



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen

**SUBJECT: PURCHASE ACQUISITION
OF ABELOE PROPERTY**

DATE: 03-03-04

Approved

Date

Council District: 1

RECOMMENDATION

Approval of an agreement between the City of San José and the Estate of John T. Abeloe, for the purchase of a portion of property located at 3710 Stevens Creek Boulevard and a temporary construction easement on adjacent property, in the amount of \$12,500.

CEQA: Exempt, PP02-01-001.

BACKGROUND

The Boynton/Williams Road Sidewalk Improvement Project and the Boynton Avenue Sidewalk Improvement Project were included in the Mayor's 2001-02 June Message. The project required the City acquisition of a portion of the frontage of eight parcels along Boynton Avenue and Williams Road. Three of the properties are located along the west side of Boynton Avenue south of Stevens Creek Boulevard. Four of the properties reside along the east side of Boynton Avenue north of Williams Road and one is located along the north side of Williams Road. The City has previously been able to acquire and improve seven of these parcels. Due to the illness and subsequent death of the owner of the eighth property, the City had only been granted a right of entry to perform the improvement pending resolution of estate issues. The agreement referenced herein is for the purchase of this eighth property.

ANALYSIS

In order to complete the land acquisition for this project, approval of the purchase agreement is needed. Both projects started in September 2001 and were completed in December 2002.

The property rights were appraised by an independent fee appraiser. The City's offer for the property represented the appraised value. However, the negotiations were complicated by the health of the property owner. A right of entry was obtained from the court-appointed Conservator to allow construction to commence, while the final acquisition details were

resolved. However, the owner died before negotiations with the Conservator could be finalized. Subsequent negotiations with the appointed Estate Executor were successful and the purchase agreement was signed. A map of the subject parcel is shown as Exhibit A.

PUBLIC OUTREACH

City staff met with the various property owners a variety of times and discussed at length the project.

COORDINATION

This item has been coordinated with the Planning, Building and Code Enforcement Department, City Attorney's Office and City Manager's Budget Office.

COST IMPLICATIONS

In addition to staff time, a total acquisition cost of \$12,500 is specified further in detail in the purchase agreement. Additionally, there will be escrow and closing costs estimated at \$2,500. The total cost is anticipated to be approximately \$15,000.

BUDGET REFERENCE

Fund #	Appn #	Appn. Name	RC #	Total Appn.	Amt. for Contract	2003-04 Adopted Budget Page	Last Budget Action (Date, Ord.No.)
001	6997	Boynton Ave. Sidewalk Installation	118463	\$111,000	N/A	837	1/27/04 Ord. No. 27062

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CEQA

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KATY ALLEN
Director, Public Works Department

DR:hla
dr021004cc

Attachments