

DRAFT RESOLUTION NO.

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL APPROVING ~~A~~
AN INCREASED BUDGET APPROPRIATION OF \$4,450,000 IN THE GENERAL
FUND-NON DEPARTMENTAL PROGRAM FOR THE PURCHASE AGREEMENT
~~BETWEEN THE CITY OF CUPERTINO AND THE RUDD~~
~~CHARITAB STEPHEN UNITRUST FOR REAL OF~~ PROPERTY LOCATED AT 10455
TORRE AVENUE, CUPERTINO (APN 369-40-009) ~~IN THE AMOUNT OF \$4,450,000,~~
~~AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY~~
~~DOCUMENTS TO COMPLETE THE ACQUISITION~~**

WHEREAS, the City of Cupertino seeks to acquire the real property at 10455 Torre Avenue, Cupertino (APN 369-40-009) (the "Property"); and

WHEREAS, the Property is located at the northwest corner of Torre Avenue and Pacifica Drive, across the street from Library Field, and near the Civic Center. County records show the lot size to be approximately 20,909 sq. ft. (0.48 acres) and the existing freestanding one-story building (built in 1979) is approximately 4,715 sq. ft; and

WHEREAS, the proximity of the Property to the Civic Center, and its central location within the city, lends itself for City uses, including a satellite City Hall facility; and

WHEREAS, ~~the City Council authorized and directed the Mayor and City Manager to enter into negotiations with the owners/representatives of the Property, based on certain terms and conditions; and~~

~~WHEREAS, on March 12, 2021 the City's negotiators reached an agreement with the property owners for the purchase of the Property, consistent with City Council's authorization, and the owners have signed a Commercial Property Purchase Agreement with the City of Cupertino on behalf of the Rudd Charitab Stephen Unitrust on March 16, 2021, at a special meeting, the Planning Commission adopted a resolution finding that the City's acquisition and use of the Property is exempt under;~~

~~NOW, THEREFORE, BE IT RESOLVED that City Council takes the following actions:~~

- ~~1. The City Council hereby approves the purchase of the property located at 10455 Torre Avenue from the Rudd Charitab Stephen Unitrust, in the amount of \$4,450,000, and upon other terms as set forth in the Commercial Property Purchase Agreement.~~
- ~~2. The City Manager, or her designee, is authorized to execute the Commercial~~

~~Property Purchase Agreement on behalf of the City of Cupertino, and to execute all of the necessary documents to complete the acquisition of the Property and record the title and deed to the Property.~~

~~Pursuant to the provisions of~~ the California Environmental Quality Act of 1970 (Public Resources Code section 21000 et seq.) ("CEQA"), together with the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) ("CEQA Guidelines"), ~~the proposed acquisition of the Property is exempt from environmental review pursuant to the categorical exemption in CEQA Guidelines~~ section 15301 (Existing Facilities) since the proposed acquisition does will not revise the existing use of the property or footprint of the existing structure. ~~Additionally, the acquisition would be exempt from CEQA pursuant to, and~~ section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed acquisition will have a significant effect on the environment. The recommended action here to make budget appropriations to accomplish the purchase is within the scope of that determination, with a 4-0-1 (Absent – Saxena) vote; and

WHEREAS, on March 16, 2021 the City Council authorized the Mayor to execute the Purchase and Sale Agreement (PSA) consistent with direction given on price/terms of payment and authorized the Mayor and City Manager to take all actions consistent with the PSA as necessary to close escrow, so long as due diligence does not reveal an issue that the Mayor and City Manager deem material; and

WHEREAS, the negotiated purchase price for the Property under the PSA is \$4,450,000;

NOW, THEREFORE, BE IT RESOLVED that City Council takes the following actions: The City Council hereby approves an increased budget appropriation of \$4,450,000 in the General Fund-Non Departmental program for the purchase of 10455 Torre Avenue, Cupertino (APN 369-40-009).

PASSED AND ADOPTED at a special meeting of the City Council of the City of Cupertino this 30th day of March, 2021, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<p>SIGNED:</p> _____ Darcy Paul, Mayor City of Cupertino	 _____ Date
<p>ATTEST:</p> _____ Kirsten Squarcia, City Clerk	 _____ Date