



**Council Meeting: September 29, 2009**

**SUBJECT: Adoption of a Resolution Summarily Vacating a 10-foot Wide Public Utility Easement and a 5-foot Wide Wire Clearance Easement at 1250 Kifer Road**

**DISCUSSION**

The City received a request to vacate a 10-foot wide Public Utility Easement (PUE) and a 5-foot wide Wire Clearance Easement (WCE) on a property located at 1250 Kifer Road (see Attachments A, B, and C).

Pursuant to California Streets and Highways Code Section 8333(c), the City may summarily vacate a PUE and a WCE by adopting a resolution of vacation if they are determined to be excess by the easement holder, and there are no public facilities located within the easements.

There are no existing City utility lines and no prospective City utilities and other public utilities located within the subject PUE and WCE (see Attachment D).

**RECOMMENDATION**

City staff recommends adopting the resolution vacating a 10-foot wide PUE and a 5-foot wide WCE at 1250 Kifer Road; and authorize the City Clerk to cause a certified copy of the resolution to be recorded with the county recorder's office (see Attachment E).

Reviewed by:

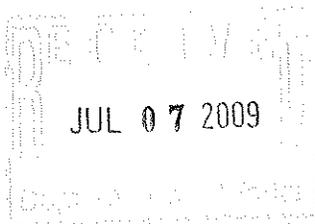
Marvin A. Rose, Director, Public Works  
Prepared by: Eric Gonzales, Civil Engineer

Approved by:

Gary M. Luebbers  
City Manager

**Attachments**

- A. Letter of request from applicant
- B. Parcel and Location Maps
- C. Legal Description of PUE and WCE to be abandoned
- D. Letters of consent from utility companies
- E. Resolution of Vacation



Eric Gonzales, P.E.  
Civil Engineer  
Department of Public Works/Engineering  
456 W. Olive Ave  
PO Box 3707  
Sunnyvale, CA 94804

7/6/09

REF: PUE and Wire Clearance

Mr. Gonzales,

We appreciate your help in resolving the PUE and Wire Clearance easement issues over our property at 1250 Kifer Rd building. We purchased this property in April of 2008.

We are requesting vacation of the PUE and Wire Clearance Easements, on this property because it is no longer needed or being used. This will assist us in "cleaning up" our Title Report, as there are no reasons to keep these easements at this time.

Please refer to attached Exhibits "A", "B", and Topographic and Boundary Survey, attached.

I hereby certify that the information provided as attached is complete and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Sincerely,

Larry Nissen  
Director of Facilities  
Intuitive Surgical  
Sunnyvale, CA.



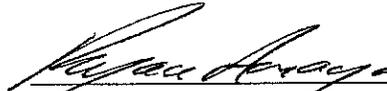
September 8, 2009  
Job No. A07210-4  
Page 1 of 1

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**FOR: EASEMENT VACATION**

All that certain real property situate in the City of Sunnyvale, County of Santa Clara, State of California, being all of that land described in that certain Easement Deed recorded September 15, 1966 in Book 7505, Page 462, Official Records.

**Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.**

Date 9-8-09

  
Ryan M. Amaya LS 8134





**Pacific Gas and  
Electric Company®**

Technical and Land Services

111 Almaden Boulevard, Rm. 814  
San Jose, CA 95115

April 9, 2009

Ryan Amaya, P.L.S.  
Kier & Wright  
Civil Engineers & Surveyors, Inc.  
3350 Scott Boulevard, Building 22  
Santa Clara, CA 95054

RE: Abandonment of Public Utility Easement, P.U.E. and Wire Clearance Easement,  
W.C.E. located within 1242-1250 Kifer Road in Sunnyvale, CA  
Project No. A07210-4; APN: 216-27-007  
PG&E File No. Y09-AB-02

Dear Mr. Amaya:

This letter is in response to your January 7, 2009 letter requesting the abandonment of the P.U.E. and W.C.E. within the subject property. In reviewing our records, PG&E has no facilities within these easements, and therefore has no objections to the abandonment of the P.U.E. and W.C.E. referenced above.

If you have any questions concerning this matter, please contact me at the return mailing address, (408) 282-7347, or DAN9@pge.com.

Sincerely,

A handwritten signature in cursive script that reads 'David Neal'.

David Neal  
Lead Land Technician

ENDORSEMENT APPROVAL

Attn: Marvin A. Rose  
Director of Public Works  
City of Sunnyvale  
456 West Olive Ave  
Sunnyvale, CA 94086

Dear Mr. Rose

**RE: *Vacation of the northwesterly corner of the property located at 1242-1250 Kifer Road in the City Of Sunnyvale***

Comcast has reviewed the attached application for the vacation of the northwesterly portion of the property located at 1242-1250 Kifer Road and has the following response:

- No objection to the vacation
- No objection to the vacation, but with the following reservation: \_\_\_\_\_
- Objects to the proposed vacation for the following reasons: \_\_\_\_\_
- A plat map is attached for your information.

Vladimir Plakhti  
Comcast  
1900 South 10<sup>th</sup> Street  
San Jose, CA 95112

 01-20-2009

RECEIVED

JAN 13 2009



3475B N. 1<sup>st</sup> St Rm. 600B  
San Jose, Ca 95134

February 24, 2009

ENDORSEMENT APPROVAL

Mr. Marvin A. Rose  
Director of Public Works  
City of Sunnyvale  
456 West Olive Avenue  
Sunnyvale, CA 94096

KIER & WRIGHT  
FEB 26 2009  
RECEIVED

Subject: Vacation of the ten foot Public Utility Easement and the abutting five foot Wire Clearance Easement located along the Northwest property line of 1242 and 1250 Kifer Road..

AT&T California has reviewed the application for the vacation of the easements described above and has the following response.

**X No objection to the vacation as proposed.**

Objects to the proposed vacation for the following reasons:

A plat map is attached for your information.

  
Shirley Victor  
Right of Way Manager  
AT&T California  
408 493-8713

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE VACATING A 10-FOOT WIDE PUBLIC UTILITY EASEMENT AND 5-FOOT WIDE WIRE CLEARANCE EASEMENT AT 1250 KIFER ROAD, SUNNYVALE**

WHEREAS, the City of Sunnyvale, pursuant to Streets and Highways Code Section 8335, *et seq.*, is authorized to summarily vacate public utility easement; and

WHEREAS, that certain 10-foot wide public utility easement and 5-foot wide wire clearance easement at 1250 Kifer Road, as more particularly described in Exhibit A attached hereto, is not needed for present or prospective public use; and

WHEREAS, that certain 10-foot wide public utility easement and 5-foot wide wire clearance easement has no existing City facilities or other public utilities; and

WHEREAS, Pacific Gas and Electric Company, Comcast Cable Communications, and AT&T California have no objection to the vacation of that certain 10-foot wide public utility easement and 5-foot wide wire clearance easement.

WHEREAS, on September 29, 2009, the City Council considered the facts related to the proposed summary vacation of that certain 10-foot wide public utility easement and 5-foot wide wire clearance easement; and

WHEREAS, the City Council finds that the public interest will be served by extinguishing the public interest in that certain 10-foot wide public utility easement and 5-foot wide wire clearance easement being vacated.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The City of Sunnyvale finds and determines that:

(a) Vacation of that certain 10-foot wide public utility easement and 5-foot wide wire clearance easement are in conformity with the General Plan; and

(b) That certain 10-foot wide public utility easement and 5-foot wide wire clearance easement are unnecessary for present or prospective public use or purpose.

2. The City Council hereby vacates that certain 10-foot wide public utility easement and 5-foot wide wire clearance easement, as more particularly described in Exhibit A, pursuant to Streets and Highways Code §§ 8335 *et seq.* The public utility easement and wire clearance easement are determined to be excess by the easement holder (City of Sunnyvale), and there are no public facilities located within the public utility easement and wire clearance easement.

3. The City Council hereby authorizes and directs the City Clerk to record a certified copy of the resolution, attested by the City Clerk under seal, with the Santa Clara County Recorder's Office.

4. Commencing with the date of recordation of this resolution, that certain 10-foot wide public utility easement and 5-foot wide wire clearance easement shall no longer be a public utility easement and wire clearance easement.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2009, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORMS AND LEGALITY

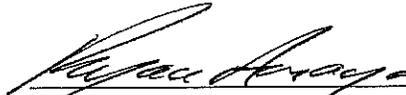
\_\_\_\_\_  
David Kahn, City Attorney

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**Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.**

Date 9-8-09

  
Ryan M. Amaya LS 8134

