

Legislation Text

File #: 20-1127, **Version:** 1

Vacation of a Portion of Marburg Way with Reservation of a Public Sanitary Sewer Easement Within the Area Being Vacated. - DEFERRED

Conduct a Public Hearing and adopt a resolution to authorize the following:

- (a) Approve the report of the Director of Public Works setting forth the facts justifying the vacation of a portion of Marburg Way with the reservation of a public sanitary sewer easement within the vacated area (“Subject Portion”);
- (b) Vacate the Subject Portion which is unnecessary for current or prospective public use as a street;
- (c) Direct the City Clerk to record a certified copy of the resolution of vacation for the Subject Portion with the Office of the Recorder, County of Santa Clara;
- (d) Declare the Subject Portion of the City-owned Marburg Way as “exempt surplus land” to the needs of the City under Cal. Gov. Code §54221(f)(1)(D) as the land is not necessary for the City of San José’s use and is being transferred to another local agency for a necessary use; and
- (e) Direct the City Manager to negotiate and execute a Purchase and Sale Agreement and Quitclaim Deed, and all other necessary documents to effectuate the transfer to the Santa Clara Valley Transportation Authority from the City of San José, for the sale of the Subject Portion of the surplus City-owned Marburg Way for \$1 by direct negotiation under San José Municipal Code Section 4.20.080 as the transferee is a governmental agency.

CEQA: Determination of Consistency with the BART Extension to Milpitas, San José, and Santa Clara Final EIR, BART Extension to Milpitas, San José, and Santa Clara Final Supplemental EIR, and BART Silicon Valley Phase 1 -Berryessa Extension Final 2nd Supplemental EIR, and Addenda thereto, Resolution No. 76126. Council District 3. (Economic Development/Public Works)

DEFERRED TO 10/6/2020 PER ADMINISTRATION