 PAGE 309

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the interest in the real property conveyed by the Easement dated the 13th day of February 1964, from M. Douglass Couch and Roberta Ann Couch, to the CITY OF MOUNTAIN VIEW, a municipal corporation, IS HEREBY ACCEPTED BY order of the City Council of the City of Mountain View in accordance with the provisions of RESOLUTION NO. 2035, authorizing the City Manager of the City of Mountain View to accept and consent to deeds or grants or easements, which Resolution was adopted on the 23rd day of December, 1957, and recorded with the County Recorder on the 21st day of January, 1958, in Volume 3987, page 245 of Official Records; and the Grantee consents to recordation thereof by its duly authorized officer, the City Clerk of the City of Mountain View.

Dated this 17th day of February, 1964.

CITY OF MOUNTAIN VIEW  
a Municipal Corporation

By   
JOHN T. O'HALLORAN  
CITY MANAGER

