



Clean Water • Healthy Environment • Flood Protection

Files: 4021-354, & 4021-467
Coyote Creek Flood Protection Project

December 16, 2025

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

San Jose Unified School District
Attn: Tracy Morrison
Director of Construction & Purchasing
855 Lenzen Avenue
San Jose, CA 95126-2736

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 interests 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 Exhibits A & B ("Property").

Notice is further given that the Board is scheduled to meet to consider adoption of the Resolution of Necessity at its **January 27, 2026**, 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;



San Jose Unified School District
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5. Whether the use of the Property for the Project will not unreasonably interfere with or impair known, existing public uses and, therefore, is compatible with any other public uses pursuant to Code of Civil Procedure Section 1240.510;
6. Whether Valley Water has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property; and
7. Whether Valley Water has complied with the requirements of the California Environmental Quality Act 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.

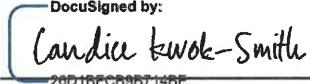
Failure to file such written request within the time specified constitutes a waiver of the right to appear and be heard.

**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

DocuSigned by:
By: 
Candice Kwok-Smith
Clerk, Board of Directors

By Certified Mail: 9589 0710 5270 1614 8779 86

Enclosures: Exhibits A & B

Date Mailed: December 16, 2025

Notice of Intention to Appear must be filed on or before: December 31, 2025

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

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

TEMPORARY CONSTRUCTION EASEMENT, File No. 4021-354

A temporary construction easement 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 described below.

This temporary construction easement is granted under the express conditions listed below:

1. Grantor represents and warrants that it is the owner of the property described as the Easement Area and that Grantor has the exclusive right to convey the Easement to the Grantee.
2. This Easement is necessary for the purpose of constructing the Coyote Creek Flood Protection Project and related activities incident to construction. The Easement shall not be revoked and shall continue in full force and effect beginning on January 1, 2026, until June 30, 2029, at which time the temporary construction easement shall terminate.
3. Grantor and Grantee acknowledge that the duration of the construction activity authorized herein within the Easement Area will likely be shorter than the term described in Section 2. Grantee agrees to notify Grantor in writing at least 1 week prior to exercising the rights granted herein to enter the Easement Area. The written notification to the Grantor shall include an estimate of the expected duration of the Grantee's contractors and/or subcontractors use of the Easement Area.
4. Grantee agrees to use all reasonable efforts to keep any roadway covered by this easement open to traffic and to not interfere with Grantor utility operations or construction activity of Grantor on site. Grantee will keep Easement Area clean and remove all debris related to its construction.
5. Grantee agrees to indemnify and hold harmless Grantor from and against any and all claims, damages, liabilities, costs or any expenses whatsoever, arising from or caused, directly or indirectly by the entry onto the property by Grantee or its agent's, employees, invitees, contractors and subcontractors.
6. The provisions of this Easement shall inure to the benefit of, and bind, the successors and assigns, heirs, and devisees of the respective parties.

Santa Clara Valley Water District
San Jose, Ca 95118

PROJECT: COYOTE CREEK FLOOD
PROTECTION PROJECT (CCFPP)

RESU FILE NO.: 4021-354
BY: B. Bains

An easement over that certain real property situate in the City of San Jose, County of Santa Clara, State of California, being a portion of the lands described in that certain Deed recorded as Document number 4747916, filed on April 22, 1974, in the Office of the Recorder, County of Santa Clara, State of California, more particularly described as follows:

Temporary Construction Easement (T.C.E.)

PARCEL A

COMMENCING at the southeasterly corner of the lands shown on that certain Amended Record of Survey filed in Book 343 of Maps at Page 56, on August 2, 1974, in the Office of the Recorder, County of Santa Clara, State of California;

Thence along the southerly line of said lands, N80°10'50"W, 83.19 feet, to the **POINT OF BEGINNING**;

Thence along said southerly line, N80° 10' 50"W, 15.20 feet;

Thence leaving said southerly line, the following eighteen (18) courses:

- 1) N19°00'42"E, 27.39 feet;
- 2) N62°29'42"E, 18.88 feet;
- 3) N09°49'10"E, 331.51 feet;
- 4) N44°30'50"W, 28.84 feet;
- 5) S45°29'10"W, 100.00 feet;
- 6) N44°30'50"W, 100.00 feet;
- 7) N45°29'10"E, 100.00 feet;
- 8) N11°06'46"W, 133.01 feet;
- 9) N44°17'02"W, 62.83 feet;
- 10) S81°16'02"W, 83.27 feet;
- 11) N07°59'34"W, 10.00 feet, to **POINT A**;
- 12) N81°16'02"E, 94.43 feet;
- 13) S44°17'02"E, 68.87 feet;
- 14) S11°06'46"E, 132.98 feet;
- 15) S44°30'50"E, 132.04 feet;
- 16) S09°49'10"W, 346.64 feet;

- 17) S62°29'42"W, 20.32 feet;
- 18) S19°00'42"W, 18.99 feet, to the **POINT OF BEGINNING**;

Containing 21,557 square feet of land, more or less.

PARCEL B

COMMENCING at said **POINT A**;

Thence, S81°16'02"W, 48.15 feet, to the **POINT OF BEGINNING**;

Thence the following two (2) courses:

- 1) S82°25'00"W, 21.42 feet;
- 2) N85°00'14"W, 40.93 feet, to a point on the westerly line of lands shown on that certain Amended Record of Survey filed in Book 343 of Maps at Page 56, on August 2, 1974, in the Office of the Recorder, County of Santa Clara, State of California;

Thence along said westerly line, N08°42'37"W, 23.74 feet, to **POINT B**;

Thence leaving said westerly line, S69°44'47"E, 69.92 feet, to the **POINT OF BEGINNING**;

Containing 822 square feet of land, more or less.

PARCEL C

COMMENCING at said **POINT B**, said point being on the westerly line of the lands shown on that certain amended Record of Survey filed in Book 343 of Maps at Page 56, on August 2, 1974, in the Office of the Recorder, County of Santa Clara, State of California;

Thence along said westerly line, N08°42'37"W, 161.73 feet, to the **POINT OF BEGINNING**;

Thence continuing along said westerly line, N08°42'37"W, 29.44 feet;

Thence leaving said westerly line, the following seventeen (17) courses:

- 1) S39°20'34"E, 27.44 feet;
- 2) S08°31'09"E, 123.61 feet;
- 3) S40°35'11"E, 7.95 feet;
- 4) S09°51'38"W, 13.38 feet;
- 5) S69°44'47"E, 62.72 feet;
- 6) N81°16'02"E, 153.45 feet;
- 7) S44°17'02"E, 97.80 feet;
- 8) S11°06'46"E, 118.32 feet;
- 9) S44°30'50"E, 119.31 feet;
- 10) S09°49'10"W, 18.46 feet;
- 11) N44°30'50"W, 134.57 feet;

- 12) N11°06'46"W, 118.36 feet;
- 13) N44°17'02"W, 91.77 feet;
- 14) S81°16'02"W, 144.73 feet;
- 15) N69°44'47"W, 68.93 feet;
- 16) N08°42'37"W, 123.49;
- 17) N39°20'34"W, 10.81 feet, to the **POINT OF BEGINNING**;

Containing 8,719 square feet of land, more or less.

BASIS OF BEARINGS:

The bearing of N80° 10' 50"W, shown as N81°15'09"W along the southerly line of the lands shown on that certain Amended Record of Survey filed in Book 343 Maps of Page at 56, on August 2, 1974, in the Office of the Recorder, County of Santa Clara, State of California, was used as Basis of Bearings shown hereon.

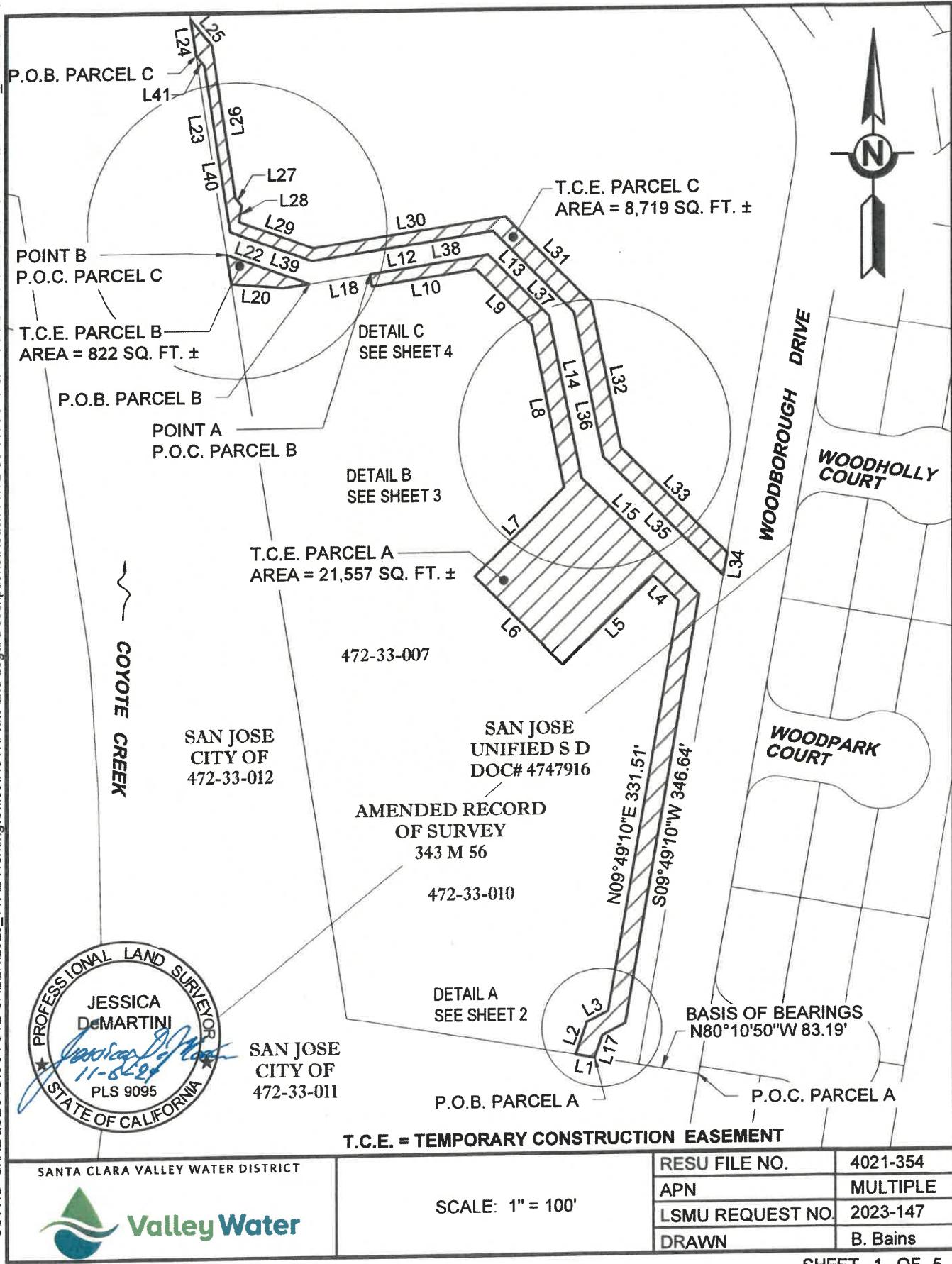
SURVEYOR'S STATEMENT:

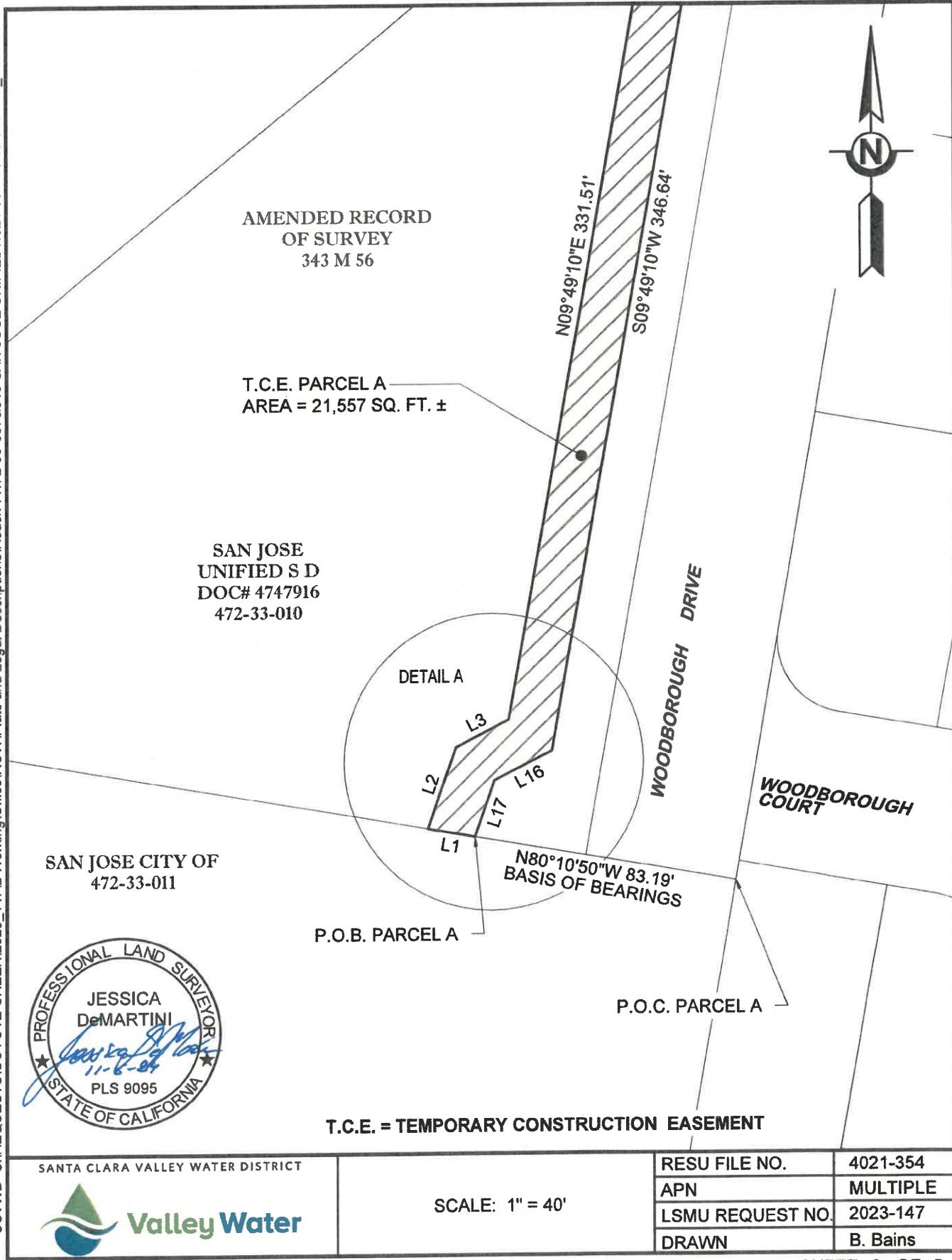
The description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

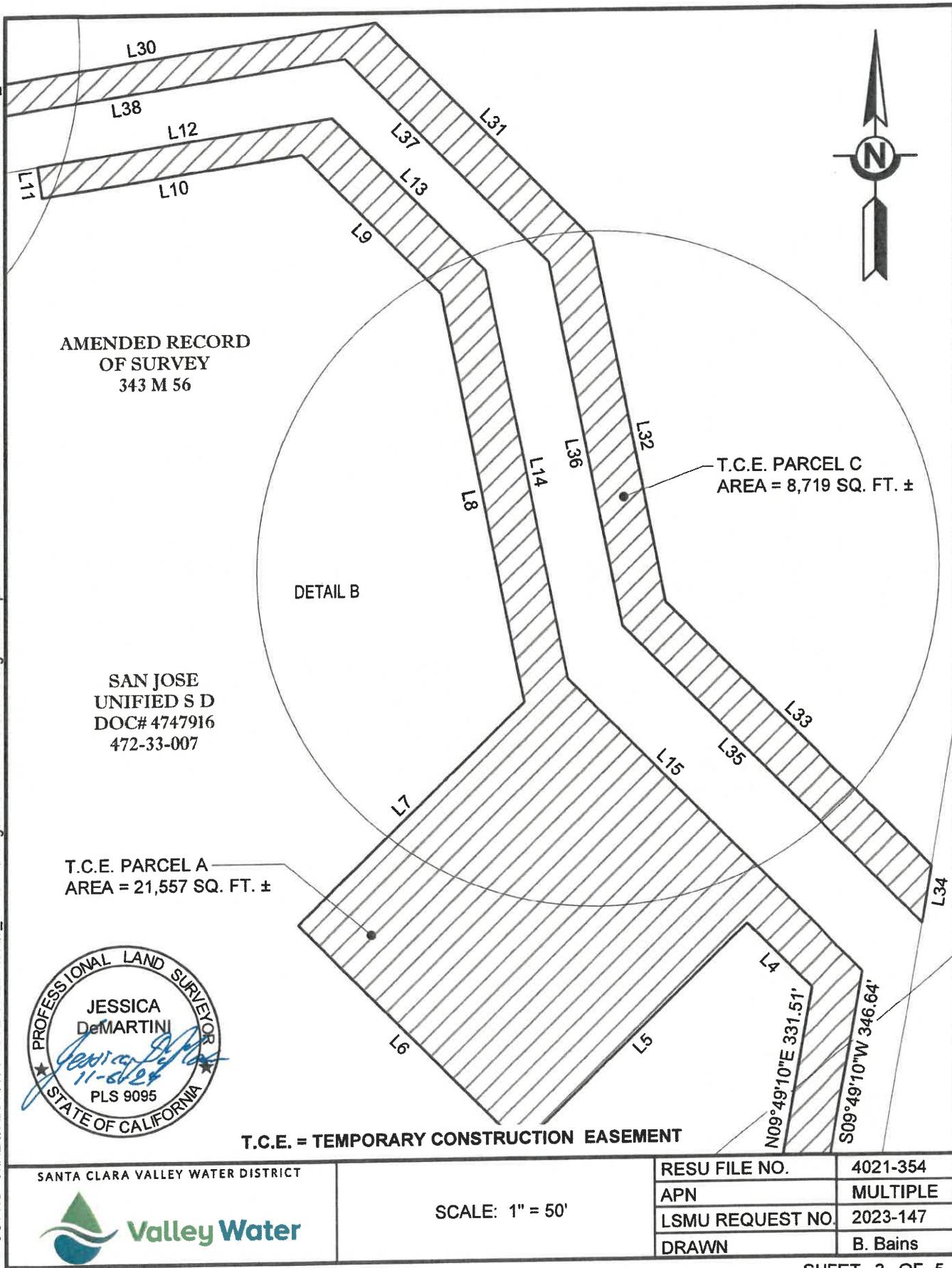
Jessica Del Martin
Jessica Del Martin, PLS 9095

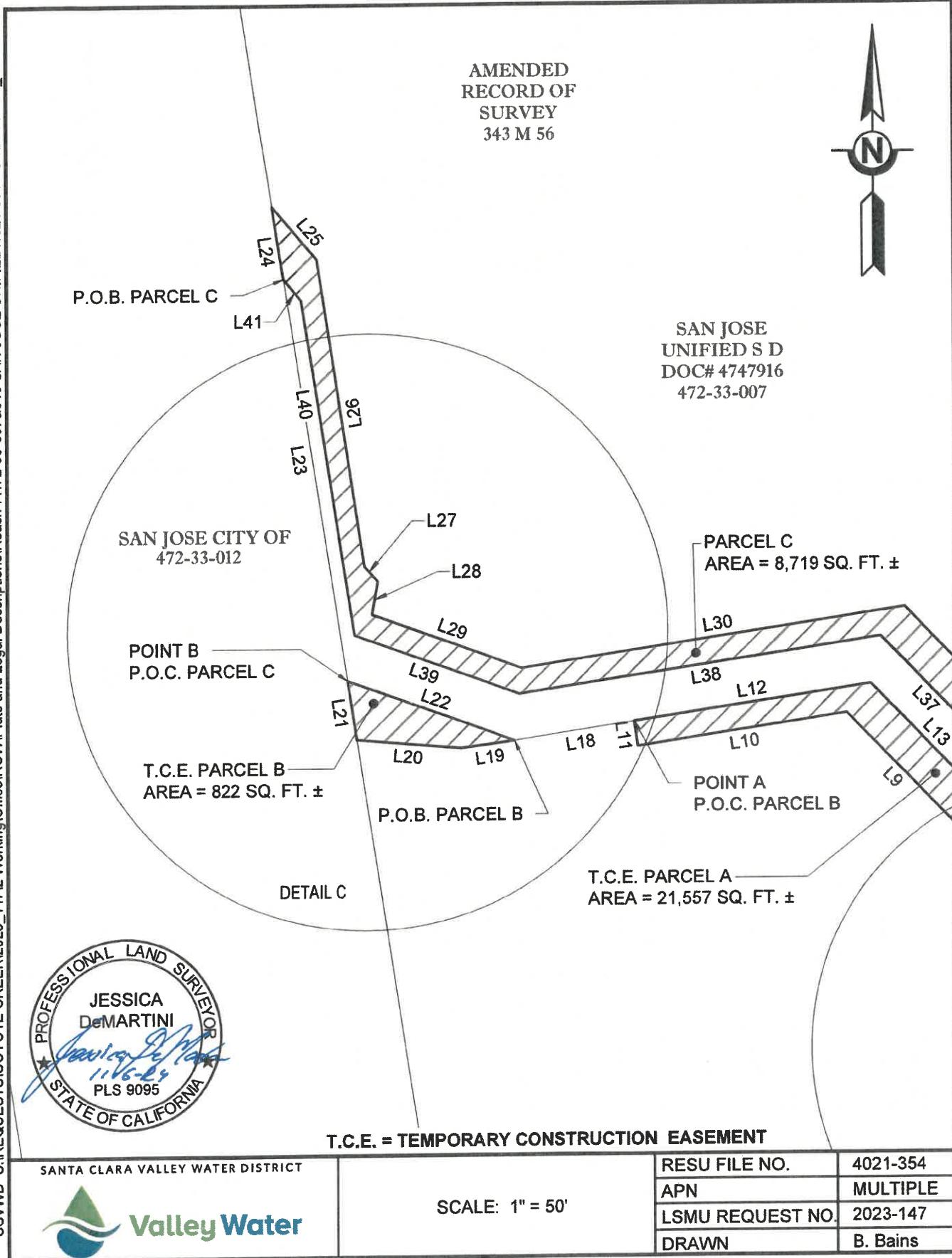
11/6/24
Date











Line Table		
Line #	Bearings	Distance
L1	N80°10'50"W	15.20'
L2	N19°00'42"E	27.39'
L3	N62°29'42"E	18.88'
L4	N44°30'50"W	28.84'
L5	S45°29'10"W	100.00'
L6	N44°30'50"W	100.00'
L7	N45°29'10"E	100.00'
L8	N11°06'46"W	133.01'
L9	N44°17'02"W	62.83'
L10	S81°16'02"W	83.27'
L11	N07°59'34"W	10.00'
L12	N81°16'02"E	94.43'
L13	S44°17'02"E	68.87'
L14	S11°06'46"E	132.98'
L15	S44°30'50"E	132.04'
L16	S62°29'42"W	20.32'
L17	S19°00'42"W	18.99'
L18	S81°16'02"W	48.15'
L19	S82°25'00"W	21.42'
L20	N85°00'14"W	40.93'
L21	N08°42'37"W	23.74'
L22	S69°44'47"E	69.92'
L23	N08°42'37"W	161.73'

Line Table		
Line #	Bearings	Distance
L24	N08°42'37"W	29.44'
L25	S39°20'34"E	27.44'
L26	S08°31'09"E	123.61'
L27	S40°35'11"E	7.95'
L28	S09°51'38"W	13.38'
L29	S69°44'47"E	62.72'
L30	N81°16'02"E	153.45'
L31	S44°17'02"E	97.80'
L32	S11°06'46"E	118.32'
L33	S44°30'50"E	119.31'
L34	S09°49'10"W	18.46'
L35	N44°30'50"W	134.57'
L36	N11°06'46"W	118.36'
L37	N44°17'02"W	91.77'
L38	S81°16'02"W	144.73'
L39	N69°44'47"W	68.93'
L40	N08°42'37"W	123.49'
L41	N39°20'34"W	10.81'



SANTA CLARA VALLEY WATER DISTRICT  Valley Water	SCALE: N/A	RESU FILE NO. 4021-354
		APN MULTIPLE
		LSMU REQUEST NO. 2023-147
		DRAWN B. Bains

SHEET 5 OF 5

WATER MANAGEMENT AND/OR STORM WATER DRAINAGE EASEMENT, File No. 4021-467

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.

Santa Clara Valley Water District
San Jose, Ca 95118

PROJECT: COYOTE CREEK FLOOD
PROTECTION PROJECT (CCFPP)

RESU FILE NO.: 4021-467
BY: B. Bains

An easement over that certain real property situate in the City of San Jose, County of Santa Clara, State of California, being a portion of the lands described in that certain Deed recorded as Document number 4747916, filed on April 22, 1974 in the Office of the Recorder, County of Santa Clara, State of California, more particularly described as follows:

Permanent Easement (P.E.)

COMMENCING at the southeasterly corner of the lands shown on that certain Amended Record of Survey filed in Book 343 of Maps at Page 56, on August 2, 1974, in the Office of the Recorder, County of Santa Clara, State of California;

Thence along the southerly line of said lands, N80°10'50"W, 64.64 feet, to the **POINT OF BEGINNING**;

Thence along said southerly line, N80° 10' 50"W, 18.55 feet;

Thence leaving said southerly line, the following eight (8) courses:

- 1) N19°00'42"E, 18.99 feet;
- 2) N62°29'42"E, 20.32 feet;
- 3) N09°49'10"E, 346.64 feet;
- 4) N44°30'50"W, 132.04 feet;
- 5) N11°06'46"W, 132.98 feet;
- 6) N44°17'02"W, 68.87 feet;
- 7) S81°16'02"W, 142.58 feet;
- 8) N69°44'47"W, 69.92 feet, to a point on the westerly line of said lands;

Thence along said westerly line, N08°42'37"W, 161.73 feet;

Thence leaving said westerly line, the following ten (10) courses:

- 1) S39°20'34"E, 10.81 feet;
- 2) S08°42'37"E, 134.90 feet;
- 3) S69°44'47"E, 68.93 feet;
- 4) N81°16'02"E, 144.73 feet;
- 5) S44°17'02"E, 91.77 feet;
- 6) S11°04'43"E, 118.25 feet;

- 7) S44°30'49"E, 134.57 feet;
- 8) S09°49'10"W, 377.37 feet;
- 9) S72°45'19"W, 16.73 feet;
- 10) S19°00'42"W, 10.92 feet to the **POINT OF BEGINNING**;

Containing 18,045 square feet of land, more or less.

BASIS OF BEARINGS:

The bearing of N80° 10' 50"W, shown as N81°15'09"W along the southerly line of the lands shown certain amended Record of Survey filed in Book 343 Maps Page 56, on August 2, 1974, in the Office of the Recorder, County of Santa Clara, State of California, was used as Basis of Bearings shown hereon.

SURVEYOR'S STATEMENT:

The description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

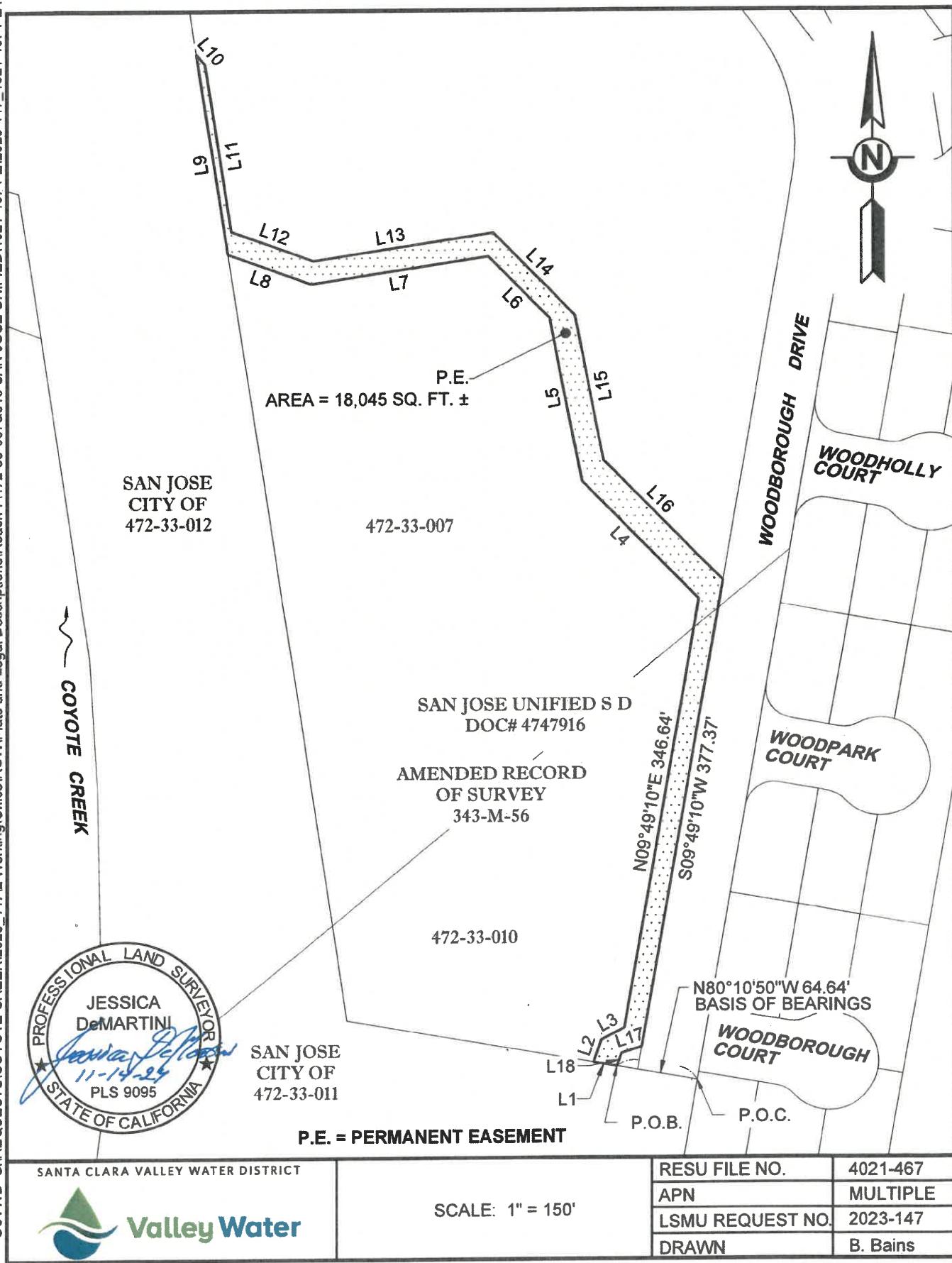


Jessica DeMartini, PLS 9095

11/14/24

Date





Line Table		
Line #	Bearings	Distance
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L2	N19°00'42"E	18.99'
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L13	N81°16'02"E	144.73'
L14	S44°17'02"E	91.77'
L15	S11°04'43"E	118.25'
L16	S44°30'49"E	134.57'
L17	S72°45'19"W	16.73'
L18	S19°00'42"W	10.92'



SANTA CLARA VALLEY WATER DISTRICT  Valley Water	SCALE: N/A	RESU FILE NO. 4021-467
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SHEET 2 OF 2