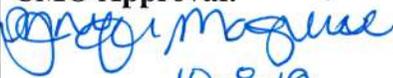




REPLACEMENT

TREATMENT PLANT ADVISORY COMMITTEE ACTION REQUEST

Department(s): Economic Development	CEQA: Exempt, File No. PP19-076.	Coordination: PW, DOT, ESD, CAO and CMO-Budget	Dept. Approval: /s/ Kim Walesh
Council District(s): 4			CMO Approval:  10-8-19

SUBJECT: SALE OF A SMALL FRAGMENT OF LAND ALONG HIGHWAY 237**REASON FOR REPLACEMENT:**

The purpose of this replacement memorandum is to correct the funding information in the Cost and Funding Source and to include Exhibits A, B, and C.

RECOMMENDATION:

Approve the real property transfer of approximately 1,744 square feet of land to the Santa Clara Valley Transportation Authority (VTA); making a finding that the property to be sold is Surplus to the needs of the Wastewater Facility; and authorize the City Manager to negotiate and execute a Purchase and Sale Agreement and all other documents necessary, for the sale of the property in the amount of \$5,000.

BASIS FOR RECOMMENDATION:

State Route (SR) 237 in Santa Clara County connects I-880 and I-680 with US 101 and SR 85, provides an east and west connection between the East Bay Area and the Peninsula. The SR 237 Express Lanes Project is divided into two phases: Phase 1 the express lanes and interchange ramps from Dixon Landing Road to N. 1st Street which became operational in March 2012; and Phase 2 an extension of the 237 express lanes from N. 1st Street to Mathilda Avenue in Sunnyvale, in both directions. The Phase 2 Project (Project) proposes to extend express lanes operations by converting the existing high occupancy vehicle (HOV) lanes to express lanes, beginning at the current Phase 1 project limits and extending to approximately Mathilda Avenue in Sunnyvale.

The subject property, an approximately 1,744 square feet of portion of land located at along SR 237 (APN 015-30-098), is within the Phase 2 Project area and owned by the San Jose – Santa Clara Regional Wastewater Facility (See Exhibits “B” and “C”, attached). The property is encumbered with a PG&E pole line easement across the entire property rendering the property undevelopable, its value is less than \$500,000, and the public interest and necessity will be served by the sale of the property to VTA all of which provide an adequate basis for the property to be declared surplus. In order to complete the required improvements of the Phase 2 Project, VTA has completed the installation of underground conduits including fiber optic cable and electrical cables for lighting and power for the SR 237 Express Lane Project - Phase II. It is necessary for VTA to acquire the subject property in fee rather than easement, per Caltrans requirement, to accommodate on-going access for the operation and maintenance of the underground utilities.

As the location of the subject area is within the front edge of the San Jose – Santa Clara Regional Wastewater Facility property, and it is undevelopable due to the existing PG&E easement and underground conduits equipment, and with the easement reservation for public right of way, public utilities and drainage purposes across the entire property, there are no impacts on the future development opportunity for San Jose-Santa Clara Regional Wastewater Facility. While the City typically prefers to grant property right of this nature by easement, staff sees no reason for the City to own and maintain the property, and therefore staff recommends that the City quitclaim the property in fee. VTA has estimated the value of the property to be transferred is \$2,500. Staff determined that the fair market value of the property is \$5,000 and have negotiated the sale of the subject property for that price, based on a recent 2018 appraisal for the area.

Since the public interest would be served by the conveyance to VTA for the maintenance and operations of the regional traffic improvement project and has no impact on future development opportunity for San Jose-Santa Clara Regional Wastewater Facility, staff requests that the TPAC recommend approval of the sale of the subject properties to Santa Clara Valley Transportation Authority, according to the terms contained in the Purchase and Sale Agreement and the Quitclaim Deed. The matter is also pending approval from the City of Santa Clara as a co-owner of the Property.

COST AND FUNDING SOURCE:

The sale price of \$5,000 will be deposited into the "San Jose-Santa Clara Treatment Plant Income Fund".

FOR QUESTIONS CONTACT: Nanci Klein, Assistant Director, Office of Economic Development 408-535-8184

EXHIBIT A

LEGAL DESCRIPTION



October 13, 2017
Parcel: 63499
Page 1 of 1

EXHIBIT "A"
LEGAL DESCRIPTION
APN: 015-30-098

PARCEL 63499

REAL PROPERTY situated in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel 4, as shown on that certain Guardian's Deed, recorded August 22, 1972 in Book 9982, Page 596, Official Records of Santa Clara County, being more particularly described as follows:

BEGINNING at Point "A" as shown on that certain Record of Survey filed October 22, 2002, in Book 753 of Maps, Page 16, Santa Clara County Records;

Thence along the northerly line of State Route 237 (formerly Alviso-Milpitas Road) as shown on said Record of Survey, North 89°01'16" West, 197.27 feet;

Thence North 89°28'33" East, 76.12 feet;

Thence North 85°58'39" East, 45.71 feet;

Thence North 88°12'03" East, 45.95 feet;

Thence North 85°24'37" East, 31.12 feet;

Thence North 78°34'48" East, 161.89 feet to said northerly line;

Then along said northerly line, South 74°52'48" West, 165.85 feet to the **POINT OF BEGINNING**.

Containing an Area of 1,744 square feet, more or less.

Exhibit "B" attached and by this reference made a part hereof.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the California Coordinate System of 1927, Zone 3, as per the Record of Survey filed in Book 753 of Maps, at Page 16, Santa Clara County Records. Distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.0000530.

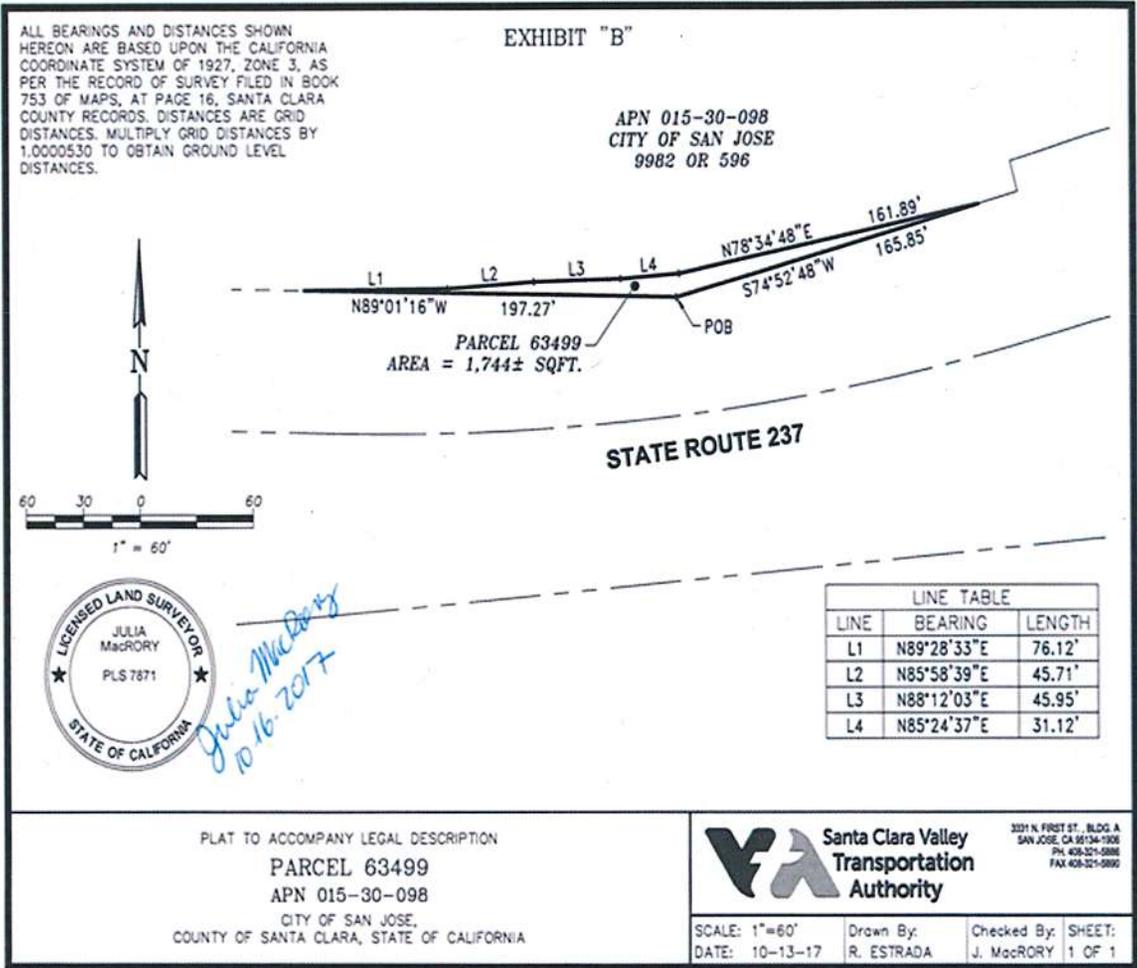
Oct. 16, 2017
Date



Julia MacRory
Julia MacRory, LS 7871
Survey and Mapping Manager

EXHIBIT B

PLAT MAP



S:\VTA PROJECTS\HIGHWAY JOBS\207 Express Lanes Phase IV\PLATS\LEGAL\MAPS\RECORDS\CAD\63499.dwg SHEET 1 Oct 16, 2017 - 10:08am

EXHIBIT C
LOCATION MAP

