



MEETING DATE: 6/4/07

ITEM NO: 6

COUNCIL AGENDA REPORT

DATE: May 24, 2007

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: OKA ROAD RIGHT-OF-WAY ABANDONMENT AND QUITCLAIM DEED
A. ADOPT RESOLUTION ORDERING THE SUMMARY VACATION OF A
PORTION OF EXCESS RIGHT-OF-WAY ON OKA ROAD
B. ADOPT RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE
QUITCLAIM DEED IN FAVOR OF THE STATE OF CALIFORNIA

RECOMMENDATION:

1. Adopt resolution (Attachment 1) ordering the summary vacation of a portion of excess right-of-way on Oka Road.
2. Adopt resolution (Attachment 2) authorizing the Mayor to sign the Quitclaim Deed in favor of the State of California.

BACKGROUND:

When Highway 85 was constructed, the portion of Oka Road that was to be located under the overpass was moved westerly about 100 feet (Page 1 of Exhibit B of Attachment 1). At the southerly transition end, the California Department of Transportation (Caltrans) Right-of-Way agent discovered that over 40 years ago, a portion of the original Oka Road right-of-way was incorrectly deeded to Santa Clara County, rather than to the Town of Los Gatos. The Town of Los Gatos had annexed the area approximately a year before the dedication to the County, so the Town of Los Gatos could not be the successor agency. Last summer, Santa Clara County quitclaimed the right-of-way to the Town. The quitclaimed area includes a portion of Oka Road that is currently being used. Now, the Town of Los Gatos must vacate the unused portion of the right-of-way and quitclaim it back to the State of California (Page 2 of Exhibit B of Attachment 1).

PREPARED BY:

KEVIN ROHANI

Interim Director of Parks and Public Works

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Reviewed by: PSJ Assistant Town Manager _____ Town Attorney
_____ Clerk Administrator _____ Finance _____ Community Development

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MAYOR AND TOWN COUNCIL

SUBJECT: OKA ROAD RIGHT-OF-WAY ABANDONMENT AND QUITCLAIM DEED

MAY 24, 2007

DISCUSSION:

The procedure for vacation of public streets and easements is contained in Division 9, Part 3 of the California Streets and Highways Code, Section 8300, et seq. Section 8313 requires the procedure under Section 65402 of the California Government Code (CGC) be followed if the street to be vacated falls under the General Plan of the local agency. CGC Section 65402 gives the Planning Commission authority to review the vacation for conformance with the adopted General Plan. In this instance, Oka Road was re-aligned westerly, so the vacation is more of a technicality than it would be in most other abandonment of right-of-way.

Appendix "A" of the General Plan defines Oka Road as a neighborhood collector. Highway 85 has been constructed for several years, and the new alignment has been used since that time. The balance of the unneeded former Oka Road alignment was vacated and exchanged with Caltrans during the Highway 85 design and construction process. Since Oka Road still exists as a neighborhood collector in its new location, the Planning Commission made the finding on May 23, 2007 that the vacation is in conformance with the adopted General Plan.

Section 8330(a) of the Streets and Highways Code gives the local legislative body (Town Council) the authority to summarily vacate a street that has been superseded by relocation. Since Oka Road was relocated westerly, a summary vacation is allowed. In a Summary Vacation, no public hearing is required. Additionally, since the utilities were relocated along with the road, the Town of Los Gatos will not need to retain a public service easement over the abandoned portion of the right-of-way.

CONCLUSION:

Caltrans has provided the necessary descriptions and plats (maps) to record the resolution of summary vacation and quitclaim the unused portion of the Oka Road back to them. Authorizing the Mayor to sign the quitclaim deed, in addition to the recording of the resolution of vacation of excess right-of-way, will ensure that the abandoned right-of-way will correctly be transferred back to Caltrans.

ENVIRONMENTAL ASSESSMENT:

This action is not a project defined under CEQA, and no further action is required.

FISCAL IMPACT:

There are no direct fiscal impacts. The Engineering Program will absorb the cost of their staff preparing the Planning Commission and Town Council reports. Caltrans staff prepared the legal descriptions and plats and the recordings are done at no cost to public agencies.

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MAYOR AND TOWN COUNCIL

SUBJECT: OKA ROAD RIGHT-OF-WAY ABANDONMENT AND QUITCLAIM DEED
MAY 24, 2007

Attachments:

1. Resolution ordering the Summary Vacation of excess public right-of-way on Oka Road and authorizing the Mayor to sign the Quitclaim Deed in favor of the State of California.
 - A. Description to Accompany Summary Vacation
 - B. Plat to Accompany Summary Vacation (2 pages)
2. Resolution authorizing the Mayor to sign the Quitclaim Deed in favor of the State of California
 - A. Quitclaim Deed for a Portion of Oka Road
 - a. Description to Accompany Quitclaim Deed
 - b. Plat to Accompany Quitclaim Deed (2 pages)

Distribution:

Kristen L. Schober, District Branch Chief; Local Public Agencies Services; State of California,
Department of Transportation; P.O. Box 23660; Oakland, CA 94623-0660
Ron Denevi, Los Gatos Swim and Racquet Club, 14702 Oka Road, Los Gatos, CA 95032

Recording Requested By:
Town of Los Gatos
When Recorded Mail To:
Clerk Administrator
Town of Los Gatos
P.O. Box 949
Los Gatos, CA 95031

*Record without fee pursuant to
Government Code Section 6103*

RESOLUTION

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
VACATING EXCESS PUBLIC RIGHT-OF-WAY
OKA ROAD
PURSUANT TO DIVISION 9, PART 3, CHAPTER 4 OF THE
CALIFORNIA STATE STREETS AND HIGHWAYS CODE
(SUMMARY VACATION)

RESOLVED, by the Town Council of the Town of Los Gatos California, that:

WHEREAS, Streets and Highways Code, Division 9, Part 3, Chapter 4, permits the Town of Los Gatos to summarily vacate a street or highway and a public service easement that has been superseded by relocation; and

WHEREAS, the street and the Public Service Easement described in Exhibit A and depicted in the map contained in Exhibit B hereto has been relocated westerly and their purpose in this location no longer exists; and

WHEREAS, the proposed vacation does not constitute a project under the California Environmental Quality Act, and the record before the Council demonstrates that there are no significant environmental effects from the proposed vacation; and

ATTACHMENT 1

WHEREAS, the proposed vacation is consistent with the Town of Los Gatos General Plan and is in the interest of the general public,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Pursuant to Chapter 4, Part 3, of Division 9 of the Streets and Highways Code, the street and Public Service Easement described in Exhibit A and depicted on Exhibit B is vacated upon the recording of a certified copy of this resolution by the Clerk Administrator with the County Recorder of Santa Clara County.
2. The Clerk Administrator is directed to record a certified copy of this resolution with the County Recorder of Santa Clara County.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 4th day of June, 2007, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

EXHIBIT "A"

**VACATION OF A PORTION OF
THE FORMER ALIGNMENT OF OKA ROAD**

A parcel of land situated in the Town of Los Gatos, County of Santa Clara, State of California, being a portion of the 0.23 acre parcel of land described in deed from the County of Santa Clara to the Town of Los Gatos, recorded July 28, 2006, as Document No. 19039577, Official Records of said County, said portion being more particularly described as follows:

Beginning at the most northerly corner of said parcel of land; thence South 58°14'18" East, along the northeasterly line of said parcel of land, 50.01 feet to the most easterly corner of said parcel of land; thence South 32°58'56" West, along the southeasterly line of said parcel of land, 203.17 feet to the most southerly corner of said parcel of land; thence North 57°29'27" West, along the southwesterly line of said parcel of land, 2.09 feet to a point in the general southeasterly right of way line of the existing Oka Road; thence northeasterly along said right of way line, on a non-tangent curve to the left, a radial line of said curve to said point bears South 63°23'46" East, having a radius of 325.00 feet, through an angle of 19°12'15", an arc distance of 108.93 feet; thence North 7°23'59" East, continuing along said right of way line, 41.82 feet to the northwesterly line of said parcel of land; thence leaving said right of way line, North 32°58'56" East, along said northwesterly line, 60.17 feet to the point of beginning.

CONTAINING 6,025 square feet or 0.138 of an acre, more or less.

The bearings and distances used in the above description are based on the California Coordinate system of 1927, Zone 3. Multiply the above distances by 1.0000537 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature Peter Donohoe
Licensed Land Surveyor

Date 5-14-2007

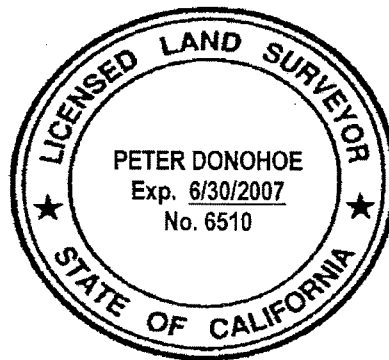
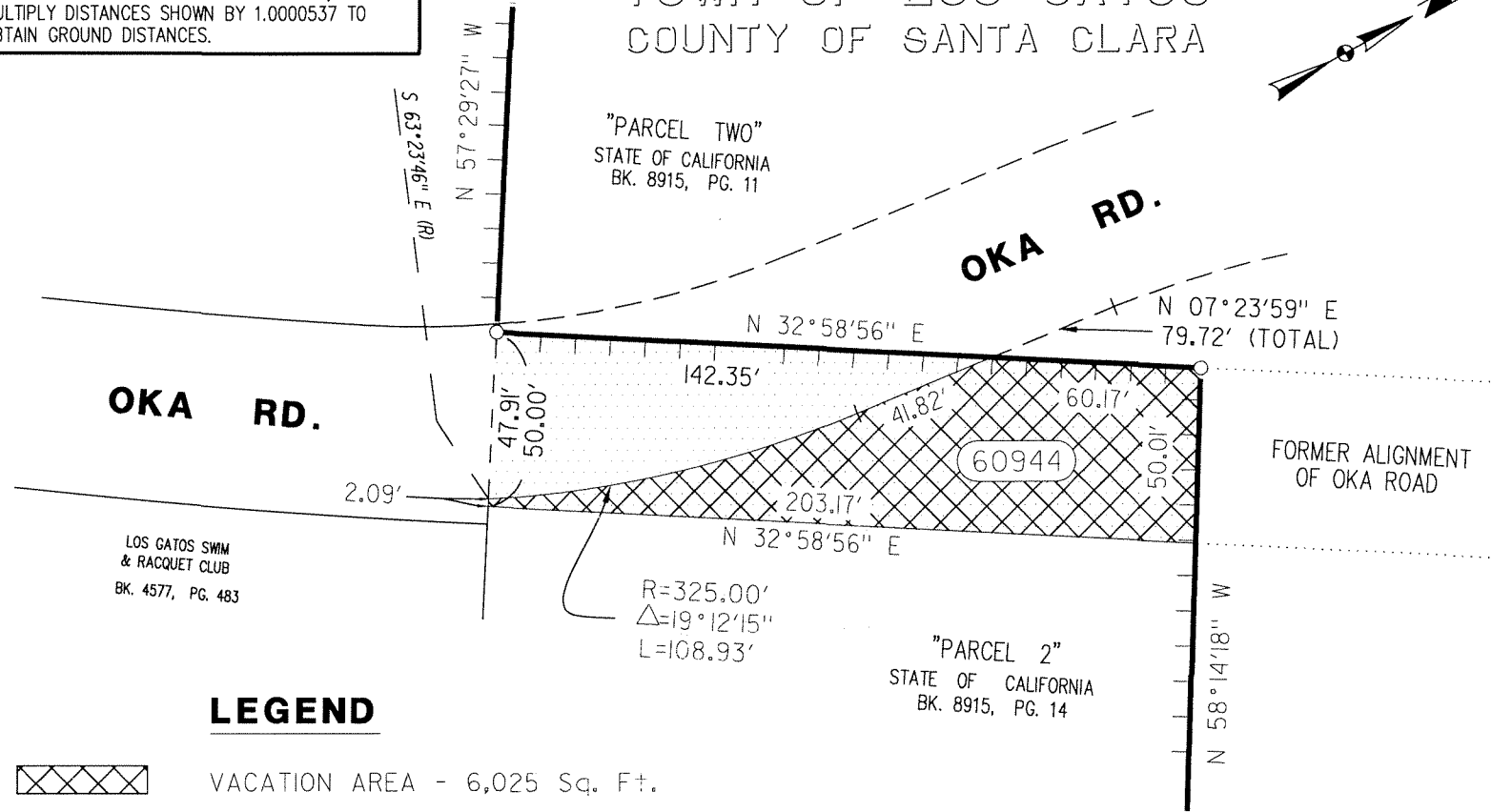


EXHIBIT A

BEARINGS AND DISTANCES SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1927, ZONE 3. MULTIPLY DISTANCES SHOWN BY 1.0000537 TO OBTAIN GROUND DISTANCES.

TOWN OF LOS GATOS COUNTY OF SANTA CLARA



TO
MT. VIEW

STATE ROUTE 85

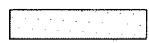
GRADE SEPARATION
FREEWAY ABOVE

TO
U.S. HWY 101

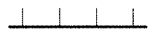
LEGEND



VACATION AREA - 6,025 Sq. Ft.



QC'D AREA FROM COUNTY TO TOWN OF LOS GATOS
(REC. 7/28/2006; DOC# 19039577)



STATE ROUTE 85 RIGHT OF WAY LINE
- ACCESS PROHIBITED



STATE R/W LINE ANGLE POINTS

SCALE 1\" = 50'

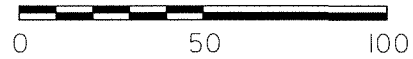


EXHIBIT "B"

VACATION OF RIGHT-OF-WAY

VACATION OF A PORTION OF
THE FORMER ALIGNMENT OF OKA ROAD
TO THE STATE OF CALIFORNIA

DATE: 05/01/2007

SHEET 2 OF 2

EXHIBIT B

TOWN OF LOS GATOS
COUNTY OF SANTA CLARA

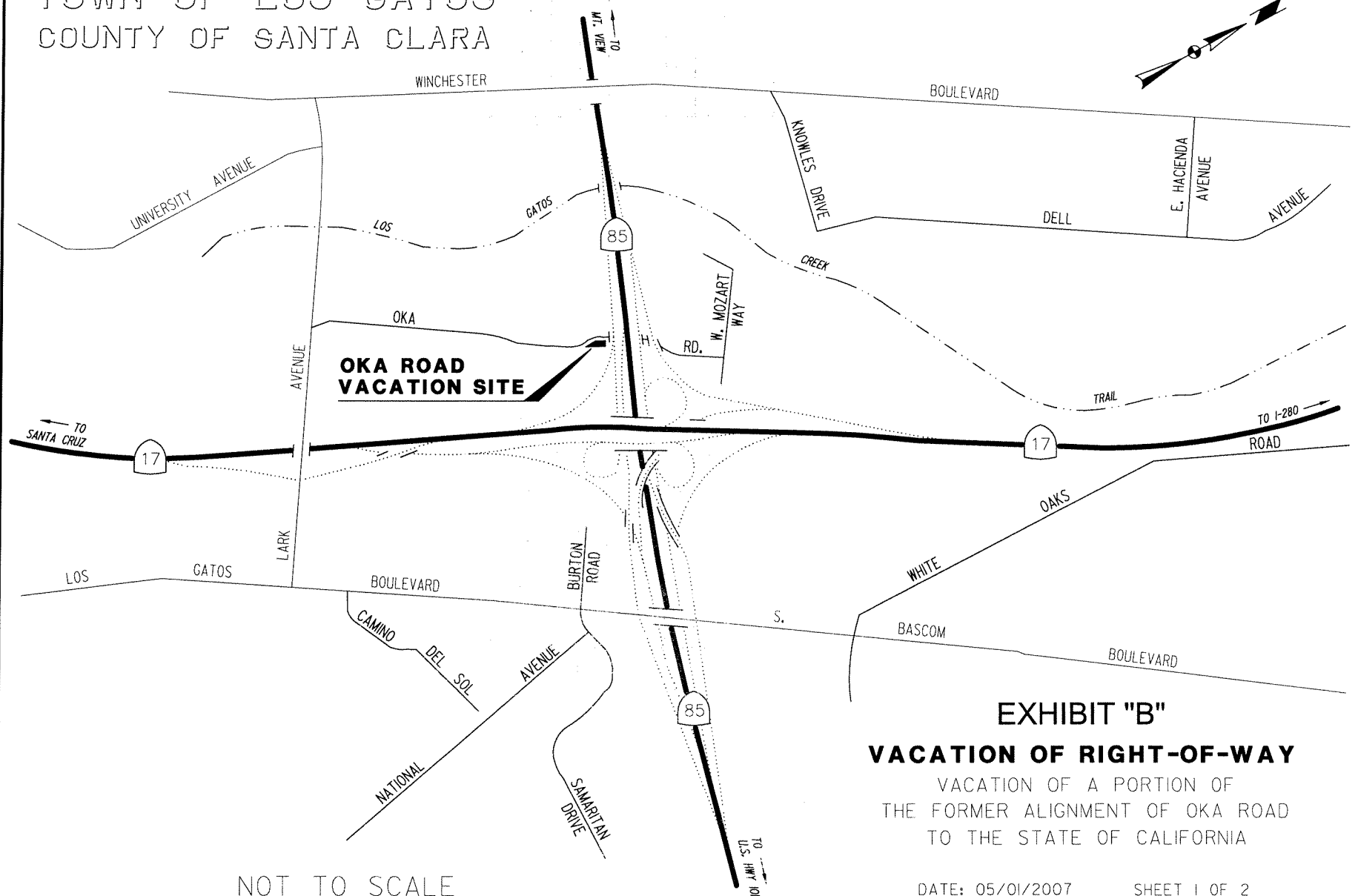


EXHIBIT "B"
VACATION OF RIGHT-OF-WAY
VACATION OF A PORTION OF
THE FORMER ALIGNMENT OF OKA ROAD
TO THE STATE OF CALIFORNIA

DATE: 05/01/2007

SHEET 1 OF 2

RESOLUTION

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
AUTHORIZING THE MAYOR TO SIGN THE
QUITCLAIM DEED
FOR AN UNUSED PORTION OF OKA ROAD
IN FAVOR OF THE
STATE OF CALIFORNIA**

WHEREAS, the Town of Los Gatos has summarily vacated an unused portion of Oka Road in accordance with Streets and Highways Code, Division 9, Part 3, Chapter 4, that has been superseded by relocation; and

WHEREAS, the adjoining property is owned by the State of California.

NOW, THEREFORE, IT IS RESOLVED that the Mayor hereby authorized to execute the Quitclaim Deed attached to this resolution as Exhibit A along with appurtenant description and plats, and the Clerk Administrator is directed to forward the signed and notarized Quitclaim Deed to the State of California, Department of Transportation for acceptance and recording.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 4th day of June, 2007 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTACHMENT 2

Recording Requested By:

Town of Los Gatos

When Recorded Mail To:

Clerk Administrator

Town of Los Gatos

P.O. Box 949

Los Gatos, CA 95031

*Record without fee pursuant to
Government Code Section 6103*

QUITCLAIM DEED
PORTION OF OKA ROAD

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the **TOWN OF LOS GATOS, a California Municipal Corporation**, hereby QUITCLAIMS to the State of California, the following described real property:

Legal Description as per Exhibit "A," and generally shown on Exhibit "B;" attached hereto and made a part herein.

TOWN OF LOS GATOS

Joe Pirzynski, Mayor

DATE: _____

APPROVED AS TO FORM:

Orry P. Korb, Town Attorney

DATE: _____

Notary Acknowledgement Required

EXHIBIT A

EXHIBIT "A"

QUITCLAIM OF A PORTION OF THE FORMER ALIGNMENT OF OKA ROAD

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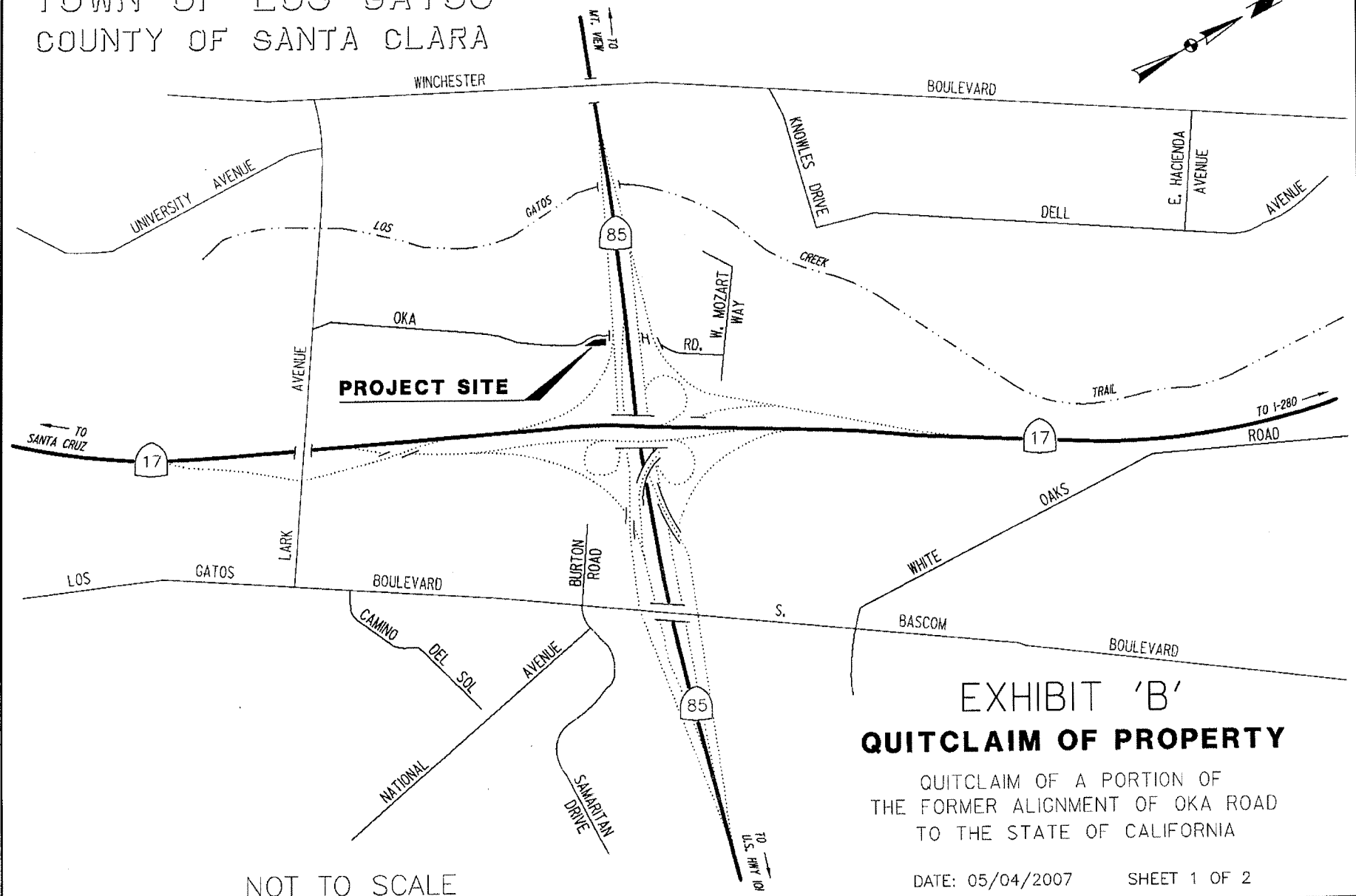
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature Peter Donohoe
Licensed Land Surveyor

Date 5-4-2007



TOWN OF LOS GATOS
COUNTY OF SANTA CLARA



NOT TO SCALE

EXHIBIT 'B'
QUITCLAIM OF PROPERTY

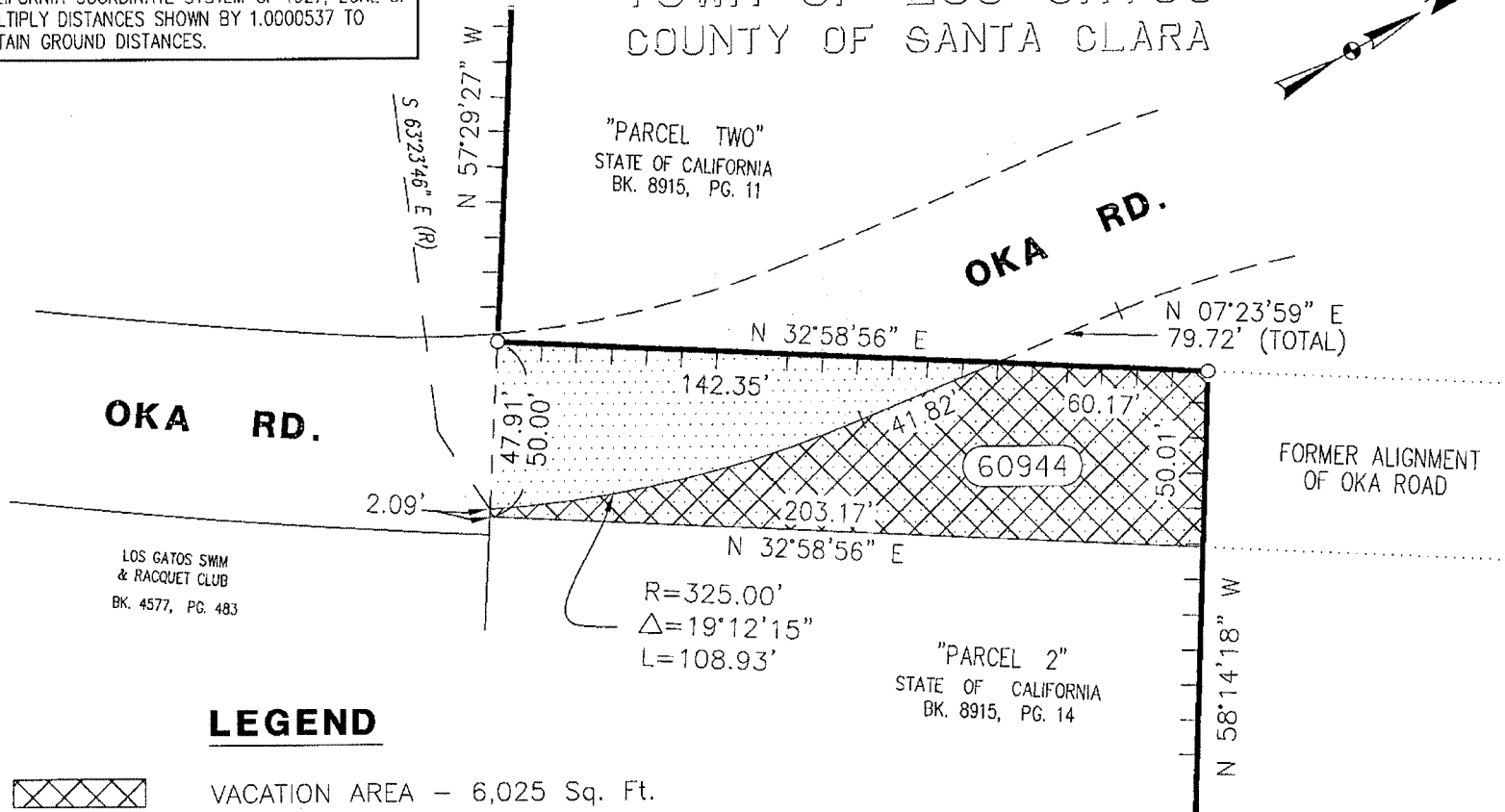
QUITCLAIM OF A PORTION OF
THE FORMER ALIGNMENT OF OKA ROAD
TO THE STATE OF CALIFORNIA

DATE: 05/04/2007

SHEET 1 OF 2

BEARINGS AND DISTANCES SHOWN ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1927, ZONE 3. MULTIPLY DISTANCES SHOWN BY 1.0000537 TO OBTAIN GROUND DISTANCES.

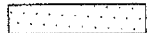
TOWN OF LOS GATOS COUNTY OF SANTA CLARA



LEGEND



VACATION AREA - 6,025 Sq. Ft.



QC'D AREA FROM COUNTY TO TOWN OF LOS GATOS
(REC. 7/28/2006; DOC# 19039577)

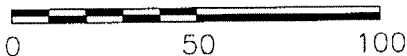


STATE ROUTE 85 RIGHT OF WAY LINE
- ACCESS PROHIBITED



STATE R/W LINE ANGLE POINTS

SCALE 1" = 50'



TO
MT. VIEW

STATE ROUTE 85

GRADE SEPARATION
FREEWAY ABOVE

TO
U.S. HWY 101

EXHIBIT 'B'

QUITCLAIM OF PROPERTY

QUITCLAIM OF A PORTION OF
THE FORMER ALIGNMENT OF OKA ROAD
TO THE STATE OF CALIFORNIA

DATE: 05/04/2007

SHEET 2 OF 2