

**CITY COUNCIL ACTION REQUEST**

<b>Department(s):</b> Public Works	<b>CEQA:</b> Exempt, File No. PP18-006, CEQA Guidelines Section 15301, Existing Facilities	<b>Coordination:</b> CAO, CMO, PBCE	<b>Dept. Approval:</b> /s/ Jon Cicirelli
<b>Council District(s):</b> 3			<b>CMO Approval:</b> 3-8-18 <i>[Signature]</i>

**SUBJECT: ORDINANCE DEDICATING ADDITIONAL PUBLIC RIGHT-OF-WAY ALONG TERRAINE STREET**

**RECOMMENDATION:**

Approve an ordinance dedicating as public right-of-way 2,438 square feet along the west side of Terraine Street, located over City-owned property, and accepting the newly dedicated right-of-way into the City's street system as part of Terraine Street to incorporate the traffic improvements along Terraine Street which were constructed in conjunction with the Julian Street Realignment Project.

**BASIS FOR RECOMMENDATION:**

On June 15, 2004, City Council adopted the Brandenburg Mixed Use Project/North San Pedro Housing Sites EIR ("EIR") via Resolution No. 72170. The EIR included a masterplan to construct 1,500 residential units and 60,000 square feet of commercial space within an area generally bounded by the Union Pacific Rail Line to the north, Market Street to the east, St. James Street to the south, and State Route 87 to the west, as shown in the attached location map.

A significant component of the EIR for the Brandenburg Mixed Use Project/North San Pedro Housing development ("Development") includes the realignment of Julian Street from Market Street to Terraine Street, and the widening and conversion of St. James Street from a one-way east-bound street to a two-way street ("Julian Street Realignment Project"). Additional information regarding the history of the Development may be found at the following location: <http://www.sanjoseca.gov/documentcenter/view/53220>. This information was presented to the Successor Agency to the Redevelopment Agency of the City of San José ("SARA") Oversight Board on January 14, 2016.

On April 13, 2010, the City Council approved Resolution No. 75340 authorizing the City Manager to accept the properties acquired by the Redevelopment Agency for the Development.

On February 8, 2016, SARA entered into a Temporary Construction Easement and Exchange Agreement ("Agreement") with the property owners located at 255 West Julian Street ("Property Owners"). The Agreement, among other things, 1) allowed for the temporary encroachment on the Property Owners' property to construct improvements associated with the Julian Street Realignment Project; and 2) included the exchange of certain property for the mutual benefit of both the City of San Jose and the Property Owners in order to facilitate the Julian Street Realignment Project and the Development.

On January 25, 2018, the Grant Deed for the acquired portion of 255 West Julian Street was recorded at the Office of the Recorder, County of Santa Clara as document number 23856031. Staff recommends that the acquired property be dedicated as public right-of-way and accepted into the City's street system as part of Terraine Street. The recommended ordinance would result in the dedication of the public right-of-way boundary on Terraine Street to be in alignment with the actual physical improvements that have been constructed.

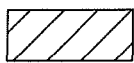
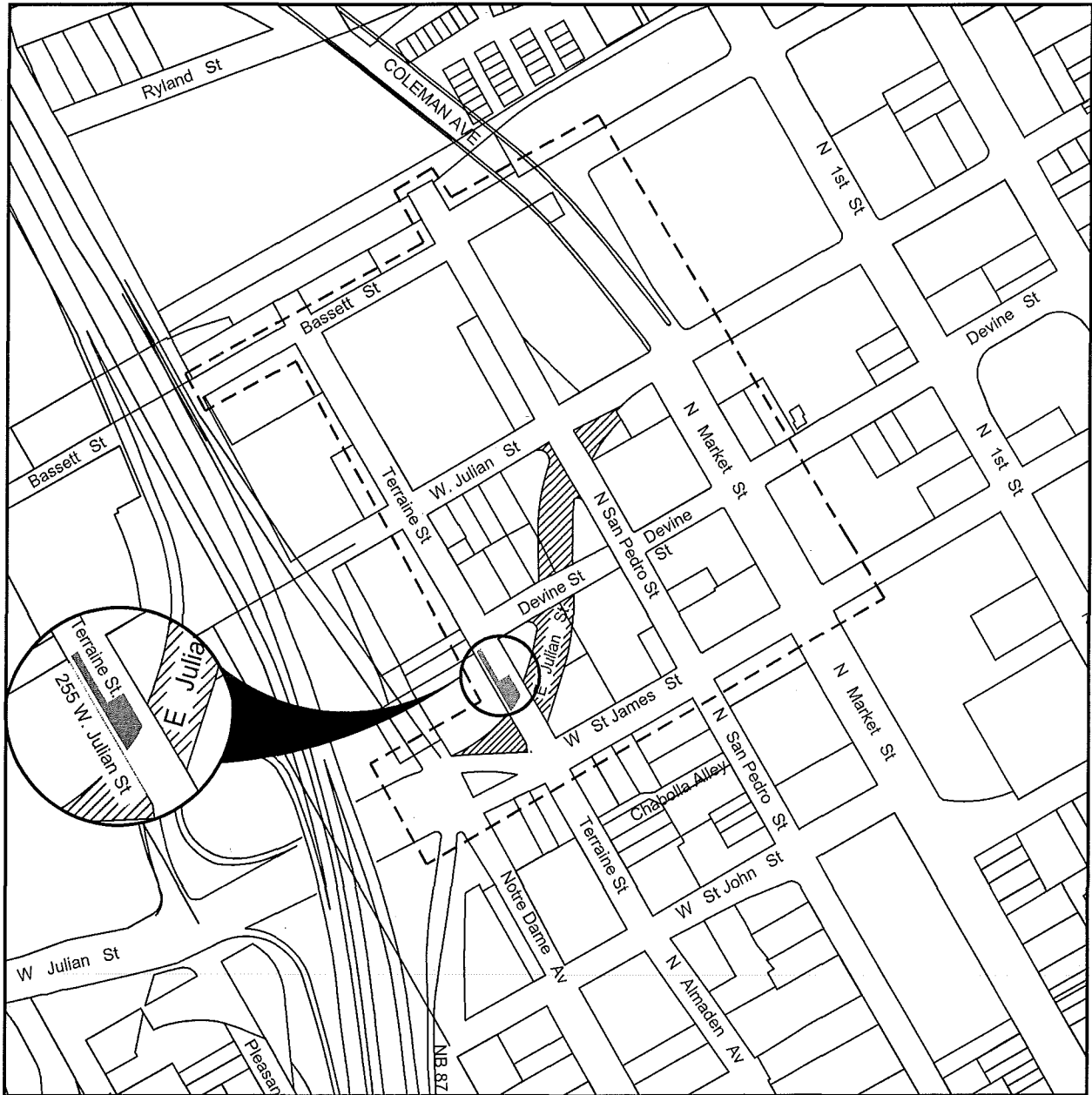
**COST AND FUNDING SOURCE:**

There is no purchase cost to the City for establishing City-owned property as part of the public right-of-way.

**FOR QUESTIONS CONTACT:** Michael Liw, Deputy Director of Public Works at (408) 535-6835.

# LOCATION MAP

SHOWING THAT PORTION OF CITY OWNED PROPERTY ALONG TERRAINE STREET TO BE DEDICATED AS PUBLIC RIGHT-OF-WAY



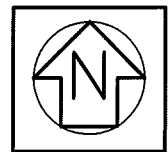
PORTION OF JULIAN STREET  
REALIGNMENT



PORTION OF CITY PROPERTY TO BE  
DEDICATED AS PUBLIC RIGHT-OF-WAY  
(2,438 S.F.)



DEVELOPMENT BOUNDARY



# EXHIBIT A

## Legal Description of Real Property

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

BEING A PORTION OF PARCEL FOUR AS SAID PARCEL IS DESCRIBED IN DEED TO CHARLES W. DAVIDSON, ET AL, TRUSTEES OF THE DAVIDSON LIVING TRUST DATED DECEMBER 6, 1989 AND ANY AMENDMENTS THERETO RECORDED OCTOBER 30, 2015 AS DOCUMENT 23130893, SANTA CLARA COUNTY RECORDS, WHICH IS ALSO A PORTION OF APN 259-31-076, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLY CORNER OF SAID PARCEL FOUR; THENCE ALONG THE SOUTHEASTERLY BOUNDARY OF SAID PARCEL, ALONG A CURVE TO THE RIGHT, CONCAVE TO THE NORTHWEST, THE RADIAL POINT OF WHICH BEARS NORTH 60°28'07" WEST, THROUGH A CENTRAL ANGLE OF 5°58'55" HAVING A RADIUS OF 346.00 FEET, AN ARC DISTANCE OF 36.12 FEET;

THENCE ALONG A LINE PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID PARCEL FOUR AND 10.00 FEET NORTHEASTERLY, MEASURED AT RIGHT ANGLES, NORTH 29°52'50" WEST 106.63 FEET TO THE BEGINNING OF A TANGENT CURVE;

THENCE ALONG A CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 3°59'21" HAVING A RADIUS OF 390.00 FEET, AN ARC DISTANCE OF 27.15 FEET TO A POINT ON THE NORTHWESTERLY BOUNDARY OF SAID PARCEL FOUR;

THENCE ALONG SAID BOUNDARY NORTH 60°07'04" EAST 7.13 FEET TO THE BEGINNING OF A NON-TANGENT CURVE;

THENCE ALONG A CURVE TO THE LEFT, CONCAVE TO THE NORTH, THE RADIAL POINT OF WHICH BEARS NORTH 0°16'12" EAST, THROUGH A CENTRAL ANGLE OF 3°06'55" HAVING A RADIUS OF 27.50 FEET, AN ARC DISTANCE OF 1.50 FEET;

THENCE SOUTH 29°52'50" EAST 64.34 FEET;

THENCE NORTH 60°07'10" EAST 24.50 FEET;

THENCE SOUTH 29°52'50" EAST 51.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,438 SQUARE FEET, MORE OR LESS.