

RESOLUTION NO. 73055

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING CERTAIN CITY-OWNED PROPERTY SURPLUS AND AUTHORIZING THE DIRECTOR OF GENERAL SERVICES TO EXECUTE AN AGREEMENT TO SELL AND ALL NECESSARY DOCUMENTS NECESSARY FOR THE TRANSFER OF SUCH PROPERTY TO THE ADJACENT PROPERTY OWNERS, PAUL GARCIA, JEREMY C. GARCIA, MARIA S. GARCIA, PAUL GARCIA JR., AND MARIA MAGDALENA GARCIA.**

**WHEREAS**, Section 4.20.040 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 to adjoining owners; and

**WHEREAS**, the City owns a parcel of property, as shown on Exhibit "A" attached hereto, at the Northeast corner of 21<sup>st</sup> and Taylor Street, comprising approximately 1,888 square feet,

**WHEREAS**, at the City Council meeting of March 23, 1982, the City Council adopted Resolution No. 55375 vacating a portion of 21<sup>st</sup> Street at Taylor Street subject to the reservation of certain easements, and underlying fee title to this portion of 21<sup>st</sup> Street is vested in the City and no direction was given at that time for its disposition.

**WHEREAS**, the parcel is roughly rectangular in shape and is located between 21<sup>st</sup> Street and Mr. Garcia's property, is vacant, and is not independently developable; and

**WHEREAS**, the fair market value of the subject parcel was determined to be Twenty-Eight Thousand Dollars (\$28,000).

**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 General Services is authorized to execute an Agreement for Sale of Surplus City-Owned Real Property to the adjacent property owners for a sum of no less than \$28,000.00; and
3. The Director of General Services 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 7<sup>th</sup> day of February, 2006, by the following vote:

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

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

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RON GONZALES  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk