



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Kim Walesh

**SUBJECT:** SEE BELOW

**DATE:** May 20, 2019

Approved

Date

5-30-19

**COUNCIL DISTRICT: 6**

**SUBJECT: SALE OF THREE SMALL FRAGMENTS OF ALMA AVENUE AND  
WILLOW STREET**

## RECOMMENDATION

Adopt a resolution:

- (a) Declaring 21,022 square feet of land comprised of three small fragments of land on Alma Avenue and Willow Street (collectively, the "Properties"), as surplus real property based upon a finding and determination that the public interest will be served by the conveyance thereof; and
- (b) Authorizing the City Manager to execute:
  - (1) Purchase and Sale Agreement between the City of San José and Santa Clara Valley Water District, for the sale of the Properties in the amount of \$445,000; and
  - (2) Quitclaim Deed to transfer the Properties to the Santa Clara Valley Water District.

## OUTCOME

Adoption of this resolution and approval of the Purchase and Sale Agreement and the Quitclaim Deed will allow for the sale of approximately 21,022 square feet of City-owned property on the portions of Alma Avenue and Willow Street, as described and depicted in Exhibit A and Exhibit B, to Santa Clara Valley Water District for four hundred forty-five thousand dollars (\$445,000) that will be deposited to the General Fund.

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## **BACKGROUND**

The Upper Guadalupe River Flood Protection Project, authorized construction by the U.S. Army Corp of Engineers (USACE) in 1999, is a federally authorized flood control protection project of about 5.5 miles of channel extending through the City of San Jose from Interstate 280 to Blossom Hill Road along Guadalupe River. Project improvements include channel widening, construction of floodwalls and levees, replacement of road crossings and planting of streamside vegetation.



As part of the project, Santa Clara Valley Water District (District) intends to acquire affected properties to construct and maintain a bypass channel to convey high flows and to mitigate potential flooding. In addition, the improved channel will consist of additional riparian vegetation, provide biological mitigation onsite, and improve fish habitat. The subject properties are within Reach 7 in the project plan areas.



The subject properties consist of three fragment pieces, approximately 21,022 square feet and are located along Alma Avenue and Willow Street, more particularly described in Exhibits A1, A2 and A3 and depicted in Exhibits B1, B2 and B3. All three parcels are existing public roadways. The District will construct new bridge roadways above the subject properties for public right of way use.

Municipal Code Chapter 4.20 permits the sale of City-owned surplus property upon Council finding and determination that the public interest would be served by the conveyance thereof. In addition, the council may approve the sale of property it has found to be surplus real property by direct negotiation to another governmental or public agency such as the District. The purchase price for such surplus property shall be the fair market value.

The Purchase and Sale Agreement provides for the sale of the subject properties to Santa Clara Valley Water District, for four hundred forty-five thousand dollars (\$445,000). The sale price of \$445,000 represents the fair market value of the subject properties based upon an appraisal.

### **ANALYSIS**

The City of San Jose holds fee ownership of these three fragment pieces along Alma Avenue and Willow Street, as described in Exhibit A1, A2 and A3 (Legal Descriptions) and depicted in Exhibit B1, B2 and B3 (Plat Maps). Lot 1 is approximately 9,848 square feet. Lot 2 is approximately 5,137 square feet. Lot 3 is approximately 6,037 square feet. None of the lots are independently developable.

Lots 1, 2 and 3 are currently part of the public right of way, commonly known as Alma Avenue and Willow Street. The City negotiated the sale of the property directly with Santa Clara Valley Water District, in accordance with Section 4.20.080 of the San Jose Municipal Code, and the proposed sale reflects the fair market value of the property of four hundred forty-five thousand dollars (\$445,000) as determined through an appraisal.

Since the bypass channel will provide flood control mitigation, improve natural habitat, and the new bridge roadways will provide continuous use for public right of way, staff sees no need for the City to own and maintain the properties within the proposed bypass channel.

The property is being sold "as is" and with the reservation for Public Road Easement, Public Service Easement and Public Sidewalk Easement across the entire properties.

Staff recommends that the City Council declare that the property is surplus real property, because the public interest would be served by the conveyance to the District for flood control purposes and approve the sale of the subject properties to Santa Clara Valley Water District, according to the terms contained in the Purchase and Sale Agreement and the Quitclaim Deed.

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### **EVALUATION AND FOLLOW-UP**

The transfer of the subject property by Quitclaim Deed is anticipated to be completed within 30 days of execution of the Purchase and Sale Agreement by the City. Upon completion of the City's final structural inspection and written acceptance, the ownership of the bridges and appurtenant structures and improvements will be transferred from the District to the City for operation and maintenance.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's website for the June 11, 2019 Council Agenda.

### **COORDINATION**

This memorandum has been coordinated with the Department of Planning, Building and Code Enforcement, Department of Transportation, Department of Public Works, City Manager's Budget Office, and the City Attorney's Office.

### **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation is associated with this action.

### **COST SUMMARY/IMPLICATIONS**

Upon Council's approval of the sale of a City owned properties at Alma Avenue and Willow Street, and the City's subsequent Purchase and Sale Agreement, the \$445,000 payment will be deposited into the City's General Fund.

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**CEQA**

Categorically Exempt, File No. PP19-029, CEQA Guidelines Section 15312, Surplus Government Property Sales.

/s/

KIM WALES

Deputy City Manager

Director of Economic Development

For questions please contact Nanci Klein, Deputy Director, at (408) 535-8184.

Attachments



**EXHIBIT A1**  
**LEGAL DESCRIPTION OF PROPERTY**

**Lot 1 (Alma Avenue)**

**SANTA CLARA VALLEY WATER DISTRICT**  
5750 Almaden Expressway  
San Jose, CA 95118

Original By: B. SNYDER  
Date: 12/04/09

Revised By: SJ  
Revision Date: 02/21/2017

PROJECT: GUADALUPE RIVER  
PROPERTY: CITY OF SAN JOSE

APN: 434-20-000  
RESU File No.: 3015-614

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF THE LANDS OF THE CITY OF SAN JOSE AS SHOWN ON THAT CERTAIN MAP FILED AS R-108.17, IN DISTRICT 4 OFFICE OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, OAKLAND, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF ALMA AVENUE, 80 FEET WIDE AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED IN BOOK 138 OF MAPS AT PAGE 18, IN THE OFFICE OF THE RECORDER, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, WITH THE CENTERLINE OF GUADALUPE RIVER (FORMERLY KNOWN AS LEWIS CANAL), AS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED ON FEBRUARY 19, 1958 AS DOCUMENT NUMBER 1438775 OF OFFICIAL RECORDS, IN THE OFFICE OF THE RECORDER, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA;

THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID ALMA AVENUE, NORTH 76°23'50" EAST, 55.80 FEET TO THE **POINT OF BEGINNING**;

THENCE LEAVING SAID SOUTHEASTERLY LINE OF ALMA AVENUE, NORTH 25°58'10" WEST, 81.90 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID ALMA AVENUE;

THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY LINE, NORTH 76°23'50" EAST, 17.54 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1960.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE AND ALONG THE NORTHWESTERLY LINE OF SAID ALMA AVENUE THROUGH A CENTRAL ANGLE OF 2°16'22" FOR AN ARC LENGTH OF 77.75 FEET;

THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE, NORTH 38°33'29" EAST, 18.59 FEET;

**EXHIBIT A1**  
**LEGAL DESCRIPTION OF PROPERTY**

(continued)

THENCE LEAVING SAID NORTHWESTERLY LINE, SOUTH 36°04'02" EAST, 96.15 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID ALMA AVENUE, SAID POINT ALSO BEING A POINT OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 2040.00 FEET AND TO WHICH POINT A TANGENT BEARS SOUTH 72°46'03" WEST,

THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°37'47" FOR AN ARC LENGTH OF 129.24 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 9,848 SQUARE FEET OR 0.226 ACRE OF LAND, MORE OR LESS.

**BASIS OF BEARING:**

BEARINGS ARE BASED ON AND IDENTICAL TO DOCUMENT NUMBER 1438775 OF OFFICIAL RECORDS, SANTA CLARA COUNTY, STATE OF CALIFORNIA.

**SURVEYOR'S STATEMENT:**

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.

  
\_\_\_\_\_  
GISELA SILKE JOBST, L9169

2-22-2017  
Date





**EXHIBIT A2**  
**LEGAL DESCRIPTION OF PROPERTY**

**Lot 2 (Willow Street)**

**SANTA CLARA VALLEY WATER DISTRICT**  
San Jose, California

By: B. SNYDER  
Date: 02/05/10

Checked by: \_\_\_\_\_ Date: \_\_\_\_\_

PROJECT: GUADALUPE RIVER  
PROPERTY: CITY OF SAN JOSE

FILE NO.: 3015-617

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

Being a portion of the lands as described as "SEGMENT 2" in the deed recorded as Document Number 14166907 in the office of the Recorder, County of Santa Clara, State of California, to wit:

BEGINNING at that intersection of the northwesterly line of (Formerly) Willow Street (60 feet wide) with the southwesterly line of said parcel as shown on that certain map filed as R-108.18, in District 4 Office of the California Department of Transportation, Oakland, California; thence southeasterly along the general southwesterly line of said parcel, S35°15'45"E 7.96 feet to the TRUE POINT OF BEGINNING; thence leaving said general southwesterly line running parallel and concentric, 30.00 feet distant as measured at right angles from the centerline of Willow Street realigned designated as "WS" Line as shown on said map, along a curve to the right from a tangent which bears N64°14'23"E, having a radius of 580.00 feet, through a central angle of 10°48'06", for an arc distance of 109.35 feet; thence S14°57'31"E 51.26 feet to a point lying 21.26 feet measured at right angles southeasterly of said "WS" Line as shown on said map; thence running parallel and concentric along a curve to the left from a tangent which bears S75°02'29"W, having a radius of 528.74 feet, through a central angle of 9°52'15", for an arc distance of 91.09 feet to an angle point on the general southwesterly line of said parcel as shown on said map; thence northwesterly along the general southwesterly N35°15'45"W 52.04 feet to the TRUE POINT OF BEGINNING.

Containing 5137 square feet or 0.118 acre of land, more or less.

**BASIS OF BEARING:** Bearings are based on and identical to that certain map filed as R-108.18, in District 4 office of the California Department of Transportation, Oakland, California.

**SURVEYOR'S STATEMENT:** This description was prepared by me or under my direction in conformance with the requirement of the Land Surveyor's Act.

  
Dwight J. Busalacchi PLS 7903  
Prepared by the Santa Clara Valley Water District, San Jose, CA

Sept 29, 2010  
Date





**EXHIBIT A3**  
**LEGAL DESCRIPTION OF PROPERTY**  
**Lot 3 (Willow Street)**

**SANTA CLARA VALLEY WATER DISTRICT**  
San Jose, California

By: B. SNYDER  
Date: 02/05/10

Checked by: \_\_\_\_\_ Date: \_\_\_\_\_

PROJECT: GUADALUPE RIVER  
PROPERTY: CITY OF SAN JOSE

FILE NO.: 3015-618

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

Being a portion of the lands shown as Willow Street (60 feet wide) on that certain map filed as R-108.18, in District 4 Office of the California Department of Transportation, Oakland, California, to wit:

BEGINNING at that intersection of the northwesterly line of Willow Street (60 feet wide) with the southwesterly line of lands designated as "SEGMENT 2" as shown on that certain map filed as R-108.18, in District 4 Office of the California Department of Transportation, Oakland, California; thence southeasterly along the general southwesterly line of said parcel as shown on said map, S35°15'45"E 7.96 feet to a point which is the TRUE POINT OF BEGINNING; thence continuing southeasterly along said general southwesterly line of lands designated as "SEGMENT 2" as shown on said map, S35°15'45"E 52.04 feet to a point on the southeasterly line of Willow Street (60 feet wide) as shown on said map; thence southwesterly along said southeasterly line of Willow Street (60 feet wide), S54°44'15"W 114.20 feet; thence leaving said southeasterly line of Willow Street (60 feet wide), N17°56'33"W 62.85 feet to a point on the northwesterly line of Willow Street (60 feet wide) as shown on said map, said point being 30 feet distant as measured at right angles from the centerline of Willow Street realigned designated as "WS" Line as shown on said map; thence leaving said northwesterly line of Willow Street (60 feet wide) running parallel and concentric to said centerline of Willow Street realigned designated as "WS" Line as shown on said map, along a curve to the right from a tangent which bears N54°44'15"E, having a radius of 580.00 feet, through a central angle of 9°28'36", for an arc distance of 95.93 feet to the TRUE POINT OF BEGINNING.

Containing 6037 square feet or 0.139 acre of land, more or less.

**BASIS OF BEARING:** Bearings are based on and identical to that certain map filed as R-108.18, in District 4 office of the California Department of Transportation, Oakland, California.

**SURVEYOR'S STATEMENT:** This description was prepared by me or under my supervision in conformance with the requirement of the Land Surveyor's Act.

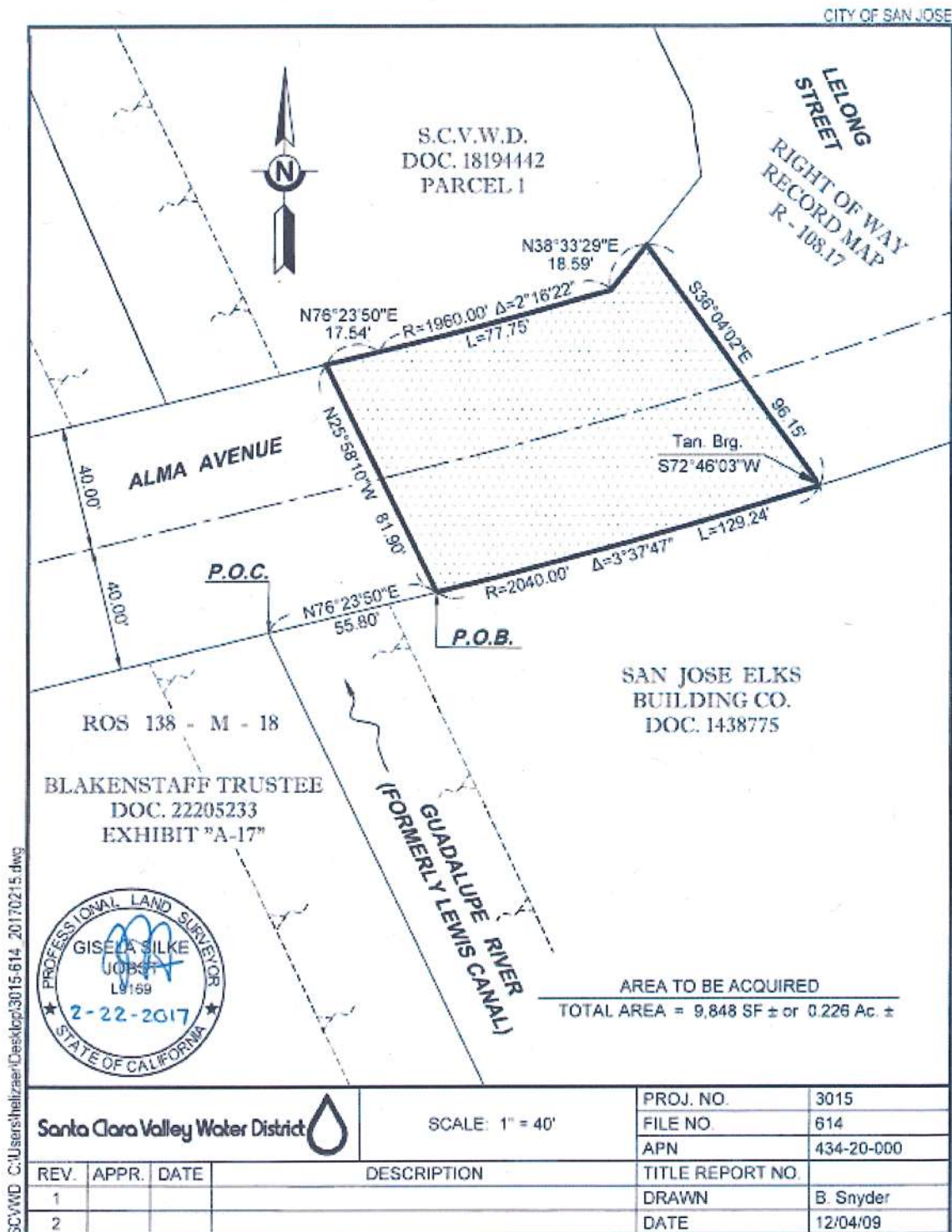
  
Dwight J. Busalacchi PLS 7903

Sept 29, 2010  
Date

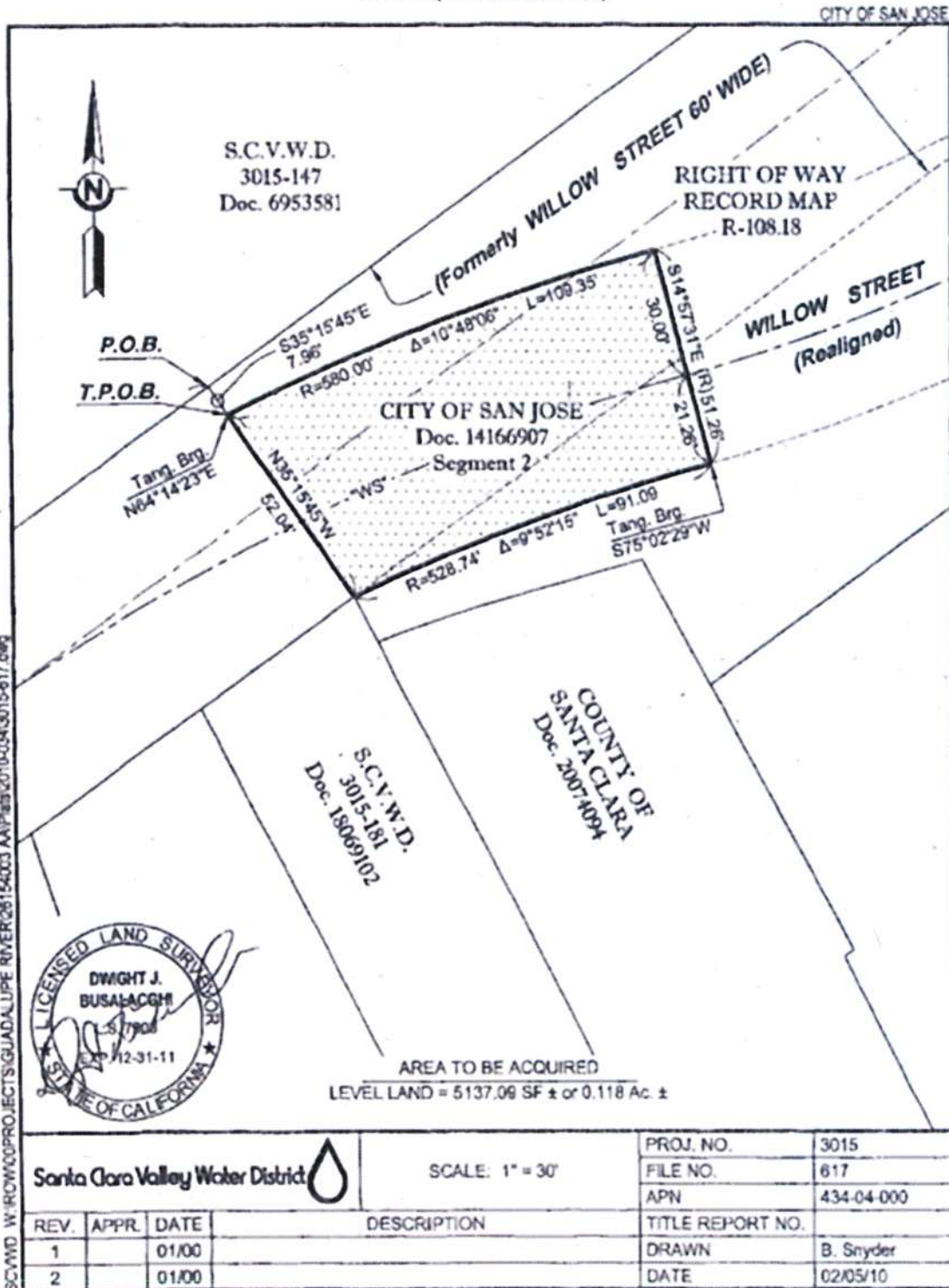
Prepared by the Santa Clara Valley Water District, San Jose, CA



**EXHIBIT B1**  
**PLAT OF PROPERTY**  
**Lot 1 (Alma Avenue)**



**EXHIBIT B2**  
**PLAT OF PROPERTY**  
**Lot 2 (Willow Street)**





**EXHIBIT B3**  
**PLAT OF PROPERTY**  
**Lot 3 (Willow Street)**

