

RESOLUTION NO. 2008-21

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS
ALTOS APPROVING FOR SALE OR LEASE THE SURPLUS
PROPERTY OWNED BY THE CITY OF LOS ALTOS, LOCATED AT
FIRST AND MAIN STREET, LOS ALTOS, CALIFORNIA**

WHEREAS, the City of Los Altos (“City”) owns the real property located at 400 Main Street (APN 167-39-056) and the real property located at 230 First Street (APN 167-39-146), Los Altos, California, also known as “First and Main” (hereinafter the “Property”); and

WHEREAS, the Property was purchased by the City in July 1996 (APN 167-39-056) and October 1995 (APN 167-39-146); and

WHEREAS, the procedure by which the City can dispose of surplus real property is provided by the California Government Code section 54200 *et seq.*; and

WHEREAS, pursuant to Government Code section 65402, on February 7, 2008, the Planning Commission for the City determined that the sale or lease of the Property was consistent with the City’s General Plan; and

WHEREAS, the current zoning of the Property and its existing physical limitations, including parcel size, configuration and the nature of adjacent land uses, preclude the use of the Property for enterprise purposes, school facilities or school district open space, transit oriented infill opportunity, park, recreation or open space purposes; and

WHEREAS, the City on January 22, 2008, declared its intention to sell or lease the Property in Resolution 2008-03 and gave notice by publication and posting of the Property as required by law; and

WHEREAS, the City wishes to sell or lease the Property for development and to return any proceeds gained from the sale or lease of the Property to the capital projects fund; and

WHEREAS, the sale of the Property has been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended (“CEQA”), and the guidelines promulgated thereunder and, further, said Council finds that the sale of the Property is exempt from the requirements of CEQA pursuant to the provisions of Section 15312 of Division 6 of Title 14 of the California Code of Regulations. Section 15312, Class 12 exemption, consists of sale of surplus government property that is not located in an area of statewide, regional, or area-wide concern as identified in Section 15206(b)(4).

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds and authorizes the following:

Section 1. The Property is declared to be surplus property.

Section 2. Pursuant to Government Code section 54222, on January 25, 2008, the City made offers to sell, at appraised value, or lease the Property for the purpose of developing low or moderate income housing to the following entities:

- (a) Director
Housing Authority of the County of Santa Clara
505 West Julian St.
San Jose, CA 95110
- (b) Director
Santa Clara County Parks and Recreation Dept.
298 Garden Hill Drive
Los Gatos, CA 95032

Section 3. Pursuant to Government Code section 54222, on January 25, 2008, the City made offers to sell, at appraised value, or lease the Property for the park and recreational or open space purposes to the following entities:

- (a) General Manager
Midpeninsula Regional Open Space District
330 Distel Circle
Los Altos, CA 94022

- (b) Secretary Mike Chrisman
State Resources Agency
1416 Ninth St., Suite 1311
Sacramento, CA 95814

Section 4. Pursuant to Government Code section 54222, on January 25, 2008, the City made offers to sell, at appraised value, or lease the Property for school facilities construction or open-space purposes to the following entities:

- (a) Tim Justus
Superintendent
Los Altos School District
201 Covington Road
Los Altos, CA 94024
- (b) Barry Groves
Superintendent
Mountain View - Los Altos Union High School District
1299 Bryant Ave.
Mountain View, CA 94040

Section 5. The City did not receive notification from any entity listed in Sections 2, 3 or 4 above, of its intent to purchase or lease the Property for low or moderate income housing, park and recreational or open space or school facilities construction purposes within 60 days from the date the entity received notice of the City's intent to sell or lease the Property.

Section 6. On or about January 27, 2008, the City solicited an appraisal for the Property to determine the fair market value of said Property.

Section 7. The City Clerk, pursuant to Government Code section 37423, gave notice of the time and place of the public hearing by publishing Resolution 2008-03 in a local newspaper, and by posting a copy of Resolution 2008-03 on the Property for not less than ten (10) days in at least three (3) conspicuous places on said Property.

Section 8. In accordance with Government Code section 37420 *et seq.*, on April 8th 2008, the City Council conducted a public hearing concerning its intention to sell or lease the Property.

Section 9. At said hearing the City Council considered its intention to sell or lease the Property. The City Council heard any and all protests in relation to the City's intention to sell or lease the Property, and considered and finally acted upon any written or oral protests and objections.

Section 10. Pursuant to Government Code section 37350, the City Council finds and determines that the sale or lease of the Property is in the City's interest and for the common benefit as follows:

- (a) The Property is no longer needed for the City's use.
- (b) The sale or lease of the Property is in the public interest and convenience because it will provide the following:

