



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT:** OAKLAND ROAD WIDENING  
LAND PURCHASE – PESTANA

**DATE:** 02-09-05

Approved

Date

2/16/05

Council District: 4

## RECOMMENDATION

Approval of Purchase and Sale Agreements and adoption of a resolution authorizing the Director of Public Works to execute any additional documents necessary to complete these transactions with Ernest E. Pestana and Irene F. Pestana, in the amount of \$255,482 for: (a) fee title to a portion of 1954 Oakland Road (APN: 244-22-011); and (b) a 12-month temporary construction easement on an adjoining portion of the property.

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 Pestana property constitutes the last of eleven parcels needed for this project. Council has already approved the purchase of the previous parcels, one of which is being acquired through the eminent domain process. The negotiations for the acquisition of this property was delayed due to unexpected challenges involving a property owner's illness 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**

### **Pestana Acquisition**

The Pestana property is located at 2225 Oakland Road (APN: 237-01-006). This site is located on the west side of Oakland Road, south of Montague Expressway and is a zoned and General Planned IP (Industrial Park). The subject property consists of an approximate 5.41 acre (235,659 square feet) parcel. The property has approximately 310 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 a concrete industrial building located near the center of the site.

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 9,929 square feet of land located along the eastern 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 1,551 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 eastern edge of the larger property and do not directly impact the existing building improvements. City staff presented the owner of the property an offer of just compensation in the amount of \$255,482. The offer was based upon an appraisal of the property by Carneghi-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 Departments of Transportation and Planning, Building and Code Enforcement, the City Manager's Budget Office and City Attorney's Office.

**COST IMPLICATIONS**

The amount of \$255,482 is specified in the Pestana purchase agreement. In addition there will be escrow and closing costs estimated at \$5,060. The total cost is anticipated to be approximately \$260,542.

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	\$260,542	Capital V-103	10/12/04, Ord. No. 27267

**CEQA**

Negative Declaration: PP03-06-209.

*Katy Allen*  
KATY ALLEN  
Director, Public Works Department

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

### LAND ACQUISITION MAP

ITEM NO.	PROPERTY /APN	PROPERTY ADDRESS
①	237-01-006	2225 OAKLAND RD

