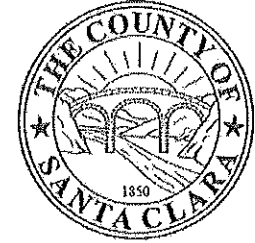


County of Santa Clara  
 Department of Planning and Development  
 The County Surveyor's Office  
 County Government Center, East Wing  
 70 West Hedding Street, 7th Floor  
 San Jose, California 95110  
 Phone: (408) 299-5730  
 Fax: (408) 275-6412



APPLICATION FOR ABANDONMENT OF EASEMENT

1. Name of Applicant Hanson Permanente Cement, Inc.  
 (Print or Type)  
24001 Stevens Creek Blvd.  
 (Address)  
Cupertino, CA 95014  
 (City, State, and Zip Code)  
(408) 996-4193 (Telephone) (E-Mail Address)  
173.023  
 (County File Number if Applicable)

2. Type of Easement (Circle)  
 Road (name) Permanente Road  
 Drainage  
 Sewer  
 Utility  
 Wire Clearance  
 Pedestrian  
 Slope  
 Other (Describe) \_\_\_\_\_

3. Describe general location of the easement to be abandon (example: 10 foot strip along east of property line).  
Segment of former road within quarry property, see legal description and map attached to July 6, 2011 letter.

4. Provide a copy of the document used that created the easement. Include the Recorder's Book and Page or Document Number:  
 a. Deed Book 170 Page 10 Document No. \_\_\_\_\_  
 b. Map Book \_\_\_\_\_ Page \_\_\_\_\_

5. Show by vicinity map the parcel(s) affected by the abandonment.  
 6. State reasons why the abandonment is requested. See see July 6, 2011 letter.

7. County Ordinance Code Section B17-1 specifies a fee of \$1,200 to accompany all application, except those initiated by government agencies.  
 8. The applicant must submit a legal description, a plat map that is prepared by a licensed Land Surveyor, and an (approximate) 500 scale vicinity map of the area proposed for abandonment. Supply a copy of the legal document that created the easement.

Signature of Applicant [Handwritten Signature] Date 7.14.11  
 REV. 3/2011

HARRISON  
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HUNGERFORD  
& JOHNSON

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NATURAL RESOURCES

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*Orig to Darrell Wong  
Please process &  
Schedule for  
Aug BOS  
cc Jody for ref*

July 6, 2011

Jody Hall Esser, Director  
Department of Planning and Development  
County of Santa Clara  
70 West Hedding Street, 7th Floor  
San Jose, CA 95110

Re: Request for Abandonment of Permanente Road

Dear Ms. Hall Esser:

This firm represents Hanson Permanente Cement, Inc. and Lehigh Southwest Cement Company, owners and operators of the Permanente Quarry (together, "Lehigh"). We request on Lehigh's behalf that the Planning Department place the abandonment of Permanente Road on the agenda for the Board of Supervisors' next available meeting.

We are making this request in accordance with the Board's direction. On February 8, 2011, the Board held a public hearing to consider the Quarry's vested rights. One issue raised at the hearing was whether Permanente Road, which was dedicated to the County in 1893, was a "public street" in 1937 when the County enacted its original zoning ordinance. The Board found that Permanente Road was not a public street because it had been closed to public use by 1935. Nonetheless, because no record of abandonment could be found, the Board directed Lehigh to formally process the abandonment.

The process for abandoning a County road is described in California Streets and Highways Code sections 8330 – 8336. These procedures allow the Board to vacate a "street or highway" (which includes roads, pursuant to section 8308) when the following circumstances exist:

- 1) "For a period of five consecutive years, the street or highway has been impassable for vehicular travel... [and] No public money was expended for maintenance on the street or highway during such period." (Streets & Hwys Code, § 8331.)
- 2) When the portion of the street or highway to be vacated "lies within property under one ownership and that does not continue through such ownership or end touching property of another." (Streets & Hwys Code, § 8334(b).)

Abandonment is possible on either ground. The Board established in the February 8, 2011 hearing that Permanente Road was impassable to public travel by 1935. Permanente Road also is now physically impassable over most of its length, as the result of disuse and intervening mining activity, with no known public maintenance since at least 1935. Also, Permanente Road passes across only land owned or controlled<sup>1</sup> by Lehigh, with its terminus well inside Lehigh's ownership.

The County does not appear to have any specific application requirements for abandonment. We ask, therefore, that you accept this letter as Lehigh's formal request to initiate the process and place this matter on the Board's agenda. We have included a map showing Permanente Road as mapped by the Planning Department in February 2011, and the 1893 dedication with its legal description. We would be pleased to provide additional information, as needed, to support a resolution meeting the requirements of state law. (See Streets & Hwys Code, § 8335.) Lehigh also will be prepared to present supporting testimony to the Board at the hearing.

Lehigh thanks the Planning Department for its attention to this matter, and looks forward to working with County staff to prepare the appropriate documentation for the hearing.

Very truly yours,



Sean K. Hungerford

SKH/lll

cc: Lizanne Reynolds, Esq., County Counsel's Office  
Kari Saragusa, Lehigh Hanson  
Henrik Wesseling, Lehigh Southwest Cement Company  
Marvin Howell, Lehigh Hanson

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<sup>1</sup> One segment of the former road crosses over a rail spur which is owned by Union Pacific but operated and maintained by Lehigh.