

CITY OF CUPERTINO

NOTICE OF PUBLIC HEARING

VACATION OF A PORTION OF THE PRUNERIDGE AVENUE RIGHT-OF-WAY AND VARIOUS EASEMENTS BOUNDED BY NORTH WOLFE ROAD, HOMESTEAD ROAD, NORTH TANTAU AVENUE, AND HIGHWAY 280

NOTICE IS HEREBY GIVEN that at its meeting of Tuesday, October 15, 2013, the Cupertino City Council will conduct a public hearing to consider the City's intent to vacate a portion of the Pruneridge Avenue right-of-way and various easements bounded by North Wolfe Road, Homestead Road, North Tantau Avenue, and Highway 280. The map and legal description are on file in the City Clerk's office at Cupertino City Hall, 10300 Torre Avenue. Council will meet at 5:00 p.m., Council Chamber, Community Hall, 10350 Torre Avenue, Cupertino, California. Interested parties are invited to attend and be heard. If you wish to challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Cupertino City Hall at, or prior to, the public hearing. Notify the City Clerk's office at 408-777-3223 if you wish to see the exhibits as noted in the body of the resolution.

RESOLUTION NO. 13-078

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO DECLARING ITS INTENTION TO ORDER VACATION OF A PORTION OF THE PRUNERIDGE AVENUE RIGHT-OF-WAY AND VARIOUS EASEMENTS BOUNDED BY NORTH WOLFE ROAD, HOMESTEAD ROAD, NORTH TANTAU AVENUE, AND HIGHWAY 280, SETTING THE TIME AND PLACE FOR A PUBLIC HEARING AND PROVIDING FOR NOTICE THEREOF TO ALL PERSONS INTERESTED

WHEREAS, pursuant to Streets and Highways Code Section 8300 *et seq.* of the State of California, the City of Cupertino is authorized to vacate street rights-of-way; and

WHEREAS, the City intends to extinguish its interest in that portion of the Pruneridge Avenue right-of-way between North Wolfe Road and North Tantau Avenue, more particularly described in Exhibit A (Legal Description) and shown in Exhibit B (Plat) attached hereto and made a part hereof (the Fee Vacation Area); and

WHEREAS, the City intends to extinguish certain easement interests in assorted access, public utility, and light and air easements within the proposed Apple Campus 2 development, generally bounded by North Wolfe Road, Homestead Road, North Tantau Avenue, and Highway 280, more particularly described in Exhibits C through O (Legal Descriptions and Plats) attached hereto and made a part hereof (the Easement Vacation Area); and

WHEREAS, the Fee Vacation Area and the Easement Vacation Area, collectively known as Vacation Areas, are necessary for the proposed Apple Campus 2 Project, which consists of redevelopment of an existing office park into a single, unified campus; and

WHEREAS, The Director of Public Works has determined that the Vacation Areas are unnecessary for present or prospective public use; and

WHEREAS, the City Council elects to proceed pursuant to the provisions of Section 8320 *et seq.* of the Streets and Highways Code of the State of California; and

WHEREAS, the documents for said Vacation Areas will not be recorded until

such time that all necessary public utilities have been substantially relocated to the satisfaction of the Director of Public Works and Pruneridge Avenue is closed to public traffic; and

WHEREAS, the City Council finds that it is in the public interest to proceed to order said vacations, subject to completion of environmental review for the Apple Campus 2 project, approval of the Apple Campus 2 project, relocation of necessary public utilities, and closure of Pruneridge Avenue to public use.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby declares its intention to vacate the Vacation Areas.

BE IT FURTHER RESOLVED:

1. Notice is hereby given that the 15th day of October, 2013, at 5:00 p.m., in the Community Hall, 10350 Torre Avenue, Cupertino, California, is the time and place fixed for a hearing on the above proposed vacation at which all persons interested in or objecting to the proposed vacation may appear before the Council and be heard;
2. That the aforesaid date is not less than 15 days from passage of this resolution pursuant to law;
3. That the City Clerk shall cause a certified copy of this resolution to be published in the manner prescribed by law, and shall cause certified copies to be posted along the line of said property proposed to be vacated at least 10 days before the date of hearing and no more than 300 feet apart with a minimum of 3 being posted.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 17th day of September, 2013, by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
AYES:	Mahoney, Wong, Chang, Santoro
NOES:	None
ABSENT:	None
ABSTAIN:	Sinks

ATTEST:

/s/Grace Schmidt

Grace Schmidt
City Clerk

APPROVED:

/s/Orrin Mahoney

Orrin Mahoney,
Mayor, City of Cupertino

/GRACE SCHMIDT/

CITY CLERK

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