

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS SUMMARILY
VACATING AN EXISTING PUBLIC SERVICE AND UTILITY EASEMENT AT 1646 CENTRE
POINTE DRIVE**

WHEREAS, California Streets and Highways Code Sections 8333 and 8335 authorize the City Council to summarily vacate public service and utility easements that have been superseded by relocation, or determined to be excess by the easement holder and there are no other public facilities located within the easement; and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, there is an existing public service and utility easement located at 1646 Centre Pointe Drive; and

WHEREAS, project conditions require that a portion of the existing public service and utility easement be vacated by the City to accommodate the new building; and

WHEREAS, all utilities located within the existing public service and utility easement have been relocated; and

WHEREAS, this project is included within the area evaluated as part of the Transit Area Specific Plan Environmental Impact Report (EIR), SCH#2006032091, which was certified by the City Council on June 3, 2008; and

WHEREAS, on May 3, 2016, the City Council found that the project is categorically exempt from further environmental review pursuant to Section 15168(c)(2) of the California Environmental Quality Act; and

WHEREAS, the City Council intends to summarily vacate the public service and utility easement as described and depicted on **Exhibits A and B** attached to this Resolution, pursuant to California Streets and Highways Code Sections 8333 and 8335.

NOW THEREFORE, the City Council of the City of Milpitas hereby finds, determines and resolves as follows:

1. The existing public service and utility easement described and depicted in **Exhibits A and B**, attached hereto, has been superseded by relocation and there are no other public facilities located within the easement.
2. The City Council does hereby order the summary vacation of the existing public service and utility easement as described and depicted in **Exhibits A and B**, in accordance with California Streets and Highways Code Sections 8333 and 8335.
3. The City Clerk is hereby directed to record a certified copy of this Resolution, including **Exhibits A and B** attached hereto, attested by the City Clerk under seal, with the County of Santa Clara Recorder's Office.
4. From and after the date this Resolution is recorded, the existing public service and utility easement vacated herein as described and depicted in **Exhibits A and B** will no longer constitute an easement.

PASSED AND ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney