

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE (1) DECLARING THAT CERTAIN 4,021 SQUARE FOOT LOT OF CITY-OWNED VACANT LAND WITH A NET USABLE AREA OF 3,121 SQUARE FEET (WITH THE REMAINDER TO BE RESERVED TO THE CITY OF SAN JOSE FOR ITS CONTINUED USE AS RIGHT-OF-WAY) SET ON THE SOUTHWEST SIDE OF SHERLOCK DRIVE, BETWEEN 2715 AND 2721 SHERLOCK DRIVE (APN 499-26-003 PARCEL A) TO BE “SURPLUS REAL PROPERTY” PURSUANT TO SAN JOSE MUNICIPAL CODE SECTION 4.20.010(L) AND “EXEMPT SURPLUS LAND” UNDER CALIFORNIA GOVERNMENT CODE SECTION 54221(F)(1)(B) AND SECTION 54221(F)(1)(E), AND MAKING THE REQUISITE FINDINGS; AND (2) AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT AND QUITCLAIM DEED, AND ALL OTHER NECESSARY DOCUMENTS TO EFFECTUATE THE TRANSFER AND SALE OF APN 499-26-003 PARCEL A, WITH A CITY RESERVATION OVER THE 900 SQUARE FEET CONTAINED WITHIN THE EXISTING CITY RIGHT-OF-WAY, TO THANH TUNG HUU NGUYEN FROM THE CITY OF SAN JOSE, FOR THE CONSIDERATION OF \$55,000, PURSUANT TO SAN JOSE MUNICIPAL CODE SECTION 4.20.030 AND IN ACCORDANCE WITH CITY COUNCIL POLICY NO. 7-13

WHEREAS, the City of San José (“City”) owns that certain real property located on the southwest side of Sherlock Drive identified as APN 499-26-003 PARCEL A, which totals 4,021 square feet (0.0923 acres), consisting of 3,121 square feet of undeveloped land (the “undeveloped lot”) situated between 2715 and 2721 Sherlock Drive, and 900 square feet within the Sherlock Drive right-of-way (collectively, the “Property”); and

WHEREAS, the Property sits directly adjacent to a home owned by Mr. Thanh Tung Huu Nguyen, located at 2715 Sherlock Drive, and forms the terminus of a long-

abandoned road that extends northeastward from this parcel down an unused alley, which passes behind homes set on Malott Drive and Cheswick Drive; and

WHEREAS, the City Council previously declared the Property surplus to the City's needs in 2009, under Resolution 74994, and authorized the City Manager, or her designee, to dispose of the Property by sale or lease; however, at that time the City was unable to complete the sale of the Property; and

WHEREAS, the requirements of the California Surplus Lands Act have changed since 2009, and the City Council is required to re-designate the Property as “exempt surplus land” prior to disposition to comply with the current Surplus Lands Act; and

WHEREAS, the “exempt surplus land” designation is exempt from the affordability requirements of the Surplus Lands Act, as enforced by the California Department of Housing and Community Development, pursuant to California Government Code §54221, which stipulates that the City must declare a property “exempt surplus land” at a regular public meeting, and the declaration must be supported by written findings demonstrating compliance with one of the approved grounds for exemption; and

WHEREAS, the Property is deemed exempt under two provisions: (1) it is less than one-half acre in area (4,021 square feet) 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, consistent with §54221(f)(1)(B); and (2) it is a part of a former street and is being conveyed to an owner of an adjacent property, consistent with §54221(f)(1)(E); and

WHEREAS, the proposed purchaser of the Property, Mr. Nguyen, has stated that he intends to fence the Property, attach it to his immediately abutting parcel, and potentially construct an accessory dwelling unit upon it; and

WHEREAS, the Property is not feasible for conventional single-family residential development due to size and setback limitations, and assembling the Property with an abutting property affords the opportunity to construct an accessory dwelling unit; and

WHEREAS, any potential future development on the Property is subject to City review and permits, and California Environmental Quality Act review; and

WHEREAS, the fair market value for the Property is \$55,000, as determined in an appraisal prepared by Valbridge Property Advisors in December 2025; and

WHEREAS, there is no City use for the Property and the location is not identified for any future projects or desired by any other City departments; and

WHEREAS, should the Property remain under City ownership, it will likely remain undeveloped for an extended period of time and will potentially be subject to unauthorized entry and encroachment; and

WHEREAS, transferring the Property to the abutting neighbor will allow the City's continued use of the Sherlock Drive right-of-way portion of the Property, will allow transfer of maintenance responsibilities for the undeveloped lot portion of the Property to the abutting property owner, and will generate \$55,000 for deposit to the General Fund; and

WHEREAS, declaring the Property as surplus land under California Government Code §54221 conforms to San José Municipal Code Section 4.20.030 as well as City Council Policy No. 7-13 because of its "surplus land" designation and as it is not required for a City purpose and will be sold pursuant to the Surplus Lands Act; and

WHEREAS, City Council approval of the actions listed above will result in the Property being declared as “surplus real property” upon recordation of this resolution, under San José Municipal Code Section 4.20.010(L) as well as “exempt surplus land” under California Government Code Sections 54221(f)(1)(B) and 54221(f)(1)(E); and

WHEREAS, City Council approval will also authorize the City Manager, or her designee, to negotiate and execute a Purchase and Sale Agreement and Quitclaim Deed and all other necessary documents to convey the Property to Thanh Tung Huu Nguyen for a purchase price of \$55,000, pursuant to San José Municipal Code Section 4.20.030 and in accordance with City Council Policy No. 7-13;

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

1. That certain 4,021 square foot lot of City-owned vacant land with a net usable area of 3,121 square feet (with the remainder to be reserved to the City of San José for its continued use as right-of-way) set on the southwest side of Sherlock Drive, between 2715 and 2721 Sherlock Drive (APN 499-26-003 Parcel A) is hereby declared to be “surplus real property” pursuant to San José Municipal Code Section 4.20.010(L) and “exempt surplus land” under California Government Code Section 54221(f)(1)(B) as the Property is less than one-half acre, and California Government Code Section 54221(f)(1)(E) as the Property is a former street or roadway and is being conveyed to an abutting owner, and the Property is surplus to the needs of the City and is not necessary for the City’s use, and is exempt from affordability requirements of the Surplus Lands Act.
2. The City Council further finds that the Property is not:
 - a. Within a coastal zone;
 - b. Adjacent to a historical unit of the State Parks System;

- c. Within the Lake Tahoe region as defined in California Government Code Section 6690535; or
 - d. Listed on or determined by the State Office of Historic Preservation to be eligible for the National Register of Historic Places.
3. The City Manager, or her designee, is hereby authorized to negotiate and execute a Purchase and Sale Agreement and Quitclaim Deed, and all other necessary documents to effectuate the transfer and sale of APN 499-26-003 Parcel A, with a City reservation over the 900 square feet contained within the existing City right-of-way, to Thanh Tung Huu Nguyen from the City of San José, for the consideration of \$55,000, pursuant to San José Municipal Code Section 4.20.030 and in accordance with Council Policy No. 7-13.

ADOPTED this _____ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk