

1 [Sale of Surplus Property.]

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3 **Resolution approving the public auction sale of unimproved surplus real property**
4 **located on Manzano Way at Oak Creek Way in the City of Sunnyvale, Santa Clara**
5 **County for a purchase price of \$690,000; adopting findings pursuant to the California**
6 **Environmental Quality Act; adopting findings that the conveyance is consistent with**
7 **the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1;**
8 **and authorizing the Director of Property to execute documents, make certain**
9 **modifications and take certain actions in furtherance of this resolution .**

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11 WHEREAS, Pursuant to Public Utilities Commission ("PUC") Resolution No. 04-0152,
12 the PUC declared the subject property to be surplus and requested that the property be sold
13 at a public auction sale; and,

14 WHEREAS, In accordance with the PUC Resolution oral bids were received at a
15 public auction held June 28, 2005 and the Director of Property received and recommends
16 acceptance of the highest bid in the amount of \$690,000 in accordance with the terms and
17 conditions of the Offer to Purchase, a copy of which is on file with the Clerk of the Board of
18 Supervisors in File No. _____; and,

19 WHEREAS, The Director of Planning, by letter dated September 16, 2004, found that
20 the sale of the subject property is categorically exempt from environmental review pursuant to
21 CEQA guidelines and is consistent with the City's General Plan and the Eight Priority Policies
22 of City Planning Code Section 101.1, which letter is on file with the Clerk of the Board of
23 Supervisors in File No. _____, and which letter is incorporated herein by this reference;
24 now, therefore, be it

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1 RESOLVED, That the Board of Supervisors hereby adopts the findings set forth in the
2 letter of the Director of Planning, dated September 16, 2004, that the sale of the subject
3 property is categorically exempt from environmental review pursuant to CEQA guidelines and
4 is consistent with the City's General Plan and the Eight Priority Policies of City Planning Code
5 Section 101.1 for the same reasons as set forth in the letter of the Director of Planning, and
6 hereby incorporates such findings by reference as though fully set forth in this resolution; and,
7 be it

8 FURTHER RESOLVED, That the Board of Supervisors hereby approves the Offer to
9 Purchase Agreement ("Agreement") and the transaction contemplated thereby and authorizes
10 the Director of Property to enter into any additions, amendments or other modifications to the
11 Agreement (including, without limitation, the attached exhibits) that the Director of Property
12 determines are in the best interest of the City, do not decrease the sales price for the Property
13 or otherwise materially increase the obligations or liabilities of the City, and are necessary or
14 advisable to complete the transaction contemplated in the Agreement and effectuate the
15 purpose and intent of this resolution, such determination to be conclusively evidenced by the
16 execution and delivery by the Director of Property of the Agreement and any amendments
17 thereto; and, be it

18 FURTHER RESOLVED, That the Director of Property is hereby authorized and urged,
19 in the name and on behalf of the City and County, to execute and deliver the deed to the
20 Property to the Purchaser upon the closing in accordance with the terms and conditions of the
21 Agreement, and to take any and all steps (including, but not limited to, the execution and
22 delivery of any and all certificates, agreements, notices, consents, escrow instructions, closing
23 documents and other instruments or documents) as the Director of Property deems necessary
24 or appropriate in order to consummate the conveyance of the Property pursuant to the
25 Agreement, or to otherwise effectuate the purpose and intent of this resolution, such

1 determination to be conclusively evidenced by the execution and delivery by the Director of
2 Property of any such documents.

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5 RECOMMENDED:

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8 Steve Legnitto
9 Director of Property

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