

**CITY OF CUPERTINO
NOTICE OF PUBLIC HEARING
VACATION OF AN EMERGENCY ACCESS EASEMENT LOCATED ON 23500
CRISTO REY DRIVE**

NOTICE IS HEREBY GIVEN that at its meeting of Tuesday, January 21, 2020, the City Council of the City of Cupertino will conduct a public hearing to consider the City's intent to vacate a portion of an emergency access easement located on 23500 Cristo Rey Drive. The map and legal description are on file in the City Clerk's office at Cupertino City Hall, 10300 Torre Avenue. Council meets at 6:45 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. IMPORTANT NOTICE: Please be advised that pursuant to Cupertino Municipal Code 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City's website and kept in packet archives. You are hereby admonished not to include any personal or private information in written communications to the City that you do not wish to make public; doing so shall constitute a waiver of any privacy rights you may have on the information provided to the City. Notify the City Clerk's office at cityclerk@cupertino.org or 408-777-3223 if you wish to see the exhibits as noted in the body of the resolution.
RESOLUTION NO. 19-143

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL
DECLARING ITS INTENTION TO ORDER VACATION OF A PORTION OF AN
EMERGENCY ACCESS EASEMENT LOCATED ON 23500 CRISTO REY DRIVE AS
PROVIDED IN SECTION 8320 ET SEQ. OF THE STREETS AND HIGHWAYS CODE
OF THE STATE OF CALIFORNIA, FIXING TIME AND PLACE FOR PUBLIC
HEARING, AND PROVIDING FOR NOTICE THEREOF**

WHEREAS, a portion of an emergency access easement (hereinafter the "Easement") located on 23500 Cristo Rey Drive, more particularly described and attached herewith as Exhibit "A", is to be vacated; and

WHEREAS, that certain plat entitled "Plat to Accompany Vacation Description", attached herewith as Exhibit "B", shows the Easement that the City Council intends to vacate; 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, a new emergency access easement is to be dedicated superseding the existing Easement; and

WHEREAS, it is deemed to be in the public interests that the City Council elects to proceed to order said vacation; and

WHEREAS, on April 17, 2018 the City Council certified an Environmental Impact Report (hereinafter the “EIR”) for Development Permit DP-2017-01, to allow construction of the Forum Project; and

WHEREAS, the vacation of the Easement will facilitate construction of the Forum Project and constitutes a minor modification to the Project, and based on substantial evidence in the record, no subsequent environmental review is required because there are no substantial changes in the Project or the circumstances under which the Project is to be undertaken that would result in new or substantially more severe environmental impacts requiring major revisions to the Final EIR, and there is no new information that involves new significant environmental effects or a substantial increase in the severity of previously identified environmental effects that would require preparation of a subsequent or supplemental EIR pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby declare:

1. Its intention to vacate the aforesaid Easement;
2. The 21st day of January, 2020, at 6:45 p.m., in the Community Hall, 10350 Torre Avenue, Cupertino, California, is the time and place fixed for hearing on the above proposed vacation;
3. The aforesaid date is not less than 15 days from passage of this resolution pursuant to law;
4. 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 2 weeks 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 December, 2019, by the following vote:

Members of the City Council

AYES: Scharf, Paul, Chao, Sinks, Willey
NOES: None
ABSENT: None
ABSTAIN: None

SIGNED:

/s/Steven Scharf, Mayor
City of Cupertino
Date 12/19/19

ATTEST:

/s/Grace Schmidt, City Clerk

Date 12/19/19

CITY OF CUPERTINO

/GRACE SCHMIDT/

CITY CLERK

PUBLISH 1/3/20