

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE SALE OF A PORTION OF SURPLUS CITY-OWNED PROPERTY AT REBEL WAY, APN 569-46-001, TO LINDA YAMAUCHI FOR THE AMOUNT OF \$11,445.44 AND APPROVING THE SALE OF THE REMAINING PORTION OF THE PROPERTY TO W. SCOTT AND SARAH E. GARDNER FOR THE AMOUNT OF \$12,906.56, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE PURCHASE AND SALE AGREEMENTS, THE DEEDS, AND ALL OTHER DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

WHEREAS, the City of San José (“City”) owns approximately 20,338 square feet of property located adjacent to Rebel Way, Assessor’s Parcel Number (“APN”) 569-46-001, as depicted in the attached Exhibit A, entitled “Plat Map” (“Property”); and

WHEREAS, the Property is encumbered with an existing PG&E overhead power line easement across the entire property and a storm drain easement which render the Property undevelopable; and

WHEREAS, on June 16, 2009, the City Council adopted Resolution No. 74994 declaring the Property surplus to the needs of the City and authorizing the City Manager to proceed with the sale or lease of the Property in accordance with applicable provisions of the San José Municipal Code, City policies, and state law; and

WHEREAS, on January 3, 2018, in accordance with California Government Code Section 54222, the City notified local agencies of the availability of the Property for the development of housing for persons and families of low or moderate income, park, recreation, open space, public school and/or enterprise zone purposes, and did not receive any responses; and

WHEREAS, the City initiated a bid and negotiation process to sell the Property and determined that the bid received from the adjacent property owners, Linda Yamauchi and W. Scott and Sarah E. Gardner, was the highest, most qualified bid and reflects the fair market value of the property; and

WHEREAS, Section 4.20.070 of the San José Municipal Code authorizes the sale of surplus City-owned property through direct negotiation at fair market value, and upon such other terms and conditions as the City Council may direct, to the owner of property adjacent to such surplus property; and

WHEREAS, the City has negotiated directly with the adjacent property owners and desires to authorize the City Manager to execute agreements for the sale of the Property for the combined purchase price of \$24,352, and to execute all documents necessary to complete the transaction;

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

1. The sale of a portion of the City-owned property at Rebel Way, APN 569-46-001, identified as Parcel A on the attached Exhibit A, to Linda Yamauchi for the amount of \$11,445.44 is hereby approved.
2. The sale of the remaining portion of the City-owned property at Rebel Way, APN 569-46-001, identified as Parcel B on the attached Exhibit A, to W. Scott and Sarah E. Gardner for the amount of \$12,906.56 is hereby approved.

3. The City Manager or his designee is hereby authorized to execute the Purchase and Sale Agreements, deeds, and all other documents necessary to complete the transaction.

ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT A PLAT MAP

