

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING CERTAIN CITY-OWNED PROPERTY LOCATED ON CHERRY AVENUE, EAST OF ALMADEN EXPRESSWAY AS SURPLUS TO THE NEEDS OF THE CITY, APPROVING AN AGREEMENT WITH ARCADIA DEVELOPMENT COMPANY FOR SALE OF THE PROPERTY IN THE AMOUNT OF \$24,000, AND AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE CERTAIN DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION**

**WHEREAS**, the City of San José (“City”) owns property as shown on Attachment “A” attached hereto, located on Cherry Avenue, east of Almaden Expressway comprised of approximately 1,090 square feet (“Property”); and

**WHEREAS**, on October 16, 2012, the City Council adopted Resolution No. [REDACTED], vacating the Property in order to allow Arcadia Development Company (“Arcadia”) to fulfill development conditions of the Planned Development Permit PD11-024 (Almaden Ranch), which proposes a commercial development totaling up to 400,000 square feet on a 43.5 acre site; and

**WHEREAS**, the Property is not needed for nor adaptable to municipal purposes, and the sale thereof would serve the public interest; and

**WHEREAS**, the San José Municipal Code authorizes the City Council to declare City-owned real property surplus to the needs of the City and to authorize the sale or exchange of such surplus property; and

**WHEREAS**, Section 4.20.070 of the San José Municipal Code allows the City to sell surplus property through direct negotiation at fair market value, and upon such other terms and conditions as the Council may direct, to the owner of property adjacent to such surplus Property; and

**WHEREAS**, Arcadia is the adjacent property owner, and desires to purchase the Property in the amount of \$24,000, which represents fair market value for the Property, in order to realign and extend existing Cherry Avenue to connect to Sanchez Drive in compliance with the current plan line; and

**WHEREAS**, the City desires to declare the Property as surplus, approve an agreement for sale of the Property to Arcadia in the amount of \$24,000, and authorize the execution of all documents necessary to complete the transaction;

**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 Property; and
2. The agreement with Arcadia Development Company for sale of the Property in the amount of \$24,000 is hereby approved; and
3. The City Manager or her designee is authorized to execute the sale agreement, the deed and all other documents necessary to complete the transaction.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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DENNIS D. HAWKINS, CMC  
City Clerk

**ATTACHMENT A**

DESCRIPTION  
STREET VACATION  
ALMADEN RANCH, SAN JOSE, CA

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, being more particularly described as follows:

Being a portion of the property described in that certain Grant Deed recorded January 5, 1971 in Book 9178, Page 352, Santa Clara County Official Records, being more particularly described as follows:

Beginning at the southerly common corner of Parcel 1 and Parcel 2 as said Parcels are shown on that Parcel Map recorded January 9, 1978 in Book 434 of Maps at Page 5, Santa Clara County Records;

Thence along the southerly line of said Parcel 2, North  $84^{\circ} 50' 00''$  East 111.71 feet to the most easterly corner of the property described in said Grant Deed;

Thence leaving said southerly line along the southeasterly line of said property described in said Grant Deed, South  $56^{\circ} 06' 44''$  West 35.25 feet;

Thence leaving said southeasterly line, along a non-tangent curve to the left, radial bearing South  $05^{\circ} 42' 59''$  West, radius 1053.00 feet, central angle  $04^{\circ} 26' 53''$ , and curve length 81.75 feet to the southerly prolongation of the westerly line of said Parcel 2;

Thence along said southerly prolongation, North  $05^{\circ} 10' 00''$  West 4.63 feet to the Point Of Beginning.

Prepared By:  
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R+G Job # 15330D



9/25/12

**ATTACHMENT A**  
**PLAT MAP**

