

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE (1) DECLARING THE PROPERTY DESCRIBED AS APN 264-43-078 AS "SURPLUS REAL PROPERTY" PURSUANT TO SAN JOSE MUNICIPAL CODE SECTION 4.20.010(L) AND "SURPLUS LAND" UNDER CALIFORNIA GOVERNMENT CODE SECTION 54221(B)(1); AND (2) AUTHORIZING CITY MANAGER OR DESIGNEE TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT AND QUITCLAIM DEED, AND ALL OTHER NECESSARY DOCUMENTS TO EFFECTUATE THE PROPERTY TRANSFER TO 288SOLD REALTY INC. FROM THE CITY, FOR THE SALE OF APN 264-43-078 FOR THE CONSIDERATION OF \$1,486,250, SUBJECT TO \$36,250 PAYMENT FOR COMMISSION TO THE BUYER'S BROKER, PURSUANT TO SAN JOSE MUNICIPAL CODE SECTION 4.20.020 AND IN ACCORDANCE WITH CITY COUNCIL POLICY NO. 7-13, AND SUBJECT TO A RESTRICTIVE AFFORDABILITY COVENANT**

**WHEREAS**, the City-owned property known as APN 264-43-078 (Property) is 24,079 square feet (0.55 acres) and is vacant land adjacent to railroad tracks; and

**WHEREAS**, a 20,721 square foot portion of the Property is buildable, due to constraints imposed by a steep slope on the eastern side fronting Bird Avenue; 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; and

**WHEREAS**, at that time, City was unable to complete the sale of the Property; and

**WHEREAS**, the requirements of the California Surplus Lands Act changed since 2009, and the City Council shall again designate the Property as surplus to the needs of the City prior to disposition to comply with the current Surplus Lands Act; and

**WHEREAS**, the California Department of Housing and Community Development, pursuant to California Government Code Section 54222, requires that the City provide a written “Notice of Availability” to affordable housing developers, park and recreation departments and authorities, school districts, and for in-fill opportunity zones to local government agencies; and

**WHEREAS**, the Property was noticed in writing as required, subject to a specified affordability covenant; and

**WHEREAS**, pursuant to the notice, City entered into negotiations with responding parties and recommends the sale of the Property to 288SOLD Realty, Inc.; and

**WHEREAS**, after the sale, 288SOLD Realty Inc. intends to begin the process of developing housing on the Property; and

**WHEREAS**, any potential future development is subject to California Environmental Quality Act review; and

**WHEREAS**, as a notice condition of the sale, City will encumber the Property with an affordability deed restriction ensuring that a minimum of 25% of the units developed will be affordable to income profiles consistent with the state’s Surplus Land Act requirements; 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**, the Property requires maintenance to deter against trespassing, and these management challenges are an ongoing source of costs and liability; 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 the San José Municipal Code Section 4.20.010(L) as well as “surplus land” under California Government Code Section 54221(b)(1); 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 conveying the Property to 288SOLD Realty Inc. for a purchase price of \$1,486,250, subject to a \$36,250 payment for commission to the buyer’s broker, pursuant to San José Municipal Code Section 4.20.020 and in accordance with City Council Policy No. 7-13, and subject to a restrictive affordability covenant;

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

1. The property described as APN 264-43-078 is hereby declared and made as “surplus real property” pursuant to San José Municipal Code Section 4.20.010(L) and “surplus land” under California Government Code Section 54221(b)(1) as the Property is surplus to the needs of the City and is not necessary for the City’s use.
2. 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 Property transfer to 288SOLD Realty Inc. from the City, for the sale of APN 264-43-078 for the consideration of \$1,486,250, subject to \$36,250 payment for commission to the buyer's broker, pursuant to San José Municipal Code Section 4.20.020 and in accordance with City Council Policy No. 7-13, and subject to a restrictive affordability covenant.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, MMC  
City Clerk