

## Legislation Text

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**File #:** 21-2314, **Version:** 1

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### **Conditional Summary Vacation, Declaration of Surplus, and Sale of a Portion of North Almaden Boulevard.**

(a) Adopt a resolution:

(1) Approving the report of the Director of Public Works setting forth the facts justifying the conditional summary vacation of an approximately 1,381 square foot portion of North Almaden Boulevard located northeast of the North Almaden Boulevard and East Santa Clara Street intersection (“Subject Property”);

(2) Conditionally vacating the Subject Property, which after the satisfaction of the condition, will be superseded by relocation;

(3) After satisfaction of the condition, directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara; and

(4) Declaring the Subject Property “exempt surplus land” to the needs of the City.

(b) Adopt a resolution authorizing the City Manager, or their designee, to negotiate and execute:

(1) Purchase and Sale Agreement with the adjacent property owners Kenneth S. Tersini and the Kenneth S. Tersini Living Trust for the sale of approximately 674 square feet of conditionally vacated City-owned “exempt surplus property” on a portion of Almaden Boulevard, between Carlisle Street and W. Santa Clara Street, in accordance with Cal Gov. §54221(f)(1)(B) and San José Municipal Code §4.20.070(A), in exchange for the conditionally vacated 674 square feet and Assessor’s Parcel Number 259-35-055 being voluntarily annexed to the Convention Center Facilities District;

(2) Purchase and Sale Agreement with adjacent property owner, which is the vested owners of the units of the Axis Condominium project, as tenants in common, through the Board of Directors, which property is managed by Axis Homeowners Association, a California nonprofit mutual benefit corporation, for the sale of approximately 707 square feet of conditionally vacated City-owned “exempt surplus property” on a portion of Almaden Boulevard, between Carlisle Street and W. Santa Clara Street, in accordance with Cal Gov. §54221(f)

(1)(B) and San José Municipal Code §4.20.070 in the amount of \$1; subject to the rights of the vested owners of the Axis Condominium Unit No. 101 with respect to such portion of the transferred property that constitutes “Exclusive Use Common Area” as designated by, and in accordance with the terms and conditions of, the declaration for the Axis Condominium Project; and

(3) All other documents necessary to complete the transactions.

CEQA: Supplemental Environmental Impact Report for the Almaden Corner Hotel Project, H18-038. Council District 3. (Economic Development and Cultural Affairs/Public Works)

[Deferred from 8/31/2021 - Item 2.8 (21-1886), 9/14/2021 - Item 2.10 (21-1978), 9/21/2021 - Item 2.12 (21-2045), 9/28/2021 - Item 2.9 (21-2096) and 10/19/2021 - Item 2.9 (21-2214)]