



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen

**SUBJECT: DOHERTY PROPERTY
PURCHASE FOR HOLLY HILL
INFRASTRUCTURE IMPROVEMENTS**

DATE: 03-08-06

Approved

Date

3/13/06

Council District: 7

SNI Area: Tully-Senter

RECOMMENDATION

Approval of a purchase agreement for the purchase of a portion of a parcel located at 1820 McLaughlin Avenue, together with an immediate right of entry thereon, from owner Dennis D. Doherty, a single man, at a total cost to the City of \$25,555 for the purchase and estimated closing costs, and adoption of a resolution authorizing the Director of Public Works to execute any additional documents necessary to complete the transaction.

CEQA: Exempt, PP05-228.

BACKGROUND

The project proposes to construct pedestrian safety improvements in the northeast quadrant of the intersection of McLaughlin Avenue and Holly Hill Drive. The scope of the project includes construction of public right-of-way improvements consisting of construction of sidewalk, curb, gutter and street improvements, installation of street trees and relocation of storm drains. The project also includes some improvements to the subject property and neighboring properties in order to ensure that they conform and connect smoothly with the abutting sidewalk right-of-way improvements. These include driveway and walkway construction and fence relocation/replacement.

Construction is scheduled to begin in March 2006 with completion in July of 2006.

ANALYSIS

The portion of the subject single family residential property to be acquired by the City fronts Holly Hill Drive. The land to be acquired consists of an elongated triangular-shaped strip encompassing a total of 402.72 square feet. It extends along Holly Hill Drive for a distance of

109.10 feet and is 7.39 feet at its widest point at the southeast corner of the property. The subject portion is currently vacant apart from some minor landscaping and an existing wood fence. The portion of the fence in the subject area will be relocated as part of the project.

The \$25,170 amount of compensation to be paid by the City to the seller as specified in the agreement represents just compensation as determined by City Real Estate staff. In addition, closing and title costs are estimated to be \$385.

OUTCOME

Purchase of the subject right-of-way from the property owner will enable the City to proceed with the Holly Hill Infrastructure Improvements project.

PUBLIC OUTREACH

Staff met with the property owner on September 14, 2005 to discuss the proposed improvements. A follow-up meeting with the owner was conducted on October 6, 2005, at which he was presented with an alternative design plan showing the proposed property acquisition. Additional meetings with the owner were held on November 15, 2005 and on December 7 and 13, 2005 to finalize the improvement plans.

City Real Estate staff then met with the owner on January 23, 2006 to present the purchase offer. Negotiations continued over the next couple of weeks with additional documents and information provided to the owner at his request by Real Estate staff. The final meeting with the owner took place February 14, 2006, at which he executed and submitted the purchase agreement.

COORDINATION

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

COST IMPLICATIONS

The compensation amount of \$25,170 is specified in the purchase agreement. In addition, there will be closing and title costs estimated at \$385.

The total cost including compensation and escrow and closing fees is anticipated to be approximately \$25,555.

Cost implications associated with the street improvement construction project will be discussed in future Council memoranda concerning those improvements.

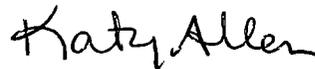
Total budget estimate for Holly Hill Infrastructure Improvement land costs	<u>\$40,000</u>
Amount of recommendation for this acquisition (including escrow and closing costs estimated at \$25,555)	<u>\$25,555</u>
Amount already expended in previous land acquisitions	\$ -0-
Estimated amount of remaining land acquisitions	<u>\$ -0-</u>
Estimated Balance For Land Acquisition	<u>\$14,445</u>

BUDGET REFERENCE

Fund #	Appn. #	Appn. Name	RC #	Total Appn.	Amt. For Contract	2005-2006 Adopted Capital Budget Page*	Last Budget Action (Date, Ord. No.)
001	6766	Holly Hill-Infrastructure Improvements	140322	\$128,000	\$25,555	V-1016	10/18/2005, Ord. No. 27580
		Total		\$128,000	\$25,555		

CEQA

Exempt, PP05-228.

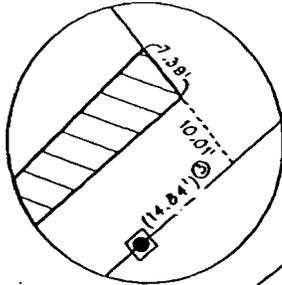


KATY ALLEN
Director, Public Works Department

DF:hla
df092105cc
Attachments

N

NOT TO SCALE



DETAIL

FARCEL B
138 M 27

LANDS OF DOHERTY
APN 477-40-055

FARCEL "C"
138 M 27
AND
FARCEL ONE
PER
F640 O.R. 239-240

LANDS OF DOHERTY
APN 477-40-027
FARCEL TWO
PER
F640 O.R. 239-240

LOT 26
TRACT 4836
268 M 25-26

SEE
DETAIL

POINT OF BEGINNING
(MOST SOUTHERLY
CORNER OF
TRACT NO. 4836)
BASIS OF BEARINGS

MACDUFF
AVENUE

TRACT 3670
174 M 36-37

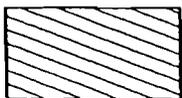
NORTHEASTERLY LINE
OF TRACT 3646

LOT 12
TRACT 3646
171 M 18

RECORD DATA
()[Ⓞ] = PER TRACT NO. 3646
171 M 18

RECORD DATA
()[Ⓞ] = PER TRACT NO. 3670
174 M 36-37

RECORD DATA
()[Ⓞ] = PER TRACT NO. 4836
268 M 25-26



DESCRIBED PROPERTY CONTAINS
APPROXIMATELY 402.72 SQUARE FEET

06092004R0003.DGN

PLAT TO ACCOMPANY DESCRIPTION OF REAL PROPERTY

PREPARED BY
CITY OF SAN JOSE
SURVEY SECTION
NOVEMBER 29, 2005