

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE: (1) DECLARING 783 SQUARE FEET OF VACATED STREET ON BERRYESSA ROAD, EAST OF MERCADO WAY, SURPLUS TO THE NEEDS OF THE CITY; (2) AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PURCHASE AND SALE AGREEMENT WITH THE ADJACENT PROPERTY OWNER S.J. MERCADO PROPERTIES, LLC IN AN AMOUNT NOT TO EXCEED \$1,000; AND (3) AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE SALE AGREEMENT, THE QUITCLAIM DEED, ALL OTHER DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION AND ANY MODIFICATIONS OR AMENDMENTS THERETO

WHEREAS, on August 14, 2007, the City of San José (“City”) approved a Planned Development Zoning (PDC03-108) for the development of up to 2,818 residential units and up to 365,622 square feet of commercial, office, and/or industrial use, and approximately 36 acres of public park/open space on a 120.3-acre site at the northeast corner of Berryessa Road and Mercado Way (“Project”); and

WHEREAS, as a result of the Project’s public improvements, there is a remainder of a 783 square foot excess right-of-way behind the new public sidewalk at the corner of Berryessa Road and Mercado Way (“Property”); and

WHEREAS, on January 10, 2017, the City Council approved a summary vacation of the Property, making it available for surplus sale; and

WHEREAS, Section 4.20.070 of the San José Municipal Codes 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, staff 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, pursuant to the City's Council Policy 7-13, the Property is exempt from applying an Affordable Housing Restriction since the Property is less than 5,000 square feet and is not independently developable; and

WHEREAS, staff has negotiated directly with the adjacent property owner, S.J. Mercado Properties, LLC and recommends moving forward with the sale of the Property for a purchase price of \$1,000;

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

1. Declares 783 square feet of vacated street on Berryessa Road, east of Mercado Way, surplus to the needs of the City;
2. Authorizes the City Manager or his designee to execute a Purchase and Sale Agreement with the adjacent property owner S.J. Mercado Properties, LLC in an amount not to exceed \$1,000; and
3. Authorizes the City Manager or his designee to execute the sale agreement, the quitclaim deed, all other documents necessary to complete the transaction, and any modifications or amendments thereto.

ADOPTED this _____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk