

RESOLUTION NO. 73460

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE,
APPROVING A HISTORIC LANDMARK PRESERVATION
AGREEMENT WITH GLORIA M. SCIARA FOR THE CURTIS HOUSE
(CITY LANDMARK NO. HL05-152)**

MA06-002

WHEREAS, California Government Code Section 50280, et seq. and Chapter 13.48 of Title 13 of the San Jose Municipal Code authorize the City of San Jose to enter into agreements with the owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so to retain its characteristics as property of historical significance; and

WHEREAS, Gloria Sciara possesses fee title in and to that certain real property, together with associated structures and improvements thereon, commonly known as Curtis House (City Landmark No. HL05-152), and generally located at the street address of 254 South Seventeenth Street, San Jose California (hereinafter such property shall be referred to as the "Historic Landmark"); and

WHEREAS, the City Council, on August 16, 2005, initiated proceedings pursuant to said Chapter 13.48 of Title 13 for consideration of such landmark designation; and

WHEREAS, on September 27, 2005 the City Council of the City of San Jose adopted its Resolution No. 72914 thereby declaring and designating the Historic Landmark as a historic landmark pursuant to the terms and provisions of Chapter 13.48 of the San Jose Municipal Code; and

WHEREAS, City of San Jose and Gloria Sciara for their mutual benefit, now desire to enter into an agreement both to protect and preserve the characteristics of historical significance of the Historic Landmark and to qualify the Historic Landmark for an assessment of valuation pursuant to the provisions of Chapter 3, of Part 2, of Division 1 of the California Revenue and Taxation Code; and

WHEREAS, within the time and in the manner provided by said Chapter 13.48 of Title 13, the Historic Landmarks Commission did, on September 20, 2006, at the hour of

6:30 p.m., conduct a public hearing on a Historic Landmark Preservation Agreement for the Historic Landmark and recommend approval of that agreement (hereinafter referred to as the "Agreement") by the City Council; and

WHEREAS, a copy of the Agreement upon which such recommendation was made is on file in the Office of the City Clerk of the City of San Jose; and

WHEREAS, the subject property upon which the Historic Landmark is situated is all that real property described in Exhibit "A," which exhibit is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, within the time and in the manner provided by said Chapter 13.48 of Title 13, the Council did give notice that on October 3, 2006 at the hour of 1:30 p.m., of said day, or as soon thereafter as said matter could be heard, this Council would, in the City Hall of the City of San Jose, East Santa Clara Street, San Jose, California, hold a public hearing on said Agreement at which hearing any and all persons interested in said Agreement could appear and avail themselves of an opportunity to be heard and to present their views with respect to said proposed Agreement, which proposed hearing date was continued to October 17, 2006 at the same hour and place; and

WHEREAS, at the aforesaid time and place set for hearing, or to which the hearing was continued, this Council duly met, convened, and gave all persons full opportunity to be heard to present their views with respect to said proposed Agreement.

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

SECTION 1. In accordance with the provisions of Chapter 13.48 of Title 13 of the San Jose Municipal Code, this Council does hereby approve the Historic Landmark Preservation Agreement with Gloria Sciara, owner of The Curtis House (City Landmark No. HL05-152) located at 254 South Seventeenth Street and makes the following findings:

- a. The Agreement is consistent with the General Plan;

- b. The Agreement would provide greater protection for the Historic Landmark property than is otherwise provided by the provisions of San Jose Municipal Code Chapter 13.48; and
- c. The Agreement complies with the requirements of Section 13.48.520 of Chapter 13.48 of Title 13 of the San Jose Municipal Code.

SECTION 2. Pursuant to the San Jose Municipal Code, Chapter 13.48, the City Clerk is hereby directed to notify the owner of the Historic Landmark subject to the Agreement and directed to record the Agreement in the Office of the Recorder of the County of Santa Clara.

ADOPTED this 17th day of October, 2006, by the following vote:

AYES:	CAMPOS, CHAVEZ, CHIRCO, CORTESE, LEZOTTE, NGUYEN, PYLE, REED, WILLIAMS, YEAGER; GONZALES
NOES:	NONE
ABSENT:	NONE
DISQUALIFIED:	NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk