

From: [Phan, Johnny](#)
To: [Downtown West Project](#)
Subject: FW: Preliminary Draft Google Exhibits A and B
Date: Tuesday, April 6, 2021 3:06:19 PM
Attachments: [Exh A DA Legal Description-c \(City Surveyors Comments\).pdf](#)
[Exhibit B Project Boundary-c \(City Surveyor Comments\).pdf](#)

From: Phan, Johnny
Sent: Wednesday, March 24, 2021 11:01 PM
To: Gregg Miller <gmler@coblentzlaw.com>; Stephanie Straka <SStraka@coblentzlaw.com>
Subject: Preliminary Draft Google Exhibits A and B

Comments from City Surveyor.

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I have reviewed the Legal Description (Exhibit A) and the Project Boundary map (Exhibit B) and have the following comments.

Legal Description (Exhibit A)

The legal description, which describes the boundary of the Development Agreement, actually describes three (3) separate sites named **PARCEL 1** (east of Los Gatos Creek), PARCEL 2 (between Santa Clara and Lenzen), and PARCEL 3 (west of Los Gatos Creek, between Santa Clara and Auzerais).

The legal description contains **only** course information (bearings and distances) without any boundary details. Although the description is not a normal description that will transfer rights, it should contain at least a few streets so that it is apparent where the intent of the boundary line should follow.

Eg. "...along the southerly line of Santa Clara Street...", "...along the easterly line of Barack Obama Blvd, formerly know as South Autumn St...", "...to the most northwesterly line of Auzerais Street...".

The legal description courses also seem too detailed with too many minor jogs.

However, Exhibit B seem very smooth in comparison and does not show all the jogs and curves as described in the legal. I believe they have a GIS shapefile that may be a better and simpler shape for the boundary. That should be used for the legal description.

At the end of the legal description for PARCEL 3, there is an exception clause for only Document 16434322 (APN 259-38-139). However, Exhibit B shows multiple parcels to be excluded that are not listed in the legal description exclusions. Per DA Recital, Section H (pg 10-11):

As reflected in Exhibit B, the Project Site for purposes of this Agreement also does not include certain property owned by the Pacific Gas and Electric Company (a portion of APN 261-35-002), certain property owned by the Peninsula Corridor Joint Powers Board (APN 261-34-020), or certain other property owned by VTA (APNs 259-38-139, 259-38-114, 259-38-134 [~~NOTE-working with VTA to include~~]),

I recommend that HMM revise the Legal Description to 1) ADD calls to Streets and Boundary lines, 2) simplify and match course information as shown on the Exhibit B parcel shapes, 3) provide a Closure Report for the Parcels, and to 4) add additional references for the Exception parcels that are to be excluded from the DA, shown on Exhibit B, but not described as an exception.

Project Boundary map (Exhibit B)

I recommend that HMM revise the Project Boundary Map to 1) label Streets and Boundary lines, 2) label each specific Parcel and its Point of Beginning (POB), 3) add additional feature information to the Legend, and 4) verify the additional references for the Exception parcels that are shown, but not included, in the Legal description.

Sorry for the delay in responding, this was very complicated review due to the complexity of the legal description. Please let me know if you have any questions or comments.

Steve Choy, PLS
City of San José, Dept. of Public Works
408-793-6986 vm | 408-375-3206 cell

Typical Comments (All Parcels):

Please ADD calls to streets and boundary lines so the intent of the DA Boundary Line is clear.

Smooth "boundary" to reduce minor jogs. (Use shapefile in Exhibit B?)

Provide Closure Report to verify course directions and lengths.

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EXHIBIT "A"
DEVELOPMENT AGREEMENT BOUNDARY

PARCEL 1

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, described as follows:

Thence along the northeasterly line of Parcel A and Parcel B,

BEGINNING at the northerly corner of Parcel A as shown on that certain Parcel Map filed for record on December 3, 1986, in Book 567 of Maps, page 46, Santa Clara County Records;

Thence South 29°54'10" East, 122.40 feet;

Thence South 45°48'10" East, 13.33 feet;

Thence South 33°09'10" East, 79.65 feet;

Thence South 30°29'10" East, 89.01 feet;

Thence South 24°52'10" East, 14.03 feet;

Thence South 27°37'10" East, 195.26 feet;

Thence South 41°41'04" East, 37.79 feet;

Thence South 04°31'49" East, 142.32 feet;

to the most southeasterly corner of said Parcel B, said corner also being the most northwesterly line of San Fernando Street;

Thence South 60°08'04" West, 5.24 feet;

Thence South 29°54'03" East, 10.98 feet;

Thence South 60°06'23" West, 125.37 feet;

Thence northeasterly, along a non-tangent curve to the left, having a radius of 240.00 feet, whose center bears North 29°53'39" West, through a central angle of 03°14'17" for an arc length of 13.56 feet;

Thence North 36°05'14" West, 1.28 feet;

Is this small jog necessary?

Thence westerly, along a non-tangent curve to the right, having a radius of 45.93 feet, whose center bears North 36°40'03" West, through a central angle of 45°01'00" for an arc length of 36.09 feet;

Thence westerly, along a non-tangent curve to the left, having a radius of 154.85 feet, whose center bears South 08°20'58" West, through a central angle of 23°25'42" for an arc length of 63.32 feet;

Thence South 74°55'16" West, 91.62 feet;

Thence South 77°14'33" West, 52.37 feet;

Thence South 74°55'16" West, 360.08 feet;

to the easterly line of Los Gatos Creek(?) as shown

Thence North 15°04'46" West, 8.91 feet;

Thence northerly, along a non-tangent curve to the left, having a radius of 485.98 feet, whose center bears South 89°54'28" West, through a central angle of 06°11'20" for an arc length of 52.49 feet;

Thence North 06°16'51" West, 43.04 feet;

Thence along a tangent curve to the right, having a radius of 1,473.94 feet, through a central angle of 00°45'12" for an arc length of 19.38 feet;

Thence North 01°33'50" West, 113.38 feet;

Thence North 00°06'09" West, 110.80 feet;

Thence North 02°54'34" East, 54.23 feet;

Thence northerly, along a non-tangent curve to the right, having a radius of 1,473.94 feet, whose center bears South 84°41'38" East, through a central angle of 00°41'40" for an arc length of 17.86 feet;

Thence South 59°52'09" West, 1.02 feet; ← **Is this small jog necessary?**
Thence North 07°28'10" East, 51.95 feet;
Thence North 02°28'10" East, 93.01 feet;
Thence North 29°51'51" West, 30.65 feet; ← **to the most southeasterly line of Santa Clara Street**
Thence North 60°06'24" East, 467.23 feet, to the POINT OF BEGINNING.

Containing 8.94 acres, more or less.

PARCEL 2

Please add street and boundary call as shown (MIN)

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at the northerly corner of the 7.11 acre parcel of
Record of Survey filed for record on May 4, 1987, in Book 573
County Records;
Thence South 55°49'47" East, 125.65 feet; ← **What line is being followed? Is this the old
sideline of Autumn as shown on Exhibit B
or the westerly line of UPRR?**
Thence along a tangent curve to the left, having a radius of 1,000.00 feet, through a central
angle of 24°33'10" for an arc length of 428.53 feet; ← **to the most northeasterly line of N Montgomery
St (60-ft wide);**
Thence South 80°22'57" East, 99.66 feet;
Thence South 40°12'37" East, 79.87 feet;
Thence South 49°47'23" West, 233.38 feet; ← **to the most southeasterly line of W St John St
(60-ft wide);**
Thence South 40°09'41" East, 1,721.51 feet; ← **to the most northerly line of W Santa Clara St (The
Alameda?);**
Thence South 60°22'40" West, 61.03 feet;
Thence North 40°09'41" West, 7.74 feet;
Thence South 87°34'04" West, 192.97 feet;
Thence South 02°28'43" East, 515.24 feet; ← **to the most northerly line of W Santa Clara St (The
Alameda?);**
Thence South 87°38'19" West, 293.19 feet;
Thence North 13°53'44" West, 162.78 feet;
Thence North 06°00'51" West, 142.79 feet;
Thence North 14°47'17" West, 144.81 feet;
Thence North 24°39'40" West, 14.49 feet;
Thence North 49°48'04" East, 37.34 feet;
Thence North 40°08'37" West, 195.34 feet;
Thence North 34°08'37" West, 99.45 feet;
Thence North 33°36'42" West, 90.81 feet;
Thence North 40°10'41" West, 60.03 feet;
Thence North 34°56'31" West, 120.52 feet;
Thence North 16°45'52" West, 65.46 feet;
Thence North 33°02'18" West, 161.30 feet;
Thence North 49°40'11" East, 24.62 feet;
Thence North 40°16'38" West, 88.07 feet;
Thence North 27°31'59" West, 31.22 feet;
Thence northerly, along a non-tangent curve to the right, having a radius of 533.14 feet, whose
center bears North 73°24'52" East, through a central angle of 24°49'56" for an arc length of
231.06 feet;
Thence North 40°09'42" West, 19.38 feet;

Thence North 49°40'17" East, 15.18 feet;
Thence northerly, along a non-tangent curve to the right, having a radius of 538.14 feet, whose center bears South 79°10'14" East, through a central angle of 05°28'18" for an arc length of 51.39 feet;
Thence North 16°18'03" East, 157.35 feet;
Thence North 40°09'41" West, 59.99 feet;
Thence South 16°18'03" West, 190.49 feet;
Thence southerly, along a non-tangent curve to the left, having a radius of 588.14 feet, whose center bears South 73°41'56" East, through a central angle of 34°06'20" for an arc length of 350.09 feet;
Thence South 49°47'51" West, 33.22 feet;
Thence North 40°10'59" West, 549.49 feet;
Thence North 49°47'23" East, 31.00 feet;
Thence North 40°10'53" West, 461.21 feet;
Thence northwesterly, along a non-tangent curve to the right, having a radius of 1,260.74 feet, whose center bears North 62°30'37" East, through a central angle of 06°13'20" for an arc length of 136.91 feet;
Thence North 49°47'16" East, 351.13 feet, to the POINT OF BEGINNING.

Containing 28.17 acres, more or less.

PARCEL 3

Please add street and boundary call as shown (MIN)

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at the southerly corner of Parcel 1 as shown on that certain Parcel Map filed for record on August 22, 1980, in Book 469 of Maps, page 28, Santa Clara County Records;
Thence northwesterly, along a curve to the right, having a radius of 1,395.47 feet, whose center bears North 51°07'40" East, through a central angle of 14°26'44" for an arc length of 351.83 feet;
Thence North 46°22'55" East, 15.00 feet;
Thence North 41°54'05" West, 44.50 feet;
Thence northerly, along a non-tangent curve to the right, having a radius of 1,395.47 feet, whose center bears North 67°31'07" East, through a central angle of 05°07'56" for an arc length of 125.00 feet;
Thence northerly, along a non-tangent curve to the right, having a radius of 240.00 feet, whose center bears North 86°12'10" East, through a central angle of 30°18'30" for an arc length of 126.96 feet;
Thence South 20°30'14" East, 19.21 feet;
Thence North 16°56'12" East, 64.61 feet;
Thence North 28°34'20" East, 18.65 feet;
Thence North 45°22'33" East, 156.65 feet;
Thence North 37°39'18" East, 43.69 feet;
Thence along a tangent curve to the left, having a radius of 30.00 feet, through a central angle of 72°50'16" for an arc length of 38.14 feet;
Thence North 35°10'58" West, 36.03 feet;

Thence along a tangent curve to the right, having a radius of 20.00 feet, through a central angle of 72°50'16" for an arc length of 25.43 feet;
Thence North 37°39'18" East, 220.47 feet;
Thence along a tangent curve to the left, having a radius of 640.00 feet, through a central angle of 08°00'00" for an arc length of 89.36 feet;
Thence North 29°39'18" East, 59.96 feet;
Thence northerly, along a non-tangent curve to the right, having a radius of 678.00 feet, whose center bears North 87°33'58" East, through a central angle of 04°12'15" for an arc length of 49.75 feet;
Thence North 01°46'13" East, 102.39 feet;
Thence South 30°12'09" West, 43.87 feet;
Thence South 39°24'09" West, 67.85 feet;
Thence southwesterly, along a non-tangent curve to the left, having a radius of 80.00 feet, whose center bears South 39°36'08" East, through a central angle of 20°44'34" for an arc length of 28.96 feet;
Thence South 29°39'18" West, 1.85 feet; ← Is this small jog neccessary?
Thence South 39°24'09" West, 164.53 feet;
Thence North 87°30'06" East, 23.16 feet;
Thence South 37°39'18" West, 199.56 feet;
Thence along a tangent curve to the right, having a radius of 20.00 feet, through a central angle of 80°24'15" for an arc length of 28.07 feet;
Thence along a reverse curve to the left, having a radius of 40.00 feet, through a central angle of 80°24'15" for an arc length of 56.13 feet;
Thence South 37°39'18" West, 29.98 feet;
Thence South 52°20'42" East, 29.94 feet;
Thence South 30°09'18" West, 79.72 feet;
Thence North 03°13'24" West, 554.12 feet;
Thence North 00°08'17" East, 27.82 feet;
Thence South 87°30'11" West, 59.00 feet;
Thence North 02°31'01" West, 210.98 feet;
Thence North 87°30'06" East, 7.91 feet;
Thence North 02°51'32" East, 175.70 feet;
Thence North 01°01'33" East, 158.87 feet;
Thence North 02°01'13" West, 63.18 feet;
Thence North 02°55'42" West, 61.74 feet;
Thence North 87°52'02" East, 92.48 feet;
Thence South 02°29'54" East, 102.19 feet;
Thence North 87°30'13" East, 58.38 feet;
Thence North 02°29'47" West, 207.03 feet;
Thence South 87°53'28" West, 27.35 feet;
Thence North 02°30'02" West, 40.00 feet;
Thence North 87°53'28" East, 50.00 feet;
Thence North 02°30'02" West, 110.48 feet;
Thence North 87°34'58" East, 69.50 feet;
Thence North 02°25'02" West, 204.22 feet;
Thence South 87°34'45" West, 40.80 feet;
Thence North 02°29'04" West, 49.99 feet;
Thence North 87°34'31" East, 270.99 feet; ← ...to the most northeasterly line of N Montgomery St (72-ft wide);

Many of these jogs and curves appear to be "smoothed" on Exhibit B. Please use that shapefile for the legal description.

Thence North 02°28'43" West, 935.37 feet;

Thence North 87°38'19" East, 548.46 feet;

Thence South 08°12'27" West, 60.98 feet;

Thence North 81°47'33" West, 7.38 feet;

Thence southerly, along a non-tangent curve to the left, having a radius of 1,556.00 feet, whose center bears South 79°43'21" East, through a central angle of 03°27'16" for an arc length of 93.82 feet;

Thence South 17°25'29" West, 47.05 feet;

Thence South 17°26'53" West, 18.99 feet;

Thence South 05°53'13" West, 69.38 feet;

Thence South 10°02'04" East, 94.06 feet;

Thence southerly, along a non-tangent curve to the left, having a radius of 1,556.00 feet, whose center bears North 88°32'05" East, through a central angle of 00°55'17" for an arc length of 25.02 feet;

Thence continuing along said curve to the left, having a radius of 1,556.00 feet, through a central angle of 03°41'05" for an arc length of 100.06 feet;

Thence continuing along said curve to the left, having a radius of 1,556.00 feet, through a central angle of 00°12'32" for an arc length of 5.67 feet;

Thence South 06°16'48" East, 43.04 feet;

Thence along a tangent curve to the right, having a radius of 404.00 feet, through a central angle of 07°24'45" for an arc length of 52.27 feet;

Thence westerly, along a non-tangent curve to the right, having a radius of 880.01 feet, whose center bears North 12°14'07" West, through a central angle of 04°33'06" for an arc length of 69.91 feet;

Thence South 79°17'06" West, 70.51 feet;

Thence South 02°27'56" East, 75.81 feet;

Thence along a tangent curve to the left, having a radius of 999.96 feet, through a central angle of 00°14'11" for an arc length of 4.12 feet;

Thence North 87°32'04" East, 120.89 feet;

Thence South 12°11'03" West, 51.68 feet;

Thence South 87°32'04" West, 106.37 feet;

Thence southerly, along a non-tangent curve to the left, having a radius of 1,000.00 feet, whose center bears North 84°25'55" East, through a central angle of 01°45'13" for an arc length of 30.61 feet;

Thence along a reverse curve to the right, having a radius of 1,000.00 feet, through a central angle of 04°48'47" for an arc length of 84.00 feet;

Thence South 02°28'55" East, 117.24 feet;

Thence South 02°30'02" East, 228.27 feet;

Thence along a tangent curve to the right, having a radius of 572.00 feet, through a central angle of 39°34'46" for an arc length of 395.13 feet;

Thence along a reverse curve to the left, having a radius of 450.00 feet, through a central angle of 35°44'53" for an arc length of 280.77 feet;

Thence South 01°44'30" West, 270.74 feet;

Thence South 01°46'13" West, 63.60 feet;

Thence South 01°46'32" East, 118.56 feet;

Thence North 54°47'45" East, 125.01 feet;

Thence South 35°09'56" East, 240.05 feet;

Thence South 54°48'18" West, 178.14 feet;

...to the most northerly line of W Santa Clara St (The Alameda?);

Is this quadrant correct? (SW?)
I think this is to the E'ly line of Obama Blvd?

...to the northwesterly line of San Carlos?

are these courses along the northwesterly line of San Carlos?

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Thence South 54°48'50" West, 255.34 feet;
Thence South 54°49'02" West, 146.58 feet;
Thence North 35°10'58" West, 2.03 feet;
Thence westerly, along a non-tangent curve to the right, having a radius of 323.50 feet, whose center bears North 24°34'12" West, through a central angle of 04°11'06" for an arc length of 23.63 feet;
Thence South 35°10'05" East, 617.30 feet;
Thence South 54°48'50" West, 120.00 feet;
Thence North 35°10'05" West, 5.00 feet;
Thence South 54°48'50" West, 270.61 feet;
Thence South 35°11'10" East, 5.00 feet;
Thence South 54°48'50" West, 75.00 feet, to the POINT OF BEGINNING.

...to the southwesterly line of Royal Av (width varies)?

...to the northwesterly line of Auzerais Av (60-ft wide)

excepting therefrom, the following area:

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of Property ID No. V014-01 described in the Final Order of Condemnation recorded August 22, 2002, in Document No. 16434322, Santa Clara County Records.

Containing 40.53 acres, more or less.

Total combined area of Parcels 1, 2 & 3 containing 77.64 acres, more or less.

For assessment or zoning purposes as defined in the Subdivision Map Act, the land described.

There appears to be other parcels that should be excluded from the Development Agreement per Exhibit B. Please verify. APNs 261-35-002, 261-35-030, 259-38-114, and 259-38-134.

This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 3.11.21

Tracy L. Giorgetti
Tracy L. Giorgetti, LS 8720



