

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE VARIOUS ACTIONS RELATING TO THE PURCHASE OF LAND LOCATED FROM LONUS STREET TO MINNESOTA AVENUE IN SAN JOSE FOR THE FUTURE THREE CREEKS TRAIL

WHEREAS, the Three Creeks Trail (“Three Creeks”) has been identified as a core trail system from Lonus Street to Coyote Creek in the City of San José’s (“City”) *Greenprint for Parks and Community Facilities and Programs* (“Greenprint”) in September 2000 and continues to be a priority project in the Greenprint’s 2009 update; and

WHEREAS, once the trail system is developed, it will provide an opportunity for trail inter-connection, linking Los Gatos Creek, Guadalupe River (future) and the Coyote Creek (future) Trails, and a potential connection to the Highway 87 Bikeway (existing); and

WHEREAS, over the past several years, the City Council has taken actions to support the acquisition and development of Three Creeks, some recent actions by the City Council include: executing \$3 million in funding agreements with the Santa Clara County Open Space Authority on August 24, 2010, and seeking and being awarded \$450,000 grant funding from Santa Clara Valley Water District for improving the trestle, signage and fencing necessary for interim public use on June 14, 2011; and

WHEREAS, the City desires to authorize the City Manager or designee to negotiate and execute the purchase agreement with Union Pacific Railroad Company, in the amount of \$6 million for the purchase of land located from Lonus Street to Minnesota Avenue, negotiate and execute all other documents and take such further actions as

are necessary to complete the transaction and settle any claims related to the removal of the existing billboard from this property up to a maximum of \$120,000;

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

The City Manager or designee is authorized to:

1. Negotiate and execute the purchase agreement with Union Pacific Railroad Company, in the amount of \$6 million for the purchase of land located from Lonus Street to Minnesota Avenue in San José, CA (APN No. 264-11-100, 264-11-101, 264-54-067, 264-56-108, 434-01-059) for the future Three Creeks Trail;
2. Negotiate and execute all other documents and take such further actions as are necessary to complete the transaction; and
3. Settle any claims related to the removal of the existing billboard from this property up to a maximum of \$120,000.

ADOPTED this _____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk