

# Attachment 2

Cover Page

Resolution

7 pages to follow

**BOARD OF DIRECTORS  
SANTA CLARA VALLEY WATER DISTRICT**

**RESOLUTION NO. 2026-**

**DECLARING THAT A REAL PROPERTY INTEREST (EASEMENT 9433-3) OWNED BY THE SANTA CLARA VALLEY WATER DISTRICT ON APN 092-07-010 IS NO LONGER REQUIRED FOR DISTRICT USE AND THAT THE REAL PROPERTY INTEREST BE CONVEYED BY QUITCLAIM DEED TO THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY AS OWNER OF APN 092-07-010 PURSUANT TO SECTION 31(g) OF THE DISTRICT ACT (SAN JOSE, DISTRICT 3)**

WHEREAS, in 1990, the Santa Clara Valley Water District ("District") acquired an easement interest, identified as File 9433-3 ("District Property"), for the Milpitas Pipeline ("MPL") on APN 092-07-010, more particularly described and depicted in Exhibit A; and

WHEREAS, APN 092-07-010 ("Subject Property") is currently owned by the Santa Clara Valley Transportation Authority ("VTA"), Santa Clara County, California; and

WHEREAS, in 2013, VTA began construction on phase one of the Bay Area Rapid Transit (BART) Silicon Valley Berryessa Extension project ("Extension") to include two rapid transit stations, one in Milpitas and the other in San Jose; and

WHEREAS, to allow VTA to begin construction of the Extension, the District issued a Water Resource Protection Ordinance Encroachment Permit ("Permit") to VTA and entered into a pipeline relocation agreement requiring VTA to pay MPL relocation costs and provide the District with replacement right of way for the relocated portion of the MPL; and

WHEREAS, the District Property, due to relocation of the portion of the MPL on the Subject Property by VTA, is no longer required for the purposes it was acquired; and

WHEREAS, pursuant to Section 31(g) of the District Act, the Board may by a majority vote sell, lease or otherwise transfer to another public entity, any real property or interest therein, belonging to the District upon the terms and conditions that are agreed on;

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Santa Clara Valley Water District does hereby

1. Declare an easement interest owned by the Santa Clara Valley Water District (File 9433-3) on APN 092-07-010, is no longer required for District use; and
2. Determine that the easement interest can be transferred to the fee-owner of APN 092-074-010, currently the Santa Clara Valley Transportation Authority, pursuant to the terms and conditions agreed upon; and
3. Authorize the disposition of this easement interest in real property pursuant to Section 31(g) of the District Act.

DECLARING THAT A REAL PROPERTY INTEREST (EASEMENT 9433-3) OWNED BY THE SANTA CLARA VALLEY WATER DISTRICT ON APN 092-07-010 IS NO LONGER REQUIRED FOR DISTRICT USE AND THAT THE REAL PROPERTY INTEREST BE CONVEYED BY QUITCLAIM DEED TO THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY AS OWNER OF APN 092-07-010 PURSUANT TO SECTION 31(g) OF THE DISTRICT ACT (SAN JOSE, DISTRICT 3) Resolution No. 2026-

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PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on March 24, 2026:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

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TONY ESTREMER  
Chair, Board of Directors

ATTEST: CANDICE KWOK-SMITH

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Clerk, Board of Directors

DECLARING THAT A REAL PROPERTY INTEREST (EASEMENT 9433-3) OWNED BY THE SANTA CLARA VALLEY WATER DISTRICT ON APN 092-07-010 IS NO LONGER REQUIRED FOR DISTRICT USE AND THAT THE REAL PROPERTY INTEREST BE CONVEYED BY QUITCLAIM DEED TO THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY AS OWNER OF APN 092-07-010 PURSUANT TO SECTION 31(g) OF THE DISTRICT ACT (SAN JOSE, DISTRICT 3) Resolution No. 2026-

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# **EXHIBIT A COVERSHEET**

## **LEGAL DESCRIPTION OF DISTRICT PROPERTY**

No. of Pages: 4

Exhibit Attachments: None

**EXHIBIT "A"**

RECORDING REQUESTED BY  
VALLEY TITLE COMPANY  
ESCROW NO. 199761-MC  
INSURED

"EXHIBIT J"

10563688

DO NOT WRITE ABOVE THIS LINE

Recorded at the request of  
**Valley Title Company**

RECORD WITHOUT FEE UNDER SECTION 6103,  
GOVERNMENT CODE OF THE STATE OF CALIFORNIA  
AFTER RECORDING RETURN TO  
SANTA CLARA VALLEY WATER DISTRICT  
6750 ALMADEN EXPRESSWAY  
SAN JOSE, CALIFORNIA 95118

JUN 21 15 1 8:00AM

LAURIE KANE, Recorder  
Santa Clara County, Official Records

L393 PAGE 1249

APH NO. 92-07-006 CODE NO. 12-002

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**WATER PIPELINES  
EASEMENT DEED  
(INDIVIDUAL)**

DOCUMENT NO. 9433-3

Armand Kunde and Joan Kunde, his wife

Grant, convey and dedicate to the SANTA CLARA VALLEY WATER DISTRICT, a public corporation ("District"), an easement for water pipelines and appurtenances upon, over and across that certain real property, in the City of Milpitas, County of Santa Clara, State of California, described as:

Being a portion of the lands described in the deed recorded in Book 0769 of Official Records at page 699, et. seq., in the office of the Recorder, County of Santa Clara, State of California, to wit:

Beginning at the intersection of the easterly line of said lands, as described in said deed, with the northeasterly line of Capitol Avenue (width varies); thence along said northeasterly line of Capitol Avenue, N 59°05'00"W 86.99 feet; thence leaving said northeasterly line N 24°00'00"W 875.98 feet to the southerly line of the lands conveyed to the County of Santa Clara in the deed recorded in Book 0778 of Official Records at page 116; thence along said southerly line N 74°41'52"E 50.58 feet to the aforesaid easterly line of said lands, as described in first said deed; thence along said easterly line, S 24°00'00"E 939.52 feet to the Point of Beginning.

Containing 1.042 acres of land more or less.

TOGETHER with a Temporary Construction Easement shown in the crosshatched area of the attached plat designated Exhibit A. The Temporary Construction Easement shall commence with the start of District's construction, which is estimated to be September 1, 1990, and will run for a period of 15 months. In any event, the Temporary Construction Easement will terminate on May 31, 1992.

RECORD WITHOUT FEE UNDER SECTION 6103  
GOVERNMENT CODE OF THE STATE OF CALIFORNIA

92-7-1.1

**EXHIBIT A**

PROJECT NO. 9433  
FILE NO. 3  
TITLE REPORT NO. VT-193761

REV.	APPR.	DATE	DESCRIPTION
1	MR	8/89	REV. TCE AREA TAKE
2			
3			

SCALE 1" = 200'

DRAWN	DON SMITH
DATE	6/21/89

SCVND

DO NOT WRITE ABOVE THIS LINE

...ement area shall be kept clear of any type of building, fences, structure, pavement, or trees, unless prior written approval is obtained from District, except for all existing fences. If grantor requests District's approval for a use of the easement area which is compatible with District's uses of said area, District's approval will not be unreasonably withheld. The easement shall include the right to construct, reconstruct, inspect, maintain and repair water pipelines 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 the said area for the purposes granted. It also shall include the right to enter upon said land with vehicles, tools, implements, and other materials, take therefrom and use, earth, rock, sand and gravel for the purpose of excavating, widening, deepening, and otherwise rectifying the water pipeline and for the construction, maintenance and repair of said water pipelines, and appurtenant structures by said District, its officers, agents, and employees, and by persons under contract with it and their employees whenever and wherever necessary for water pipelines and appurtenant structures.

District shall also have the right to mark the location of said described area by suitable markers, but said markers shall be placed in fences or other locations which will not interfere with any reasonable use first party shall make of said strip.

(As used above, the term "grantor" shall include the plural as well as the singular number and the words "himself" and "his" shall include the feminine gender as the case may be.)

Dated this 8 day of May 1990. Signed and delivered in the presence of Richard S. Miller, Armand Kunde, Joan Kunde

ACKNOWLEDGMENT OF SUBSCRIBING WITNESS

STATE OF CALIFORNIA } ss. San Jose COUNTY OF Santa Clara }

On May 23, 1990, before me, the undersigned, a Notary Public in and for the State of California, residing therein, duly commissioned and sworn, personally appeared Richard S. Miller, known to me to be the person whose name is subscribed to the within instrument as a witness thereto, who, being by me duly sworn, deposed and said that he resides in the County of Santa Clara, State of California; that he was present and saw

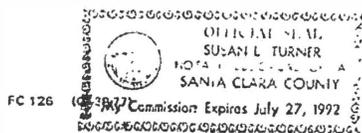
Armand Kunde and Joan Kunde

personally known to him to be the persons described in and whose names are subscribed to the within instrument, execute the same, and that affiant subscribed his name thereto as a witness to said execution.

WITNESS my hand and official seal.

(Seal) Susan L. Turner

Name (Typed or Printed) Notary Public in and for said State



ACKNOWLEDGMENT GRANTOR(S)

STATE OF CALIFORNIA } ss. COUNTY OF }

On , 19 before me, the undersigned, a Notary Public in and for the State of California, residing therein, duly commissioned and sworn, personally appeared

WITNESS my hand and official seal.

(Seal)

Name (Typed or Printed) Notary Public in and for said State

EXHIBIT A

PROJECT NO. 9433 FILE NO. 3 TITLE REPORT NO. VT-199761

SCALE 1" = 200'

Table with columns: DRAWN, DON SMITH, DATE, 6/21/89

Table with columns: REV., APPR., DATE, DESCRIPTION. Row 1: 1, MR, 8/89, REV. TCE AREA TAKE

SCVWD

L393 PAGE 1251

CERTIFICATE OF CONSENT AND ACCEPTANCE

This is to certify that the interest in real property conveyed by the attached Deed or Grant to Santa Clara Valley Water District is hereby accepted by the undersigned duly authorized agent on behalf of the Board of Directors of said Santa Clara Valley Water District, pursuant to authority conferred by Resolution No. 68-25 of said Board of Director's adopted on the 26th day of March 1968, recorded March 27th, 1968 in Book 8069, Page 535, Official Records of Santa Clara County, California, and the Grantee consents to recordation thereof by its said duly authorized agent.

Dated: JUN 5 1968, 19.....

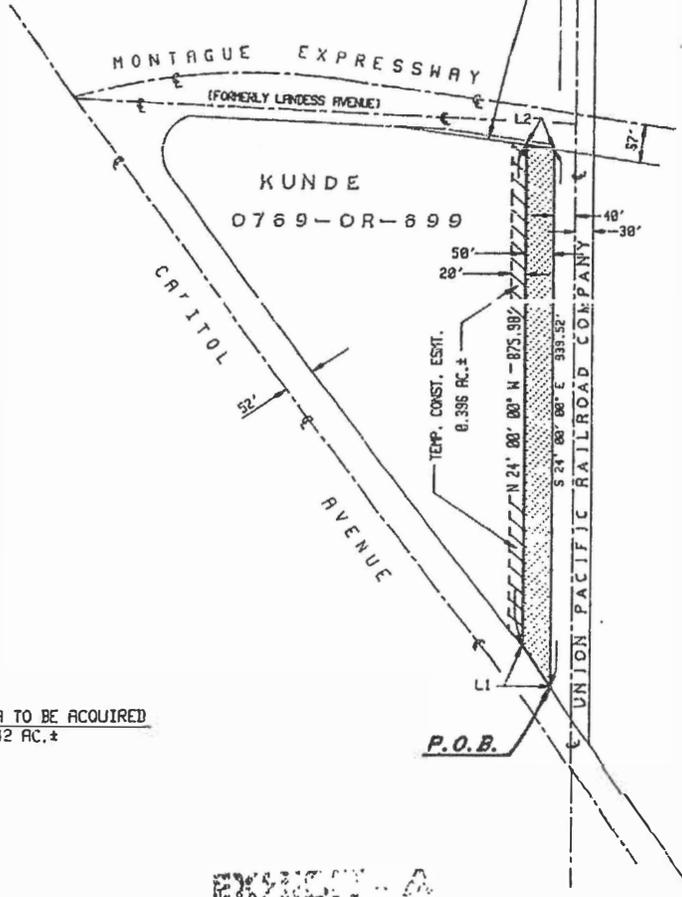
SANTA CLARA VALLEY WATER DISTRICT

By: *[Signature]*  
Clerk of the Board of Directors  
(Strike out inapplicable one)

LABEL	BEARING	DISTANCE
L1	N 59° 05' 00" W	86.99'
L2	N 74° 41' 50" E	50.50'



COUNTY OF  
SANTA CLARA  
0778-OR-118



AREA TO BE ACQUIRED  
1.042 AC. ±

EXHIBIT - A

REV.	APPR.	DATE	DESCRIPTION
1	MAR	8/89	REV. TCE AREA TAKE
2			
3			

PROJECT NO. 9433  
FILE NO. 3  
TITLE REPORT NO. VT-193751

SCALE 1" = 200'

DRAWN	DON SMITH
DATE	6/21/89

SCVMD