

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING A 443-SQUARE FOOT PROPERTY FRONTING SOUTH 16TH STREET NEAR COYOTE CREEK AS “EXEMPT-SURPLUS LAND” TO THE NEEDS OF THE CITY UNDER CAL. GOV. CODE SECT. 54221(F)(1)(C) AS THE LAND IS NOT NECESSARY FOR THE CITY OF SAN JOSE’S USE AND IS BEING TRANSFERRED TO A LOCAL AGENCY FOR THAT AGENCY’S USE IN A FLOOD CONTROL PROJECT; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT, QUITCLAIM DEED, AND ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THE TRANSFER TO SANTA CLARA VALLEY WATER DISTRICT FROM THE CITY OF SAN JOSE, FOR THE SALE OF THE 443-SQUARE FOOT PROPERTY FRONTING SOUTH 16TH STREET NEAR COYOTE CREEK FOR THE CONSIDERATION OF \$12,000 BY DIRECT NEGOTIATION UNDER SAN JOSE MUNICIPAL CODE SECTION 4.20.080 AND IN ACCORDANCE WITH COUNCIL POLICY NO. 7-13(D)(3) AS THE TRANSFEREE IS A GOVERNMENTAL ENTITY AND THE LAND IS BEING SOLD FOR A PUBLIC PURPOSE

WHEREAS, the City owns a vacant parcel of land bound by Coyote Creek to the east and South 16th Street to the west with frontage along South 16th Street (Property), measuring approximately 443 square feet in area, 5 feet wide, and linear in shape which is not independently developable; and

WHEREAS, the Property does not have an Assessor’s Parcel Number (APN) assigned, but is located between a residential parcel (APN 472-31-040) to the north and a vacant parcel (APN 472-21-094) to the south which is owned by the Santa Clara Valley Water District (Valley Water); and

WHEREAS, Valley Water approached the City in 2022 about acquiring the property in connection with the Coyote Creek Flood Management Measures Project (CCFMMP), which is intended to plan, design, and construct approximately nine miles of flood management measures between Montague Expressway and Tully Road at various locations along Coyote Creek which will provide protection from flood events; and

WHEREAS, Valley Water commissioned an appraisal of the property that determined the highest and best use of the Property was for assemblage with the adjacent residential property for additional yard space and determined the fair market value of the property to be \$12,000; and

WHEREAS, the City has reviewed the appraisal and concurs with the fair market value determination and recommends the sale of the property to Valley Water at the stated price; and

WHEREAS, the Property is “exempt surplus land” under California Government Code §54221(f)(1)(C) as it will be transferred to a local agency, Valley Water, for its use in the CCFMMP and conforms with Council Policy No. 7-13(D)(3) because the property will be sold to a local agency for that agency’s use at fair market value; and

WHEREAS, upon adoption of the resolution the Property will be declared as “exempt surplus land” to the needs of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The approximately 443-square foot property fronting South 16th Street near Coyote Creek is surplus to the needs of the City and is hereby declared “exempt

surplus land” under California Government Code §54221(f)(1)(C) as it will be transferred to a local agency, Valley Water, for its use in the CCFMMP.

2. The City Manager, or her designee, is hereby authorized to negotiate and execute a purchase and sale agreement, quit claim deed, and all other documents necessary to effectuate the transfer of the property fronting South 16th Street near Coyote Creek to Valley Water for a purchase price of \$12,000 by direct negotiation in accordance with San José Municipal Code §4.20.080 and Council Policy 7-13(D)(3) to support the Agency’s flood control efforts on Coyote Creek.

ADOPTED this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk