

RESOLUTION NO. 73857

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE
APPROVING A HISTORIC LANDMARK PRESERVATION
AGREEMENT WITH ALEX CLERK AND CYNTHIA CLERK FOR THE
WILDER-HAIT HOUSE (CITY LANDMARK NO. HL04-150)**

MA07-001

WHEREAS, California Government Code Section 50280, et seq., and Chapter 13.48 of Title 13 of the San José 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, Alex Clerk and Cynthia Clerk possess fee title in and to that certain real property, together with associated structures and improvements thereon, commonly known as the Wilder-Hait House (City Landmark No. HL04-150) and generally located at the street address of 1190 Emory Street, San Jose California (hereinafter such property shall be referred to as the “Historic Landmark”); and

WHEREAS, the City Council, on April 6, 2004, initiated proceedings pursuant to said Chapter 13.48 of Title 13 of the San José Municipal Code for consideration of such landmark designation; and

WHEREAS, on June 1, 2004 the City Council of the City of San Jose adopted its Resolution No. 72122 thereby declaring and designating the Historic Landmark as a historic landmark pursuant to the terms and provisions of Chapter 13.48 of Title 13 of the San Jose Municipal Code; and

WHEREAS, the City of San Jose and Alex Clerk and Cynthia Clerk, 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 of the San José Municipal Code, the Historic Landmarks Commission did, on June 6, 2007 at 6:00 p.m., conduct a public hearing on a Historic Landmark Preservation Agreement for the Historic Landmark and recommend approval of that agreement (hereinafter "Agreement"); 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 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 of the San José Municipal Code, the City Council did give notice that on June 19, 2007 at 1:30 p.m., or as soon thereafter as said matter could be heard, this Council would, in the City Hall of the City of San Jose, 200 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; 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 and 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 Alex Clerk and Cynthia Clerk, owner of The Wilder-Hait

House (City Landmark No. HL04-150) located at 1190 Emory Street and does hereby make 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 19th day of June, 2007, by the following vote:

AYES:	CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE, LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED
NOES:	NONE
ABSENT:	NONE
DISQUALIFIED:	NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

