

RESOLUTION NO. 20-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
APPROVING THE PURCHASE OF REAL PROPERTY
FROM COUNTY OF SANTA CLARA,
THE LAWRENCE-MITTY PROPERTY,
LOCATED WEST OF LAWRENCE EXPRESSWAY
BETWEEN CALVERT DRIVE AND BOLLINGER ROAD
(APN 375-21-001 AND APN 375-22-001),
AND AUTHORIZING THE CITY MANAGER TO
EXECUTE ALL NECESSARY DOCUMENTS AND TAKE ALL NECESSARY STEPS TO
COMPLETE THE ACQUISITION**

WHEREAS, the County of Santa Clara (the “County”) is the owner of that certain about 7.83 acres of real property located west of Lawrence Expressway, between Calvert Drive and Bollinger Road near Mitty Avenue, identified as Assessor’s Parcel Numbers 375-21-001 and 375-22-001 (together, the “Property”); and

WHEREAS, since at least 2007, the City has planned for the proposed acquisition of the Property from the County; among other things, the City has pre-zoned the Property to Pre-PR (Parks & Recreation) and shows the property as Parks and Open Space on its land use map, the City identified the proposed acquisition of the Property in its Capital Improvement Program (CIP), and the City discussed the proposed acquisition in its 2019 Parks and Recreation System Master Plan; and

WHEREAS, in June of 2020, City and County staff completed negotiations for the purchase of the Property, the terms of which are reflected in the Purchase and Sale Agreement enclosed herewith (“Agreement”) pursuant to which the City would acquire the Property for its appraised value of \$2.69 million, subject to the approval of the City Council and the County Board of Supervisors; and

WHEREAS, the Property is located within the City of San Jose’s city limits and is covered by San Jose’s General Plan; accordingly, as required by Government Code Section 65402(b), the City requested that San Jose prepare a report regarding the consistency of the proposed purchase with San Jose’s General Plan, and the proposed purchase is now deemed by law to be in conformity with that plan; and

WHEREAS, on April 25, 2017, the Cupertino Planning Commission reviewed the proposed acquisition of the Property as part of its review of the City's five-year Capital Improvement Program and found the acquisition to be in conformity with the City's General Plan; and

WHEREAS, 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.) (hereinafter, "CEQA Guidelines"), City staff has independently studied the proposed acquisition of the Property and has determined that the acquisition is exempt from environmental review pursuant to the categorical exemption in CEQA Guidelines Section 15316, as well as CEQA Guidelines Section 15061(b)(3), for the reasons set forth in the staff report; and

WHEREAS, the Council has independently reviewed and considered the proposed acquisition of the Property and the basis for the exemption(s) prior to taking any approval actions on the proposed acquisition, and exercising its independent judgment, based upon the entire record before it, has determined that the acquisition of the Property is exempt from CEQA pursuant to CEQA Guidelines Sections 15316 and 15061(b)(3);

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

1. Exercises its independent judgment and determines that the proposed acquisition of the Property is exempt from CEQA pursuant to CEQA Guidelines Sections 15316 and 15061(b)(3); and

2. Approves the purchase of the Property from the County in the purchase amount of \$2,690,000, and upon other terms as set forth in the Agreement; and

3. Authorizes the City Manager to execute all necessary documents and take all necessary steps to complete the acquisition of the Property consistent with this approval.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino on the 7th day of July 2020, by the following vote:

Vote Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Steven Scharf, Mayor City of Cupertino	_____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	_____ Date