

Recorded at no charge in accordance with
Streets & Highways Code Section 8336 at
the request of and when recorded return to:

City of Palo Alto
Real Estate Division
250 Hamilton Avenue
Palo Alto, CA 94301

SPACE ABOVE LINE FOR RECORDER'S USE

APN: 120-12-011
Address: 160, 162, and 164 Waverley
Street, Palo Alto, CA 94301

SUMMARY VACATION
RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF PALO ALTO
SUMMARILY VACATING A PUBLIC SERVICE EASEMENT
AT 160, 162, and 164 Waverley Street, PALO ALTO, CA

WHEREAS, Section 8333 of the Streets and Highways Code authorizes the City Council to summarily vacate a public service easement in any of the following cases: (a) the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation, (b) the date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date, (c) the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement; and

WHEREAS, the City of Palo Alto accepted and recorded a Deed on the property located at 160, 162, and 164 Waverley, Palo Alto, CA 94301, for public utility purposes, dated April 24, 1959, in Book 4400, page 552 of Santa Clara County Office Records; and

WHEREAS, the City of Palo Alto Utilities Department has evaluated and determined that the public utilities easement located on the property at 160, 162, and 164 Waverley Street Palo Alto, CA 94301 is excess.; and

WHEREAS, the City Council of the City of Palo Alto intends to summarily vacate the public service easement as more particularly described in Exhibit "A" attached to this resolution and depicted on the plat map attached as Exhibit "B" to this resolution; and

NOW, THEREFORE, the City Council does hereby RESOLVE as follows:

SECTION 1. This vacation is made under the authority of California Streets and Highways Code Chapter 4 of part 3 of Division 9, commencing at Section 8333 et. seq.

1. The public service easement described herein on Exhibit “A” and depicted on the plat map attached as Exhibit “B” is excess; and
2. There are no other public facilities located within the easement.

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 service easement as shown on the said Exhibits “A” and “B” shall be summarily vacated.

SECTION 3. The City Clerk, acting by and through the Real Property Manager, is hereby directed to record at the Santa Clara County Clerk-Recorder’s Office a certified copy of this Resolution, including the Map.

SECTION 4. The public service easement for utilities and incidental purposes described in Exhibit “A” and depicted in the plat map attached as Exhibit “B” will no longer constitute a public service easement from and after the date of recordation of the documents identified in Section 3 of this Resolution.

SECTION 5. The Council finds that the summary vacation of the public service easement 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.

EXHIBIT "A"
LEGAL DESCRIPTION FOR
VACATING PUBLIC UTILITY EASEMENT
160-164 WAVERLEY STREET, PALO ALTO, CALIFORNIA

All that certain real property, situate in the City of Palo Alto, County of Santa Clara, State of California, being a portion of the Lands of 160-164 Waverley, LLC as described in that certain deed recorded December 6, 2016 as Instrument No. 23519739, Official Records of Santa Clara County, as shown on Exhibit "B" made a part hereof, more particularly described as follows:

Beginning at a point on the Southwesterly line of Waverley Street (60 feet wide) distant thereon 100.0 feet Southeasterly from the point of intersection thereof with the Northwesterly line of Lot 6, Block 17, University Park, a map of which was recorded February 27, 1889, in Book 'D' of Maps at page 69, Official Records of Santa Clara County, California; thence Southwesterly, parallel to said Northwesterly line 185.0 feet; thence Southeasterly at right angles 5.0 feet; thence Northeasterly, parallel to the Northwesterly line of said Lot, 185.00 feet to said Southwesterly line of Waverley Street; thence Northwesterly, along said Southwesterly line 5.0 feet to the **Point of Beginning**, being a portion of said Lot 6.

Abandoning a 5.0 foot Public Utility Easement recorded as Instrument No. 1624400 Official Records of Santa Clara County.

Containing 925 square feet, more or less.

END OF DESCRIPTION



Exhibit B

