



File: 4021- 373
Coyote Creek Flood Protection Project

September 11, 2025

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mildred Maxine Peck & Nadine Lorraine Ironberg
PO BOX 54544
Phoenix, AZ 85078

Subject: NOTICE OF INTENTION TO CONSIDER THE ADOPTION OF A RESOLUTION OF
NECESSITY TO ACQUIRE PROPERTY BY EMINENT DOMAIN

Dear Property Owner:

Notice is hereby given pursuant to Code of Civil Procedure, Section 1245.235, that it is the intention of the Board of Directors ("Board") of the Santa Clara Valley Water District ("Valley Water") to consider the adoption of a resolution declaring the public necessity for the acquisition of real property or interest therein required for purposes of the Coyote Creek Flood Protection Project ("Project").

The resolution, if adopted, will authorize staff and counsel to commence an eminent domain proceeding to acquire the real property interests described in the attached Exhibit A ("Property").

Notice is further given that the Board is scheduled to meet to consider adoption of the Resolution of Necessity at its **October 14, 2025** meeting which begins at **1:00 PM** at Valley Water's Headquarters building, 5700 Almaden Expressway, San Jose, California. The meeting will also be live streamed on Valley Water's website.

Notice of Your Right to Appear and Be Heard

You are entitled to appear at the place and time set forth above and be heard on the following matters:

1. Whether public interest and necessity require the Project;
2. Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. Whether the property sought to be acquired is necessary for the Project;
4. Whether Valley Water made the offer required by Government Code section 7267.2 to the owners of record;
5. Whether Valley Water has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property; and



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6. Whether Valley Water has complied with the requirements of the California Environmental Quality Act ("CEQA") for the Project.

If you wish to appear and be heard, you must file a written request to appear and be heard with the Clerk of the Board at Valley Water, 5750 Almaden Expressway, San Jose, California, 95118 within 15 days after this notice was mailed.

Failure to file such written request within the time specified constitutes a waiver of the right to appear and be heard.

PLEASE BE AWARE THE PRICE TO BE PAID FOR THE PROPERTY WILL NOT BE CONSIDERED BY THE BOARD AT THIS HEARING, AND IF YOU ELECT NOT TO APPEAR AND BE HEARD, YOUR NON-APPEARANCE WILL NOT BE A WAIVER OF YOUR RIGHT TO CLAIM GREATER COMPENSATION IN A COURT OF LAW.

Please be advised that, notwithstanding the statutory language indicating that there is an "intent" to condemn, the Board has not in fact made a determination whether to condemn and will not so determine except in accordance with evidence and disclosures which will be heard at the time and place noted above.

If the Board elects to adopt the Resolution of Necessity, then within six months of the adoption of the Resolution, Valley Water would commence eminent domain proceedings in the Santa Clara County Superior Court. In that proceeding, the Superior Court will determine the amount of compensation to which you would be entitled.

Santa Clara Valley Water District

By: 
Candice Kwok-Smith
Clerk, Board of Directors

By Certified Mail:

Enclosure: Exhibit A

Date Mailed: September 11, 2025

Notice of Intention to Appear must be filed on or before: September 26, 2025

cc: C. Achdjian, K. Anderssohn, J. Carrasco, R. Ruiz, C. Kwok-Smith, B. Yerrapotu, M. Thummaluru, C. Kin-McAlpine, R. Yamane

cc: Brian Bergman, Esq.
BDG Law Group
10880 Wilshire Blvd. Suite 1015
Los Angeles, CA 90024

EXHIBIT A**WATER MANAGEMENT AND/OR STORM WATER DRAINAGE EASEMENT, File No. 4021-373**

An easement for water management and/or storm water drainage purposes in, upon, over, and across that certain real property in the City of San Jose, County of Santa Clara, State of California, herein after more particularly land depicted below.

Said easement area shall be kept clear of any type of building, fences, structure, pavement, or trees unless prior written approval is obtained from Valley Water.

The easement shall include the right to construct, reconstruct, inspect, maintain, and repair a channel, protection works, and appurtenant structures, together with the right to trim or remove such trees or brush within the easement area as may constitute a hazard to persons or property or may interfere with the use of said area for the purpose granted. It also shall include the right to enter upon said land with vehicles, tools, implements, and other materials, take there from and use earth, rock, sand, and gravel for construction, maintenance, and repair of said channel, protections work, and appurtenant structures by Valley Water, its officers, agents, and employees, and by persons under contract with it and their employees whenever and wherever necessary for flood control or storm drainage purposes.

The easement shall also include the non-exclusive right of ingress from and egress to public streets to the easement area described below, over and across the property of the Grantor by such route or routes as shall occasion the least practicable damage to the property and inconvenience to Grantor for the purposes of routine inspection and maintenance of the improvements within the easement. Valley Water shall provide reasonable advance notification of its intent to enter Grantor's property.

Exhibit A**Santa Clara Valley Water District**
San Jose, Ca 95118**PROJECT:** COYOTE CREEK FLOOD
PROTECTION PROJECT (CCFPP)**RESU FILE NO.:** 4021-373
BY: A. Ruiz

A permanent easement over that certain real property situate in the City of San Jose, County of Santa Clara, State of California, as described in that certain Deed recorded as Document Number 20141382, filed on February 20, 2009, in the Office of the Recorder, County of Santa Clara, State of California, and replicated as follows:

"Beginning at a point on the lot line between 500 acre Lots 10 and 11, N. 37° 53' W. 206.67 feet from the point of intersection of said line with the Northerly line of Keyes Street, sometimes known as the Story Road, said point being also 75 feet distant Westerly, measured at right angles to the located center line of the Western Pacific Railroad Company's branch line of railroad from Niles to San Jose; thence along said 500 acre lot line, N. 37° 53' W. 77.76 feet to a point; thence S. 70° 23' E. 44.56 feet to a point 75 feet distant Westerly, measured at right angles to said center line of said railroad; thence S. 7° 32 1/2' E. 75 feet from and parallel to said center line of said railroad a distance of 46.95 feet to the Point of Beginning, said parcel of land containing 0.02 acres of land, more or less, and being a portion of that certain tract of land conveyed by The Standard Realty and Development Company to the Western Pacific Railroad Company, by deed recorded June 25, 1921 in Book 533 of Deeds, page 469, records of Santa Clara County, California, and being a portion of 500 acre Lot 11 of the PUEBLO LANDS to the City of San Jose."

Containing 931 square feet of land, more or less.

SURVEYOR'S STATEMENT:

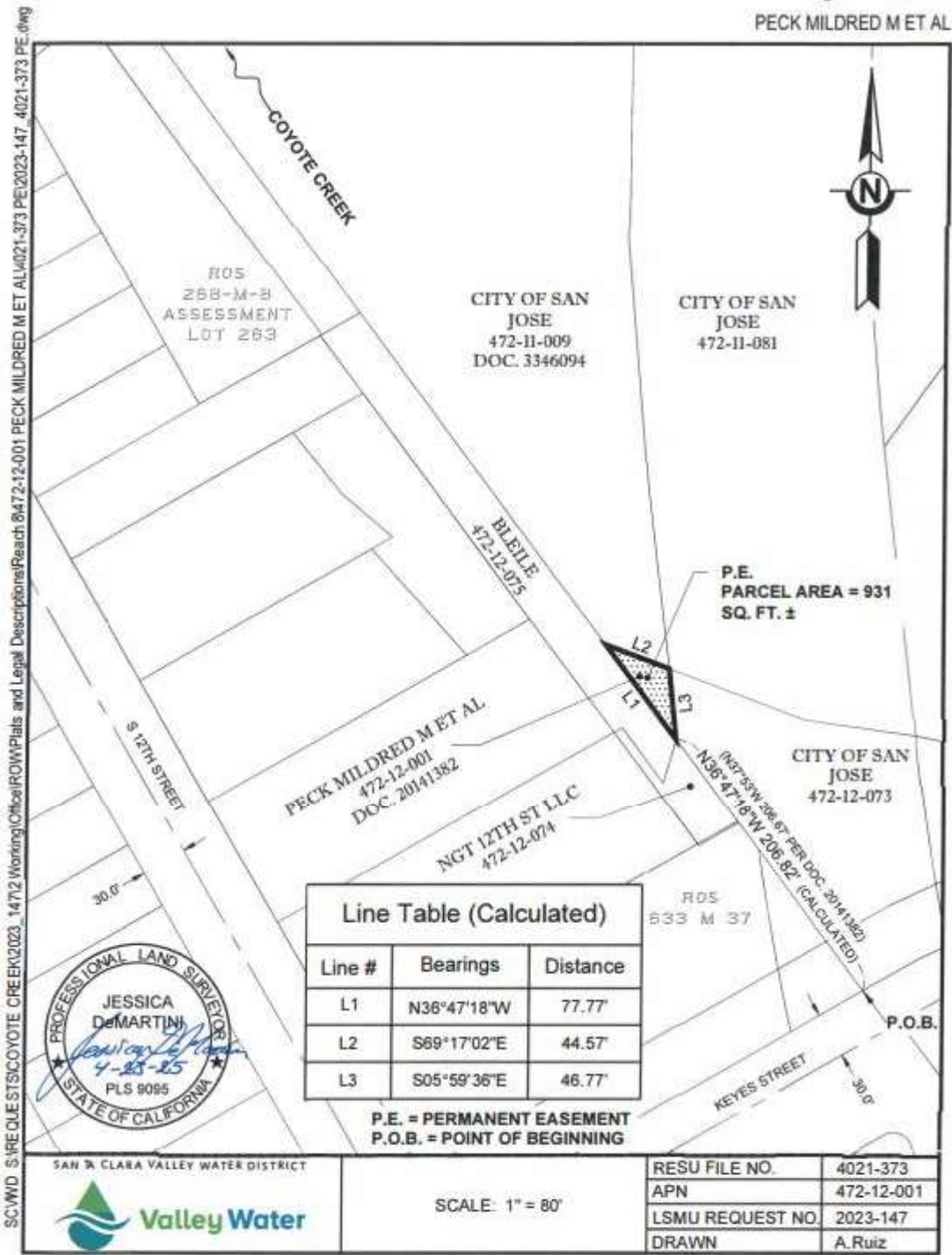
The description as replicated from said Deed recorded as Document Number 20141382, filed on February 20, 2009, in the Office of the Recorder, County of Santa Clara, State of California, was reviewed and prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.


Jessica DeMartini, PLS 9095

4/23/25
Date



Exhibit A



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