



**Council Meeting: March 9, 2010**

**SUBJECT: City-Owned Properties Adjacent to Orchard Gardens Park  
(Information Only)**

**BACKGROUND**

On July 14, 2009, in response to the Parks of the Future Study, the City Council authorized the City Manager to sell the park properties located at Murphy Park and Orchard Gardens Park at a future time at the City Manager's discretion when the market improves. The City Manager is required to inform City Council annually through the budget process the status of the properties, and the matter is required to come back before the City Council before the properties are to be sold.

During the January 5, 2010, City Council meeting, Vice Mayor Moylan requested that the action to sell City-owned properties at Orchards Gardens be brought back to Council for reconsideration. In response to this request, a Budget Issue paper was prepared and presented to the Council during the January 29, 2010, Study Issues workshop for consideration during City Council's review of the FY 2010/2011 Resource Allocation Plan.

**EXISTING POLICY**

From the Open Space and Recreation Sub-Element:

A.11. Support the acquisition of existing open space within the City limits as long as financially feasible.

2.2.D.9. Give priority to acquiring/developing open space and recreational amenities and programs where similar amenities and programs do not already exist.

2.2.D.10. Give priority to acquiring/developing open space and recreational amenities where the current number of households within specified distances relying on the open space or recreational amenity is greater.

2.2.D.11. Give priority to acquiring/developing open space and recreational amenities where the projected number of households within specified distances which will be relying on the open space or recreational amenity is greater.

2.2.D.12. Give priority to acquiring/developing open space and recreational amenities and programs where the needs are greatest and/or which will meet the greatest needs.

From City Council Policy 2.2.2 Sale of Surplus Land: With regard to the sale of surplus land, the City Council finds that it is in the best interest of the City of Sunnyvale that proceeds from the sale of surplus City property be used to acquire open space land and declares that it is the policy of this Council to use the net proceeds from the sale of surplus City property for the purchase or other acquisition of open space land.

City Council Policy from Parks of the Future Study (RTC # 09-183): Amend the City's General Plan to utilize Design and Development Guidelines for all park types within the City's open space system; approved July 14, 2009.

### **DISCUSSION**

The park properties under consideration include three housing lots adjacent to Orchard Gardens Park. (See Attachment A: City Owned Properties at Orchard Gardens Park). The three properties were each purchased separately, starting thirty years ago when 266 Garner Drive was purchased by the City in 1980. Three years later, the property at 278 Garner Drive was purchased; and the last house, 252 Garner Drive, was purchased by the City in 1999. It has been traditionally understood by staff that these houses were purchased with the intent to eventually use the property to expand Orchard Gardens Park; however; there are no restrictions in the deeds mandating any specific future use of these properties. Rental revenue from the properties has been deposited into the City's Parks Dedication Fund which can be used for renovations and improvements in park sites throughout the City.

It was noted in the FY 2009/2010 Budget Transmittal Letter that staff recommended against demolishing these houses and expanding the park; instead, the park should be kept in its current configurations and the houses sold with the proceeds available for other needed park facilities. The anticipated revenues from the sale of these properties are currently planned in the capital improvement plan for FY 2011/2012 for the Park Dedication Fund.

If the decision to keep these properties to expand Orchard Gardens Park is made, a reduction in future capital and infrastructure improvement plans for the Park Dedication Fund will be required. In addition, staff will need to assess impacts to the 20-year plan, including lost revenue and increased maintenance services.

A few of the projects that were previously determined to be low priority by the Council and therefore would be among those to be considered for elimination or delay include the Sunken Gardens Golf Course Clubhouse Paving Project, Senior Center Fitness Room Expansion, and the San Antonio and Panama Park Playground Construction Projects. Other proposed projects from the Park Dedication Fund could also be considered.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk, Senior Center, Community Center, Department of Community Services Administration, and on the City's Web site.

Reviewed by:

David A. Lewis, Director, Department of Community Services

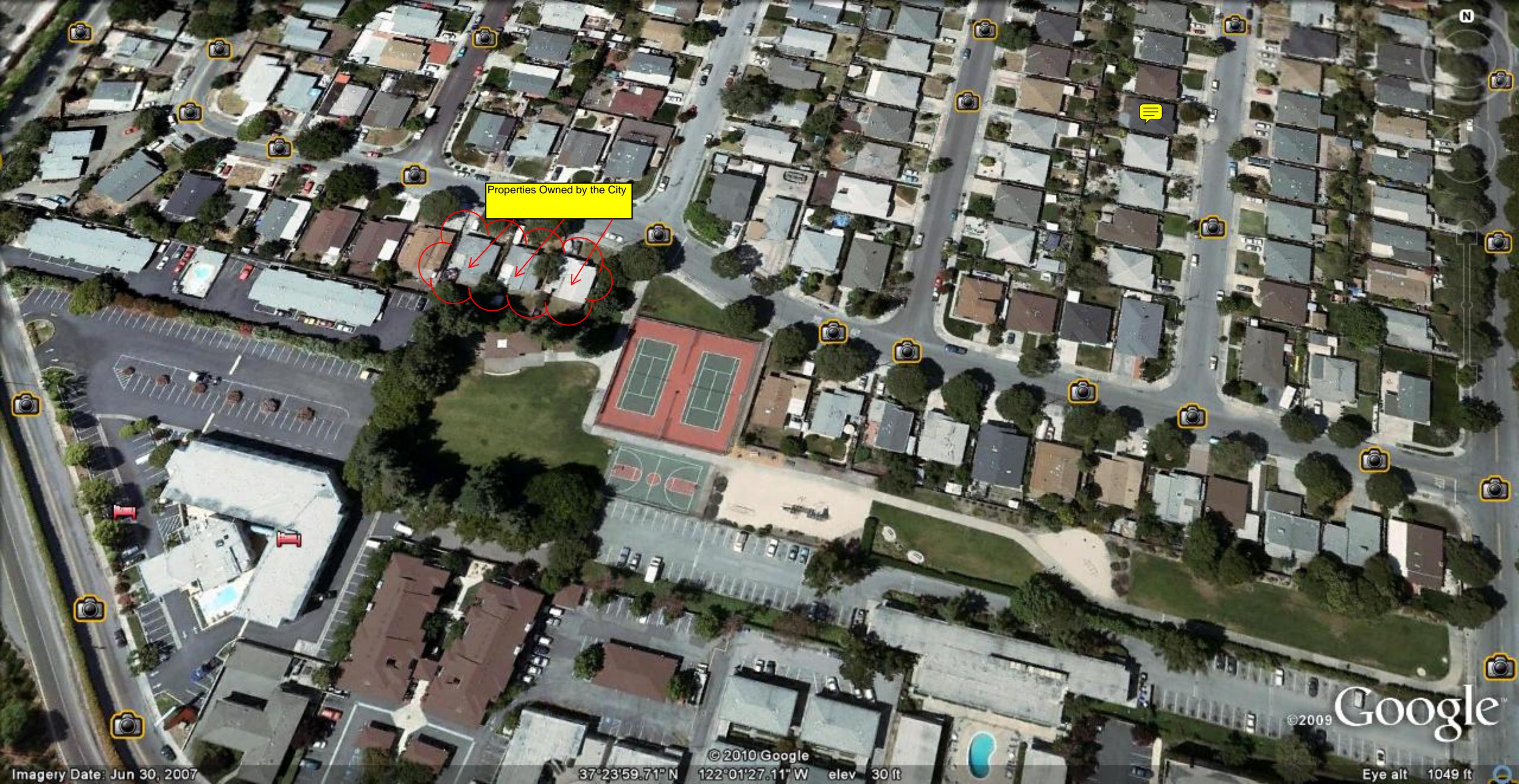
Prepared by: Cathy E. Merrill, Assistant to Director of Community Services

Approved by:

Gary M. Luebbers  
City Manager

**Attachments**

A: City Owned Properties at Orchard Gardens Park



Properties Owned by the City

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37°23'59.71" N 122°01'27.11" W elev 30 ft

Imagery Date: Jun 30, 2007

Eye alt 1049 ft