

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING PURCHASE OF REAL PROPERTY FROM THE COUNTY OF SANTA CLARA

WHEREAS, Section I-2-12.01 of the Milpitas Municipal Code exempts the purchase or lease of real property from the procedures set forth in the Purchasing Ordinance (Chapter 2 of Title I) and authorizes the City Council to otherwise proceed in accord with law; and

WHEREAS, pursuant to Government Code Section 37350 the City has full authority to purchase real property for the common benefit; and

WHEREAS, the County of Santa Clara has determined that the real property located at the corner of Great Mall Parkway and Able Street in the City of Milpitas (hereafter PIQ), as more particularly described in the legal description attached to the accompanying Agreement for Purchase and Sale of Real Property, is surplus property and appropriate for sale to the City; and

WHEREAS, the City Manager has been authorized to negotiate the purchase of the PIQ from the County for public use by the City; and

WHEREAS, pursuant to two appraisals commissioned by the City and the County, one completed by Hulberg and Associates valuing the property at \$540,000, and one by Diaz, Diaz and Boyd valuing the property at \$418,000, and then arriving at the difference between the two and concluding that the amount of \$479,000, the purchase price herein, is a fair and reasonable price for the PIQ based upon this appraisal data; and

WHEREAS, the funds for the purchase of the PIQ need be appropriated from the Park Fund; and

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. That the recitals set forth above are true and correct and incorporated by reference.
2. That the amount of \$479,000 is hereby appropriated from the Park Fund to fund the purchase of the PIQ.
3. That the City Manager is authorized to execute the Agreement for Purchase and Sale of Real Property accompanying this Resolution and any other documents in association with the close of Escrow for said purchase and sale, subject to approval as to form by the City Attorney.

PASSED AND ADOPTED this ____ day of _____, 2009, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

Site Map 1



City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one: <input checked="" type="checkbox"/> Budget Appropriation <input type="checkbox"/> Budget Transfer	322- 2931	\$479,000	322-9514811	\$479,000

Explain the reason for the budget change:

As part of the Centria Condominium project, park in-lieu fees were paid for the development of a public park abutting the housing units. The County of Santa Clara currently owns the remnant parcel and agreed to sell the property to the City. Both the City and County conducted appraisals and have agreed upon a purchase price of \$479,000. This price represents a compromise between the County appraisal (\$540,000) and the City's appraisal (\$418,000).

This remnant parcel is 0.48 acres and is located at the corner of Great Mall Parkway and South Abel Street. It will remain a separate parcel belonging to the City, but the park design and improvements will be completed by the new owner, Lyons Apartments. The Planning Department will coordinate the final design of the park.

A budget appropriation of \$479,000 is recommended from the Park Fund to purchase the land .

Check if City Council Approval required.

Meeting Date: January 06, 2009

Itemization of funds, if needed:	Amount

Requested by:	Division Head:	Date:
	Department Head:	Date: 12-19-08
Reviewed by:	Finance Director:	Date: 12/17/08
Approved by:	City Manager:	Date: 12/19/08
Date approved by City Council, if required:		Confirmed by: