

RESOLUTION NO. 73382

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING CERTAIN CITY-OWNED PROPERTY SURPLUS AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE A LAND TRANSFER AGREEMENT AND ALL NECESSARY DOCUMENTS NECESSARY FOR THE SALE OF SUCH PROPERTY IN THE AMOUNT OF \$58,400 TO THE ADJACENT PROPERTY OWNER, SISTERS OF THE HOLY FAMILY, A DOMESTIC NON-PROFIT ORGANIZATION.

WHEREAS, Section 4.20.030 of the San Jose Municipal Code authorizes the City Council to declare City-owned real property surplus to the needs of the City and to enter into a private sale of such land for fair market value where all or part of the consideration is an exchange of other real property; and

WHEREAS, Section 4.20.050 of the San Jose Municipal Code authorizes the City Council to declare City-owned property surplus to the needs of the City and to enter into an agreement for sale of such property to the adjoining property owner; and

WHEREAS, Council, on this August 29th, 2006, has vacated a portion of McKinley Avenue between St. Elizabeth Drive and Meridian Avenue, as depicted on Exhibit "A" and following legal description, attached hereto; and

WHEREAS, the adjoining property owner to the area to be vacated is the Sisters of the Holy Family, a domestic non-profit organization ("Sisters"); and

WHEREAS, Sisters currently owns approximately 2,344 square feet of land on a portion of the north side of McKinley Avenue, more particularly described on Exhibit B attached hereto;

WHEREAS, the City parcel of property, as shown on Exhibit "A" attached hereto, consisting of a portion of McKinley Avenue between St. Elizabeth Drive and Meridian Avenue, comprises approximately 3,511 square feet; and

WHEREAS, the vacated street is to become a future private drive accessing the proposed development, and the City will reserve a sanitary sewer easement for the existing sewer main; and

WHEREAS, the City property is not independently developable nor adaptable to municipal purposes; and

WHEREAS, the fair market value of the subject parcel was determined to be Fifty Eight Thousand Four Hundred Dollars (\$58,400.00), and

WHEREAS, transfer of the City Property will result in significant public benefits including return of the property to the property tax rolls, and relief of any maintenance responsibilities by the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The Property is not needed for, nor adaptable to, municipal purposes, and the public interest would be served by the sale of such surplus real property; and
2. The Director of Public Works is authorized to execute a Land Transfer Agreement for sale of surplus City-owned real property to the adjacent property owner, and for sum of no less than \$58,400.00, and for the acceptance of that property from Sisters set forth in Exhibit B; and
3. The Director of Public Works is further authorized to execute on behalf of the City all other documents necessary for the transfer of City Property to the adjacent property owners.

ADOPTED this 29th day of August, 2006, by the following vote:

AYES: CAMPOS, CHAVEZ, CORTESE, LeZOTTE, NGUYEN,
PYLE, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: CHIRCO

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

RD:ESL:
8/28/2006

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