

## Legislation Details (With Text)

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<b>Title:</b>	Actions Related to the Land Acquisition for the Lot E Public Parking Facility Located at 517 West Saint John Street and 150 North Montgomery Street. - DEFERRED		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. (a) Resolution		

Date	Ver.	Action By	Action	Result
10/4/2022	1	City Council		

### **Actions Related to the Land Acquisition for the Lot E Public Parking Facility Located at 517 West Saint John Street and 150 North Montgomery Street. - DEFERRED**

- (a) Adopt a resolution adopting the Lot E Parking Structure Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942 and SCH #2003042127) and the associated Mitigation Monitoring and Reporting Plan, all in accordance with the California Environmental Quality Act, as amended.
- (b) Adopt a resolution authorizing the City Manager to negotiate and execute all documents and contracts necessary for the relocation of tenants currently occupying 517 West Saint John, including approval of the Final Relocation Plan and disbursement of necessary payments as required by relocation statute, not to exceed \$350,000.
- (c) Adopt a resolution of public interest and necessity required for the acquisition through condemnation of 517 West Saint John Street, identified as Assessor's Parcel Number 259-29-091 in Attachment A (consisting of ±19,166 square feet and owned by Arlethea K. Thorson, The Trustees of Richard Della Maggiore and Joan Della Maggiore) to the staff memorandum, with the Parcel referred to as a "Property" for the Lot E Parking Facility Project in conformance with California Code of Civil Procedure Section 1245.220, et. seq., and making the following findings and determinations to declare that:
- (1) The City is authorized to acquire the Property and exercise the power of eminent domain to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law (Code of Civil Procedure Sections 1230.010 et seq.), Section 200 of the City of San José Charter, and Government Code Sections 37350, 37350.5, 37351, 37353 and 40404;
  - (2) The public interest and necessity require the project, described below, which is in the footprint of the Lot E Parking Facility as described in Attachment A to the staff memorandum, proposed resolution of necessity, to be posted separately and by reference made a part hereof, for the Lot E Parking Facility Project;
  - (3) The Property to be acquired for the proposed Lot E Parking Facility Project is planned or located in the manner which will be most compatible with the greatest public good and the least private injury;
  - (4) The acquisition of Property, as described in Attachment A to the staff memorandum, proposed resolution of necessity, to be posted separately, is necessary for the public uses proposed in the Lot E Parking Facility Project;
  - (5) The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation for the acquisition of the Property, has been made by the City to

the owner of record;

(6) All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property have been complied with by the City;

(7) Authorizing the City Attorney, or their designee, to institute, maintain, and prosecute to final judgment, in the name of the City of San José, proceedings in eminent domain in the Superior Court of the State of California, County of Santa Clara, for the condemnation of the Property herein described, and to take all steps necessary, including applying for an Order for Possession before Judgment, for said condemnation in the name of the City and correcting any errors or to making or agreeing to non-material changes in the description of the Property interests to be acquired that are deemed necessary for the conduct of the condemnation action; and

(8) Authorizing the City Attorney, or their designee, to make a deposit in the State Treasury Condemnation Fund from lawfully available funds of the City, in the amount of the summary appraisal of the Property, \$4,800,000, or as determined by the court in which eminent domain proceedings concerning the Acquisition Parcels herein authorized are commenced, or which may otherwise be required by law for the maintenance of the proceeding in eminent domain.

(d) Adopt a resolution of public interest and necessity required for the acquisition through condemnation of 150 North Montgomery Street, identified as Assessor's Parcel Number 259-29-003 in Attachment B (consisting of approximately  $\pm 7060$  square feet and owned by Rodolfo Alvarez Duenas, Raul Jimenez and Yolanda Jimenez) to the staff memorandum, with the Parcel referred to as a "Property" for the Lot E Parking Facility Project in conformance with Cal. Civ. Proc. Code Section 1245.220, et. seq., and making the following findings and determinations to declare that:

(1) The City is authorized to acquire the Property and exercise the power of eminent domain to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law (Code of Civil Procedure Sections 1230.010 et seq.), Section 200 of the City of San José Charter, and Government Code Sections 37350, 37350.5, 37351, 37353 and 40404;

(2) The public interest and necessity require the project, described below, which is in the footprint of the Lot E Parking Facility as described in Attachment B to the staff memorandum, proposed resolution of necessity, to be posted separately and by reference made a part hereof, for the Lot E Parking Facility Project;

(3) The Property to be acquired for the proposed Lot E Parking Facility Project is planned or located in the manner which will be most compatible with the greatest public good and the least private injury;

(4) The acquisition of Property, as described in Attachment B to the staff memorandum, proposed resolution of necessity, to be posted separately, is necessary for the public uses proposed in the Lot E Parking Facility Project;

(5) The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation for the acquisition of the Property, has been made by the City to the owner of record;

(6) All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property have been complied with by the City;

(7) Authorizing the City Attorney, or their designee, to institute, maintain, and prosecute to final judgment, in the name of the City of San José, proceedings in eminent domain in the Superior Court of the State of California, County of Santa Clara, for the condemnation of the Property herein described, and to take all steps necessary, including applying for an Order for Possession before Judgment, for said condemnation in the name of the City and correcting any errors or to making or agreeing to non-material changes in the description of the Property interests to be acquired that are deemed necessary for the conduct of the condemnation action; and

(8) Authorizing the City Attorney, or their designee, to make a deposit in the State Treasury Condemnation Fund from lawfully available funds of the City, in the amount of the summary appraisal of the Property, \$1,770,000, or as determined by the court in which eminent domain proceedings concerning the Acquisition Parcels herein authorized are commenced, or which may otherwise be required by law for the maintenance of the proceeding in eminent domain.

CEQA: Initial Study/Addendum to the Downtown Strategy 2040 Final Environmental Impact Report

(Resolution No 78942) for the Lot E Parking Structure Project. Council District 3. (Economic Development and Cultural Affairs/Transportation)

DEFERRED TO 10/18/2022 PER ADMINISTRATION