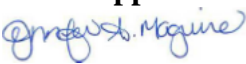


CITY COUNCIL ACTION REQUEST			
Department(s): Office of Economic Development	CEQA: Not a Project, File No. PP17-008, General Procedure and Policy	Coordination: City Attorney's Office, City Manager's Budget Office, PBCE	Dept. Approval: /s/ Nanci Klein
Council District(s): 3	Making resulting in no changes to the physical environment		CMO Approval:  3/18/2021
SUBJECT: DECLARATION OF MUNICIPAL USE FOR 460 PARK AVE			
RECOMMENDATION:			
Adopt a resolution rescinding a portion of Resolution No. 74994, adopted on June 16, 2009, that declared that the City-owned property at 460 Park Ave. (APN 259-46-097) was surplus to the needs of the City of San José, based on the findings made herein that the 460 Park Ave. property is needed for present and/or future the City's use.			
BASIS FOR RECOMMENDATION:			
<p>460 Park Ave. is approximately 16,957 square feet (0.39 acres), including approximately 4,010 square feet reserved as a right of way, is vacant land located at 460 Park Avenue, known as Assessor's Parcel Number (APN) 259-46-097, as described and depicted in Exhibit A ("Property").</p> <p>The Property was purchased by the City for the widening of Park Avenue in 1970. At the time of acquisition, the Property had structures used as retail and office space. The buildings were demolished in 2008 due to the costs of maintenance, ongoing liability, and safety concerns.</p> <p>On June 16, 2009, the City Council, under Resolution No. 74994, declared 460 Park Ave. to be surplus to the needs of the City and authorized the City Manager to proceed with the sale or lease of the property.</p> <p>Since this time, staff have identified multiple potential City uses of the property. Based on the above, Staff has found and recommends that the Council make a formal finding that this property has legitimate present and/or future City use(s) and that the Council rescind the previous June 16, 2009 declaration that the Property was surplus to the needs of the City.</p> <p>Commission Recommendation/Input: No commission recommendation or input is associated with this action.</p> <p>Climate Smart San José: The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.</p>			
COST AND FUNDING SOURCE:			
This resolution has no fiscal impact. No costs are associated with this action.			
FOR QUESTIONS CONTACT: Nanci Klein, Economic Development Director, at (408) 507-0430.			

Attachments

EXHIBIT A

Description of the Property

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

All of Lots 4, 5 and 6, as shown on that Map of the Subdivision of the Mc Clory Tract recorded on September 8, 1888 in Book D of Maps at Page 19, Records of Santa Clara County.

EXCEPTING the southeasterly 35.33 feet of Lot 6, measured at a right angle from and parallel to, the southeasterly line of said Lot 6.

PUBLIC RIGHT OF WAY EASEMENTS

Reserving therefrom easements for the installation and maintenance of public right of way, including but not limited to the facilities, appurtenances and improvements related thereto, such as: pavement, storm drainage and sanitary sewer systems, street lights and traffic signals systems and electrical appurtenances, street trees, curb, gutter, sidewalk, and public utilities such as potable and non-potable water, electrical power, gas, telephone, and cable television, and all appurtenances thereto and for any and all public uses, on, under, over, and through the real property situated in the City of San Jose, County of Santa Clara, State of California, being more particularly described as follows:

Easement Area One:

Beginning at the intersection of the southeasterly line of Park Avenue, with the northeasterly line of Gifford Avenue (formerly Mc Clory Avenue, also formerly Pleasant Avenue), as widened by the Indenture recorded on July 23, 1915 in Book 431 of Deeds, at Page 462, Records of Santa Clara County and as shown on that certain Map recorded on March 17, 1915 in Book O of Maps, at Page 70, Records of Santa Clara County; thence along said southeasterly line of Park Avenue, N 47°20'00" E 47.27 feet to the most westerly corner of the property described in the Indenture recorded on July 27, 1915

in Book 415 of Deeds, at Page 388, Records of Santa Clara County and shown on that certain Map recorded on March 17, 1915 in Volume O of Maps at Page 69, Records of Santa Clara County; thence along the northwesterly line of said Indenture (415 Deeds 388), parallel with and 5.00 feet southeasterly, measured at a right angle, of said southeasterly line of Park Avenue, N 59°20' 00" E 51.02 feet to the northeasterly line of Lot 5 as shown on said Mc Clory Tract; thence southeasterly along said northeasterly line of Lot 5, S 30°40'00" E 28.59 feet to the beginning of a non-tangent curve to the left, concave southeasterly, having a radius of 655.00 feet, a radial line to said curve bears N 33°23'14" W; thence along said curve through a central angle of 07°30'55", for an arc length of 85.91 feet to the beginning of a compound curve having a radius of 10.00 feet; thence along said curve through a central angle of 85°15'51", for an arc length of 14.88 feet to a point of cusp, said point being on said northeasterly line of Gifford Avenue (431 Deeds 462); thence along said northeasterly line of Gifford Avenue (431 Deeds 462), N 36°10'00" W 39.43 feet to the Point of Beginning.

Easement Area Two:

That certain portion of Lot 4, as described in the deed from M.A. Geoffroy to the City of San Jose, a municipal corporation, dated June 22, 1915 and recorded on July 23, 1915 in Book 431 of Deeds, Page 462, Official Records of Santa Clara County.

Easement Area Three:

That certain portion of Lot 5, as described in the deed from M.A Geoffroy to the City of San Jose, a municipal corporation, dated June 22, 1915 and recorded on July 27, 1915 in Book 415 of Deeds, Page 388, Official Records of Santa Clara County.

Easement Area Four:

The southwesterly 5.00 feet of Lot 6, measured at a right angle from and parallel to, the southwesterly line of said Lot 6.

The described property contains approximately 16,957 square feet (0.3893 acres).

This description was prepared from record information and a limited field survey.

The Basis of Bearings for this description is the Bearing N 36°10' W shown as the northeasterly line of Gifford Avenue (formerly Mc Clory Avenue), as shown on that Map of the Subdivision of the Mc Clory Tract recorded on September 8, 1885 in Book D of Maps at Page 19, Records of Santa Clara County.

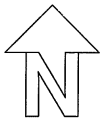
Attached hereto and by reference a part hereof is a plat labeled "PLAT TO ACCOMPANY DESCRIPTION OF REAL PROPERTY" depicting the subject property.

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.

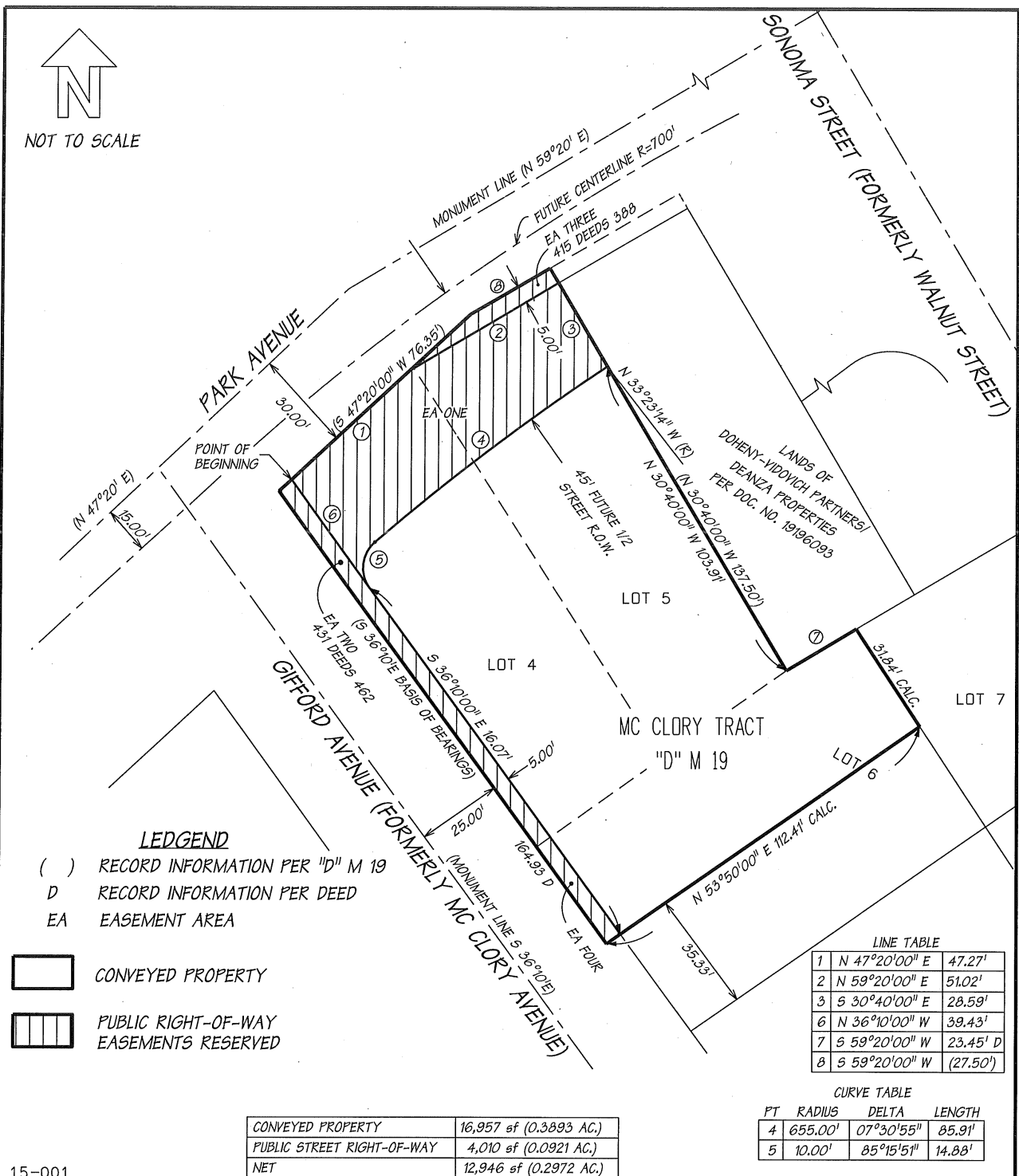


A handwritten signature of Steve G. Choy, consisting of stylized initials and a surname, positioned above a horizontal line.

Steve G. Choy, PLS 6672



NOT TO SCALE



PLAT TO ACCOMPANY DESCRIPTION OF REAL PROPERTY

PREPARED BY
 CITY OF SAN JOSE
 SURVEY SECTION
 SEPTEMBER 3, 2014