

**RESOLUTION NO. 26-XXX**

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL APPROVING THE EXCHANGE AGREEMENT FOR THE FINCH PROPERTY, AUTHORIZING EXECUTION OF RELATED DOCUMENTS, APPROVING ALLOCATION OF \$10.4 MILLION FOR ACQUISITION OF THE PROPERTY, AND FINDING SUCH ACTION EXEMPT FROM THE REQUIREMENTS OF CEQA**

WHEREAS, the Cupertino Union School District (“CUSD”) owns certain real property located at 10480 Finch Avenue in Cupertino, commonly referred to as the “Finch Property;” and

WHEREAS, in 2020, the City Council considered whether to investigate a potential acquisition of the Finch Property from CUSD, which property is located next to Sedgwick Elementary School; and

WHEREAS, at its July 1, 2025 meeting, the City Council appointed the City Manager and Interim City Attorney to negotiate a potential purchase of the Finch Property; and

WHEREAS, following Council direction, the City Manager and Interim City Attorney engaged in negotiations with CUSD regarding the City’s acquisition of the Finch Property; and

WHEREAS, the City and CUSD retained a qualified real estate appraiser, who prepared an appraisal valuing the Finch Property at \$10.4 million; and

WHEREAS, the City and CUSD have negotiated an Exchange Agreement providing for the City’s acquisition of the Finch Property at a purchase price of \$10.4 million, subject to the terms and conditions set forth therein; and

WHEREAS, the City Council has reviewed the staff report, the salient terms of the proposed Exchange Agreement, and related supporting materials; and

WHEREAS, the project is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to section 15316 of the CEQA Guidelines and section 15316 of the California Code of Regulations, because the project consists of the acquisition of land in order to establish a park and no management plan for the park has been prepared. The proposed acquisition is also categorically exempt from CEQA pursuant to CEQA Guidelines section 15325, because the project consists of the acquisition of an interest in land in order to preserve open space or lands for park purposes. The proposed acquisition is also categorically exempt from CEQA pursuant to section 15061(b)(3) because it can be seen with certainty that there is no possibility that the acquisition of the

property, as proposed, may have a significant effect on the environment. Furthermore, the City is not approving any development project at this time, and any future use of the property will be subject to separate CEQA review, if required.

WHEREAS, the record also reflects prior environmental review and remediation oversight by the state Department of Toxic Substances Control (“DTSC”). On February 28, 2019, DTSC approved a Removal Action Completion Report concluding that all response actions at the Property had been completed and that further removal/remediation actions were not necessary. On May 3, 2019, DTSC issued a Removal Action Certification for the property, which certified completion of the remedial work. Recently, on February 2, 2026, the City obtained a Phase 1 Environmental Site Assessment, which concluded that no evidence of Recognized Environmental Conditions (RECs) exist at the site and advised that no further investigation of the property was recommended; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cupertino does hereby resolve as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. The City Council approves the Exchange Agreement, attached hereto, between the City of Cupertino and Cupertino Union School District for acquisition of the Finch Property, substantially in the form presented to the City Council.
3. The City Manager, or designee, is authorized to execute the Exchange Agreement and any escrow instructions, certificates, closing documents, and other ancillary documents necessary to consummate the transaction, in a form approved by the Interim City Attorney.
4. The City Council approves allocation of \$10.4 million from the Park Land Fund for acquisition of the Finch Property, together with such additional amounts as may be necessary for customary closing costs and related transaction expenses.
5. The City Council finds that the approval of the Exchange Agreement is exempt from CEQA pursuant to CEQA Guidelines sections 15316, 15325, and 15061(b)(3), as set forth above.
6. This resolution may be reviewed, modified, or revoked by subsequent action of the City Council at any time, consistent with applicable law.

7. This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 7th day of July, 2026, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:  _____  Kitty Moore, Mayor  City of Cupertino	_____  Date
ATTEST:  _____  Lauren Sapudar, City Clerk	_____  Date