

Public Hearing to Consider Adoption of Resolution of Necessity: Coyote Creek Flood Protection Project

Proposed Findings to be Made at RON Hearing

- Establish the public need for the project
- Establish that project is designed/located in a manner most compatible with greatest public good and least private injury
- Determine the property is necessary for the project
- Establish offer required by Section 7267.2 of the Government Code was made to record owner(s)
- Determine the use of property will not unreasonably interfere with or impair any public use as it now exists or may reasonably be expected to exist in the future, consistent with the requirements of Cal. Code of Civil Procedure § 1240.510; the use for which the property is sought to be taken is a more necessary public use than the use to which the property is appropriated and accordingly the property is sought to be acquired pursuant to California Code of Civil Procedure § 1240.610.

Public Necessity for the Proposed Project

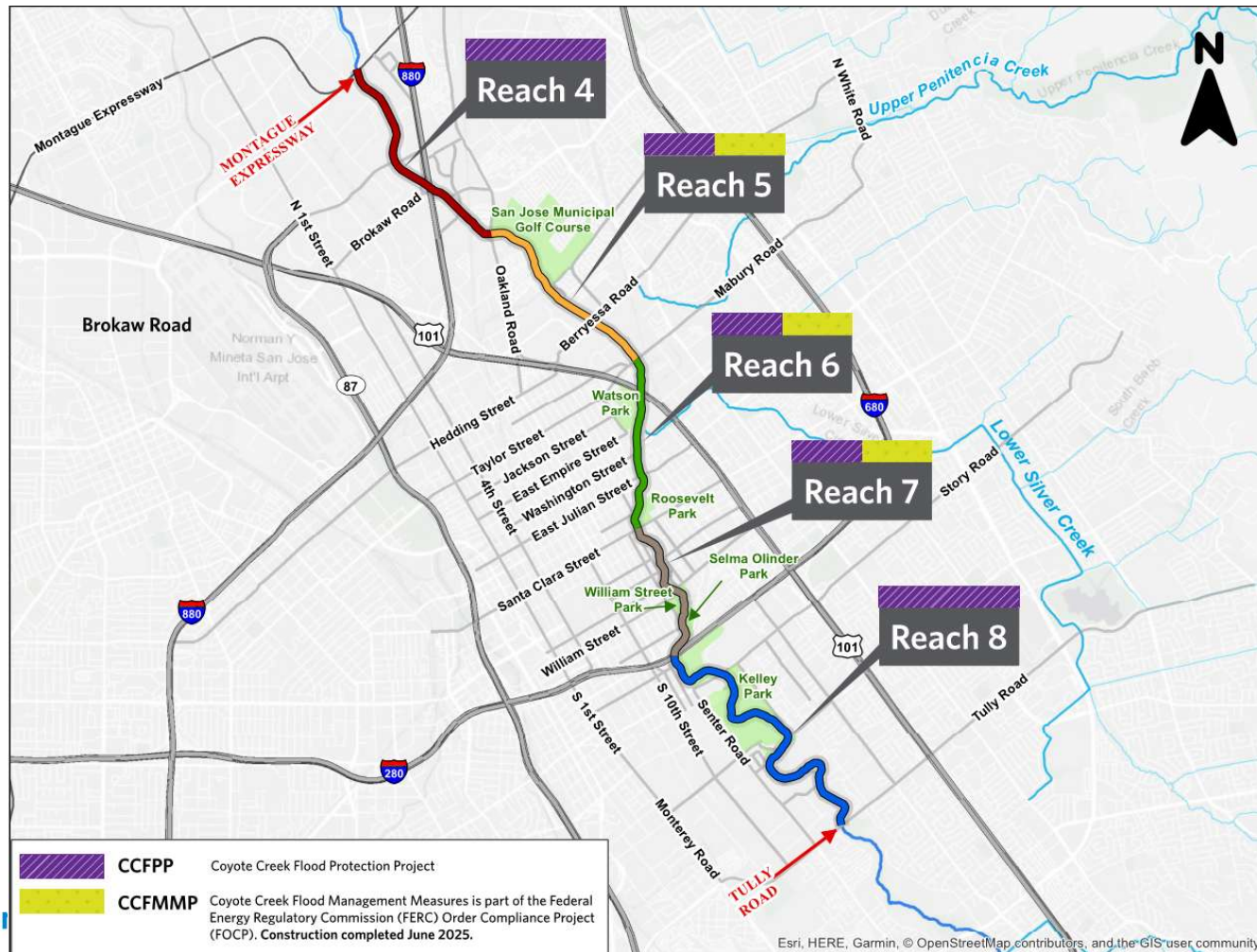
- **Proposed Finding: The public interest and necessity require the proposed project**
 - Protects the community by providing flood protection from floods up to the level that occurred in February 2017 (approximately a 20-year flood event) along portions of Coyote Creek from Montague Expressway to Tully Road
 - Project must be completed before Anderson Dam Seismic Retrofit Project Stage 2 Diversion becomes operational.
 - Preserve creek's habitat
 - Reduce long-term maintenance



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Coyote Creek Flood Protection Project



Existing Constraints on Project Design

- The geography and footprint of the creek determines which properties will be impacted
 - Private property and public parks are located on both sides of the creek
 - The creek flows through private property and public parks

Project Design Serves the Greatest Public Good with the Least Private Injury

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Proposed Finding: The proposed project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury

- Maximizes flood protection for the community, including the school buildings and the homes in the surrounding community
- Preserves natural habitat by minimizing disturbance to native vegetation and aquatic life
- The Project design whole impacts the fewest private properties to the least extent possible.
- Minimizes injury to the SJUSD property
- Alternative project designs were considered and current project design was determined to provide greatest public good and least private injury .

CEQA Compliance

- An Environmental Impact Report (EIR) was prepared by Valley Water as the lead agency.
- The final EIR was certified by the Valley Water board of directors on March 11, 2025.

Property Acquisitions Necessary for Project

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- Project requires acquisition of 62 Properties in Reaches 4, 5, 6, 7, & 8
- A Resolution of Necessity is proposed to acquire property interests over portions of 2 properties in Reach 7 owned by San Jose Unified School District

San Jose Unified School District Property is Necessary for the Project

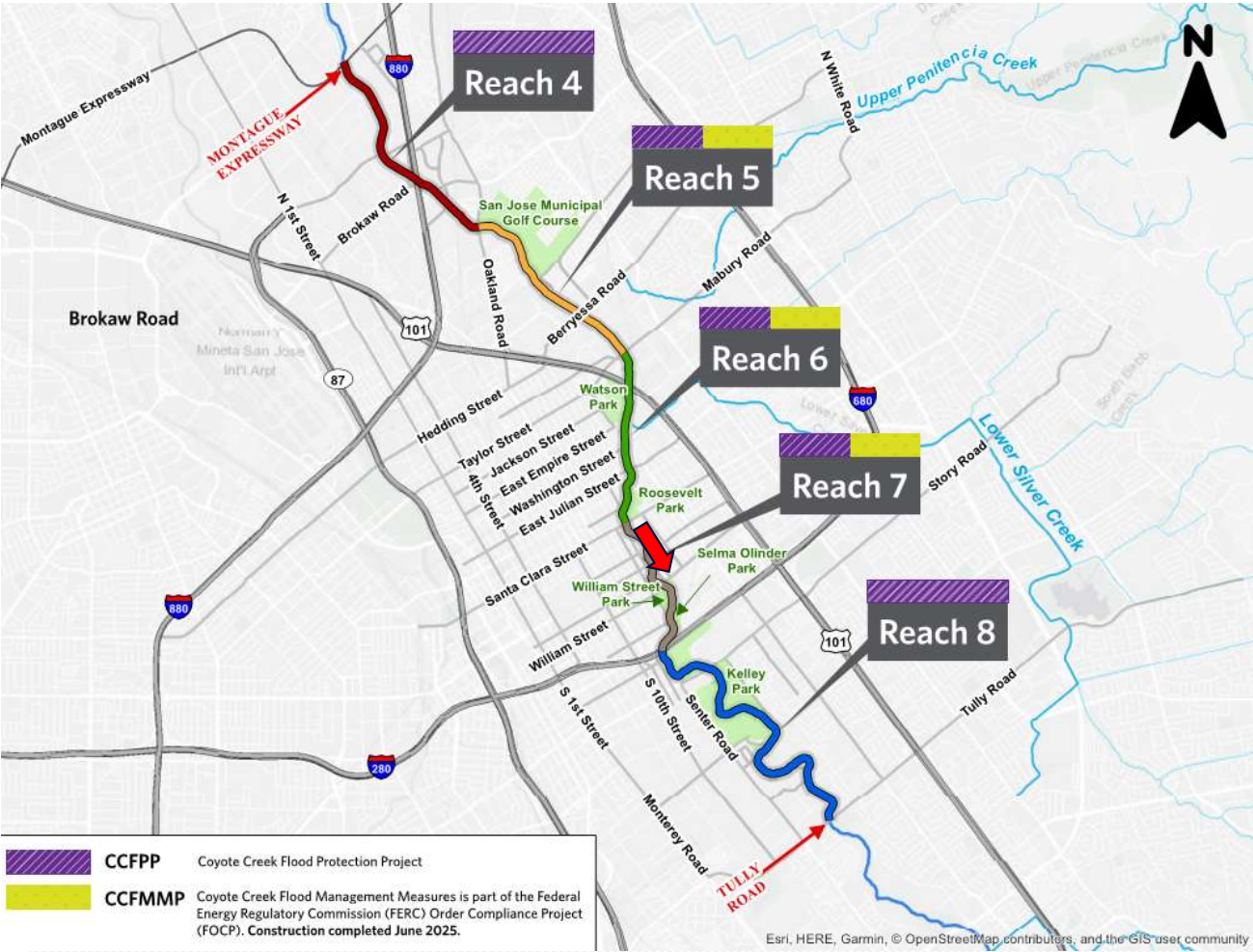
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Proposed Finding: The properties described in the resolution are necessary for the proposed project

- The configuration of the creek dictates the project alignment;
- Without this property there would be a gap in the flood protection structures, thereby eliminating their ability to provide the planned level of flood protection to this property and downstream properties.
- Construction activities also require that a separate portion of the properties be temporarily accessible to construct the project features.

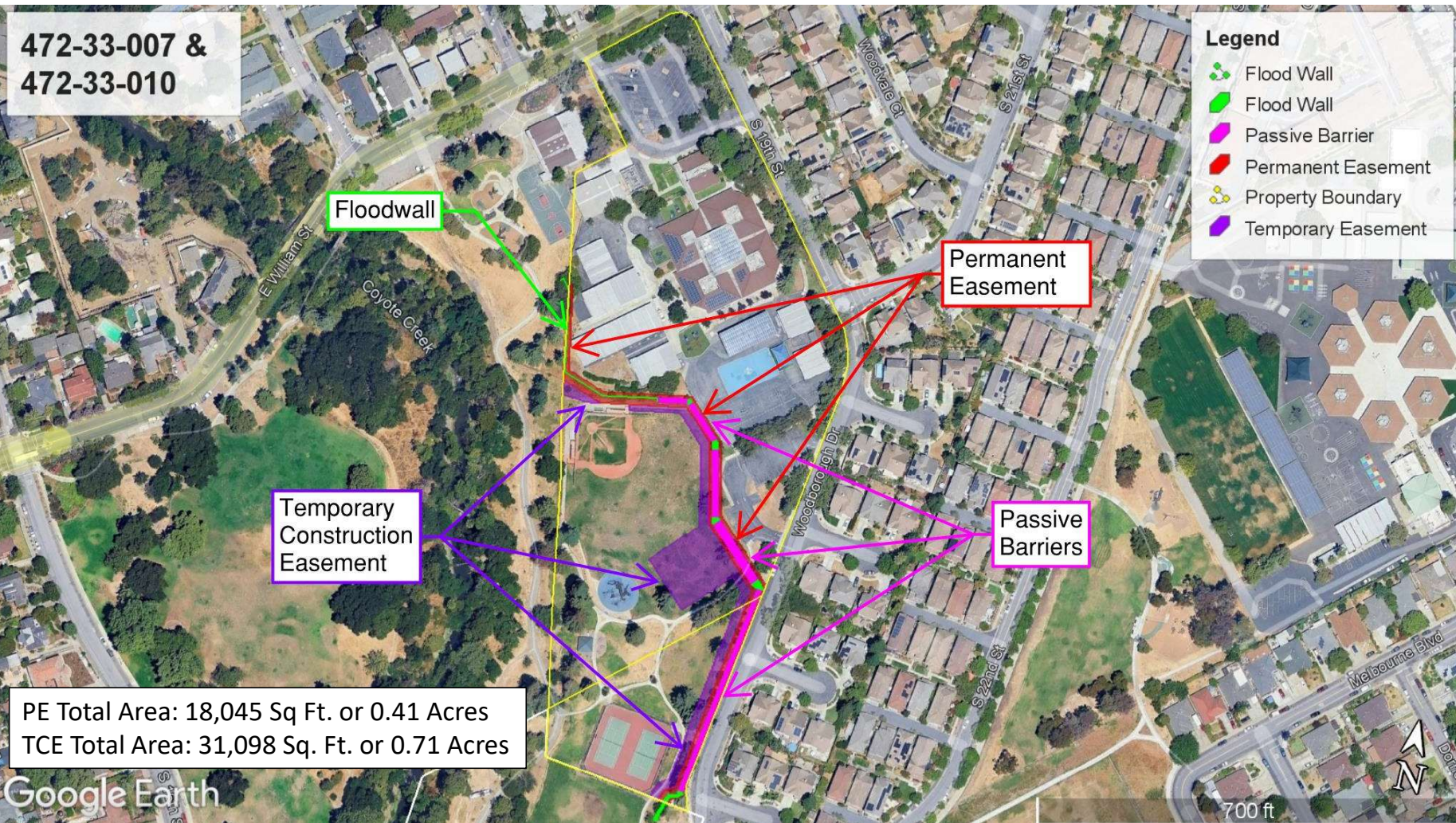
San Jose Unified School District Property Location

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San Jose Unified School District Property Exhibit

472-33-007 &
472-33-010



CCFPP on San Jose Unified School District Property

Proposed Finding: The use of the Property Interests for the Project will not unreasonably interfere with or impair any public use as it now exists or may reasonably be expected to exist in the future and, therefore, is compatible with any other public uses, the property is sought to be acquired pursuant to Code of Civil Procedure Section 1240.510;

To the extent they are not compatible, the use for which the property is sought to be taken is a more necessary public use than the use to which the property is appropriated and accordingly the property is sought to be acquired pursuant to California Code of Civil Procedure Section 1240.610.

- Area will be returned to its existing use
- The project design maintains access and minimize impacts to existing recreation facilities.
- To the extent incompatible, the use of the property to provide flood protection is a more necessary public use.

Gov. Code Section 7267.2(a) Offer

Proposed Finding: The Offer of Just Compensation as Required by Section 7267.2(a) of the Gov. Code in an amount not less than the appraised value of the interest to be acquired has been made to the owners of record

- On June 16, 2025, the District sent a final written offer to the Owner(s) via certified mail for the Full Amount established as Just Compensation.
- The amount of just compensation was not less than fair market value established by an approved appraisal

San Jose Unified School District Property - Acquisition Chronology

DATE	DISCRIPTION OF ACTIVITIES
March/April/May 2024	Online Meeting (3/13/24); Online Meeting (4/18/24); In-person Meeting (5/1/24) to discuss the Project
October 2, 2024	In-person meeting between VW staff and SJUSD to discuss the Project
November 4, 2024	Notice of Decision to Appraise Letter mailed to SJUSD*
June 16, 2025	Offer package mailed to SJUSD Certified Mail Receipt confirmed that the packet was delivered on June 18, 2025*
August 11, 2025	SJUSD replied to June 29 th VW email stating VW should expect a written response to the offer by August 15, 2025
August 18, 2025	SJUSD notified VW by email that they will be obtaining their own appraisal
August 21, 2025	SJUSD replied by email with an amended version of our Right of Way Agreement
September 3, 2025	VW left a phone message for SJUSD to discuss VW comments on amended Right of Way Agreement
September 11, 2025	Notice letter for RON hearing sent via USPS certified mail
September 16, 2025	VW sent email requesting SJUSD respond to September 3 rd phone message
September 24, 2025	Received a letter from SJUSD informing that they will appear in-person at the October 14, 2025 Valley Water Board Meeting
October 1, 2025	VW sent letter to SJUSD confirming the RON Hearing date and providing a hyperlink to related materials
October 13, 2025	Interim CEO emailed SJUSD that October 14, 2025, RON Hearing agenda item would be deferred to a future Board meeting
October 14, 2025	Board defers RON Hearing to November 25, 2025, public meeting
October 27, 2025	VW provided comments to SJUSD regarding the August 21 st draft document emailed to VW
October 30, 2025	VW Staff and counsel met electronically with owner representatives and their counsel to discuss draft document
October 31, 2025	Notice letter for Deferred RON hearing sent via USPS certified mail
November 10, 2025	VW Emailed amended ROW Agreement to SJUSD with acceptable terms
November 13, 2025	VW Staff and counsel met electronically with SJUSD and their counsel to discuss draft ROW Agreement
December 17, 2025	VW emailed proposed terms to ROW Agreement to address critical issues
December 18, 2025	In-person meeting with staff and counsel to discuss the issues that have been identified as critical by SJUSD
January 5, 2026	SJUSD emailed revised agreement to Valley Water
January 9, 2026	In- person meeting with staff and counsel to discuss the issues that have been identified as critical by SJUSD

Discussion and Decision

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- This completes the Valley Water's presentation regarding acquisition of the San Jose Unified School District's Properties.
- After the Board receives comments from the property owner and public, staff is ready to answer questions.

Close the Public Hearing

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- After receiving comments/questions from the Owner and/or public, the Public Hearing can be closed.



Valley Water

Clean Water • Healthy Environment • Flood Protection

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