

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING 5,455 SQUARE FEET OF LAND COMPRISED OF FIVE SMALL FRAGMENTS OF LAND ON AUTUMN PARKWAY, SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AND SALE AGREEMENT WITH MICHAEL G. AKATIFF AND CHRISTY D. AKATIFF, TRUSTEES OF THE MICHAEL G. AKATIFF AND CHRISTY D. AKATIFF REVOCABLE TRUST IN AN AMOUNT NOT-TO-EXCEED OF \$235,125 FOR THE PURCHASE OF APPROXIMATELY 5,455 SQUARE FEET OF PROPERTY ON AUTUMN PARKWAY BETWEEN COLEMAN AVE. AND W. JULIAN STREET AND ALL OTHER DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION**

**WHEREAS**, the City of San Jose (“City”) owns five fragment parcels of along Autumn Parkway, which parcels total approximately 5,455 square feet of property as described and depicted in Exhibit A and Exhibit B (“Property”); and

**WHEREAS**, the Property is not necessary for the extension of Autumn Parkway and is not needed for public roadway; and

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

**WHEREAS**, the City has determined that there are no other municipal purposes now or in the foreseeable future for which the Property could be used and therefore there is no reason for the City to own and maintain the Property; and

**WHEREAS**, the City has negotiated directly with the adjacent property owner, Michael G. Akatiff and Christy D. Akatiff, Trustees of the Michael G. Akatiff and Christy D. Akatiff Revocable Trust, and desires to move forward with the sale of the Property for the purchase price of \$235,125;

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

1. The 5,455 square feet of land comprised of five small fragments of land on Autumn Parkway is surplus to the needs of the City.
  
2. The City Manager or his designee is authorized to execute a Purchase and Sale Agreement with Michael G. Akatiff and Christy D. Akatiff, Trustee of the Michael G. Akatiff and Christy D. Akatiff Revocable Trust in an amount not-to-exceed of \$235,125 for the purchase of approximately 5,455 square feet of property on Autumn Parkway between Coleman Ave. and W. Julian Street and all other documents necessary to complete the transaction.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**FOR: STREET VACATIONS**

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

**LOT A:**

Being a portion of Old West Julian Street as shown on that certain Record of Survey filed for record on January 28, 1991 in Book 623 of Maps at Pages 36 and 37, Santa Clara County Records, and all of that land as described in that certain Grant Deed recorded on September 29, 1975 in Book B635 of Official Records, Page 70, Santa Clara County, and being more particularly described as follows:

Beginning at a point of cusp on the northerly line of said land as described in that certain Grant Deed recorded on September 29, 1975 in Book B635 of Official Records, Page 70, Santa Clara County;

Thence along said northerly line, being a non-tangent curve to the left having a radius of 20.00 feet, to which point a radial line bears South 49°05'19" West, through a central angle of 89°56'37" for an arc distance of 31.40 feet to a point on the northwesterly line of said Old West Julian Street;

Thence along said northwesterly line North 49°08'42" East, 11.81 feet

Thence South 40°51'18" East, 60.00 feet to a point hereinafter referred to as Point 'A';

Thence South 49°08'42" West, 31.72 feet;

Thence North 40°55'28" West, 30.00 feet;

Thence North 40°54'41" West, 49.98 feet to the Point of Beginning.

Containing 1,991 ± square feet.

**LOT B:**

Being a portion of Old West Julian Street as shown on that certain Record of Survey filed for record on February 22, 1991 in Book 624 of Maps at Page 22, Santa Clara County Records, and being more particularly described as follows:

Beginning at the easterly corner of the Remnant Property as described in that certain Grant Deed recorded on May 3, 2011 as Document No. 21163261 of Official Records, Santa Clara County;

Thence South 41°00'00" East, 9.74 feet;

Thence South 49°05'19" West, 22.02 feet;

Thence North 40°51'18" West, 9.76 feet;

Thence North 49°08'42" East, 22.00 feet to the Point of Beginning.

Containing 215 ± square feet.

**LOT C:**

Being a portion of Old West Julian Street as shown on that certain Record of Survey filed for record on February 22, 1991 in Book 624 of Maps at Page 22, Santa Clara County Records, and being more particularly described as follows:

Beginning at the northwesterly corner of easterly corner of that Real Property as described in that certain Grant Deed recorded on June 2, 2010 as Document No. 20728172 of Official Records, Santa Clara County;

Thence South 49°08'42" West, 4.59 feet to the True Point of Beginning;

Thence continuing South 49°08'42" West, 22.15 feet;

Thence North 40°51'18" West, 10.24 feet;

Thence North 49°05'19" East, 22.13 feet;

Thence South 41°00'00" East, 10.26 feet to the True Point of Beginning.

Containing 227 ± square feet.

**LOT D:**

Being all of that certain 1,998.70 square foot parcel and that certain 844.07 square foot parcel as described in that certain Grant Deed recorded on June 2, 2010 as Document No. 20728171 of Official Records, Santa Clara County;

Beginning at the northeasterly corner of said 1,998.70 square foot parcel;

Thence along the easterly line of said parcel South 23°32'04" East, 58.90 feet;

Thence continuing along said easterly line and along the easterly line of said 844.07 square foot parcel along a curve to the left having a radius of 871.00 feet, through a central angle of 17°27'56" for an arc distance of 265.51 feet;

Thence continuing along said easterly line South 41°00'00" East, 47.61 feet to the southeasterly corner of said parcel;

Thence along the southerly line of said parcel South 49°00'00" West, 5.00 feet to the southwesterly corner of said parcel;

Thence along the westerly line of said parcel North 41°00'00" West, 92.19 feet;

Thence continuing along said westerly line of said parcel and along the westerly line of said 1,998.70 square foot parcel along a curve to the right having a radius of 580.00 feet, through a central angle of 13°41'52" for an arc distance of 138.66 feet;

Thence continuing along said westerly line North 27°18'08" West, 144.41 feet to the northwesterly corner of said parcel;

Thence along the northerly line of said parcel along a non-tangent curve to the left having a radius of 673.26 feet, to which point a radial line bears North 19°36'45" West, through a central angle of 1°06'20" for an arc distance of 12.99 feet to the Point of Beginning.

Containing 2,843 ± square feet.

**LOT E:**

Being a portion of Fee Acquisition 3 as described in that certain Grant Deed recorded on December 1, 2008 as Document No. 20056603 of Official Records, Santa Clara County, and being more particularly described as follows:

Beginning at the northeasterly corner of that certain 1,998.70 square foot parcel and that certain 844.07 square foot parcel as described in that certain Grant Deed recorded on June 2, 2010 as Document No. 20728171 of Official Records, Santa Clara County, said corner also being on the southeasterly line of said Fee Acquisition 3;

Thence along the northerly prolongation of the easterly line of said 1,998.70 square foot parcel North 23°32'04" West, 15.66 feet to a point on the northwesterly line of said Fee Acquisition 3;

Thence along said northwesterly line South 59°54'17" West, 29.57 feet to the westerly corner of said Fee Acquisition 3;

Thence along the southwesterly line of said Fee Acquisition 3, being a non-tangent curve to the left having a radius of 1,273.00', to which point a radial line bears South 62°33'26" West, through a central angle of 0°27'51" for an arc distance of 10.31 feet to the southerly corner of said Fee Acquisition 3;

Thence along the southeasterly line of said Fee Acquisition 3 the following two (2) courses and distances:

1. North 71°14'02" East 5.77 feet;

2. Along a curve to the left having a radius of 673.26 feet, through a central angle of  $1^{\circ}57'07''$  for an arc distance of 22.94 feet to the Point of Beginning.

Containing  $379 \pm$  square feet.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

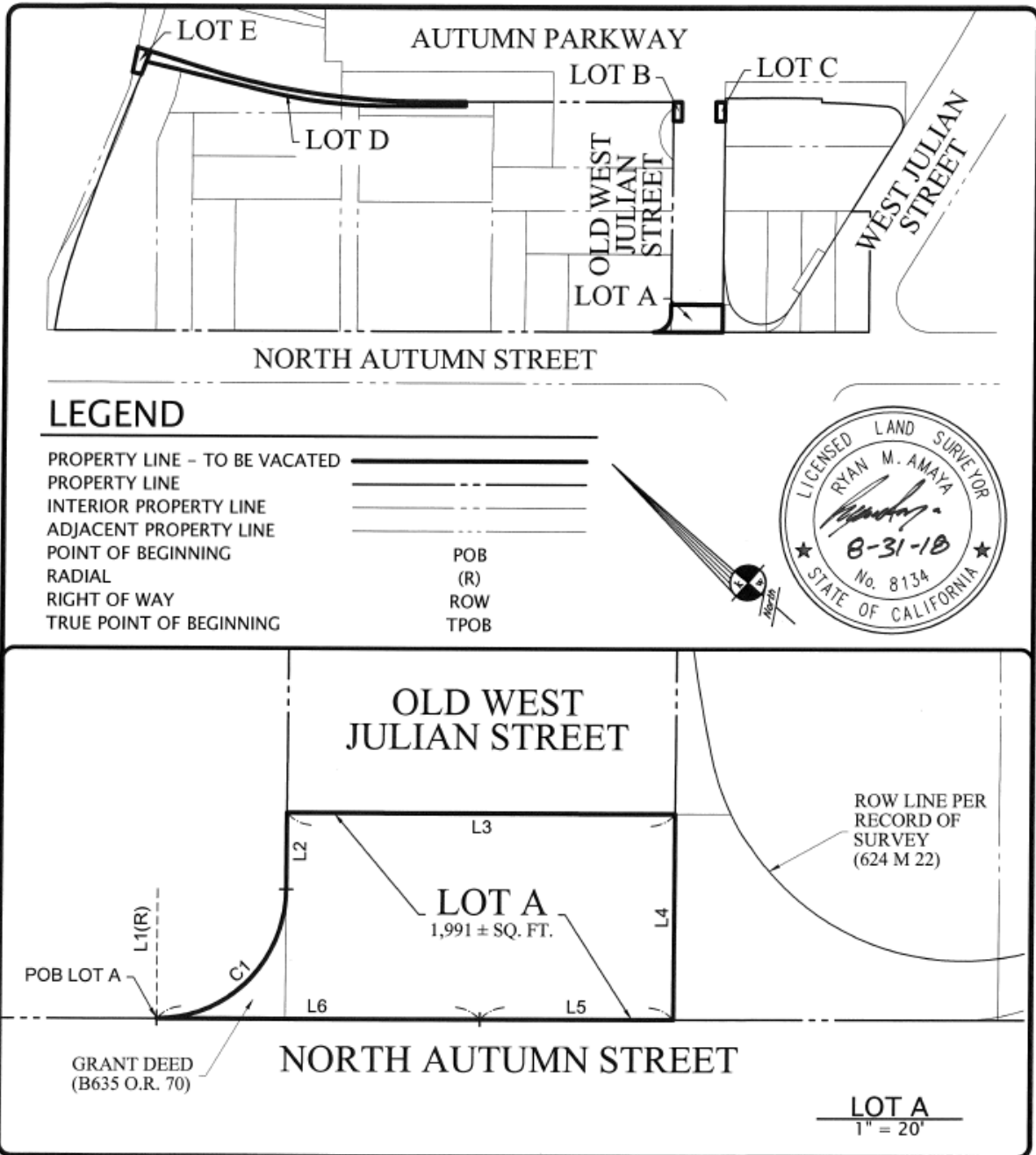
**Legal Description prepared by Kier & Wright Civil Engineers and Surveyors, Inc.**

8-31-18  
Date

  
Ryan M. Amaya, L.S. 8134

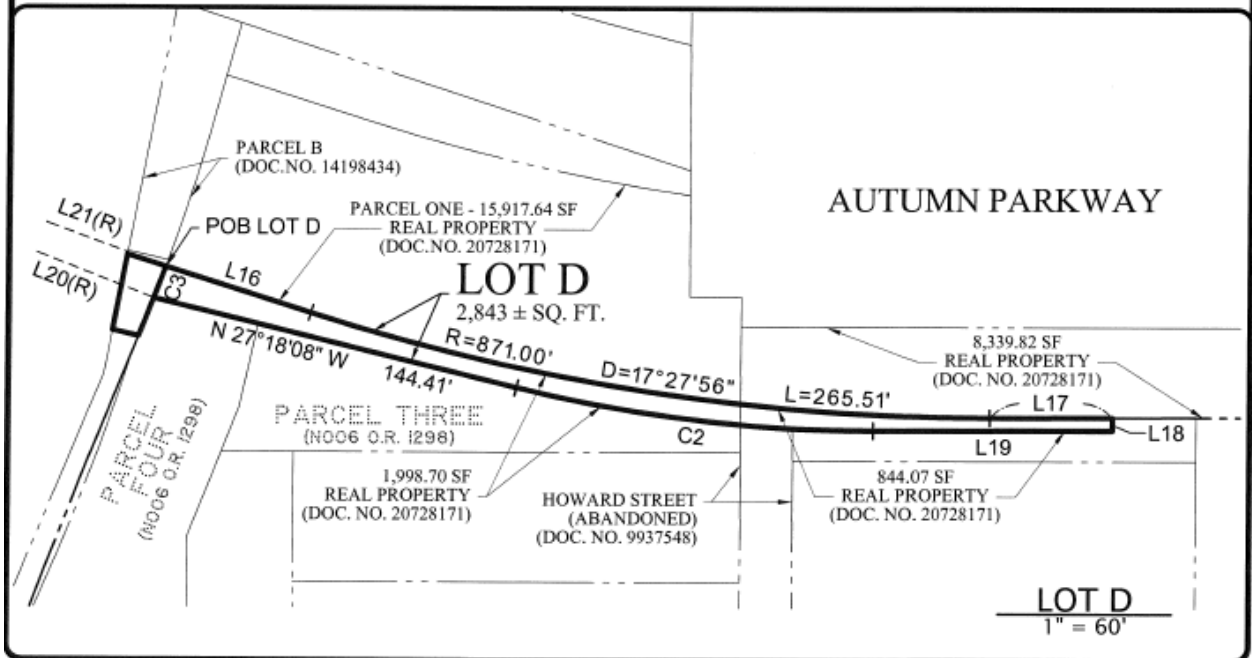
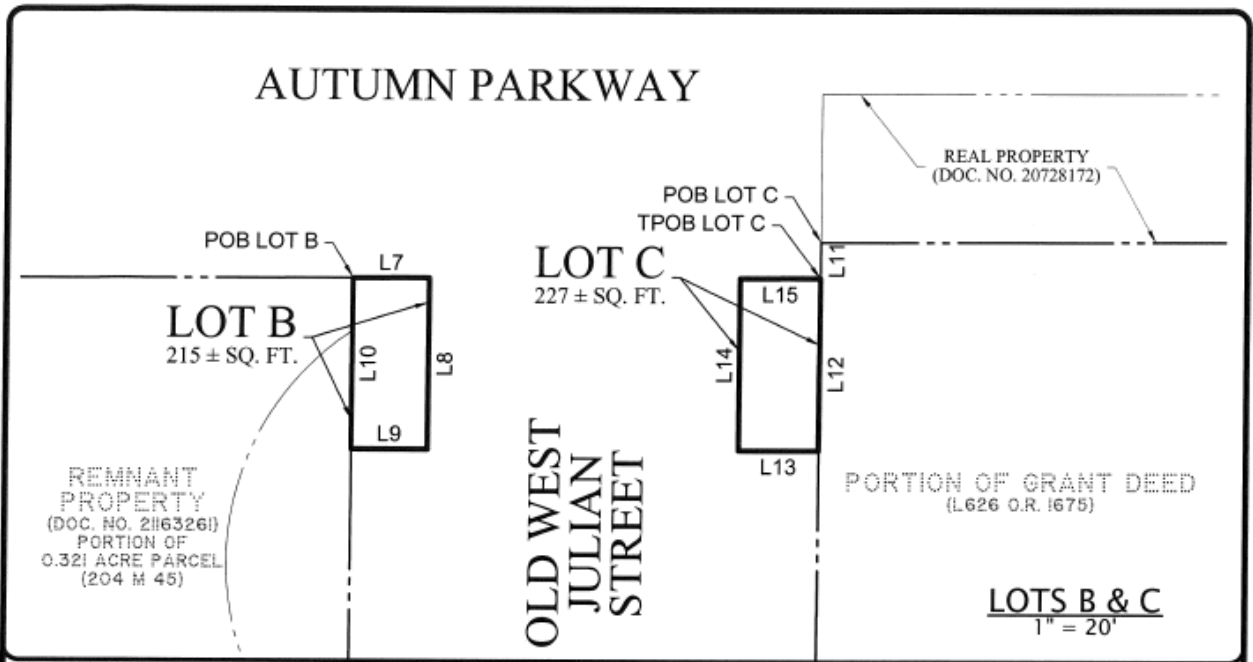


**EXHIBIT B  
PLAT DEPICTIONS  
FOR: STREET VACATIONS**

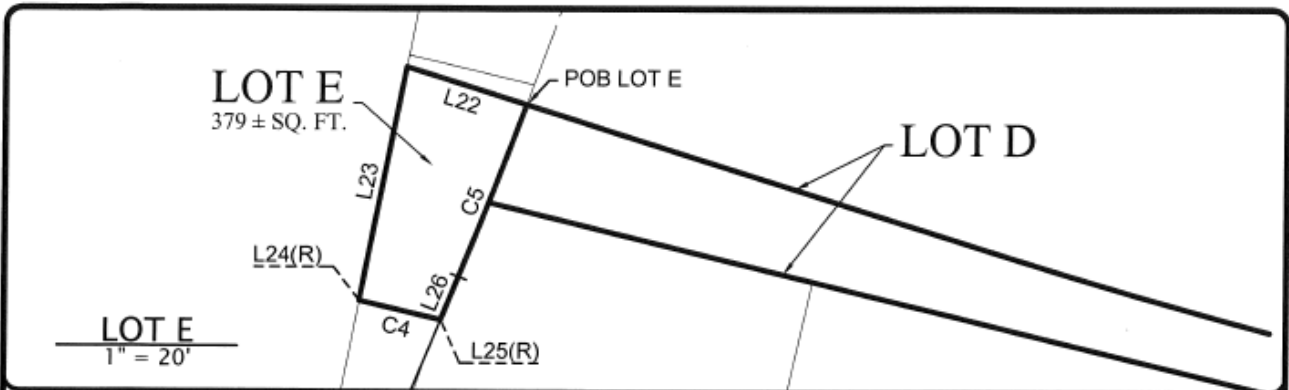


<b>PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR: STREET VACATIONS</b>		DATE	AUG., 2018
		SCALE	AS SHOWN
SAN JOSE	CALIFORNIA	DR. BY	EK
<b>EXHIBIT "B"</b>	 <b>KIER &amp; WRIGHT</b> CIVIL ENGINEERS & SURVEYORS, INC. 3350 Scott Boulevard, Building 22 Santa Clara, California 95054	JOB	A16216-3
<small>USER: hmlawr 2:2018/08/28 3:00 PM SURVEY PLATS\JO-PLAT-STREET VAC-3.dwg AUGUST 31, 2018 12:38 PM</small>	<small>(408) 727 6665 fax (408) 727 5641</small>	SHEET NO.	1 OF 3





<b>PLAT TO ACCOMPANY LEGAL DESCRIPTION</b> FOR: STREET VACATIONS		DATE	AUG., 2018
		SCALE	AS SHOWN
SAN JOSE		DR. BY	EK
		JOB	A16216-3
<b>EXHIBIT "B"</b>		SHEET NO.	2 OF 3
		 <b>KIER &amp; WRIGHT</b> CIVIL ENGINEERS & SURVEYORS, INC. 3350 Scott Boulevard, Building 22 (408) 727 6665 Santa Clara, California 95054 fax (408) 727 5641	



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 49°05'19" W	20.00'
L2	N 49°08'42" E	11.81'
L3	S 40°51'18" E	60.00'
L4	S 49°08'42" W	31.72'
L5	N 40°55'28" W	30.00'
L6	N 40°54'41" W	49.98'
L7	S 41°00'00" E	9.74'
L8	S 49°05'19" W	22.02'
L9	S 40°51'18" E	9.76'
L10	N 49°08'42" E	22.00'
L11	S 49°08'42" W	4.59'
L12	S 49°08'42" W	22.15'
L13	N 40°51'18" W	10.24'
L14	N 49°05'19" E	22.13'
L15	S 41°00'00" E	10.26'
L16	S 23°32'04" E	58.90'
L17	S 41°00'00" E	47.61'
L18	S 49°00'00" W	5.00'

LINE TABLE		
LINE	BEARING	DISTANCE
L19	N 41°00'00" W	92.19'
L20	S 19°36'45" E	673.26'
L21	S 20°43'05" E	673.26'
L22	N 23°32'04" W	15.66'
L23	S 59°54'17" W	29.57'
L24	S 62°33'26" W	1273.00'
L25	S 62°05'36" W	1273.00'
L26	N 71°14'02" E	5.77'

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	20.00'	89°56'37"	31.40'
C2	580.00'	13°41'52"	138.66'
C3	673.26'	1°06'20"	12.99'
C4	1273.00'	0°27'51"	10.31'
C5	673.26'	1°57'07"	22.94'

<b>PLAT TO ACCOMPANY LEGAL DESCRIPTION</b> FOR: STREET VACATIONS		DATE	AUG., 2018
		SCALE	AS SHOWN
SAN JOSE	CALIFORNIA	DR. BY	EK
		JOB	A16216-3
		SHEET NO.	3 OF 3
<b>EXHIBIT "B"</b>		 <b>KIER &amp; WRIGHT</b> CIVIL ENGINEERS & SURVEYORS, INC. 3350 Scott Boulevard, Building 22 Santa Clara, California 95054 (408) 727 6665 Fax (408) 727 5641	

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