

[Handwritten Signature]

 1701 NORTH FIRST STREET, SUITE A, SAN JOSE, CA 95126 408.982.7100 TEL. 408.982.0701 FAX WWW.NOLTE.COM	SAN JOSE ACADEMY HIGH SCHOOL SAN JOSE UNIFIED SCHOOL DISTRICT PARCEL E	SHEET NUMBER 2
	PREPARED FOR: S.J.U.S.D.	DATE SUBMITTED: 1/25/2006



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: CITY OF SAN JOSÉ /
SAN JOSÉ UNIFIED SCHOOL
DISTRICT EXCHANGE OF PROPERTY

DATE: 05-11-06

Approved

Date

5/11/06

COUNCIL DISTRICTS: 2, 3, 6 and 10

REASON FOR REPLACEMENT

The replacement memorandum correctly reflects the final terms of the Agreements reached with the District.

RECOMMENDATION

Adoption of a resolution authorizing the City Manager to negotiate and execute with San Jose Unified School District (SJUSD):

- a. An Exchange Agreement providing for the exchanges of various property interests, with payment to SJUSD as just compensation in an amount not to exceed \$559,000 for transfers to the City; and
- b. As part of the Exchange Agreement, a Joint Use Agreement providing for the joint and public use of a portion of City's Roosevelt Park for a softball field constructed by SJUSD, and of a portion of SJUSD property adjacent to the reconstructed Roosevelt Community Center for joint and public use of a parking lot, and containing 3 year renewable options; and
- c. An Option Agreement providing the conditions under which SJUSD could exercise an option for restricted fee title for the Empire Gardens School Site, and the conditions under which City could exercise the option for restricted fee title to an expanded site for the Ellington Branch Library site; and
- d. An Amendment to Lease for the Ellington Branch Library with the San José Unified School District to expand the site to approximately 0.90 acres, pending the exercise of the option for restricted fee title to the site; and

- e. Authorizing the Director of Public Works to execute all other documents necessary to complete the exchanges.

CEQA: Ellington Branch Library, Exempt, File No. PP05-167
Roosevelt Park, Mitigated Negative Declaration, File No. PP03-397
Rajkovich Property, Exempt, File No, PP05-160
Empire Gardens School, Exempt, File No. PP04-029
Canoas Elementary School, EIR Resolution No. 67894

OUTCOME

The exchange agreement and related agreements will provide the City additional land to that currently leased by the City which will be utilized for reconstruction of the Joyce Ellington Branch Library, as well as an option to acquire restricted fee title to this property; property for construction of the Roosevelt Community Center and related access and parking; and an approximately 5.16 acre parcel which the City intends to transfer to the County of Santa Clara in exchange for properties necessary for the widening of Branham Lane and Snell Avenue. The District will receive an option to acquire restricted fee title to the property underlying Empire School, City-owned property which underlies a portion of Canoas Elementary School, and use of a portion of Roosevelt Park to continue the existing softball field adjacent to San Jose High Academy.

EXECUTIVE SUMMARY

These proposed agreements will implement the transfer, options to acquire, or joint use of eight properties including five properties currently owned by the District to the City, and three properties currently owned by the City to the District. The exchange of interests in these properties will provide each party with better ability to control sites on which its facilities are located, and will enable certain capital projects to proceed.

Fee ownership of four properties will be transferred. Ownership of three properties (20th Street north of Santa Clara Street, a portion of 21st Street and an approximate 5.16 acre parcel commonly known as the "Rajkovich" property) will be transferred from the District to the City. Fee ownership of the currently vacated Blue Jay Drive will be transferred from the City to the District.

The City will grant the District an option to acquire the currently City-owned site leased by the District upon which they have built Empire Garden School subject to completion of actions by the California Department of Toxic Substances Control and certain deed restrictions as desired by the City. The area leased by the City from the District at Grant School will be expanded to allow for reconstruction / expansion of Joyce Ellington Branch Library, and the District will

grant the City an option to acquire that site subject to certain deed restrictions as desired by the District and the District exercising its option to purchase the Empire Gardens School site.

Through a Joint Use Agreement, the District will be able to utilize a portion of City-owned property for use as a soft ball field adjacent to San Jose High Academy, and the City will be able to utilize District-owned property parking which will be appurtenant to the City's new Roosevelt Community Center.

Both the District and City benefit by acquiring property rights necessary for their facilities, including rights to the City for expansion of Joyce Ellington Branch Library, parking for Roosevelt Community Center and land to be exchanged with the County allowing for widening of Branham Lane and Snell Avenue.

BACKGROUND

By letter dated November 29, 2004, SJUSD representatives requested the City exchange various parcels of land, in order to resolve various outstanding property and title issues between the City and the District. In addition, the City has been interested in working with the District to obtain some of the District's property to proceed with reconstruction of some library and community center facilities.

Staff has worked with SJUSD representatives for several months to arrive at those parcels which would be part of the proposed exchange, and to determine a mutually fair and beneficial means of valuing each parcel to be part of the exchange.

ANALYSIS

a. SJUSD Requested Transfers

SJUSD has requested transfers of certain properties to facilitate its operations and management of its sites.

1. Empire Gardens School Site.

Empire Gardens School has been located on a site owned by the City which has been leased to SJUSD continuously since July 1, 1959. Currently, SJUSD leases the property from the City under a long term ground lease extending to June 30, 2048. SJUSD is interested, at the appropriate time, in obtaining a restricted fee title to this site.

Part of Empire Gardens School is located on a 3.3-acre site that is located in the southwestern corner of the approximately 40-acre Watson Park site (portion of

APN No. 249-64-001). Environmental conditions on the Watson Park site are currently under investigation due to the operation of an incinerator in the early 1900s. The investigation is being overseen by the California Department of Toxic Substances Control (DTSC) pursuant to a voluntary cleanup agreement executed by the City. The waste characterization will be complete in late September, and additional time may be required to develop and implement a workplan to address any contamination that may be found. Because the waste characterization may reveal material information pertaining to the condition of the school site as well as the regulatory requirements that may govern cleanup and future use of the site, both City and District staff concur that transfer of fee title would be premature at this point in time.

Instead of an immediate transfer of title to this site, staff is recommending that the City enter into an Option Agreement, so that when the required investigation and remedial action, if any, are complete, and DTSC has provided site certification (“no further action letter”), the District would have the option to acquire restricted fee title if it desires to do so given all the available information at that time. The Option Agreement will provide the City with the ability to impose a deed restriction limiting use to school, education, community center, recreation, park, open space, or similar uses, whether public or private to the extent such is consistent with any restrictions imposed by DTSC (if any). Exercise of the option by the District may require the District to take title to the site subject to such additional deed restrictions and long-term operation and maintenance agreement as DTSC may require prior to certification of the Watson Park site.

The recommended Option Agreement also includes the grant of an option to the City to acquire restricted fee title to the Joyce Ellington Branch Library site. The City’s option to acquire the branch library site would arise only if the District exercises its option to acquire the school site. This part of the proposed transaction is discussed in further detail below.

2. Canoas Elementary School and Blue Jay Drive

A portion of Canoas Elementary School has been constructed on vacated Blue Jay Drive which is owned by the City. This portion of vacated Blue Jay Drive will be transferred in fee to SJUSD.

3. Roosevelt Park – Softball Field

The District has constructed a softball field on a portion of Roosevelt Park, pursuant to a temporary use agreement with the City. Under a proposed Joint Use Agreement, the parties will agree to joint use of the softball field for renewable three year terms, in exchange for City and public use of a site adjacent to the new Roosevelt Community Center for parking. The District has already constructed

the softball field and has agreed to joint use of that facility in an existing agreement, which use will be continued in the new Joint Use Agreement proposed for this transaction.

To comply with the City's Charter limitation on alienation of parks in Section 1700, the Joint Use Agreement will contain three year renewable options to continue the joint use of the facilities granted to the other, subject to the condition that each party maintains joint and public use of its facility.

b. City Requested Transfers

1. Joyce Ellington Branch Library Site.

The City plans to reconstruct and expand Joyce Ellington Branch Library, located at 491 E. Empire Street. The library currently occupies approximately six-tenths of an acre leased from San José Unified School District at its Grant Elementary School site. The lease presently has an expiration date of August 31, 2025, and may be renewed at the City's option for another 49 years to 2074. The expansion of the library requires the current acreage be increased to approximately nine-tenths of an acre.

In order to enter into a balanced transaction for the parcels, and in view of the fact that SJUSD cannot appropriately take title to the Empire Gardens School site at this point in time, it is proposed that the City have an option to take restricted fee title to the branch library site, which option could only be exercised if SJUSD chose to exercise its option to take fee title to the Empire Gardens School site. The Option Agreement will provide the District with the ability to restrict the use of the Joyce Ellington Branch Library site to public or private library, education, community center, recreation, park, open space, or similar municipal uses. To enable the reconstruction of the Ellington Branch Library to proceed, the parties will enter into a lease amendment that expands the area leased to the City for the Library.

Thus, the agreements between the parties will enable construction of the branch library to proceed immediately, while also preserving the ability of each party to obtain restricted fee title to the respective sites on which the school and library are located.

It should be noted that each party is obligated to the other to provide full disclosure of the condition of the sites subject to the options for conveyance of title, and if such options are exercised, each party takes the respective properties "as is," with all faults, and with knowledge of the environmental condition of the respective parcels.

2. Roosevelt Community Center

The City plans to build a new 32,000 square foot multi-purpose community center adjacent to Roosevelt Park. In order to accommodate the location of the new structure, 20th Street north of Santa Clara Street needs to be vacated and the underlying fee transferred to the City for construction of a portion of the new building. The Exchange Agreement will provide for the transfer of the fee to the 20th Street parcel from SJUSD to the City for development and construction of the community center and a 0.15 acre portion of 21st Street for City access to appurtenant Roosevelt Community Center parking with reservation of an easement to SJUSD for ingress and egress to San Jose High Academy.

Additionally, the proposed Joint Use Agreement will allow the City to develop parking for the Roosevelt Community Center on a 0.651 parcel owned by SJUSD. In essence, the City and the District are each constructing public facilities for joint use on the other party's property, on or near Roosevelt Park. Under the Joint Use Agreement, each party maintains title to the underlying fee of the property. In the case of the joint use softball field, as noted earlier, the underlying fee cannot be transferred without a vote of the people.

3. Rajkovich Property

Finally, the Exchange Agreement provides for the City to take ownership of the Rajkovich property. This property is owned by SJUSD and is deed restricted for use as an ecological park. The restriction provides that this parcel is to be enclosed by a six-foot fence and use limited to groups of children accompanied by adults. The City would take the property subject to the restriction, and the present plan is to transfer the property to the County.

The City's transportation plan requires widening of Branham Lane for a distance of approximately 4,450 feet west of Snell Avenue and widening of Snell Avenue for a distance of approximately 2,700 feet south of Branham Lane. The properties required for both widenings are owned by the County of Santa Clara. Acquisition of the Rajkovich property, with a subsequent exchange by the City to the County, serves as partial compensation for the County properties required for the street widenings at Snell and Branham. Staff is presently determining whether the County will accept the Rajkovich property as presently deed-restricted.

4. Compensation for Exchanges

The intent of both SJUSD and City has been to assure that the exchange of properties is equitable to both entities. Where the parcels are being leased to the other party, each party is obtaining an option to acquire fee title. The District's option is exercisable when adequate information is available for the District to

make an informed decision. The City can exercise its option on the Ellington Branch Library site if the District decides to take fee title to the Empire Gardens School site. In the meantime, both parties have existing leases on the others property that extend for several decades.

The Roosevelt Park softball field site and the Roosevelt Community Center parking lot site are subject to a Joint Use Agreement, where each party retains the underlying fee but makes its facility available to the other party for public use.

Underlying fee title to two streets is being exchanged – one to SJUSD for Blue Jay Drive, and one to the City for the Roosevelt Community Center. The District will retain an easement for ingress and egress to its property over the portion of the street being conveyed to the City for access to the Community Center and the parking lot.

SJUSD will transfer to the City the Rajkovich property, which is subject to a deed restriction for use as an outdoor park by supervised children, and as so restricted, would be eventually transferred to the County in connection with an upcoming transaction pertaining to widening of Snell and Branham.

The properties to be received by the City from SJUSD comprise more acreage (7.1 acres) than the acreage to be transferred to the District (4.7 acres). Staff has analyzed estimates of value using two methodologies, viewing the properties with encumbrances and without encumbrances, and depending on the analysis, there can be a range of values assigned to each parcel. However, in view of the significant public benefits that each party derives from the exchange, staffs of both the City and SJUSD have determined that payment of \$559,000 from the City to SJUSD in addition to the properties to be exchanged constitutes Just Compensation. The community benefits include:

- SJUSD benefits:
 - An option to acquire fee title with a restricted use condition, to property upon which Empire Gardens School is located, eliminating the need for maintenance of the existing property lease and/or renewals, and potentially providing long-term stability as to the use of the area for the school.
 - Use of City property for a joint use softball field, in renewable three year terms, pursuant to a Joint Use Agreement with the City.
 - Fee title to Blue Jay Drive over which a portion of Canoas Elementary School has been constructed.
 - Termination of maintenance of an approximate 0.651 acre property and a 0.15 acre parcel adjacent to Roosevelt Park, with joint use parking facilities to be built and paid for by the City adjacent to the renovated Community Center, pursuant to a Joint Use Agreement with the City.

- Termination of responsibility as underlying fee owner of 20th Street, while retaining an easement for access to its parcel.
- Termination of maintenance of the approximate 5.15 acres Rajkovich property.
- City benefits:
 - An option to acquire fee title to approximately 0.5985 acres currently leased to the City and to an additional approximate 0.3033 acres for a total of 0.9018 acres for redevelopment / construction of Joyce Ellington Branch Library, with an interim lease amendment permitting reconstruction to go forward until the conditions are met to exercise the option for restricted fee title.
 - Fee title to 20th Street for development and construction of a portion of Roosevelt Community Center.
 - Use of an approximate 0.651 acre property adjacent to Roosevelt Park for development of park parking facilities.
 - Fee title with an easement for ingress and egress back to the District to a portion of vacated 21st street, for access to the Roosevelt Community Center public parking facilities.
 - Fee title with deed restrictions limiting use to an ecological park open to escorted children, to approximately 5.15 acres which the City plans to exchange with the County of Santa Clara for the Branham/Snell street widening project.

Reconstruction – expansion of Joyce Ellington Branch Library, construction of a new Roosevelt Community Center and widening of Branham Lane and Snell Avenue are each City-approved projects. Inability to secure land for these projects is estimated to increase construction costs by one quarter million dollars (\$250,000) per month.

Exhibits identifying each property are attached as follows:

PROPERTY EXHIBIT	PROPERTY NUMBER	CITY TO DISTRICT	DISTRICT TO CITY	PROPOSED USE
A	1		Portion of 249-34-001	Joyce Ellington Branch Library
B	2		20 th Street North of Santa Clara Street	Roosevelt Community Center
B	3		Portion of 467-11-041	Parking appurtenant to Roosevelt Community Center
B	7	Portion of 467-12-013		San José High Academy Soft Ball Field
B	8		Portion of vacated 21 st Street	Ingress / egress from 21 st Street to Roosevelt Community Center Parking

C	4		583-08-027	To be exchanged with Santa Clara County for portions of properties needed for widening of Branham Lane and Snell Avenue
D	5	Portion of 249-64-001		Empire Garden School
E	6	Vacated Blue Jay Drive		Canoas Elementary School

ALTERNATIVES

Several alternatives were evaluated including:

- Creating a reversionary clause for those properties for which fee ownership is being exchanged. The proposed clause would require that should the District’s school use or the various proposed City uses (Roosevelt Community Center, ingress/egress to its parking) ever change, the property would revert to the original owner. This clause would have precluded the ability of the District to use property should a school be temporarily or permanently closed) and it may have precluded the City from using property for other future municipal purposes. Thus, such a provision is not included in documents which will allow for fee ownership property transfers.
- Providing permanent property rights to the District for development of softball fields adjacent to San Jose Academy. As the site is part of a larger City-owned park, permanent rights could only be conveyed subject to voter approval. The conclusion was to transfer the property rights through a renewable use agreement.
- Transfer of fee ownership of property owned by the City currently leased to the District upon which Empire Gardens School has been constructed. The site and adjacent City-owned property is currently being reviewed by the California Department of Toxic Substances Control [DTSC]. Until the DTSC completes its analysis, future obligations of the City as current owner and potential obligations of the District will be unknown. Continued lease with an option exercisable by the District best addresses this issue.

PUBLIC OUTREACH

- Joyce Ellington Branch Library: Eight community meetings were held in 2004 and 2005 regarding the design of the new Joyce Ellington Branch Library.
- Roosevelt Community Center: Extensive community input was gathered during the development of the Master Plan Amendment for the Roosevelt Multi-Service project. A total of 39 community and technical meetings were held, resulting in unanimous approval

of the Roosevelt Park Master Plan amendment at the final community meeting on May 5, 2003. City Council approved the Master Plan in January 2004.

- Branham Lane and Snell Avenue street widenings: The Departments of Public Works and Transportation have met with the VEP Community Association many times over the past two years to discuss the scope and the status of the Branham Lane Improvement Project. VEP set up a committee to work with Public Works and DOT on a "Wish List" of items to include in the project scope of work for the construction project, budget permitting. Through several working meetings with the committee, VEP voted on and adopted the "wish list" so that the project can move smoothly through the design process, with known community priorities.

COORDINATION

This memorandum and agreement have been coordinated with the Departments of Library; Planning, Building and Code Enforcement; Parks, Recreation and Neighborhood Services; Transportation; City Manager's Budget Office; City Attorney's Office and the San José Unified School District.

COST IMPLICATIONS

- \$559,000 to be paid by the City to the San José Unified School District
- \$75,000 City real estate processing expenditures, including cost of title report, Phase I Environmental Analysis, survey and staff time
- \$100,000 Estimated Escrow Costs.

The above costs are to be shared equally (1/3 each) by the Department of Transportation (Branham / Snell street widening project), Library (Joyce Ellington Branch reconstruction / expansion) and PRNS (new construction of Roosevelt Community Center and appurtenant parking).

BUDGET REFERENCE

Fund #	Appn. #	Appn. Name	RC #	Total Appn.	2005-2006 Adopted Budget Page	Last Budget Action (Date, Ord. No.)
429	6863	Branham Lane Improvements	115602	3,247,000	V - 1038	10/18/05, Ord. No. 27580
471	4789	Roosevelt Community Center Multi-Service	128872	14,453,000	V - 948	10/18/05, Ord. No. 27580
472	6877	Land Acquisition	142302	1,243,000	V - 455	10/18/05, Ord. No. 27580
		Total		18,943,000		

CEQA

Ellington Branch Library, Exempt, File No. PP05-167

Roosevelt Park, Mitigated Negative Declaration, File No. PP03-397

Rajkovich Property, Exempt, File No, PP05-160

Empire Gardens School, Exempt, File No. PP04-029

Canoas Elementary School, EIR Resolution No. 67894

San José High Academy, Mitigated Negative Declaration, File No. PP03-397



KATY ALLEN


Director, Public Works Department

For questions please contact DAVE SYKES, ASSISTANT DIRECTOR, at 408-535-8300.

EXHIBIT A

Item #1 - Ellington Branch Library
Expansion of Grant Elementary
School site from 0.6 acre to 0.9
acre for construction of Library

Legend

 Subject Site

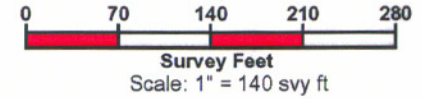


EXHIBIT B

Item #8 - Abandonment of 0.15 acre of 21st St. to construct City's parking lot

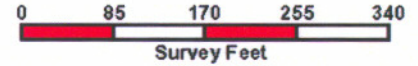
Item #7 - City will transfer 0.56 acre of Roosevelt Park to SJUSD for construction of softball field

Item #3 - SJUSD will transfer 0.60 acre of San Jose High Academy to City for construction of parking lot

Item #2 - Abandonment of 0.45 acre of 20th St. to construct City's Roosevelt Community Center

Legend

 Subject Sites



Scale: 1" = 170 svy ft



EXHIBIT C

Item #4 - Rajkovich Property

APN 583-08-027

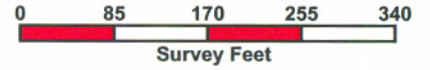
SJUSD will transfer

5.16 Acres to City

Legend



Subject Site



Scale: 1" = 170 svy ft




EXHIBIT D

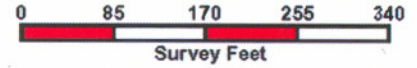
Item #5 - Empire Gardens Elem. School

APN 249-64-001

Watson Park Transfer of leased property to District for newly constructed elementary school of 3.36 Acres

Legend

 Subject Site



Scale: 1" = 170 svy ft



EXHIBIT E

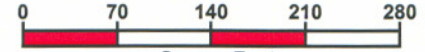
Item #6 - Canoas Elementary School

APN 455-13-039

Blue Jay Drive Transfer of 0.533 Acre vacated street where school building currently exists

Legend

 Subject Site



Survey Feet
Scale: 1" = 140 svy ft



NATCO # 56170301

DOCUMENT: 18985508

Pages: 7

RECORDED WITHOUT FEE UNDER SECTION 6103 GOVERNMENT CODE OF THE STATE OF CALIFORNIA



Fees.... * No Fees
Taxes...
Copies...
AMT PAID

RECORDING REQUESTED BY:
AND WHEN RECORDED MAIL TO:
AND MAIL TAX STATEMENT TO:
City of San Jose - Real Estate
200 East Santa Clara Street, 5th Floor
San Jose, CA 95113-1905

BRENDA DAVIS
SANTA CLARA COUNTY RECORDER
Recorded at the request of
North American Title Company

RDE # 008
6/22/2006
1:20 PM

Deed # A-2334
File/Doc. No:
APN: N. 21st Street / 467-11-041

Space above this line for Recorder's use

The Undersigned Grantee(s) Declare(s): DOCUMENTARY TRANSFER TAX \$0; CITY TRANSFER TAX \$0; Recorded for the benefit of the City of San Jose and is exempt from fee per Government Code Sections 27383 and 6103.

- computed on the consideration or full value of property conveyed, OR
- computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
- unincorporated area; City of San Jose, and
- D. Davis
Signature of Declarant

GRANT DEED

The conveyance of real property is made in accordance with that certain agreement entitled "Agreement by and Between the City of San José and the San Jose Unified School District for the Exchange of Interests in Real Property for the Mutual Benefit of City and District", which agreement involved multiple exchange properties and conditions, and was approved by the San Jose City Council at its meeting on May 23, 2006, and was approved by the Governing Board of the San Jose Unified School District on May 18, 2006.

For value received, SAN JOSÉ UNIFIED SCHOOL DISTRICT, a public school district of the State of California (GRANTOR), does hereby GRANT to the CITY OF SAN JOSE, a California municipal corporation (GRANTEE), fee simple title to all that certain real property located in the City of San Jose, County of Santa Clara, State of California, described as follows:

See Exhibit "A" attached hereto and made a part hereof ("Property")

Title is granted subject to the provision that GRANTEE shall maintain the property and grant or shall retain irrevocable, non-exclusive easement for GRANTOR's ingress to egress from the San Jose High School Academy site.

Grantor, San José Unified School District, California

Dated May 22, 2006

By Don Iglesias
Name: Don Iglesias
Title: Superintendent

Mail Tax Statements To: SAME AS ABOVE

**LEGAL DESCRIPTION
PARCEL E**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF TWENTY FIRST STREET (FORMERLY SULLIVAN AVENUE) ABANDONED BY ORDINANCE NO. 4011 RECORDED IN BOOK 2353 OFFICIAL RECORDS PAGE 296 SANTA CLARA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY LINE OF SAID TWENTY-FIRST STREET DISTANT THEREON 364.00 FEET NORTHERLY FROM THE INTERSECTION THEREOF WITH THE NORTHERLY LINE OF SANTA CLARA STREET (80 FEET WIDE) SAID POINT BEING ON THE SOUTHERLY TERMINUS OF SAID ABANDONED PORTION OF TWENTY FIRST STREET BY SAID ORDINANCE NO. 4011;

THENCE FROM SAID POINT OF BEGINNING ALONG THE NORTHERLY EXTENSION OF SAID EASTERLY LINE OF ABANDONED TWENTY-FIRST STREET NORTH 30° 45' 00" WEST, 108.06 FEET;

THENCE LEAVING SAID NORTHERLY EXTENSION OF SAID EASTERLY LINE OF ABANDONED TWENTY-FIRST STREET SOUTH 59° 15' 00" WEST, 60.00 FEET TO THE WESTERLY LINE OF ABANDONED TWENTY-FIRST STREET;

THENCE ALONG THE WESTERLY LINE OF ABANDONED TWENTY FIRST STREET SOUTH 30° 45' 00" EAST, 108.06 FEET TO THE SOUTHERLY TERMINUS OF SAID ABANDONED PORTION OF TWENTY FIRST STREET;

THENCE ALONG SAID SOUTHERLY TERMINUS OF SAID ABANDONED PORTION OF TWENTY FIRST STREET NORTH 59° 15' 00" EAST, 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,483.60 SQUARE FEET, MORE OR LESS.

DESCRIPTION CHECKED BY:

February 6, 2006
DATE

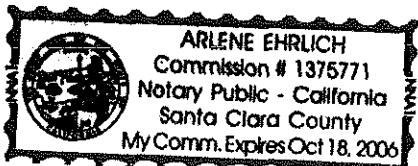


Douglas L. Aylsworth
DOUGLAS L. AYLSWORTH
L.S. NO. 6314
EXPIRES: 12/31/2006

California All-Purpose Acknowledgment

State of California)
County of Santa Clara) ss.

On May 22, 2006, before me, Arlene Ehrlich, Notary Public,
personally appeared Don Iglesias, (personally
known to me) or (~~proved to me on the basis of satisfactory evidence~~ to be the person(s)
whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that
he/~~she/they~~ executed the same in his/~~her/their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.)



WITNESS my hand and official seal.

Arlene Ehrlich
Signature of Notary Public

Place Notary Seal Above

Grant Deed
APN: previously known as North 21st Street, 467-11-041

DEED ACCEPTANCE SLIP

This is to certify that the interest in real property conveyed by Grant Deed, dated May 22, 2006, from San José Unified School District, a public school district of the State of California, to the City of San Jose, a municipal corporation of the State of California, is hereby accepted by the undersigned officer of said City on behalf of the Council of the City of San Jose, pursuant to authority conferred by the Council of the City of San Jose, heard and approved on the 16, and 23rd day of May, 2006 Council Agenda Item 5.4 ((a), (b)), Resolution 73183 adopted. The Grantee consents to recordation thereof by its duly authorized officer.

CITY OF SAN JOSE, A Municipal Corporation



KATY ALLEN
Director of Public Works

This document is for the benefit of the City of San Jose. Request for recordation without fee is made in accordance with Section 6103 of the Government Code of the State of California.

Attest:



KATY ALLEN
Director of Public Works

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Santa Clara } ss.

On June 6, 2006 before me, Shirley Ann Hanson, Notary Public,
Date Name and Title of Officer (e.g., 'Jane Doe, Notary Public')

personally appeared David Sykes
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal
Shirley Ann Hanson
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

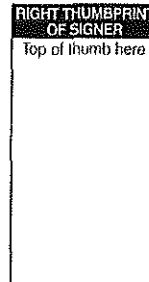
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



STATEMENT OF EXEMPTION

FILE NO.

PP18-049

LOCATION OF PROPERTY

Northernmost terminus of North 21st Street, north of the intersection with Santa Clara Street

PROJECT DESCRIPTION

City Ordinance designating as public right-of-way, 6,480 square feet of City-owned land located at the northernmost terminus of North 21st Street, north of the intersection with Santa Clara Street

CERTIFICATION

Under the provisions of Sections 15301(c) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

15301. EXISTING FACILITIES

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:

- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety) except where the activity will involve removal of a scenic resource including a stand of trees, a rock out cropping, or an historic building;

ANALYSIS

Background

On December 3, 1951, the Council approved Ordinance No. 4011, which vacated a portion of North 21st Street north of Santa Clara Street. Since that time, the San Jose Unified School District incorporated the vacated street into the San José High School campus. On May 23, 2006, the Council adopted a resolution authorizing the Director of Public Works to execute agreements with the San José Unified School District in relation to property exchanges and leases related to Roosevelt Park and the Roosevelt community Center. These actions allowed the School district to improve athletic facilities at San José High School and allowed the City to construct a new parking lot on the east side of north 21st Street. As part of the property exchange agreements, the School District conveyed a portion of the previously vacated North 21st Street (Parcel E, see attachment) back to the City.

Project Description

Parcel E currently functions as a public street as the previous improvements (i.e., curb, gutter, and sidewalk) were not removed. Vehicles use the road to access a City overflow parking lot for the entrance driveway to the Roosevelt Community Center and Park. Parcel E also provides pedestrian access to the rear part of Roosevelt Park.

The recommended action will formally designate Parcel E as public right-of-way, which is consistent with the current use of the property. A collateral result of this action would be to enable the Pacific Gas and Electric Company to use its franchise rights to bring upgraded electrical service across the newly designated public right-of-way to the eastern edge of the park near the roller rink. The Departments of Public Works and Parks, Recreation and Neighborhood Services have collaborated to prepare park plans to utilize the proposed upgraded electrical service for upgraded sports lighting at both the City's softball field and roller rink.

Exceptions:

CEQA Guidelines Section 15300.2 provides exceptions to the use of Categorical Exemptions where the use of a Categorical Exemption is prohibited under certain circumstances. The City has considered the projects applicability to all the exceptions under Section 15300.2. An analysis of each of these exceptions in reference to this specific project is provided below.

- (a) Location. Class 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. Section 15300.2(a) states that a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Section 15300.2(a) does not apply to the Class Category 1 of exemptions.
- (b) Cumulative Impact. Based on the above analysis, there is no evidence of a potential significant cumulative impact on the environment from the proposed project. The project involves transferring Parcel E to the City. No physical changes to the street would occur as a result of the transfer. There will be no impact that could potentially contribute to a cumulative impact.
- (c) Significant Effect. The project would not result in any significant effects on the environment due to unusual circumstances. The proposed project site does not have any unusual circumstances that would negatively impact the environment.
- (d) Scenic Highways. This project site is not located within a view of a highway officially designated as a state scenic highway. Therefore, the project is not subject to 15300.2(d).
- (e) Hazardous Waste Sites. Parcel E is not included on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, the project is not subject to 15300.2(e).
- (f) Historical Resources. There are no historical resources located on Parcel E; therefore, Section 15300.2(f) does not apply.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement



Deputy

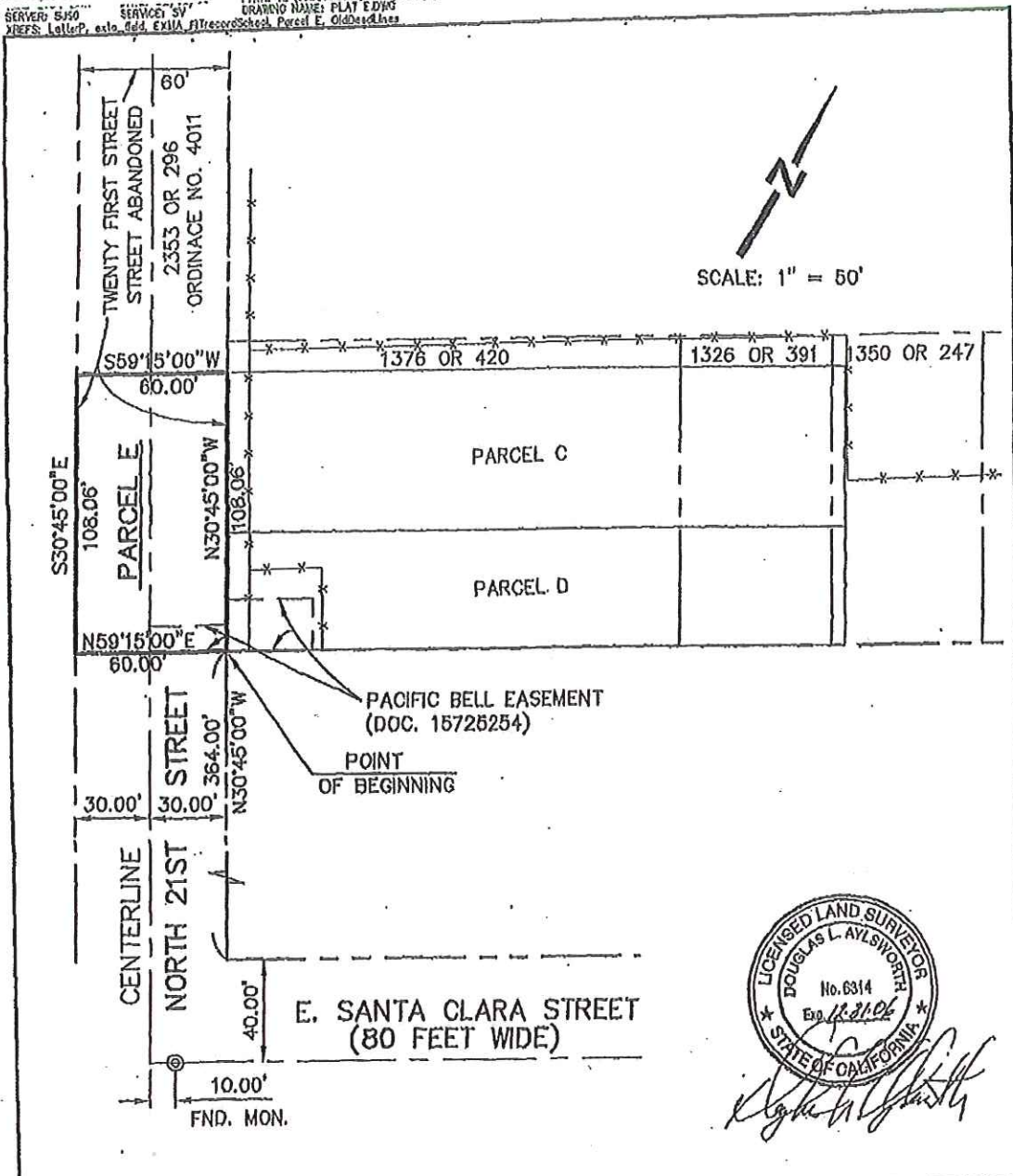
4-18-18

Date

Environmental Project Manager: Reema Mahamood

Attachment: Parcel E Location Plan

SERVER: S:\50 SERVICE:\SV DRAWING NAME: PLAT E.DWG
 XREFS: LetterP, exto_dgd, EXHA_fltrecorSchool_Parcel E, OldOrdLines



NOLTE
 BEYOND ENGINEERING
 5711 NORTH FIRST STREET, SUITE A
 SAN JOSE, CA 95119
 408.427.2222 TEL 408.427.2121 FAX 408.427.2200

**SAN JOSE ACADEMY HIGH SCHOOL
 SAN JOSE UNIFIED SCHOOL DISTRICT
 PARCEL E**

PREPARED FOR: S.J.U.S.D. DATE SUBMITTED: 1/28/2000

SHEET NUMBER
2
 OF 2 SHEETS
 JOB NUMBER
 BJB019801

EXHIBIT " _____ "
DESCRIPTION OF REAL PROPERTY

All that certain Real Property situate in the City of San Jose, County of Santa Clara, State of California, being a portion of Twenty First Street (Formerly Sullivan Avenue) abandoned by Ordinance No. 4011 recorded in Book 2353 of Official Records at Page 296, Santa Clara County and being all of PARCEL "E" as described in that certain GRANT DEED recorded as Document No. 18985508, on June 22, 2006, Santa Clara County Records, being more particularly described as follows:

BEGINNING at a point in the easterly line of said Twenty-First Street distant thereon 364.00 feet northerly from the intersection thereof with the northerly line of Santa Clara Street (80 feet wide) said point being on the southerly terminus of said abandoned portion of Twenty-First Street by said Ordinance No. 4011;

Thence from said point of beginning along the northerly extension of said easterly line of abandoned Twenty-First Street North 30° 45' 00" West, 108.60 feet;

Thence leaving said northerly extension of said easterly line of abandoned Twenty-First Street South 59° 15' 00" West, 60.00 feet to the westerly line of abandoned Twenty-First Street;

Thence along the westerly line of abandoned Twenty-First Street South 30° 45' 00" East, 108.00 feet to the southerly terminus of said abandoned portion of Twenty-First Street;

Thence along said southerly terminus of said abandoned portion of Twenty-First Street North 59° 15' 00" East, 60.00 feet to the point of beginning.

The described property contains approximately 6,483.60 square feet, more or less.

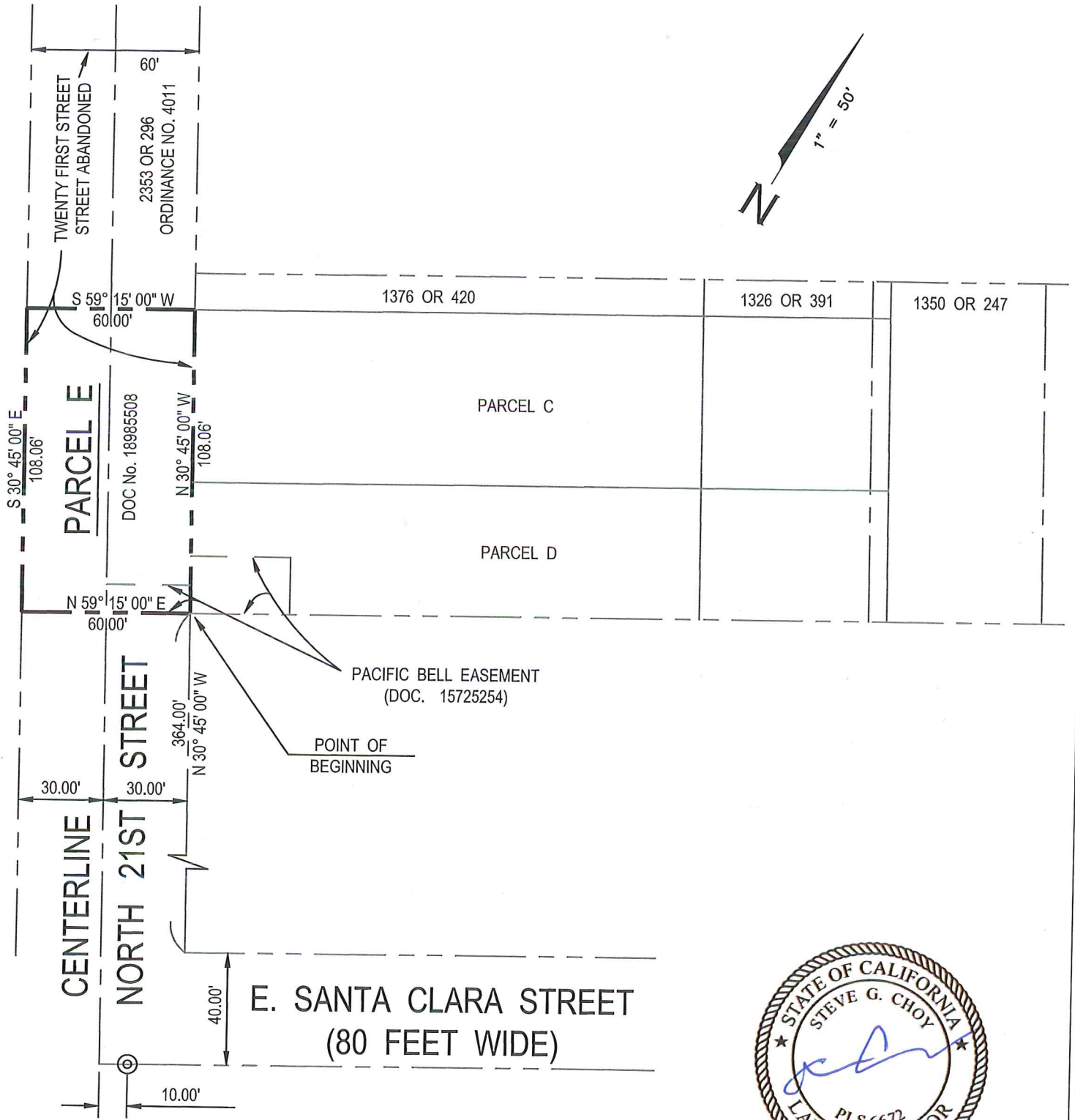
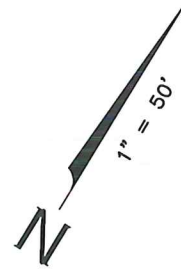
Plat labeled " _____ " to accompany this description and by reference made a part hereof. This description, and plat attached, has been compiled from record data and not a field survey.

The above description of real property was prepared by me, or under my supervision, in conformance with the requirements of Section 8726 (g, k, l, m) of the Business and Professions Code of the State of California.



Steve G. Choy, PLS 6672





GRANITE MONUMENT
 IN BOX PER
 CITY OF SAN JOSE
 SURVEY FIELD
 BOOK No. 1382, PAGE No. 25

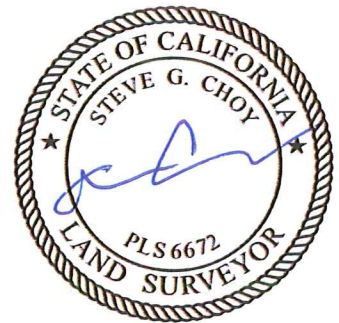


EXHIBIT " " " "
 TO ACCOMPANY
 DESCRIPTION OF REAL PROPERTY

PREPARED BY
 CITY OF SAN JOSE
 SURVEY SECTION
 APR. 17, 2018