

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

RESOLUTION NO. 2025-

**DETERMINING AND DECLARING THE PUBLIC NECESSITY FOR THE ACQUISITION OF
CERTAIN REAL PROPERTY OR INTERESTS IN REAL PROPERTY BY EMINENT DOMAIN
FOR THE COYOTE CREEK FLOOD PROTECTION PROJECT (PROJECT NO. 26174043)
(CODE OF CIVIL PROCEDURE SECTIONS 1245.220, et seq.)**

WHEREAS, the Santa Clara Valley Water District ("Valley Water") intends to complete the Coyote Creek Flood Protection Project ("Project") to implement flood improvements along approximately 9 miles of Coyote Creek between Montague Expressway and Tully Road; and

WHEREAS, the Project's primary objective is to provide protection to areas of Coyote Creek from floods up to the level that occurred on February 21, 2017, equivalent to approximately a 5% flood (also referred to as a 20-year event); and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code §§ 21000 et seq.), Valley Water certified the final Environmental Impact Report ("EIR") for the Project on March 11, 2025; and

WHEREAS, Valley Water is authorized to condemn property for the Project pursuant to Article I, Section 19 of the California Constitution; Part 3, Title 7 of the California Code of Civil Procedure; Section 6 of the Santa Clara Valley Water District Act, and other provisions and principles of law; and

WHEREAS, the property interests to be acquired for the Project are described and shown in more detail in the plat map and legal description attached hereto as Exhibits A and B incorporated herein (collectively, the "Property Interests"); and

WHEREAS, the Project cannot be completed without the Property Interests, and acquisition of the Property Interests is accordingly necessary and in the public interest; and

WHEREAS, Valley Water made an offer to purchase the Property Interests from the owner of record on August 11, 2025, based on a current appraisal and in compliance with California Government Code Section 7267.2 and the owner has not responded to such offer; and

WHEREAS, on November 7, 2025, Valley Water provided by certified mail to all persons whose names appear on the last equalized county assessment roll as having an interest in the Property Interests a notice that Valley Water's Board of Directors would hold a hearing on December 9, 2025, to consider the adoption of a resolution of necessity authorizing Valley Water to acquire the Property Interests by eminent domain; and

WHEREAS, Valley Water's notice of intent letter advised all such interested persons of the time and place for the hearing, their right to be heard in relation to that matter, and that their failure to file a written request to appear and be heard at the hearing by November 22, 2025, would result in a waiver of their right to be heard; and

WHEREAS, Valley Water has calendared consideration of this Resolution as an item on its Agenda and invited public comment prior to the meeting; and

WHEREAS, Valley Water's Board of Directors held a public hearing on December 9, 2025, to consider the adoption of this Resolution, and all interested parties were given an opportunity to be heard.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Santa Clara Valley Water District finds, determines, and hereby declares:

1. The public interest and necessity require the Project;
2. The Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;
3. The Property Interests described herein in plat maps and legal descriptions attached hereto as Exhibits A and B are necessary for the Project;
4. Valley Water made the offer required by California Government Code Section 7267.2 to the owners of record;
5. Valley Water has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property Interests;
6. Valley Water has complied with the requirements of CEQA for the Project; and
7. Valley Water's Office of the District Counsel and/or its designee is hereby authorized to commence and prosecute an eminent domain proceeding to acquire the Property Interests, to deposit the amount of probable compensation pursuant to Code of Civil Procedure Section 1255.010, and to acquire prejudgment possession of the Property Interests as may be necessary for the Project.

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District on the following, two thirds majority vote, on December 9, 2025.

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

TONY ESTREMER
Chair, Board of Directors

ATTEST

CANDICE KWOK-SMITH
Clerk, Board of Directors

EXHIBIT A COVERSHEET

PLAT MAP AND LEGAL DESCRIPTION PERMANENT EASEMENT, FILE NO. 4021-347

No. of Pages: 5

Exhibit Attachments: None

Exhibit A

WATER MANAGEMENT AND/OR STORM WATER DRAINAGE EASEMENT, File No. 4021-347

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.: 4021-347
BY: H. Zaeri

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 as described in that certain Deed recorded as Document Number 24357843 filed on December 13, 2019, in the Office of the Recorder, County of Santa Clara, State of California, more particularly described as follows:

Permanent Easement (P.E.)

COMMENCING at a ¾" IRON PIPE, RCE 11247 set on the most northwesterly corner of the lands shown on that certain Tract Map NO. 7361, filed in Book 513 of Maps Page 64, on June 16, 1983, in the Office of the Recorder, Santa Clara County, State of California;

Thence along the general northerly line of said Tract, S71°44'10"E, 8.95 feet, to the most southwesterly corner of the lands as described in that certain Deed recorded as Document number 24357843 filed on December 13, 2019, in the Office of the Recorder, County of Santa Clara, State of California;

Thence along the general westerly line of said lands as described in said Deed, the following two (2) courses:

- 1) N04°48'26"W, 344.52 feet;
- 2) N03°22'50"E, 84.71 feet, to the **POINT OF BEGINNING**;

Thence continuing along said general westerly line, N03°22'50"E, 18.68 feet;

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

- 1) N78° 24' 10"E, 52.12 feet;
- 2) S39° 21' 42"E, 45.37 feet;
- 3) N54° 03' 57"E, 53.72 feet;
- 4) S39° 41' 37"E, 24.49 feet;
- 5) S50° 18' 23"W, 8.82 feet;
- 6) N79° 30' 57"W, 16.28 feet;
- 7) S50° 20' 01"W, 47.43 feet;
- 8) N39° 23' 01"W, 54.58 feet;
- 9) S81° 19' 42"W, 33.60 feet;

10) S49° 50' 51"W, 16.90 feet to the **POINT OF BEGINNING**.

Containing 2,241 square feet of land, more or less.

BASIS OF BEARINGS:

The bearing of N04° 48' 26"W, described as N06°11'16"W along the westerly line of the lands described in that certain Deed recorded as Document Number 24357843 filed on December 13, 2019, in the Office of the Recorder, County of Santa Clara, State of California, was used as Basis of Bearings shown hereon.

SURVEYOR'S STATEMENT:

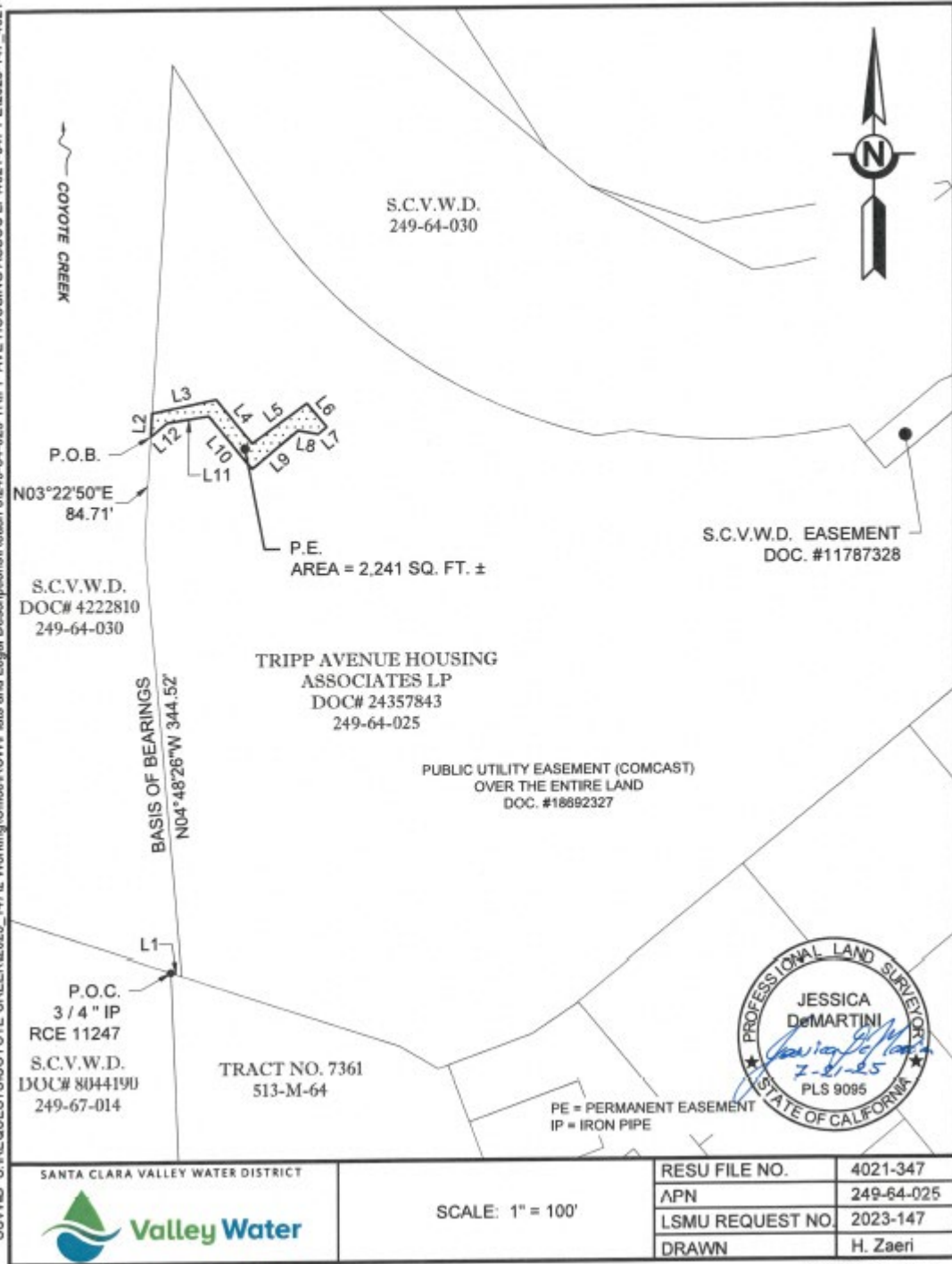
The description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.


Jessica DeMartini, PLS 9095

7/21/25
Date



SCVWD S:\REQUESTS\COYOTE CREEK\2023_147\2 Working\Office\ROW\Plats and Legal Descriptions\Reach 6\249-64-025 TRIPP AVE HOUSING ASSOC LP\4021-347 PE\2023-147_4021-347 PE Rev1





Line Table		
Line #	Bearings	Distance
L1	S71°44'10"E	8.95'
L2	N03°22'50"E	18.68'
L3	N78°24'10"E	52.12'
L4	S39°21'42"E	45.37'
L5	N54°03'57"E	53.72'
L6	S39°41'37"E	24.49'
L7	S50°18'23"W	8.82'
L8	N79°30'57"W	16.28'
L9	S50°20'01"W	47.43'
L10	N39°23'01"W	54.58'
L11	S81°19'42"W	33.60'
L12	S49°50'51"W	16.90'



SANTA CLARA VALLEY WATER DISTRICT



Valley Water

SCALE: N/A

RESU FILE NO.	4021-347
APN	249-64-025
LSMU REQUEST NO.	2023-147
DRAWN	H. Zaeri

SHEET 2 OF 2

EXHIBIT B COVERSHEET

PLAT MAP AND LEGAL DESCRIPTION TEMPORARY CONSTRUCTION EASEMENT, FILE NO. 4021-450

No. of Pages: 8

Exhibit Attachments: None

Exhibit B

TEMPORARY CONSTRUCTION EASEMENT, File No. 4021-450

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.: 4021-450
BY: H. Zaeri

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 as described in that certain Deed recorded as Document Number 24357843 filed on December 13, 2019, in the Office of the Recorder, County of Santa Clara, State of California, more particularly described as follows:

PARCEL 1

Temporary Construction Easement (T.C.E.)

COMMENCING at a ¾" IRON PIPE, RCE 11247 set on the most northwesterly corner of the lands as shown on that certain Tract Map NO. 7361 filed in Book 513 of Maps Page 64, on June 16, 1983, in the Office of the Recorder, Santa Clara County, State of California;

Thence along the general northerly line of said Tract, S71°44'10"E, 8.95 feet, to the most southwesterly corner of the lands as described in that certain Deed recorded as Document number 24357843 filed on December 13, 2019, in the Office of the Recorder, County of Santa Clara, State of California;

Thence along the general westerly line of the lands as described in said Deed, the following two (2) courses:

- 1) N04°48'26"W, 344.52 feet;
- 2) N03°22'50"E, 68.77 feet, to the **POINT OF BEGINNING**;

Thence continuing along said general westerly line, N03°22'50"E, 15.94 feet;

Thence leaving said general westerly line, the following fifteen (15) courses:

- 1) N49° 50' 51"E, 16.90 feet;
- 2) N81° 19' 42"E, 33.60 feet;
- 3) S39° 23' 01"E, 54.58 feet;
- 4) N50° 20' 01"E, 47.43 feet;
- 5) S79° 30' 57"E, 16.28 feet;
- 6) N50° 18' 23"E, 8.82 feet;
- 7) N39° 41' 37"W, 24.49 feet;

- 8) S54° 03' 57"W, 53.72 feet;
- 9) N50° 19' 50"E, 62.60 feet;
- 10) S39° 39' 25"E, 35.99 feet;
- 11) S48° 54' 20"W, 97.70 feet;
- 12) N39° 47' 33"W, 78.00 feet;
- 13) S54° 16' 34"W, 24.06 feet;
- 14) S49° 50' 51"W, 6.47 feet;
- 15) N86° 37' 10"W, 5.00 feet to the **POINT OF BEGINNING**.

Containing 3,998 square feet of land, more or less.

PARCEL 2

Temporary Construction Easement (T.C.E.)

COMMENCING at a ¾" IRON PIPE, RCE 11247 set on the most northwesterly corner of the lands as shown on that certain Tract Map NO. 7361 filed in Book 513 of Maps Page 64, on June 16, 1983, in the Office of the Recorder, Santa Clara County, State of California;

Thence along the general northerly line of said Tract, S71°44'10"E, 8.95 feet, to the most southwesterly corner of the lands as described in that certain Deed recorded as Document number 24357843 filed on December 13, 2019, in the Office of the Recorder, County of Santa Clara, State of California;

Thence along the general westerly line of the lands as described in said Deed, the following two (2) courses:

- 1) N04°48'26"W, 344.52 feet;
- 2) N03°22'50"E, 103.39 feet, to the **POINT OF BEGINNING**;

Thence continuing along said general westerly line, N03°22'50"E, 39.92 feet;

Thence leaving said general westerly line, the following four (4) courses:

- 1) S86° 08' 03"E, 11.86 feet;
- 2) S63° 12' 07"E, 25.66 feet;
- 3) S39° 22' 41"E, 22.14 feet;
- 4) S78° 24' 10"W, 52.12 feet to the **POINT OF BEGINNING**.

Containing 1,273 square feet of land, more or less.

PARCEL 3

Temporary Ingress & Egress Easement

COMMENCING at a ¾" IRON PIPE, RCE 11247 set on the most northwesterly corner of the lands as shown on that certain Tract Map NO. 7361 filed in Book 513 of Maps Page 64, on June 16, 1983, in the Office of the Recorder, Santa Clara County, State of California;

Thence along the general northerly line of said Tract, S71°44'10"E, 8.95 feet, to the most southwesterly corner of the lands as described in that certain Deed recorded as Document number 24357843 filed on December 13, 2019, in the Office of the Recorder, County of Santa Clara, State of California;

Thence along the general westerly line of the lands as described in said Deed, the following two (2) courses:

- 1) N04°48'26"W, 344.52 feet;
- 2) N03°22'50"E, 68.77 feet;

Thence leaving said general westerly line, the following two (2) courses:

- 1) S86° 37' 10"E, 5.00 feet;
- 2) N49° 50' 51"E, 6.47 feet to the **POINT OF BEGINNING**;

Thence the following sixteen (16) courses:

- 1) N54° 16' 34"E, 24.06 feet;
- 2) S39° 47' 33"E, 78.00 feet;
- 3) N48° 54' 20"E, 97.70 feet;
- 4) S39° 39' 25"E, 20.98 feet;
- 5) S48° 54' 20"W, 97.65 feet;
- 6) S39° 47' 33"E, 111.11 feet;
- 7) N50° 36' 33"E, 225.89 feet to the beginning of a curve concave southwesterly, and having a radius of 72.00 feet;
- 8) Southeasterly along said curve thru a central angle of 90°10'23", an arc distance of 113.31 feet;
- 9) S39° 13' 04"E, 67.27 feet;
- 10) N50° 46' 20"E, 108.08 feet;
- 11) S39° 11' 09"E, 22.90 feet;
- 12) S50° 31' 28"W, 132.07 feet;
- 13) N39° 13' 04"W, 90.74 feet to the beginning of a curve concave southwesterly, and having a radius of 48.00 feet;
- 14) Southeasterly along said curve thru a central angle of 90°10'23", an arc distance of 75.54 feet;
- 15) S50° 36' 33"W, 249.72 feet;

16) N39° 47' 33"W, 235.63 feet to the **POINT OF BEGINNING**.

Containing 20,048 square feet of land, more or less.

BASIS OF BEARINGS:

The bearing of N04° 48' 26"W, described as N06°11'16"W along the westerly line of the lands as described in that certain Deed recorded as Document Number 24357843 filed on December 13, 2019, in the Office of the Recorder, County of Santa Clara, State of California, was used as Basis of Bearings shown hereon.

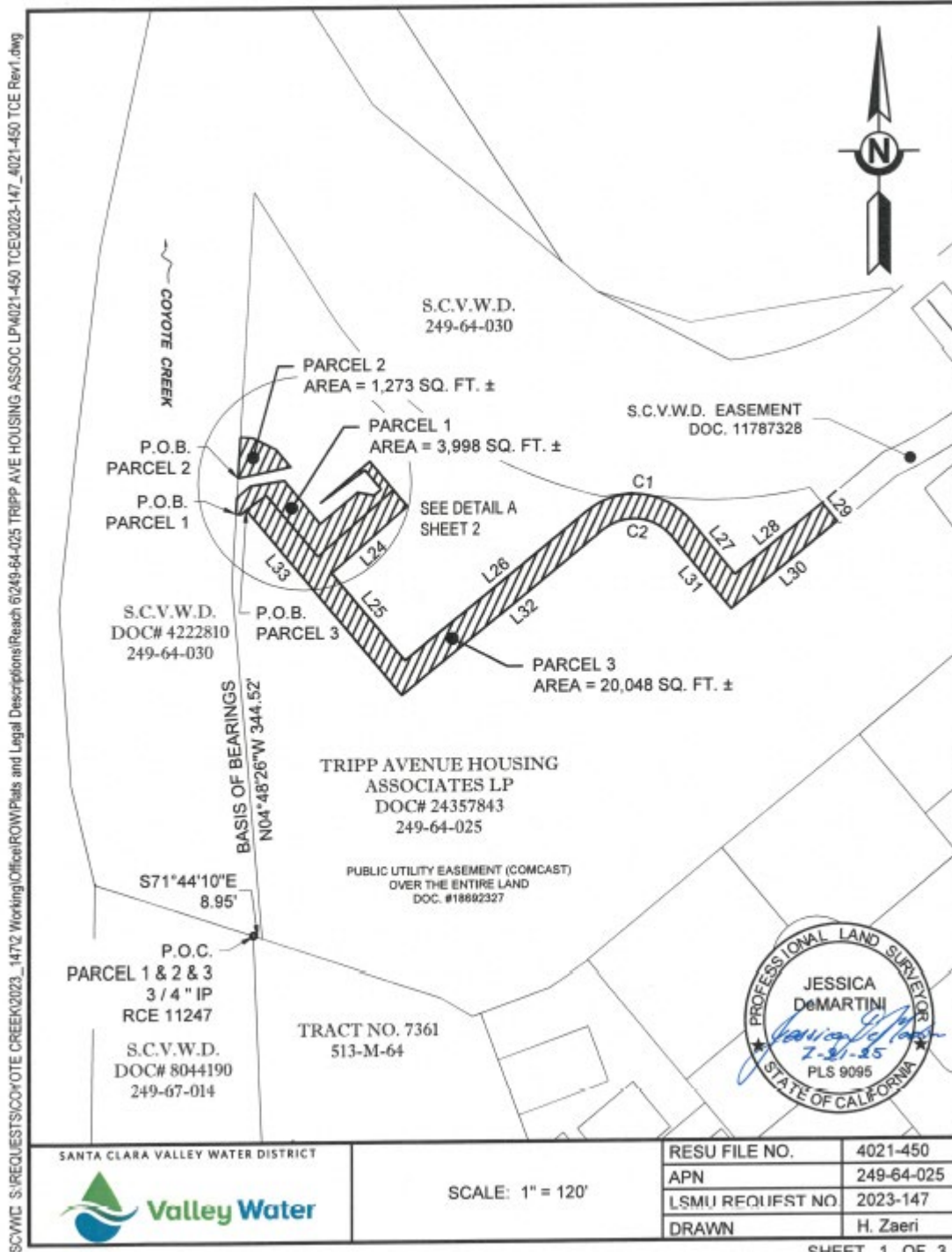
SURVEYOR'S STATEMENT:

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

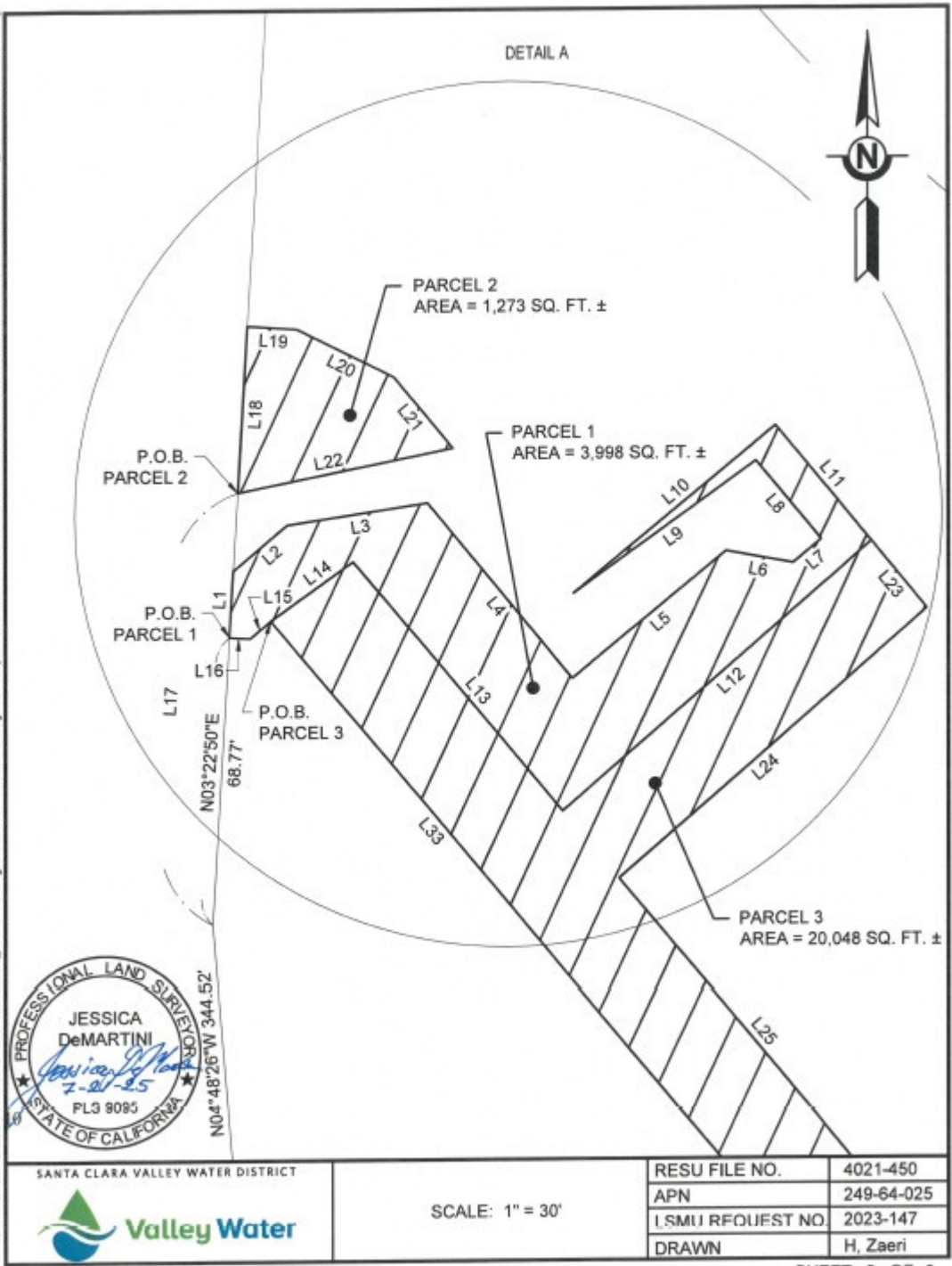

Jessica DeMartini, PLS 9095

7/21/25
Date





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Line Table

Line #	Bearings	Distance
L1	N03°22'50"E	15.94'
L2	N49°50'51"E	16.90'
L3	N81°19'42"E	33.60'
L4	S39°23'01"E	54.58'
L5	N50°20'01"E	47.43'
L6	S79°30'57"E	16.28'
L7	N50°18'23"E	8.82'
L8	N39°41'37"W	24.49'
L9	S54°03'57"W	53.72'
L10	N50°19'50"E	62.60'
L11	S39°39'25"E	35.99'
L12	S48°54'20"W	97.70'
L13	N39°47'33"W	78.00'
L14	S54°16'34"W	24.06'
L15	S49°50'51"W	6.47'
L16	N86°37'10"W	5.00'
L17	N03°22'50"E	103.39'
L18	S03°22'50"W	39.92'
L19	N86°08'03"W	11.86'
L20	N63°12'07"W	25.66'

Line Table

Line #	Bearings	Distance
L21	N39°22'41"W	22.00'
L22	N78°24'10"E	52.12'
L23	S39°39'25"E	20.98'
L24	S48°54'20"W	97.65'
L25	S39°47'33"E	111.11'
L26	N50°36'33"E	225.89'
L27	N39°13'04"W	67.27'
L28	S50°46'20"W	108.08'
L29	N39°11'09"W	22.90'
L30	N50°31'28"E	132.07'
L31	S39°13'04"E	90.74'
L32	S50°36'33"W	249.72'
L33	N39°47'33"W	235.63'



Curve Table

Curve #	Radius	Delta	Length
C1	72.00'	90°10'23"	113.31'
C2	48.00'	90°10'23"	75.54'



SANTA CLARA VALLEY WATER DISTRICT



SCALE: N/A

RESU FILE NO.	4021-450
APN	249-64-025
ISMJ REQUEST NO.	2023-147
DRAWN	H. Zaeri

SHEET 3 OF 3

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