

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE 1) DECLARING 5,200 SQUARE FEET OF PROPERTY ADJACENT TO WEST SAN FERNANDO STREET SURPLUS TO THE NEEDS OF THE CITY; 2) AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF SAN JOSE AND ADOBE SYSTEMS INC. IN AN AMOUNT NOT-TO-EXCEED \$100,000 FOR THE PURCHASE OF APPROXIMATELY 5,200 SQUARE FEET OF PROPERTY ADJACENT TO WEST SAN FERNANDO STREET AND ALL OTHER DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION; 3) AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PARKING AGREEMENT WITH ADOBE SYSTEMS INC. FOR THE PUBLIC USE OF PARKING AT THE NORTH TOWER; AND 4) AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE SOUTH TOWER PARKING AGREEMENT

WHEREAS, the City of San Jose (“City”) owns approximately 5,200 square feet of real property adjacent to West San Fernando Street, as described in Exhibit A, attached hereto (“the Property”); and

WHEREAS, since 2008, Adobe Systems, Inc. (“Adobe”) has been granted an exclusive easement over and across the Property, significantly diminishing the value of the Property to the City; and

WHEREAS, the Property is not necessary for any public access but is necessary for the egress and ingress of Adobe; and

WHEREAS, the San José Municipal Code (“Code”) authorizes the Council to declare City-owned real property surplus to the needs of the City and to authorize the sale or exchange of such surplus 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 owner and desires to authorize the City Manager to negotiate and execute an agreement for the sale of the Property for the purchase price of \$100,000, and to execute all documents necessary to complete the transaction; and

WHEREAS, the Property will be used as part of Adobe’s expansion of its headquarters; and

WHEREAS, Adobe and the City are parties to an Amended and Restated Parking Agreement for the South Tower dated July 24, 2008 (“South Tower Parking Agreement”); and

WHEREAS, both the City and Adobe acknowledge the need for additional parking in the Downtown Core and the Diridon Station Area; and

WHEREAS, as part of Adobe’s planned expansion, Adobe will agree to additional public parking obligations as described in the memorandum to the City Council from Kim Walesh, Director of Economic Development and Matt Cano, Director of Public Works dated June 6, 2019; and

WHEREAS, the City Council desires to authorize the City Manager to execute a Parking Agreement with Adobe for the public use of parking at the North Tower and an amendment to the South Tower Parking Agreement;

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

1. The 5,200 square feet of property adjacent to West San Fernando Street is surplus to the needs of the City.
2. The City Manager or his designee is authorized to negotiate and execute the Purchase and Sale Agreement between the City of San Jose and Adobe Systems Inc. ("Buyer") in an amount not-to-exceed \$100,000 for the purchase by Buyer of approximately 5,200 square feet of property adjacent to West San Fernando Street and all other documents necessary to complete the transaction.
3. The City Manager or his designee is authorized to negotiate and execute a Parking Agreement with Adobe Systems Inc. for the public use of parking at the North Tower.
4. The City Manager or his designee is authorized to negotiate and execute an amendment to the South Tower Parking Agreement.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk