



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT: OAKLAND ROAD WIDENING  
LAND PURCHASE – SUNSERI-  
LAMANTIA AND MORALES**

**DATE:** 01-19-05

Approved 

Date 1/25/05

Council District: 4

## RECOMMENDATION

It is recommended that the City Council approve Purchase and Sale Agreements and authorize the Director of Public Works to execute any additional documents necessary to complete these transactions with:

- (a) Dorothy Sunseri and Mae E. LaMantia, in the amount of \$125,000 for: (a) fee title to a portion of 1290 Oakland Road (APN: 241-12-001), in the area of the proposed Oakland Road street widening project; and,
- (b) Richard Morales and Beatrice Morales, in the amount of \$119,431 for: (a) fee title to a portion of 1954 Oakland Road (APN: 244-22-011); (b) twelve-month temporary construction easement on an adjoining portion of the property; and (c) payment for reconnecting to the sanitary sewer, in the area of the proposed Oakland Road street widening project.

CEQA: Negative Declaration: PP03-06-209.

## BACKGROUND

The objective of the Oakland Road Project is to provide sufficient traffic capacity in the corridor to serve existing and planned uses that are consistent with the Land Use/Transportation Diagram of the adopted San José 2020 General Plan. Oakland Road is designated as a “Major Arterial Roadway” in the General Plan, defined as a roadway having three traffic lanes in each direction. The existing roadway varies from two to four lanes between Hedding Street and Montague Expressway.

This project will complete the widening of Oakland Road to six lanes and requires frontage from eleven parcels under eight ownerships, from Montague Expressway south to Commercial Street

(approximately 3.5 miles) (see map attached as Exhibit A). The project will remove bottlenecks, improve traffic flow and service levels, and increase capacity on one of the City's major commute corridors. These properties are located within the segment of Oakland Road between Brokaw Road and Montague Expressway. The Sunseri-LaMantia property and the Morales property constitute two of the eleven parcels needed for this project. Council previously approved the purchase of five parcels, one of which is being acquired through the eminent domain process. Staff continues to negotiate with the remaining owners. The negotiations for the acquisition of these properties were delayed due to unexpected challenges such as owners' catastrophic illnesses and differing valuation opinions, which were ultimately resolved. The project is scheduled for contract award in March 2005 with start of construction to begin in late spring 2005.

## **ANALYSIS**

### **a. Sunseri-Lamantia Acquisition**

The Sunseri-LaMantia property is located at 1290 Oakland Road (APN: 241-12-001). The subject property consists of approximate 1.25-acre (54,450 square foot) parcel, which is currently improved with a multi-family housing complex. The acquisition parcel to be taken in fee represents an approximate 3,505 square foot area located adjacent to Oakland Road along the western edge of the larger parcel. In addition a 31 square foot Public Utility Easement (PUE) to be located immediately adjacent to the take area is proposed for acquisition. The take area is currently improved with asphalt paving, landscaping, and portions of iron and concrete fencing, but no existing structures are located in the take area. This acquisition represents a partial take.

On February 23, 2004, City staff presented the owner of the property an offer of \$125,000. The offer was based upon the full-appraised value of the property.

### **b. Morales Acquisition**

The Morales property is located at 1954 Oakland Road (APN: 244-22-011). This site is located on the east side of Oakland Road, between Montague Expressway and Murphy Avenue. The subject property consists of an approximate .83-acre (36,154 square feet) parcel. The property has approximately 120 feet of frontage on Oakland Road. The parcel is level at street grade with no curbs, gutters, or sidewalks in place. The property is currently improved with two older single-family homes.

As part of the Oakland Road Project, the City requires acquisition of a portion of the subject site. The proposed fee acquisition area will consist of 2,300 square feet of land located along the western perimeter of the subject property. This is a strip of land extending along the existing street frontage. In addition to the fee acquisition the City is acquiring a Temporary Construction Easement (TCE). The TCE area consists of a five-foot wide strip of land containing a total of 611 square feet of land. The duration of this TCE will be for a period of approximately 12

months during the construction period. The TCE will then expire and the easement will revert to the underlying fee title-holder.

The fee taking and construction easement are to be located along the western edge of the larger property and do not directly impact the existing building improvements. Additionally, the site contains a septic system serving the property that will be impacted by the proposed acquisition. The property owner and the City have agreed on the cost of reconnecting the owner's sewer system, which will be interrupted by the project.

City staff presented the owner of the property an offer of just compensation in the amount of \$119,431. The offer was based upon an appraisal of the property by Carmeghi-Bautovich & Partners, Inc.

A map showing the subject properties is attached as Exhibit A.

### **PUBLIC OUTREACH**

Staff conducted a community meeting on October 2, 2003 to introduce the project to the public and received positive feedback. In addition, staff met with each of the property owners several times to explain the project.

### **COORDINATION**

This memorandum and agreement have been coordinated with the Department of Transportation, the Department of Planning, Building and Code Enforcement, the City Manager's Budget Office and City Attorney's Office.

### **COST IMPLICATIONS**

(a) The amount of \$125,000 is specified in the Sunseri-Lamantia purchase agreement. In addition, there will be escrow and closing costs estimated at \$2,500. The total cost is anticipated to be approximately \$127,500.

(b) The amount of \$119,431 is specified in the Morales purchase agreement. In addition there will be escrow and closing costs estimated at \$2,400. The total cost is anticipated to be approximately \$121,831.

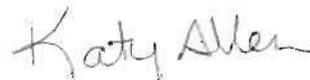
Cost implications associated with the Oakland Road Widening project will be discussed in future Council memoranda concerning those improvements.

**BUDGET REFERENCE**

Fund #	Appn. #	Appn. Name	Total Appn.	Amt. For Contract	2004-2005 Adopted Budget (Page)	Last Budget Action (Date, Ord. No.)
429	6339	Oakland Road: Route 101 to Montague	5,103,000	\$244,431	Capital V-103	10/12/04, Ord. No. 27267

**CEQA**

Negative Declaration: PP03-06-209.



KATY ALLEN  
Director, Public Works Department

BI:hla  
bi011305cc

Attachment

**OAKLAND ROAD WIDENING PROJECT  
(COMMERCIAL STREET TO MONTAGUE EXPRESSWAY)**

**LAND ACQUISITION MAP**

ITEM NO.	PROPERTY /APN	PROPERTY ADDRESS
1	244-22-011	1942 OAKLAND RD
2	241-12-001	1290 OAKLAND RD

