



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Peter Jensen

**SUBJECT: SALE OF EASEMENT OVER
CITY-OWNED PROPERTY
AT BASKING RIDGE**

DATE: 04-19-10

Approved

Date

4/27/10

**COUNCIL DISTRICT: 2
SNI: NA**

RECOMMENDATION

Adoption of a resolution:

- a. Approving an agreement between the City and Great Oaks Water Company, in the amount of \$3,600.00, for grant of a permanent easement over portions of the City-owned property identified as APN 678-02-035 and located at the southern most terminus of Basking Ridge Avenue; and
- b. Authorizing the Director of General Services to execute all documents and the deed necessary to complete the transaction.

OUTCOME

Adoption of this resolution will approve the grant of an easement for a 942 square foot (0.02 acre) area over a portion of City-owned property, APN 678-02-035, to Great Oaks Water Company for the amount of \$3,600.

BACKGROUND

On October 7, 2005, the City of San Jose received dedication of a 31.98 acre parcel (APN: 678-02-035) within Tract 9611 north of Metcalf Road. The proposed grant of a permanent easement to Great Oaks Water Company will allow Great Oaks to install and maintain an underground water main and appurtenant structures for water distribution purposes, providing service to adjacent County of Santa Clara facilities and surrounding private property owners. The subject parcel is hillside and not independently developable and is encumbered by a variety of public service easements.

ANALYSIS

The 942 square feet being proposed for grant of easement is located south of the Basking Ridge Avenue cul-de-sac on a portion of the 31.98-acre City-owned site. The proposed easement lies between two existing easement areas and will have minimal impact on the use or utility of the remainder. The only other likely use for the property is as a trail or open space. This easement will not affect that. A parcel map has been attached as Exhibit A. The easement will be granted "as is" to the Great Oaks Water Company.

Staff has determined fair market value to be \$3,600.00. Valuation was based upon the parcel's zoning as agricultural with limited usability due to its topography. That valuation has been agreed to as the sale price by the buyer.

EVALUATION AND FOLLOW-UP

The transfer of the subject property rights is anticipated to be completed within 30 days of approval by Council.

POLICY ALTERNATIVES

Alternative # 1: Reject the sale of the easement.

Pros: By limiting easements on the property, the City will be less restricted for future development of the property.

Cons: The property is not independently developable and unmarketable for sale. By rejecting the sale of the easement rights, the City will limit the ability of the Great Oaks Water District to provide service to the surrounding property owners.

Reason for not recommending: The compensation for the property is reasonable and the easement area being requested is already surrounded by public service easements.

PUBLIC OUTREACH

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

HONORABLE MAYOR AND CITY COUNCIL

01-04-10

Subject: Sale of City-Owned Property to Steve Nguyen

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This action does not meet any of the above listed criteria; however it will be posted on the City's website for the May 11, 2010, Council agenda.

COORDINATION

This memorandum has been coordinated with the City Manager's Budget Office and the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

This sale of easement is in alignment with *1h-Asset Management, Investment Strategies, Mayor's Budget Message, March 13, 2009.*

COST SUMMARY/IMPLICATIONS

The City's cost for the grant of easement will consist of staff time to prepare the sales documents and complete the transaction. The buyer will pay any title, tax and recording fees.

CEQA

CEQA: PP09-212.

/S/

PETER JENSEN
Director of General Services

For questions please contact MATT MORLEY, DEPUTY DIRECTOR, at (408) 975-7200.

Attachment

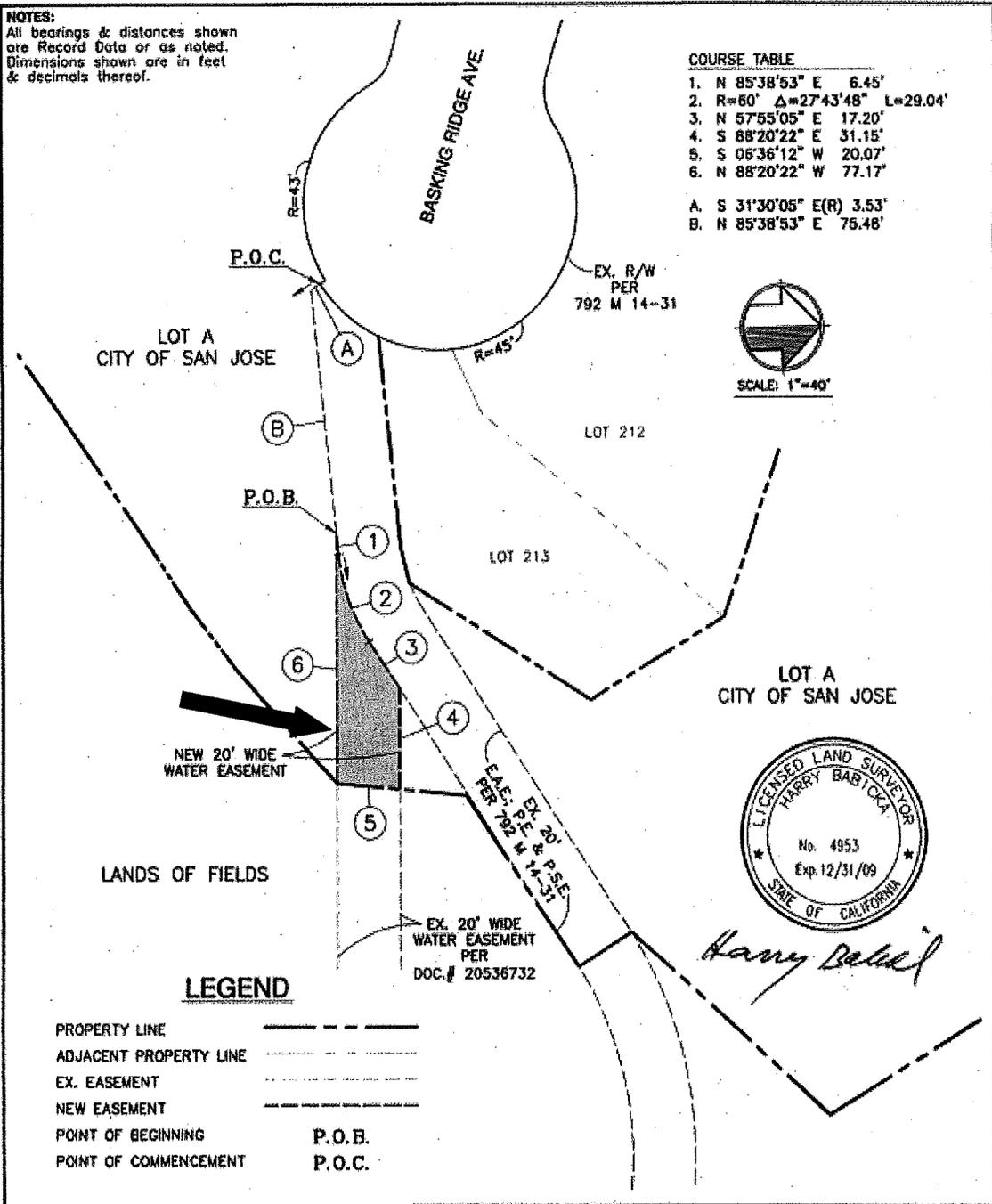
EXHIBIT A

NOTES:

All bearings & distances shown are Record Data or as noted. Dimensions shown are in feet & decimals thereof.

COURSE TABLE

1. N 85°38'53" E 6.45'
 2. R=60° Δ=27°43'48" L=29.04'
 3. N 57°55'05" E 17.20'
 4. S 88°20'22" E 31.15'
 5. S 06°36'12" W 20.07'
 6. N 88°20'22" W 77.17'
- A. S 31°30'05" E(R) 3.53'
 B. N 85°38'53" E 75.48'



Harry Babicka

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- EX. EASEMENT
- NEW EASEMENT
- POINT OF BEGINNING P.O.B.
- POINT OF COMMENCEMENT P.O.C.

MASON-SULIĆ
 CIVIL & DESIGN CONSULTANTS, INC.
 2021 The Normals, Suite 170, San Jose, CA 95128 408/241-1143

PLAT TO ACCOMPANY DESCRIPTION		
SCALE: AS SHOWN	WATER EASEMENT	DRAWN BY: R.S.C. / M.L.S.
DATE: OCTOBER 1, 2009		APPROVED BY: V.S. / H.B.
LANDS OF CITY OF SAN JOSE		
BASKING RIDGE AVENUE		DRAWING NUMBER
CITY OF SAN JOSE, CALIFORNIA		09935-1WESJ