

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA TO CONSUMMATE THE PURCHASE OF A TEN  
PERCENT (10% UNDIVIDED INTEREST IN THE REAL PROPERTY AT 95 SOUTH  
MARKET STREET, SAN JOSE, CALIFORNIA (APN 259-40-084) MAKING  
RELATED FINDINGS AND DELEGATING AUTHORITY TO THE COUNTY  
EXECUTIVE, OR DESIGNEE, TO NEGOTIATE, AMEND AND EXECUTE ALL  
DOCUMENTS AND AGREEMENTS NECESSARY CONSUMMATE THE  
PURCHASE OF THE PROPERTY**

**WHEREAS**, the County of Santa Clara (“County”) Board of Supervisors gave notice of its intent (“Notice of Intent”) to acquire a ten percent (10%) undivided interest in the real property located at 95 South Market Street, San José, California (APN 259-40-084) and legally described in Exhibit A (the “Property”) from is OCH Liquidation who acquired its interest in the Property as O’Connor Hospital, a California nonprofit public benefit corporation (the “Seller”) to serve a public purpose;

**WHEREAS**, there is no separate purchase price for Property as consideration for this asset was included in the purchase price previously paid by the County when it acquired the assets of O’Connor Hospital in March 2019, but up to \$5,000 in closing costs will be required;

**WHEREAS**, the acquisition of the Property is exempt from the California Environmental Quality Act (“CEQA”) pursuant CEQA Guidelines Section 15301, as the acquisition will not result in any changes to the use of the Property and any future development of the Property would be subject to CEQA review by the lead agency;

**WHEREAS**, the Notice of Intent to purchase the Property was published according to law in a newspaper of general circulation in Santa Clara County for three weeks prior to this hearing;

**WHEREAS**, the Santa Clara County Board of Supervisors did meet to consider the proposed purchase at the time and place designated in the Notice of Intent;

**WHEREAS**, Government Code section 25353 authorizes the Board of Supervisors to receive and accept the Property for a public purpose, and the Board may improve, preserve, take care of, manage, and control the Property; and

**WHEREAS**, Government Code Section 27281 requires the County to accept the Property by adopting a resolution of acceptance or delegating the authority to a County officer or agent to sign on the County’s behalf a Certificate of Acceptance substantially in the form presented in the Government Code Section 27281, a copy of which is as Exhibit B.

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of the County of Santa Clara, State of California, that:

1. the acquisition (purchase) of the Property serves a public purpose and is exempt from CEQA;
2. the purchase of the Property from the Seller does not require additional consideration as it was included in the acquisition of assets from O'Connor Hospital in March 2019, but will require closing costs of up to \$5,000 which are authorized and approved;
3. the purchase of the Property from the Seller is authorized and approved;
4. the County Executive, or designee, is hereby delegated the authority to negotiate, amend, and execute all documents and agreements necessary to consummate the purchase, including but not limited to the Certificate of Acceptance substantially in the form presented in California Government Code Section 27281, following approval as to form and legality by County Counsel and approval by County Executive, and to take all other necessary actions to complete the acquisition of the

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Property. This delegation of authority to the County Executive expires on December 31, 2024.

**PASSED AND ADOPTED** by the Board of Supervisors of Santa Clara County, State of California, on \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
SUSAN ELLENBERG, President  
Board of Supervisors

Signed and Certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors

ATTEST:

\_\_\_\_\_  
CURTIS BOONE  
Acting Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
KIMBERLY J. KERNAN  
Deputy County Counsel

Attachments  
Exhibit A – Legal Description  
Exhibit B – Certificate of Acceptance

## Exhibit A

### Legal Description

**The land referred to herein is situated in the State of California, County of Santa Clara, City of San Jose and described as follows:**

#### Parcel One:

Beginning at a point on the Westerly line of Market Street, distant thereon 142.20 feet Southerly from the intersection of said land of Market Street with the Southerly line of Post Street, formerly El Dorado Street, and said point of beginning being the Southeasterly corner of Parcel of land designated as Parcel A conveyed by Auzerais Estate Company, a Corporation, to H. B. Martin by Deed dated April 10, 1901 and recorded in Book 243 of Deeds, Page 39, Records of Santa Clara County, California and said Parcel A is also delineated and designated on Licensed Surveyor's Map recorded In Book F-2 of Maps, Page 7, Records of Santa Clara County, California, thence South 59 deg 20' West 75 feet; thence South 30 deg 40' East 17.80 feet; and South 59 deg 20' West 117.88 feet to the Easterly line of San Pedro Street; thence Southerly and along the Easterly line of San Pedro Street, 86.19 feet to the Northerly line of land conveyed by Novitiate of Los Gatos, a Corporation, to Robert F. Benson, by Deed dated March 31, 1927 and recorded in Book 311 of Official Records, Page 301, Records of Santa Clara County, California; thence Northeasterly and along the Northwesterly line of land conveyed to said Robert F. Benson, 193.75 feet to the Westerly line of Market Street; thence Northerly and along said line of Market Street, 85.75 feet to the place of beginning.

Excepting therefrom the following described parcels of land; which was created by Grant Deed recorded December 20, 1982 in Book H213, Page 513, of Santa Clara County.

#### Parcel A:

Beginning at a point on the Northeasterly line of San Pedro Street at the Northwesterly corner of that certain parcel of land described as Parcel One in that certain Decree of Distribution in the matter of the Estate of Robert Frances Benson, alias, recorded December 28, 1961 in Book 5414, Page 326 of Official Records, said point of beginning also being the Southwesterly corner of that certain parcel of land described in the Deed from Jose O. Borges, er ux, to DSC-3 Group, A Limited Partnership, recorded August 11, 1981 In Book G267, Page 121 of Official Records, running thence North 60 deg 05' 56" East, along a Northwesterly line of the lands of Benson 118.00 feet to an angle corner therein, running thence South 29 deg 54' 09" East, 0.78 feet, running thence South 60 deg 05' 56" West, 118.00 feet to the Northeasterly line of San Pedro Street, running thence North 29 deg 54' 22" West along said line of San Pedro Street 0.78 feet to the point of beginning.

#### Parcel B:

Beginning at a point on the Southwesterly line of Market Street at the Northeasterly corner of that certain parcel of land described as Parcel One in that certain Decree of Distribution in the matter of the Estate of Robert Francis Benson, alias, recorded December 28, 1961 in Book 5414, Page 326 of Official Records, running thence South 60 deg 05' 56" West along a Northwesterly line of the lands of Benson 43.80 feet to the true point of beginning, thence continuing along said Northwesterly line South 60 deg 05' 56" West, 31.28 feet to an angle corner therein; thence South 29 deg 54' 09" East 18.53 feet, thence North 60 deg 05' 56" East, 25.43 feet; thence North 29 deg 54' 04" West, 6.20 feet; thence North 60 deg 05' 56" East, 4.75 feet; thence South 29 deg 54' 04" East; 0.95 feet; thence North 60 deg 05' 56" East; 1.10 feet; thence North 29 deg 54' 04" West; 13.06 feet to the true point of beginning.

#### Parcel C:

Beginning at a point on the Southwesterly line of Market Street at the Northeasterly corner of that certain parcel of land described as Parcel One in that certain Decree of Distribution in the matter of the

Estate of Robert Francis Benson, alias, recorded December 28, 1961 in Book 5414, Page 326 of Official Records, running thence South 60 deg 05' 56" West along a Northwesterly line of the lands of Benson 43.80 feet; thence South 29 deg 54' 04" East, 13.06 feet; thence South 60 deg 05' 56" West 1.10 feet; thence North 29 deg 54' 04" West; 0.95 feet; thence South 60 deg 05' 56" West, 4.75 feet; South 29 deg 54' 04" East, 6.20 feet; thence North 60 deg 05' 56" East 49.65 feet to the Southwesterly line of Market Street; thence North 29 deg 53' 57" West, along said line of Market Street, 18.31 feet to the point of beginning.

Parcel Two:

Beginning at the point of intersection of the Westerly line of Market Street with the Northerly line of San Fernando Street; thence Northerly along the Westerly line of Market Street 114.80 feet, more or less, to the Southerly line of land of Auzerais Estate Company, a Corporation; thence along said line of said Corporation, South 54 deg 15' West 193.75 feet, more or less, to the Easterly line of San Pedro Street; thence Southerly and along the Easterly line of San Pedro Street 98.60 feet, more or less to the intersection of said line of San Pedro Street with the Northerly line of San Fernando Street; thence Easterly and along the Northerly line Of San Fernando Street, 192.88 feet to the point of beginning.

Parcel Three:

An easement for encroachment, beginning 17.50 feet up from ground level and extending 3.00 feet Northwesterly from the Southeasterly line of Parcel C hereinabove referred to and for the entire length of said Parcel C, which was created by Grant Deed recorded December 20, 1982 in Book H213, Page 513, of Santa Clara County.

APN: 259-40-084

**Exhibit B**  
**CERTIFICATE OF ACCEPTANCE**

(Government Code Section 27281)  
Certificate of Acceptance  
by  
County of Santa Clara

THIS IS TO CERTIFY that the interest in real property conveyed by the Grant Deed dated February 22, 2024, from OCH Liquidation which acquired title as O'Connor Hospital, a nonprofit public benefit corporation ("Grantor"), to the County of Santa Clara, a political subdivision of the State of California, is hereby accepted by the undersigned officer or agent on behalf of the County of Santa Clara pursuant to authority conferred by Resolution No. \_\_\_\_\_ of the Santa Clara County Board of Supervisors adopted on \_\_\_\_\_, and the grantee consents to recordation thereof by its duly authorized officer.

In witness whereof, I have hereunto set my hand on \_\_\_\_\_ day of \_\_\_\_.

County of Santa Clara, a political subdivision of the State of California

\_\_\_\_\_  
Name:  
Title:

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
KIMBERLY KERNAN  
Deputy County Counsel

STATE OF CALIFORNIA     )  
                                      )  
COUNTY OF \_\_\_\_\_)

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

\_\_\_\_\_  
(Signature) (Seal)