

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING THE SUBJECT PROPERTY “EXEMPT SURPLUS LAND” UNDER CAL. GOV. CODE §54221(F)(1)(B) AS THE LAND IS NOT NECESSARY FOR THE CITY OF SAN JOSE’S USE, IS LESS THAN 5,000 SQUARE FEET, IS NOT CONTIGUOUS TO LAND OWNED BY A STATE OR LOCAL AGENCY THAT IS USED FOR OPEN-SPACE OR LOW- AND MODERATE-INCOME HOUSING PURPOSES, AND IS BEING TRANSFERRED TO A CONTIGUOUS PROPERTY OWNER; APPROVING THE SALE OF CITY-OWNED PROPERTY LOCATED ALONG GRAHAM AVENUE AT THE NORTHWEST CORNER OF GOODYEAR AND SHERMAN STREETS, IDENTIFIED AS A PORTION OF ASSESSOR’S PARCEL NUMBER 434-07-084, TO JONATHON ELLIOTT FOR \$45,000 BY DIRECT NEGOTIATION UNDER SAN JOSÉ MUNICIPAL CODE SECTION 4.20.070 AS THE TRANSFEREE IS AN ADJACENT PROPERTY OWNER; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AND SALE AGREEMENT, THE DEED, AND ALL OTHER DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

WHEREAS, the City holds a fee ownership in approximately 1,356 square feet of undevelopable vacant land located along Graham Avenue at the northwest corner of Goodyear and Sherman Streets, known as a portion of Assessor’s Parcel Number (“APN”) 434-07-084, as described in Exhibit A and depicted in Exhibit B of the memorandum (“Property”); and

WHEREAS, the Property sits adjacent to the single-family residence located at 1081 Sherman Street and is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes; and

WHEREAS, the Property is vacant, unimproved land with a small irregular shape and corner lot configuration, and given its small size, irregular shape and shallow depth, stand-alone residential development is not legally possible; and

WHEREAS, the adjacent property owner approached the City to explore ways to address the maintenance challenges of the Property, and expressed interest in acquiring the Property from the City in order to expand their yard space and to better maintain the Property; and

WHEREAS, a City commissioned appraisal valued the Property at \$45,000 (\$33.19/SF) and the neighboring landowner has agreed to pay the appraised value to acquire the Property from the City; and

WHEREAS, the California Surplus Land Act (§54220, et seq.) allows municipalities to transfer small parcels less than 5,000 square feet in size directly to neighboring landowners as exempt surplus land; and

WHEREAS, Staff recommends that the City Council designate the Property as exempt surplus land and approve the sale of the Property to the neighboring landowner in exchange for the appraised value of \$45,000, in conformance with California's Surplus Land Act and the San José Municipal Code, which will eliminate the City's ongoing maintenance obligations and liability and allow the neighboring landowner to better maintain the Property, which is anticipated to improve public safety in the surrounding neighborhood;

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

- (a) The subject property is hereby declared “exempt surplus land” under Cal. Gov. Code §54221(f)(1)(B) as the land is not necessary for the City of San José’s use, is less than 5,000 square feet, is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes, and is being transferred to a contiguous property owner;
- (b) The sale of City-owned property located along Graham Avenue at the northwest corner of Goodyear and Sherman Streets, identified as a portion of Assessor’s Parcel Number 434-07-084, to Jonathon Elliott for \$45,000 by direct negotiation under San José Municipal Code Section 4.20.070 as the transferee is an adjacent property owner and hereby approved; and
- (c) The City Manager, or his designee, is hereby authorized to execute the Purchase and Sale Agreement, the deed, and all other documents necessary to complete the transaction.

ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk