

From: [Phan, Johnny](#)
To: [Downtown West Project](#)
Subject: FW: Preliminary Draft Google Exhibits A and B
Date: Tuesday, April 6, 2021 3:08:40 PM
Attachments: [Exhibit C2 Autumn Street Parcels-c \(City Surveyor's Comments\).pdf](#)
[VTA Legal Descriptions-c \(City Surveyor's Comments\).pdf](#)

From: Phan, Johnny
Sent: Thursday, March 25, 2021 2:36 PM
To: Miller, J. Gregg <gmler@coblenzlaw.com>; Straka, Stephanie <SStraka@coblenzlaw.com>
Subject: Preliminary Draft Google Exhibits A and B

See comments below.

Johnny V. Phan

Chief Deputy City Attorney
Office of the City Attorney
City of San Jose
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I have reviewed the two attachments and have the following comments.

Exhibit C2 Autumn Street Parcels-c

Per DA, this exhibit should be the *Site Plan and Legal Description* for **255 Autumn St.** (APN 259-29-020), **260 & 240 N Montgomery St** (APNs 259-29-012 & -103), that will be used in the future fee transfer to the City of San Jose.

However, the site plan is very basic and is more of a GIS location map. **I suggest standard plat maps be developed by HMH, (that include Point of beginning, metes and bounds, etc) to be used for this exhibit and for the future fee transfer to the City.**

There is no legal descriptions in this exhibit. **I suggest HMH create new legal descriptions that represent the boundaries of the individual Autumn Street Parcels and include them in a revised Exhibit C2 .**

VTA Legal Descriptions-c

These legal descriptions are unrelated to Exhibit C2 and represent three (3) of the VTA owned parcels that are referenced in Section H of the Recital:

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, which properties are included in the Downtown West Planned Development Zoning and General Development Plan, the Downtown West Design Standards and Guidelines, and the Vesting Tentative Map for the Project

However, I'm not sure if these "stand alone" legal descriptions are to be used as Exhibits in the DA. There is currently no specific reference in the DA for these parcels as an Exhibit. They do need to be added to the parcel exclusions in **Exhibit A Project Site Legal Description** but not as currently configured.

I have made this comment yesterday in the Exhibit A review, so hopefully HMH will either copy/paste these into the main Exhibit A, or somehow relabel these as sub-exhibits for the exclusion areas.

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

Please provide standard and separate Plat maps and Legal Descriptions, that include Point of Beginning and metes and bounds, to be used for Exhibit C2 Autumn Street Parcels.





APN 259-29-012
260 NORTH MONTGOMERY STREET


REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of Parcel Two described in the Grant Deed recorded August 15, 2019, in Document No. 24255972 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the southerly corner of said Parcel Two, being on the northeasterly line of North Montgomery Street;
Thence along said northeasterly line, North 40°09'41" West, 50.00 feet, to the northwesterly line of said Parcel Two;
Thence along said northwesterly line and the northeasterly and southeasterly lines of said Parcel Two the following three courses:
1. Thence North 49°50'18" East, 118.81 feet;
2. Thence South 38°44'42" East, 50.02 feet;
3. Thence South 49°50'18" West, 117.57 feet, to the POINT OF BEGINNING.

Containing 5,910 square feet or 0.14 acres, more or less.

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

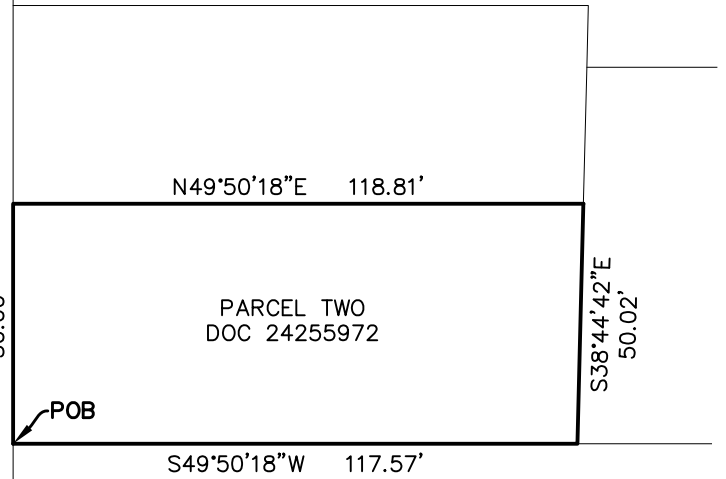
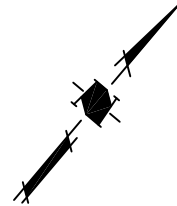
Date: 3-11-21


Tracy L. Giorgetti, LS 8720



WEST JULIAN STREET

NORTH MONTGOMERY STREET



N49°50'18"E 118.81'

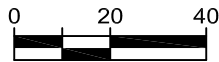
PARCEL TWO
DOC 24255972

S38°44'42"E
50.02'

N40°09'41"W
50.00'

POB

S49°50'18"W 117.57'



1 IN. = 40 FT.

LEGEND

POB POINT OF BEGINNING

SHEET 1 OF 1

Date: 2021-03-11

Designed: DM

Drawn: RF

Checked: TG

Proj. Engr.: -

571900PL21



1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

PLAT TO ACCOMPANY DESCRIPTION:
APN 259-29-012
260 NORTH MONTGOMERY STREET

SAN JOSE

CALIFORNIA



APN 259-29-020
255 NORTH AUTUMN STREET

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of Parcel One described in the Grant Deed recorded August 15, 2019, in Document No. 24255972 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the northerly corner of said Parcel One, being on the southwesterly line of North Autumn Street;

Thence along said southwesterly line, South 40°22'50" East, 87.54 feet to the southeasterly line of said Parcel One;


Thence along said southwesterly line and the southwesterly and northwesterly lines of said Parcel One the following four courses:

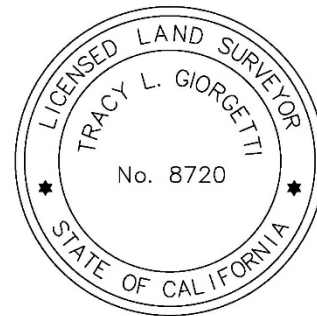
1. Thence South 54°25'13" West, 113.86 feet;
2. Thence South 49°50'18" West, 61.71 feet;
3. Thence North 38°44'42" West, 78.46 feet;
4. Thence North 49°50'18" East, 172.93 feet, to the POINT OF BEGINNING.

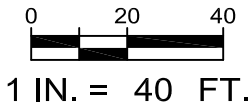
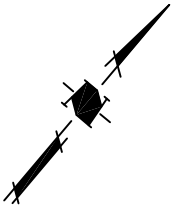
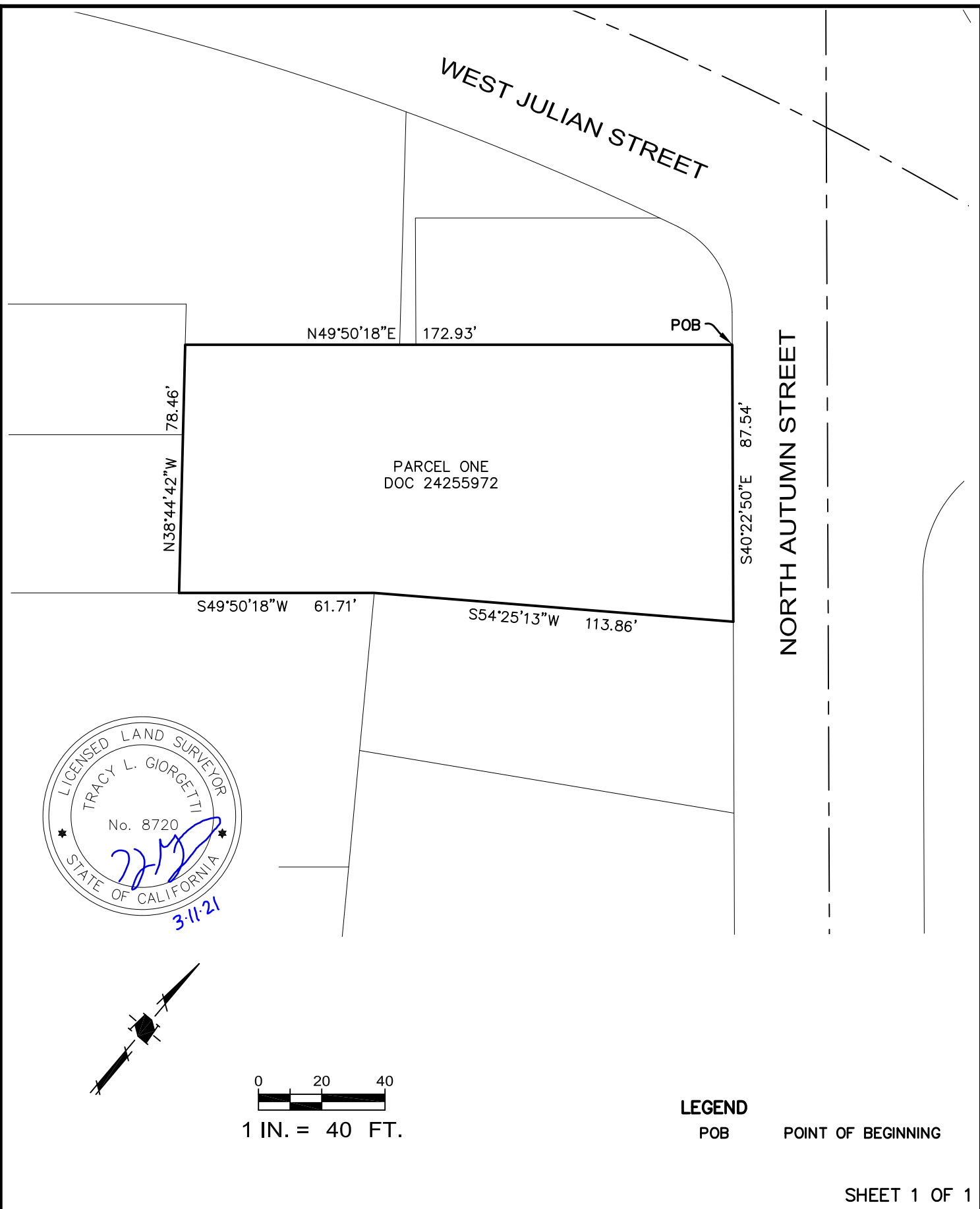
Containing 14,168 square feet or 0.33 acres, more or less.

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, LS 8720





LEGEND

POB POINT OF BEGINNING

SHEET 1 OF 1

Date:	2021-03-11
Designed:	DM
Drawn:	RF
Checked:	TG
Proj. Engr.:	—
571900PL20	

1570 Oakland Road (408) 487-2200
 San Jose, CA 95131 HMMca.com

PLAT TO ACCOMPANY DESCRIPTION:
 APN 259-29-020
 255 NORTH AUTUMN STREET

SAN JOSE

CALIFORNIA



APN 259-29-103
240 NORTH MONTGOMERY STREET


REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of that parcel of land described in the Grant Deed recorded August 15, 2019, in Document No. 24255999 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the southerly corner of said parcel of land, being on the northeasterly line of North Montgomery Street;
Thence along said northeasterly line, North 40°09'41" West, 86.60 feet, to the northwesterly line of said parcel of land;
Thence along said northwesterly line and the northeasterly and southeasterly lines of said parcel of land the following three courses:
1. Thence North 49°50'18" East, 179.28 feet;
2. Thence South 34°49'59" East, 86.98 feet;
3. Thence South 49°50'18" West, 171.20 feet, to the POINT OF BEGINNING.

Containing 15,177 square feet or 0.35 acres, more or less.

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

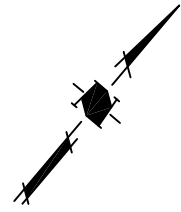
Date: 3-11-21


Tracy L. Giorgetti, LS 8720



WEST JULIAN STREET

NORTH MONTGOMERY STREET



N49°50'18"E 179.28'

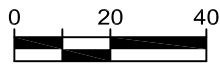
DOC 24255999

N40°09'41"W 86.60'

S34°49'59"E 86.98'

POB

S49°50'18"W 171.20'



1 IN. = 40 FT.

LEGEND

POB POINT OF BEGINNING

SHEET 1 OF 1

Date:	2021-03-11
Designed:	DM
Drawn:	RF
Checked:	TG
Proj. Engr.:	-
571900PL22	



1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMMHca.com

PLAT TO ACCOMPANY DESCRIPTION:
APN 259-29-103
240 NORTH MONTGOMERY STREET

SAN JOSE

CALIFORNIA

These descriptions for APNs 259-38-134, 259-38-114, and 259-39-139, seem to be for the main Exhibit A Project Site Exclusions.

Please verify how these are to be used for that exhibit or, if these are Exhibits for another section of the Development Agreement.

February 17, 2021
HMH 5719.00.270
Page 1 of 1


EXHIBIT "A"
VTA PARCEL
APN 259-38-134

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of Parcel No. 2 described in the Grant Deed recorded June 8, 1981, in Book G136 of Official Records, page 338, Santa Clara County Records.

Containing 5,375 square feet or 0.12 acres, more or less.

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

Date: 2.17.21


Tracy L. Giorgetti, LS 8720

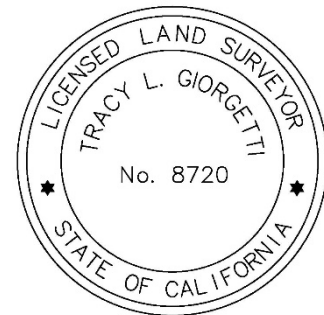




EXHIBIT "A"
VTA PARCEL
APN 259-38-114

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of the parcel of land described in the Grant Deed recorded May 13, 1969, in Book 8531 of Official Records, page 151, Santa Clara County Records, described as follows:

BEGINNING at northwest corner of said parcel of land;

Thence along the northerly line of said parcel of land, North 87°32'04" East, 132.94 feet, to the westerly line of Los Gatos Creek as shown on that certain Record of Survey filed for record on March 30, 1972, in Book 298 of Maps, page 38, Santa Clara County Records;

Thence along said westerly line the following two courses:

1. Thence, southerly, along a non-tangent curve to the right, having a radius of 404.00 feet, whose center bears North 81°50'11" West, through a central angle of 04°01'14" for an arc length of 28.35 feet;
2. Thence South 12°11'03" West, 23.09 feet;

Thence South 87°32'04" West, 120.89 feet, to the easterly line of South Autumn Street;

Thence along said easterly line, the following two courses:

1. Thence northerly, along a non-tangent curve to the right, having a radius of 999.96 feet, whose center bears North 87°17'53" East, through a central angle of 00°14'10" for an arc length of 4.12 feet;
2. Thence North 02°27'56" West, 45.88 feet, to the POINT OF BEGINNING.

Containing 6,362 square feet or 0.15 acres, more or less.

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

Date: 2.17.21



Tracy L. Giorgetti, LS 8720





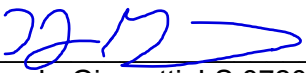
EXHIBIT "A"
VTA PARCEL
APN 259-38-139

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 2,600 square feet or 0.06 acres, more or less.

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

Date: 2-17-21



Tracy L. Giorgetti, LS 8720

