

**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 to be acquired for the Project is described and shown in more detail in the plat map and legal description attached hereto as Exhibit A incorporated herein (the "Property"); and

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

WHEREAS, the use for which Valley Water seeks to take the Property is a more necessary public use than the use to which the Property is currently appropriated, if any, pursuant to California Code of Civil Procedure Section 1240.610; and

WHEREAS, after exercising reasonable diligence, Valley Water was unable to identify or locate the owner of the Property and did not make, and is not required to make, an offer pursuant to California Government Code Section 7267.2; and

WHEREAS, the Property does not appear on the assessor's roll, and due to the inability to identify the owners of the Property, Valley Water was not able to and is not required to mail the Notice of Intention to Adopt a RON pursuant to California Code of Civil Procedure Section 1245.235; 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 October 14, 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 described herein in plat maps and legal descriptions attached hereto as Exhibit A is necessary for the Project;
4. Valley Water did not make the offer pursuant to California Government Code Section 7267.2 because the owner could not be located with reasonable diligence;
5. Due to the Property not appearing on the assessor's roll and an inability to identify the owners of the Property, Valley Water was unable to and is not required to mail the Notice of Intention to Adopt a RON pursuant to California Code of Civil Procedure Section 1245.235;
6. The use for which Valley Water seeks to take the Property is a more necessary public use than the use to which the property is currently appropriated, if any, pursuant to California Code of Civil Procedure Section 1240.610.
7. Valley Water has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property;
8. Valley Water has complied with the requirements of CEQA for the Project; and
9. 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, to deposit the amount of probable compensation pursuant to Code of Civil Procedure Section 1255.010, and to acquire prejudgment possession of the Property 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 October 14, 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 FEE TITLE, FILE NO. 4021-527

No. of Pages: 3

Exhibit Attachments: None

FEE TITLE, File No. 4021-527

Santa Clara Valley Water District
San Jose, California

PROJECT: COYOTE CREEK FLOOD
PROTECTION PROJECT (CCFPP)

RESU File No.: 4021-527
By: A. Ruiz

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, more particularly described as follows:

All that portion of East St. John Street bounded on the north by the southerly boundary of the lands shown as "ASS'M'T LOT NO 248", on the south by the northerly boundary of the lands shown as "ASS'M'T LOT NO 247", on the east by the prolongation of the easterly line of lands shown as "ASS'M'T LOT NO 248" to the northerly line of the lands shown as "ASS'M'T LOT NO 247", and on the west by the prolongation of the westerly line of lands shown as "ASS'M'T LOT NO 248" to the northerly line of the lands shown as "ASS'M'T LOT NO 247", shown on that certain Record of Survey, filed for record on February 4, 1964, in Book 172 of Maps at Page 55, in the Office of the Recorder, County of Santa Clara, State of California.

Containing 8,878 square feet of land, more or less.

BASIS OF BEARINGS:

The bearing of N60°04'14"E, shown as N59°18'30"E along the southerly line of the lands shown as "ASS'M'T LOT NO 248" on that certain Record of Survey, filed for record on February 4, 1964, in Book 172 of Maps at Page 55, 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.

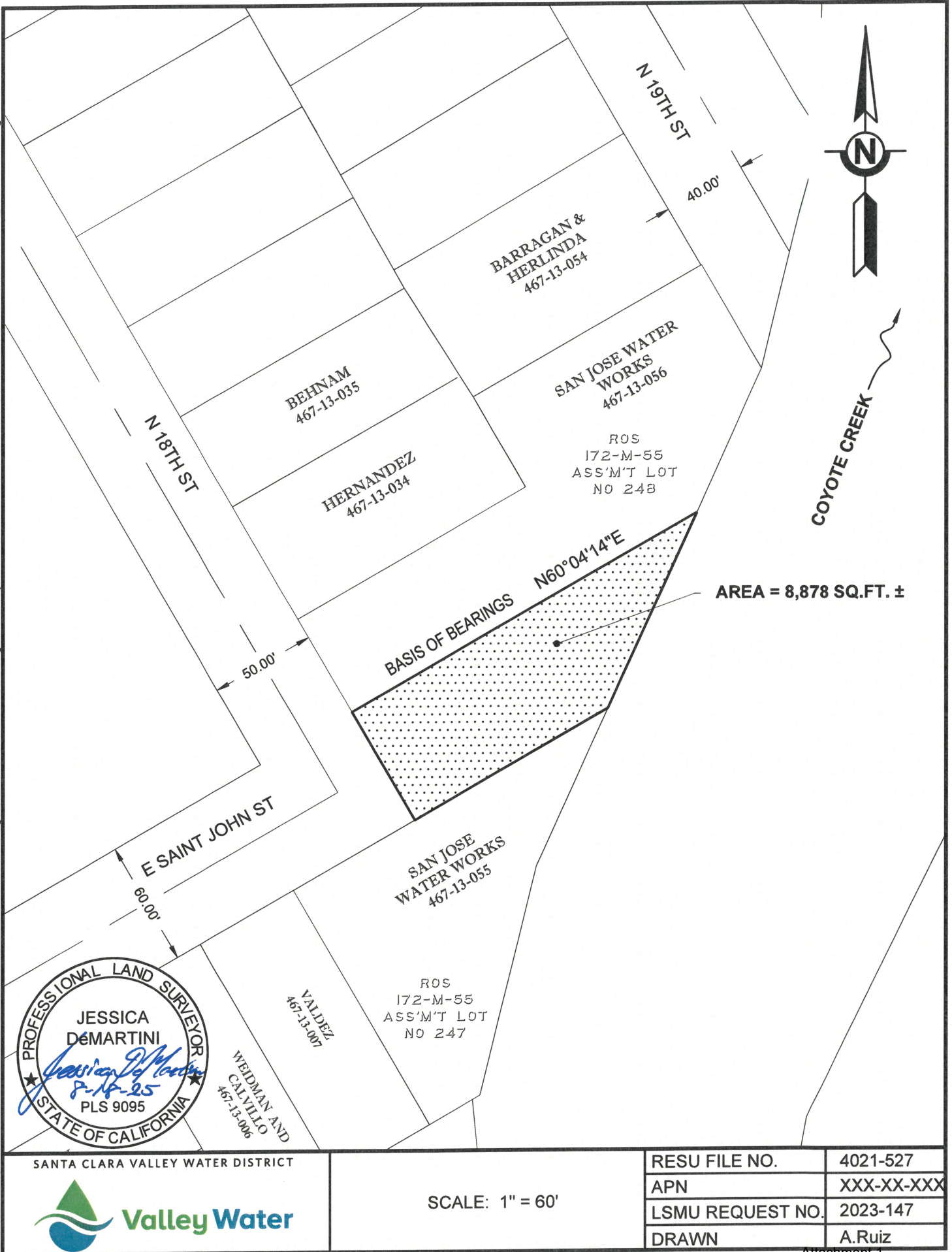


Jessica DeMartini, PLS 9095

8/18/25
Date
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SANTA CLARA VALLEY WATER DISTRICT

