

ORDINANCE NO.

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN JOSE DEDICATING AS PUBLIC RIGHT-OF-WAY APPROXIMATELY 2,438 SQUARE FEET OF CITY-OWNED PROPERTY ALONG THE SOUTH SIDE OF TERRAINE STREET FOR THE PURPOSE OF CONSTRUCTING ROADWAY IMPROVEMENTS ON TERRAINE STREET**

**WHEREAS**, Section 1702 of the San José City Charter provides that the City Council of the City of San José ("City") by ordinance may authorize the opening, establishment and/or maintenance of streets or other public ways in or through any of the public parks, public places or other public property of the City; and

**WHEREAS**, in September 2003, the Redevelopment Agency of the City of San Jose, now the Successor Agency to the Redevelopment Agency ("Agency"), acquired 5.28 acres in the area north of Julian Street, and combined with existing Agency-owned and State-owned surplus property, was identified as a significant land assembly site for housing development to support the City's downtown; and

**WHEREAS**, on June 15, 2004, the City Council adopted Resolution No. 72170 that certified the Brandenburg Mixed Use Project/North San Pedro Housing Sites Project Environmental Impact Report, which includes the realignment of West Julian Street from Market Street to Terraine Street and the widening and conversion of West St. James Street from a one way east bound street to a two-way street (collectively, "Julian Street Realignment Project"); and

**WHEREAS**, on June 30, 2009, the Agency was awarded an Infill Infrastructure Grant from the State of California, funded by Proposition 1 C, with its primary objective to promote infill housing development by providing financial assistance for infrastructure improvements; and

**WHEREAS**, the Agency acquired approximately 2,438 square feet of real property as described on Exhibit A to this Ordinance (“Property”), located on the west side of Terraine Street between Devine Street and West St. James Street necessary for the extension of Terraine Street as part of the Julian Street Realignment Project; and

**WHEREAS**, the additional right-of-way area necessary for the extension of Terraine Street comprises all of the Property (“Additional ROW Area”); and

**WHEREAS**, on April 13, 2010, City Council adopted Resolution No. 75340, which authorized the City Manager to accept property acquired by the Agency for the Julian Street Realignment Project; and

**WHEREAS**, on January 5, 2018, the City Manager accepted the Property, and on January 25, 2018, the grant deed for the Property was recorded at the Office of the Recorder, County of Santa Clara as document 23856031; and

**WHEREAS**, on November 6, 2015, the City entered into a City-Private Developer Agreement for the construction of public improvements in connection with the Julian Street Realignment Project, including the right-of-way improvements over the Additional ROW Area; and

**WHEREAS**, on February 1, 2018, the dedication of the Additional ROW Area by this Ordinance was found to be categorically exempt from environmental review per the provisions of Section 15301(c) of the Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended, under File No. PP18-006; and

**WHEREAS**, the City desires to dedicate as public right-of-way the Additional ROW Area to facilitate the Julian Street Realignment Project;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

The Additional ROW Area, as described in Exhibit A to this Ordinance, is hereby dedicated as public right-of-way and accepted into the City's street system as part of Terraine Street.

PASSED FOR PUBLICATION of title this \_\_\_ day of \_\_\_\_\_, 2018 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

\_\_\_\_\_  
TONY J. TABER, CMC  
City Clerk

# 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.

# EXHIBIT A

