

**From:** Joshua Safran <[jsafran@strategylaw.com](mailto:jsafran@strategylaw.com)>  
**Sent:** Monday, November 24, 2025 8:44 PM  
**To:** Board of Directors <[board@valleywater.org](mailto:board@valleywater.org)>  
**Cc:** Omar El-Qoulaq <[Oelqoulaq@valleywater.org](mailto:Oelqoulaq@valleywater.org)>  
**Subject:** Claimants' Response to Recommendation of Denial; Claim No. L2450025; First Community Housing & Betty Anne Gardens, L.P.

**\*\*\* This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*\***

Dear President and Members of the Board,

Please find attached our letter to you of today's date for your consideration before and at your Board meeting of November 25, 2025.

All the best,

Joshua

**STRATEGY**LAW LLP

**Joshua Safran, Esq.**

One Almaden Boulevard, Suite 700

San Jose, California 95113

Phone: 510.384.7627

Email: [jsafran@strategylaw.com](mailto:jsafran@strategylaw.com)

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# STRATEGY LLP

One Almaden Boulevard, Suite 700 San Jose, CA 95113  
P: (408) 478-4100 F: (408) 295-4100 [www.strategylaw.com](http://www.strategylaw.com)

November 24, 2025

JOSHUA SAFRAN, ESQ.  
[jsafran@strategylaw.com](mailto:jsafran@strategylaw.com)

Board of Directors  
Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, CA 95118-3686

Via Email ([Board@valleywater.org](mailto:Board@valleywater.org))

## **Claimants' Response to Recommendation of Denial; Claim No. L2450025 First Community Housing & Betty Anne Gardens, L.P.**

Dear President and Members of the Board:

Please be advised that our firm is counsel of record for First Community Housing, a California nonprofit corporation (“FCH”), and Betty Anne Gardens, L.P., a California limited partnership (“the LP”) (FCH and the LP being, collectively, the “Claimants”), the owners and operators of the Betty Anne Gardens residential community located at 945 Lundy Avenue, San Jose, which sustained catastrophic flooding damage during the February 13, 2025 Penitencia Creek flood event. We respectfully submit this letter in advance of the November 25, 2025 Board meeting to correct factual misunderstandings underlying staff’s recommendation to deny the Claimants’ Government Code claim.

The letter we received from the Assistant District Counsel, dated November 13, 2025, attached hereto as Exhibit A, recommends denial of the Claimants’ claim based on the remarkable assertion that Valley Water “does not own, control, or maintain the reach of Penitencia Creek adjacent to Betty Anne Gardens.” While this is a strange formulation, we understand the assertion to be that Valley Water does not own, control, or have an obligation to maintain those areas of land whereupon the debris jam formed which caused the Claimants’ damages. This assertion is demonstrably incorrect.

As discussed below: (1) Valley Water holds property interests, including recorded easements, over the exact reach of Penitencia Creek where the debris jam formed; (2) Valley Water has expressly accepted and recorded those easements for flood-control and channel-maintenance purposes; (3) the debris jam that caused the flooding is located on and within those areas, including the subject easement areas; and, (4) Valley Water’s own cameras captured the debris jam in this location in real time. Under these facts, Government Code § 818.6 does not shield the District from liability.

We request that the Board reject the recommendation of denial and instead take appropriate action to resolve the claim, consistent with Valley Water’s legal obligations and its mission to protect residents from avoidable flood hazards.

Claimants' Response to Recommendation of Denial; Claim No. L2450025  
Page 2

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**I. Valley Water Holds Property Interests Including Recorded Flood-Control Easements Covering the Relevant Reaches of Penitencia Creek**

Valley Water has long held property interests, including multiple recorded easements over the stretches of Penitencia Creek upriver of the Betty Anne Gardens parcel, including the precise area where the Debris Jam formed and caused the catastrophic surge and overtopping on February 13, 2025.

Among the subject easements held by Valley Water, we include reference to:

**A. 1979 Flood-Control Easement (Endo Parcels)**

The 1979 easement (Document No. 4032-17) conveys to Valley Water perpetual rights to:

- construct, reconstruct, inspect, maintain and repair a channel, protection works and appurtenant structures;
- remove trees or brush constituting a hazard to persons or property or interfering with the use of said area; and,
- enter upon said land with vehicles, tools, implements whenever and wherever necessary for flood control or storm drainage purposes.

**B. 1983 Flood-Control Easements**

Two 1983 easement deeds (Docs. 4032-36 and 4032-32) likewise grant Valley Water:

- stormwater-drainage and flood-control easements over the same reach of Penitencia Creek and,
- with full rights of access, maintenance, inspection, and vegetation removal.

**C. 2012 Storm Drain Easement**

Claimants' own parcel is also subject to a 2012 recorded Storm Drain Easement granted for drainage and flood-protection purposes, expressly requiring the easement area to be kept clear of obstructions and giving Valley Water associated rights of operation and maintenance. Further, that easement expressly requires that the grantee indemnify, defend and hold the grantor harmless from all costs, losses, claims and liabilities arising out of or in connection with: (a) the physical condition of the easement area; and, (b) grantee's use of the easement area.

This indemnity runs with the land and expressly applies to all successors, including Valley Water, which remains the responsible flood-control entity benefiting from the easement.

Claimants' Response to Recommendation of Denial; Claim No. L2450025  
Page 3

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**D. ALTA Survey Confirms Easement Locations**

Valley Water's property interests, including the subject easements are graphically depicted in a 2025 ALTA/NSPS survey overlay showing property interests adjacent to and crossing Penitencia Creek immediately upstream of the Community.

The above-described easements and survey are attached hereto as Exhibit B.

**II. Valley Water's Own Camera Footage Shows the Debris Jam Forming and Remaining Within District Easement Limits**

The District operates camera site 9015 – Upper Penitencia Creek at King Road, directed precisely at the location of the obstruction. The District's own timestamps show ongoing District presence, equipment, and personnel in direct response to the accumulating debris.

The District's webcam images (February 13, 2025, 09:00 and 13:00 PST) unmistakably show:

- substantial wood, trash, and vegetative debris lodged directly against the fencing and channel bank;
- heavy equipment and District personnel attempting to respond upstream of the Community; and,
- the creek overtopping and flowing forcibly around and over the obstruction.

These images confirm that:

- A. The obstruction was located on land controlled by the District;
- B. District staff responded because they recognized the Debris Jam was within their jurisdiction and duties; and,
- C. Had the obstruction been effectively cleared sooner, the destructive surge that overwhelmed the Community could have been avoided.

The above-described images are attached hereto as Exhibit C.

**III. The Recommended Basis for Denial Is Legally Incorrect**

Government Code §818.6 precludes liability for failure to inspect property not owned or controlled by the public entity. But here, Valley Water *does* own and control the relevant property interests for purposes of flood control, channel maintenance, debris removal, and hazard mitigation.

Claimants' Government Code claim asserts liability under statutory provisions governing dangerous conditions of public property, including: failure to maintain flood-control works;

Claimants' Response to Recommendation of Denial; Claim No. L2450025  
Page 4

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negligent operation of a drainage facility; and, failure to remove hazardous obstructions within District-controlled lands. These failures are not immunized. They are affirmative maintenance and operational duties Valley Water expressly assumed as an incidence of holding property ownership and rights, including those set forth in the recorded easements.

Even if §818.6 were relevant, this claim is not premised on “inspection” failures. It is premised on operational negligence. Namely, the District’s failure to remove a known, dangerous obstruction in its own flood-control area. Indeed, staff and equipment were physically present, indicating active engagement, yet the obstruction remained until it catastrophically failed.

■ ■ ■

As discussed above, the claim denial recommendation is based on an inaccurate premise. That premise is rebutted by: the District’s own property ownership and recorded easement interests; the ALTA survey confirming the location of District property interests and easements relative to the debris jam; the District’s own real-time photos showing the obstruction within the District’s area of control; and Valley Water personnel responding directly to the obstruction.

Given this evidence, we respectfully request the Board:

1. Reject staff’s recommendation to deny the claim;
2. Direct District staff to engage with Claimants to resolve the matter; and
3. Acknowledge Valley Water’s maintenance obligations within its easements to prevent recurrence of such preventable disasters.

Please feel free to contact our office should you require additional information. We look forward to appearing before the Board on November 25 and presenting these facts in further detail.

Very truly yours,

STRATEGY LAW, LLP



Joshua Safran, Esq.

cc: Omar El-Qoulaq, Assistant District Counsel, Santa Clara Valley Water District  
(oelqoulaq@valleywater.org)

# EXHIBIT

## A



November 13, 2025

**Via Certified Mail**  
[jsafran@strategylaw.com](mailto:jsafran@strategylaw.com)

Joshua Safran, Esq.  
Strategy Law, LLP  
One Almaden Boulevard, Suite 700  
San Jose, CA 95113

Re: Claim of Strategy Law, LLP – Claim No. L2450025

Dear Mr. Safran:

On August 13, 2025, Valley Water received your claim submitted on behalf of First Community Housing, a California nonprofit corporation, and Betty Anne Gardens, L.P., a California limited partnership, in which you allege damages to real property, personal property, and persons, proximately caused by Valley Water's tortious acts and omissions.

Your claim has been carefully reviewed pursuant to the California Government Claims Act (Gov. Code §§ 810 et seq.). Under the Act, a public entity is not liable for an injury except as otherwise provided by statute. (Gov. Code § 815, subd. (a)). Further, a public entity is not liable for injury caused by its failure to inspect any property other than its own property. (Gov. Code § 818.6).

Valley Water does not own, control, or maintain the reach of Penitencia Creek adjacent to Betty Anne Gardens. Valley Water requires a right-of-way and cooperative agreement with landowners to access the area and implement flood protection measures or clear debris. Absent such an agreement, the landowner is responsible for maintaining the area or clearing debris from the creek at that location, not Valley Water. Accordingly, Valley Water staff will respectfully request that the Board of Directors deny your claim in its entirety.

This item is scheduled to be heard during the November 25, 2025, Board meeting which begins at 1:00 pm. You have the right to appear before the Board or attend by Zoom to contest our recommendation. In the event of a Board meeting date change, I will provide you with advance notice. You can also monitor the Board meeting schedule and associated agenda items at: <https://scvwd.legistar.com/Calendar.aspx>.

If you have any questions, please contact me at (408) 630-2326.

Sincerely,

Omar El-Qoulaq  
Assistant District Counsel  
Office of the District Counsel



# EXHIBIT

## B

VALLY TITLE COMPANY 170136 CG  
FILE NO.: 254-17-17  
CODE AREA: 57-004

6059543

RECORD WITHOUT FEE UNDER SECTION 6103,  
GOVERNMENT CODE OF THE STATE OF CALIFORNIA  
ON THIS DATE  
JULY 27 1970

DO NOT WRITE ABOVE THIS LINE

Recorded at the request of

Valley Title Company

D 842 PAGE 454

JULY 27 1970 8:00AM

D 842 PAGE 454

GEORGE A. MANN  
REGISTRAR - RECORDER  
Santa Clara County Official Records

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EASEMENT  
DEED

DOCUMENT NO. 4032-17

254-17-17

a single man  
KATSUHIRO ENDO, MITSUHIRO ENDO, and ASAMI ENDO, his wife.....

Grant, convey and dedicate to the SANTA CLARA VALLEY WATER DISTRICT, a public corporation ("District"), an easement for the installation, maintenance, and operation of a streamflow gauge and flood protection works upon, over, and across that certain real property, in the County of Santa Clara, State of California, described as:

Parcel 1:

Beginning at the southeasterly corner of said lands; thence along the general southerly line of said lands S 86°03'00"W 12.34 feet to the true point of beginning; thence continuing along said line S 86°03'00"W 37.56 feet; thence leaving said line N 01°57'00"W 14.79 feet; thence S 78°15'13"E 14.93 feet; thence S 70°22'34"E 6.49 feet; thence N 81°05'00"E 12.68 feet; thence S 30°55'00"E 10.39 feet to the true point of beginning.

Containing 372 square feet or 0.009 acres of land, more or less.

Said easement area shall be kept clear of any type of building, fences, structure, pavement, or trees, unless prior written approval is obtained from District.

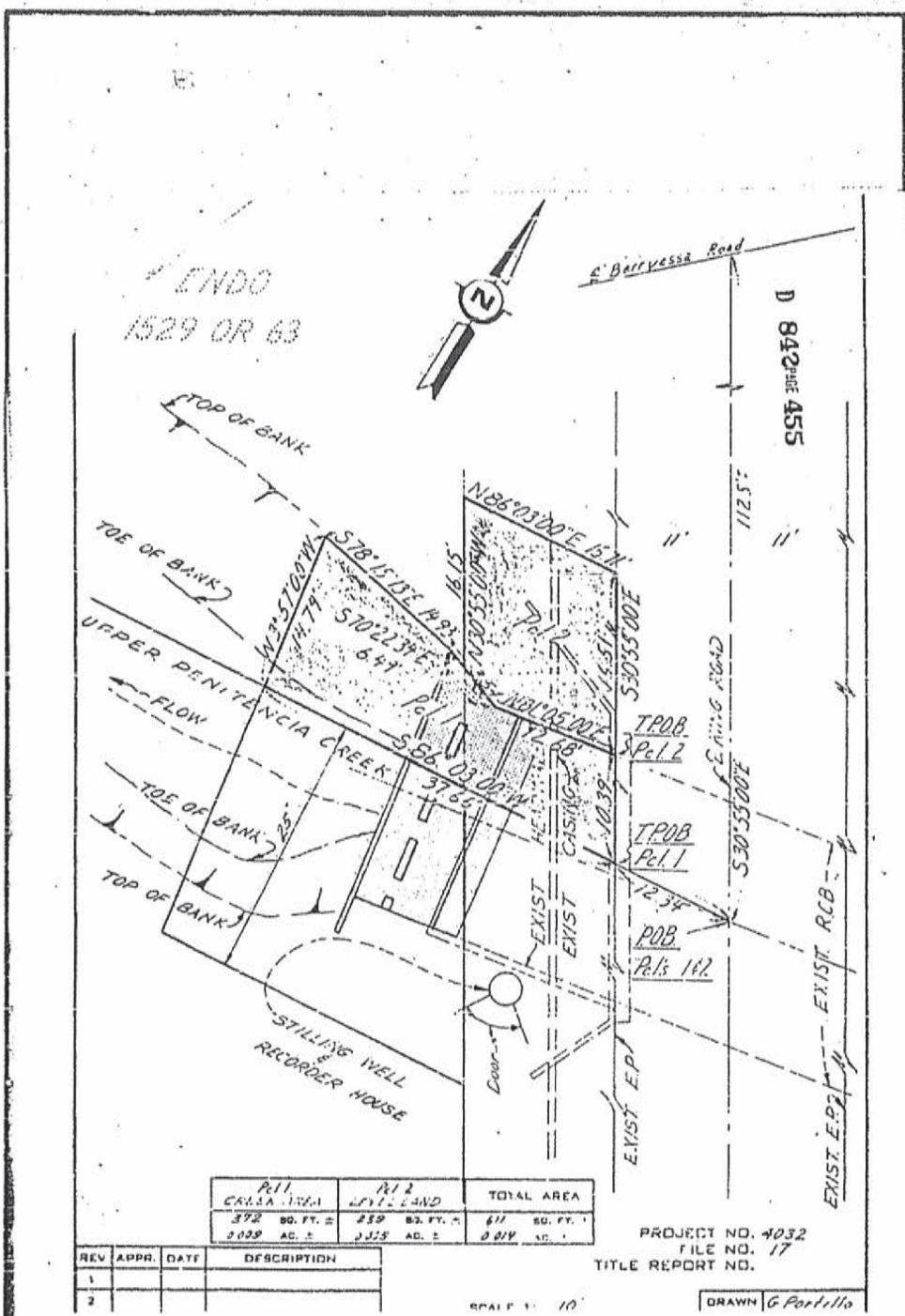
The easement shall include the right to construct, reconstruct, inspect, maintain and repair a channel, protection works and appurtenant structures, together with the right to trim or remove such trees or brush within the easement area as may constitute a hazard to persons or property or may interfere with the use of said area for the 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 construction, maintenance and repair of said channel, protection works 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 flood control or storm drainage purposes.

TOGETHER WITH an easement for ingress and egress upon, over and across that certain real property in the County of Santa Clara, State of California, described as:

ORIGINAL

RECORDER'S MEMO  
FAINT WRITING OR TYPING  
OR CARBON COPIES MAKES  
POOR PHOTOGRAPHIC RECORD





Parcel 2:

**D 84215E 456**

Beginning at the southeasterly corner of said lands; thence along the general southerly line of said lands S 86°03'00"W 12.34 feet; thence N 30°55'00"W 10.39 feet to the true point of beginning; thence S 81°05'00"W 12.68 feet; thence N 70°22'34"W 3.54 feet; thence N 30°55'00"W 16.15 feet; thence N 86°03'00"E 15.71 feet; thence S 30°55'00"E 16.51 feet to the true point of beginning.

Containing 239 square feet or 0.005 acres of land, more or less.

Dated this 25<sup>th</sup> day of April 1978

Signed and delivered in the presence of

P. A. McCormack

Katsuhiko Endo

Mitsuhiko Endo

Lucille Templeton

ACKNOWLEDGEMENT OF  
SUBSCRIBING WITNESS

STATE OF CALIFORNIA

ACKNOWLEDGMENT OF SUBSCRIBING WITNESS

STATE OF CALIFORNIA )  
1 ss  
COUNTY OF SANTA CLARA )

RECORDED'S MEMO  
PAINT WRITING OR TYPING  
OR CARBON COPIES MAKES  
POOR PHOTOGRAPHIC RECORD

On April 27 before me, the undersigned, a Notary Public in and for the State of California, residing therein, duly commissioned and sworn, personally appeared P. A. McCormack, 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 Katsuhiko Endo and Mitsuhiko Endo and Asami Endo

personally known to him to be the person as 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.



Lucille Templeton  
Lucille Templeton  
Notary Public

In and for said County and State

My commission expires 8/11/81

CERTIFICATE OF CONSENT AND ACCEPTANCE D 842 PAGE 457

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 Directors adopted on the 26th day of March 1968, recorded March 27, 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: July 25, 1978. SANTA CLARA VALLEY WATER DISTRICT

By Doris Marovich  
General Manager/Clerk of the  
Board of Directors  
(Strike out inapplicable one)

CURR PRO TEN OF THE BOARD OF DIRECTORS

DO NOT WRITE ABOVE THIS LINE

7778992  
FILED FOR RECORD  
AT REQUEST OF

SCVWD  
AUG 11 1983

OFFICIAL RECORDS  
SANTA CLARA COUNTY  
GEORGE A. MAHN  
REGISTRAR RECORDER

H800 PAGE 448

DH

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

### EASEMENT DEED

(INDIVIDUAL)

DOCUMENT NO. 4032-32

.....DORIS JUE, a widow, and GORDON N. CHAN.....

.....hereinafter, "Grantor"

Grant, convey and dedicate to the SANTA CLARA VALLEY WATER DISTRICT, a public corporation ("District"), an easement for water management and/or storm water drainage purposes in, upon, over and across that certain real property, in the City of \_\_\_\_\_, County of Santa Clara, State of California, described as: \_\_\_\_\_

FC 120 (06-14-80)

ORIGINAL

NU 95 11 1983

H800 ~~449~~

4032-32

Being a portion of the lands described in the deed recorded in Book G493 of Official Records, at page 354 in the office of the Recorder, County of Santa Clara, State of California, to wit:

Parcel 1

All of said lands lying southwesterly of the following described line:

Beginning at the intersection of the southwesterly line of King Road (50.00 feet wide) with the southeasterly line of said lands; thence along said southeasterly line S 59°21'00"W 200.70 feet to the true point of beginning; thence leaving said line along a curve to the right from a tangent which bears N 67°58'09"W, having a radius of 290.00 feet, through a central angle of 02°28'20", for an arc distance of 12.60 feet; thence N 65°28'49"W 92.28 feet to the general southwesterly line of said lands.

Containing 686 square feet or 0.016 acre of land, more or less.

Parcel 2

All of said lands lying southwesterly of the following described line:

Beginning at the intersection of the southwesterly line of King Road (50.00 feet wide) with the southeasterly line of said lands; thence along said southeasterly line S 59°21'00"W 212.97 feet; thence N 71°05'00"W 17.83 feet; thence N 57°17'00"W 87.77 feet; thence N 66°30'00"W 33.74 feet to the true point of beginning; thence leaving said line along a curve to the right from a tangent which bears N 60°28'57"W, having a radius of 220.00 feet, through a central angle of 34°37'26", for an arc distance of 132.98 feet; thence N 25°51'31"W 282.23 feet to the northwesterly line of said lands.

Containing 6100 square feet or 0.140 acre of land, more or less.

AMERICAN  
TITLE & TRUST  
COMPANY

**H800 PAGE 450**  
**4032-32**

**DO NOT WRITE ABOVE THIS LINE**  
Said easement area shall be kept clear of any type of building, fences, structure, pavement, or trees, unless prior written approval is obtained from District.

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 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 construction, maintenance and repair of said channel, protection works 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 flood control or storm drainage purposes.

(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<sup>th</sup> day of August

Signed and delivered in the presence of

Lisa Toussaint

**ACKNOWLEDGEMENT OF  
SUBSCRIBING WITNESS**

STATE OF CALIFORNIA

..... COUNTY OF Santa Clara

On August 10, 19<sup>83</sup> before me,  
the undersigned, a Notary Public in and for the State of  
California, residing therein, duly commissioned and sworn,  
personally appeared Lisa Tonnegen,  
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 she resides in the County  
of Santa Clara, State of California; that  
she was present and saw Gordon N. Chan and  
Doris Jue.

personally known to him, to be the person, & described in  
and whose name, is John, subscribed to the within  
instrument, execute the same; and that affiant subscribed him's  
name thereto as a witness to said execution.

WITNESS my hand and official seal.

(Seal) *Theodora Moore*

## Theodora Morse



PC 120-2 (04-10-77)

OFFICIAL SEAL  
THEODORA MORSE  
NOTARY PUBLIC CALIFORNIA  
SANTA CLARA COUNTY

My Commission Expires Dec. 19, 1983

3-

## AREA

PGG 1: 686 SQ FT OR 0016 AC<sup>2</sup>

卷之三

Page 15 of 34

AUG 1 1983

1800 PAGE 451

**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.

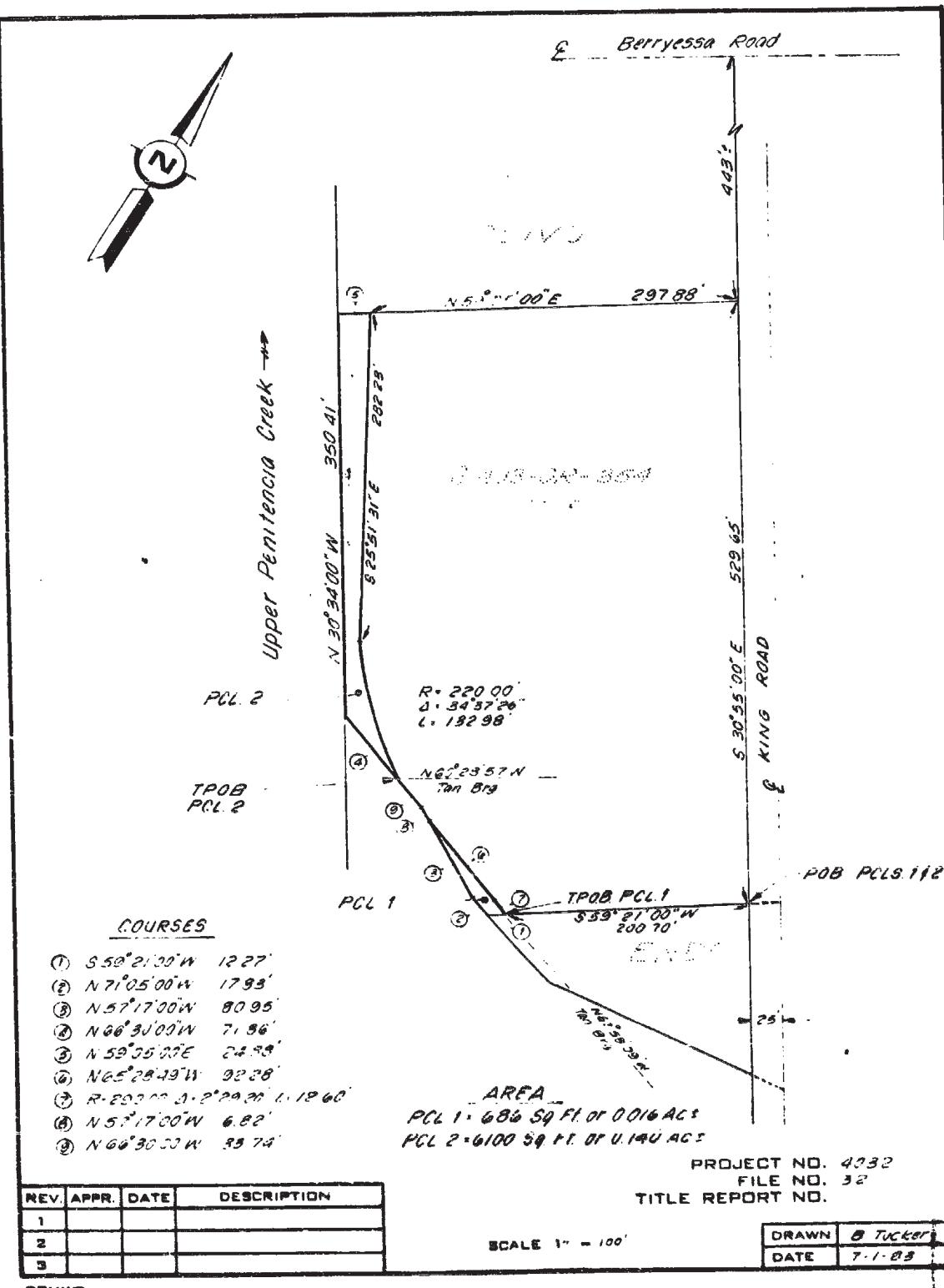
Dated: August 10, 1983

SANTA CLARA VALLEY WATER DISTRICT  
By: General Manager/Clerk of the Board of Directors  
(Strike out inapplicable one)

100-10-171

AMERICAN  
RECORDING  
1983

H800 PAGE 452



H936 PAGE 465 7833204

DO NOT WRITE ABOVE THIS LINE

RECORD WITHOUT FEE UNDER SECTION 6103,  
GOVERNMENT CODE OF THE STATE OF CALIFORNIA  
AFTER RECORDING RETURN TO:  
SANTA CLARA VALLEY WATER DISTRICT  
5780 ALMADEN EXPRESSWAY  
SAN JOSE, CALIFORNIA 95118

REC. FEE	DM
MICRO	
LIEN NOT	
SMPF	

FILED FOR RECORD  
AT REQUEST OF  
S.C. Valley Water Dist  
SEP 28 12 39 PM '83

OFFICIAL RECORDS  
SANTA CLARA COUNTY  
GEORGE A. MANN  
RECORDEER

SPACE ABOVE THIS LINE FOR RECORDEER'S USE

**EASEMENT DEED**  
(INDIVIDUAL)

DOCUMENT NO. 4032-36

..... MITSUHIRO ENDO ..... hereinafter, "Grantor"

Grant, convey and dedicate to the SANTA CLARA VALLEY WATER DISTRICT, a public corporation ("District"), an easement for water management and/or storm water drainage purposes in, upon, over and across that certain real property, in the CITY OF ..... County of Santa Clara, State of California, described as:

Being a portion of the lands described in the deed recorded in Book 1529 of Official Records at page 63 in the office of the Recorder, County of Santa Clara, State of California, to wit:

Beginning at the southeasterly corner of said lands in the center line of King Road (50.00 feet wide); thence along the general southerly line S 86°03'00" W 49.77 feet (50.00 feet D842-OR-454) to the true point of beginning; thence continuing along said line S 86°03'00" W 163.80 feet; thence continuing along said line N 71° 05'00" W 73.84 feet to the most westerly corner of said lands; thence along the northwesterly line of said lands N 59°21'00" E 12.27 feet; thence leaving said line along a curve to the left from a tangent which bears S 67°58'09" E having a radius of 290.00 feet, through a central angle of 25°58'41", for an arc distance of 131.49 feet; thence N 86°03'10" E 93.84 feet to the westerly line of Parcel 1 as said parcel is described in the deed recorded in Book D842 of Official Records at page 454, Santa Clara County Records; thence along said line S 03°57'00" E 4.89 feet to the true point of beginning.

Containing 1663 square feet or 0.038 acre of land, more or less.

ORIGINAL

Page 18 of 34

7833204

H936 PAGE 465

H936 PAGE 468

**DO NOT WRITE ABOVE THIS LINE**

4032-36

Said easement area shall be kept clear of any type of building, fences, structure, pavement, or trees, unless prior written approval is obtained from District.

The easement shall include the right to construct, reconstruct, inspect, maintain and repair a channel, ~~and to plant trees and shrubs~~, 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 area with vehicles, tools, implements, and other materials, take therefrom and use, earth, rock, sand and gravel for the construction, maintenance and repair of said channel, ~~and to construct and maintain structures by said District, 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.~~

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

Dated this ..... 13 ..... day of ..... Sept. ..... 19...<sup>th</sup>...

Signed and delivered in the presence of

## Writing End

ACKNOWLEDGEMENT OF  
SUBSCRIBING WITNESS

STATE OF CALIFORNIA

..... 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 ..... ,  
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 ..... , State of California; that  
....he was present and saw .....

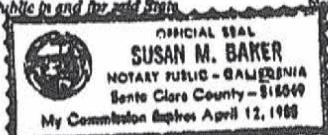
personally known to ..... to be the person.... described in and whose name.... ..... subscribed to the within instrument, execute the same; and that affiant subscribed ..... name thereto as a witness to said execution.

WITNESS my hand and official seal.

(Seal)

(Seal)

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



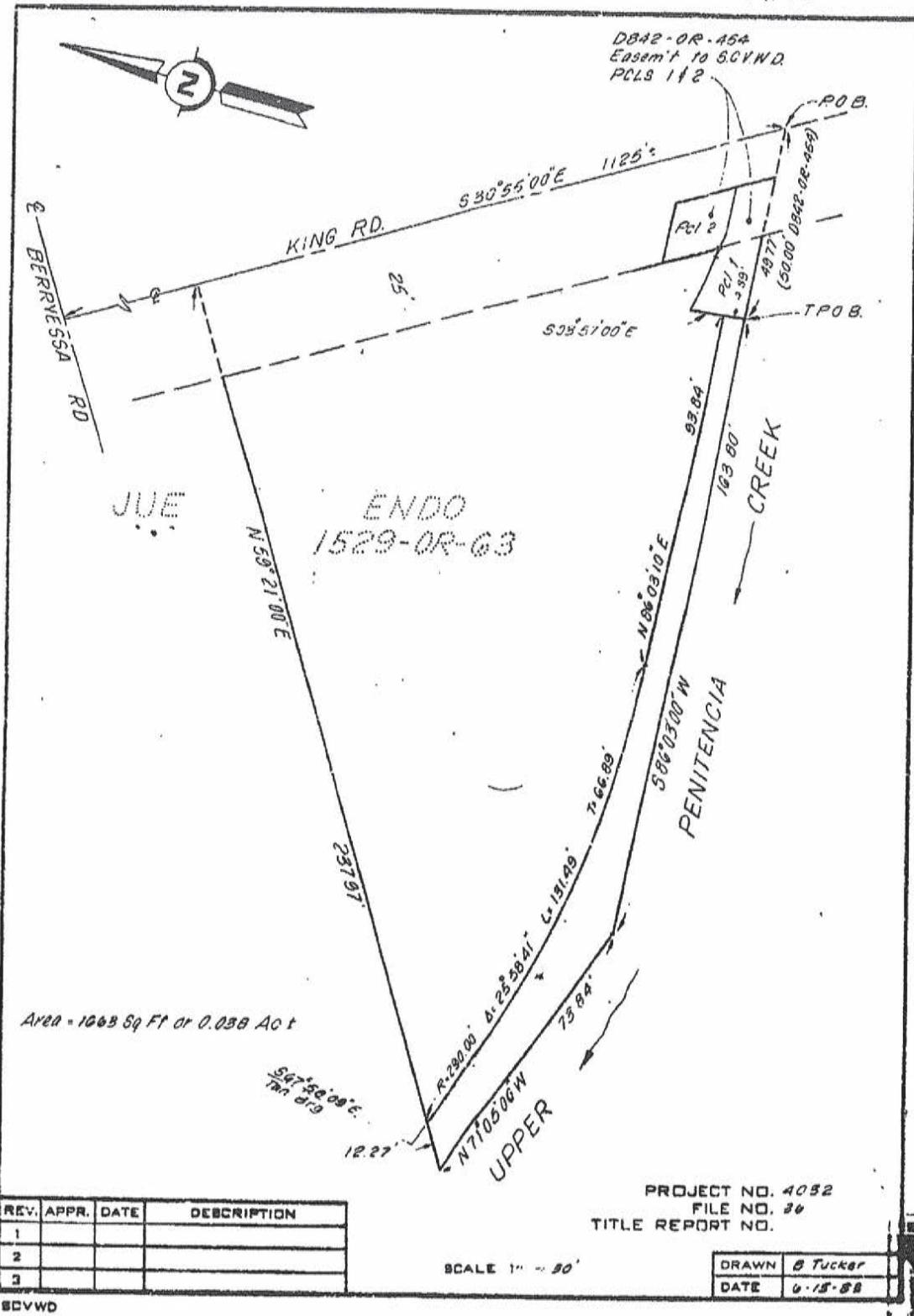
Name (Typed or Printed) *Notary Public in and for said State*

Susan M. Baker

PC 120-2 (04-16-77)

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H936 PAGE 468



REV.	APPR.	DATE	DESCRIPTION
1			
2			
3			

PROJECT NO. 4052  
FILE NO. 36  
TITLE REPORT NO.

SCALE 1" = 50'

DRAWN	B Tucker
DATE	6-15-88

Handout 4.5-A  
11/25/2025

Recorded at the request of:  
Fidelity National Title #10-51051084Z

When recorded return to:

**Santa Clara Valley  
Transportation Authority**  
Real Estate Section  
3331 North First Street, Bldg. B  
San Jose, CA 95134

DOCUMENT: 22012033

Pages: 9



Fees + No Fees  
Taxes  
Copies \_\_\_\_\_  
AMT PAID

REGINA ALCOMENDRAS  
SANTA CLARA COUNTY RECORDER  
Recorded at the request of  
Fidelity National Title Ins

RDE # 010  
12/20/2012  
8:00 AM

**Record Without Fee**  
Govt. Code. §6103 & §27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Silicon Valley Berryessa Extension (SVBX) Project  
Project Parcel No.: B3602-02  
APN: 254-14-119  
Santa Clara County, California

THIS TRANSACTION IS EXEMPT FROM CALIFORNIA DOCUMENTARY TRANSFER TAX PURSUANT TO SECTION 11922 OF THE CALIFORNIA REVENUE AND TAXATION CODE. THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO SECTIONS 6103 and 27383 OF THE CALIFORNIA GOVERNMENT CODE.

## EASEMENT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Betty Anne Gardens, L.P.**, a California Limited Partnership, hereinafter referred to as "Grantor," grants to the **Santa Clara Valley Transportation Authority**, its assigns and successors, hereinafter referred to as "Grantee," a Storm Drain Easement for water management and/or storm water drainage purposes in, upon, over, and across that certain real property, situated in the City of San Jose, County of Santa Clara, State of California, designated as "SDE" (Storm Drain Easement), and more particularly described as follows:

See Exhibit "A" attached hereto and made a part hereof.

The herein described easement area shall be kept clear of any type of building, fences, structure, pavement, or trees unless prior written approval is obtained from the Santa Clara Valley Water District (the "District"). 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 works, 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 flood control or storm drainage purposes.

Grantee shall assume sole responsibility for any Hazardous Materials or other contamination on the easement area. This grant is made subject to the condition that Grantee shall indemnify, defend and hold Grantor harmless from all costs, losses, claims and liabilities arising out of or in connection with: (a) the physical condition of the easement area as of the date of the grant, including, without limitation, those related to Hazardous Materials or contamination; and (b) Grantee's use of the easement area.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Dated this 12<sup>th</sup> day of December, 2011.

BETTY ANNE GARDENS, L.P.,  
a California Limited Partnership

By: First Community Housing,  
a California nonprofit public benefit corporation,  
its General Partner

By: \_\_\_\_\_  
Name: Jeff Oberdorfer  
Title: President and CEO

By: Gary J. Schoenhauer

Print Name: Gary J. Schoenhauer

Title: Chairman

## ACKNOWLEDGMENT

State of California  
County of Santa Clara)

On December 15, 2011 before me, D.J. McClellan, Notary Public  
(insert name and title of the officer)

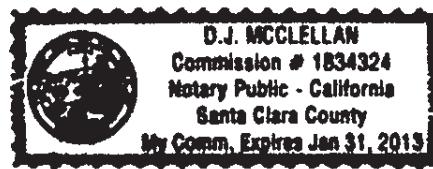
personally appeared Gary Schoennauer,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)



## **ALL-PURPOSE ACKNOWLEDGMENT**

State of California )  
 ) ss.  
County of Santa Clara )

On 12 Dec. 2011 before me, D.J. McClellan, Notary Public  
(Date) \_\_\_\_\_ (Name & Title of Officer)

personally appeared Jeff Oberdorfer  
Name(s) of Signer(s)

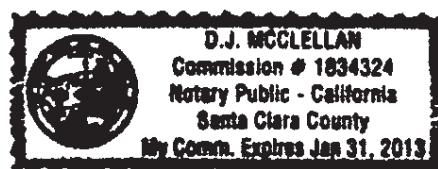
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
\_\_\_\_\_  
Signature

(SEAL)



Silicon Valley Berryessa Extension (SVBX) Project  
Parcel No.: B3602-02  
Grantor: Betty Anne Gardens, L.P.  
Deed Type: Storm Drain Easement Deed

**CERTIFICATE OF ACCEPTANCE**  
(Govt. Code, Section 27281)

This is to certify that the interest in real property conveyed by the within and foregoing deed or grant to the Santa Clara Valley Transportation Authority (VTA), State of California, is hereby accepted by the undersigned officer on behalf of the Santa Clara Valley Transportation Authority, in accordance with Section 5-3 of the Administrative Code of the Authority adopted December 20, 1994, and the Grantee consents to recordation thereof by its duly authorized officer.

Executed this 20<sup>th</sup> day of December, 2011.

By:  for  
Michael J. Burns, General Manager  
Santa Clara Valley Transportation Authority

**Exhibit "A"**

Parcel B3602-02

6/27/2011

SDE

**LEGAL DESCRIPTION**  
**APN 254-14-119**

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

Being a portion of a parcel of land described as Parcel One in that certain Corporation Grant Deed to Betty Anne Gardens, L.P. recorded April 2, 2002 as Document No. 16190310, Santa Clara County Records, more particularly described as follows:

**BEGINNING** at a point on the northwesterly line of said Parcel One (Doc. No. 16190310), said point being North 59°55'03" East 35.22 feet of the most westerly corner of said Parcel One, and said point being the northeasterly corner of a parcel of land described as Parcel 2 in that certain Easement Deed to Santa Clara Valley Water District (SCVWD) recorded August 11, 1983 as Document No. 7778992, Santa Clara County Records; thence along said northwesterly line

1. North 59°55'03" East, a distance of 13.32 feet; thence leaving said northwesterly line
2. South 25°37'31" East, a distance of 274.37 feet to the point of a tangent curve to the left, having a radius of 231.00 feet; thence southeasterly along said curve
3. through a central angle of 35°56'59", an arc distance of 144.94 feet; thence
4. South 61°34'30" East, a distance of 86.96 feet; thence
5. South 35°08'16" West, a distance of 13.34 feet to a point on the northeasterly line of a parcel of land described as Parcel 1 in said SCVWD Basement Deed (Doc. No. 7778992); thence along said northeasterly line
6. North 64°23'36" West, a distance of 61.47 feet to a point on the southwesterly line of said Parcel One (Doc. No. 16190310); thence along said southwesterly line
7. North 56°11'47" West, a distance of 6.84 feet; thence continuing along said southwesterly line
8. North 65°24'47" West, a distance of 33.90 feet to the most southerly corner of said SCVWD Parcel 2 (Doc. No. 7778992), being the point of a non-tangent a curve to the right, having a radius of 219.99 feet, the radius point bearing North 30°37'03" East; thence northwesterly along said curve and along the easterly line of said Parcel 2
9. Through a central angle of 34°34'57", an arc distance of 132.78 feet; thence continuing along said easterly line
10. North 24°48'00" West, a distance of 280.61 feet to the **POINT OF BEGINNING**.

Containing 8,274 square feet more or less.

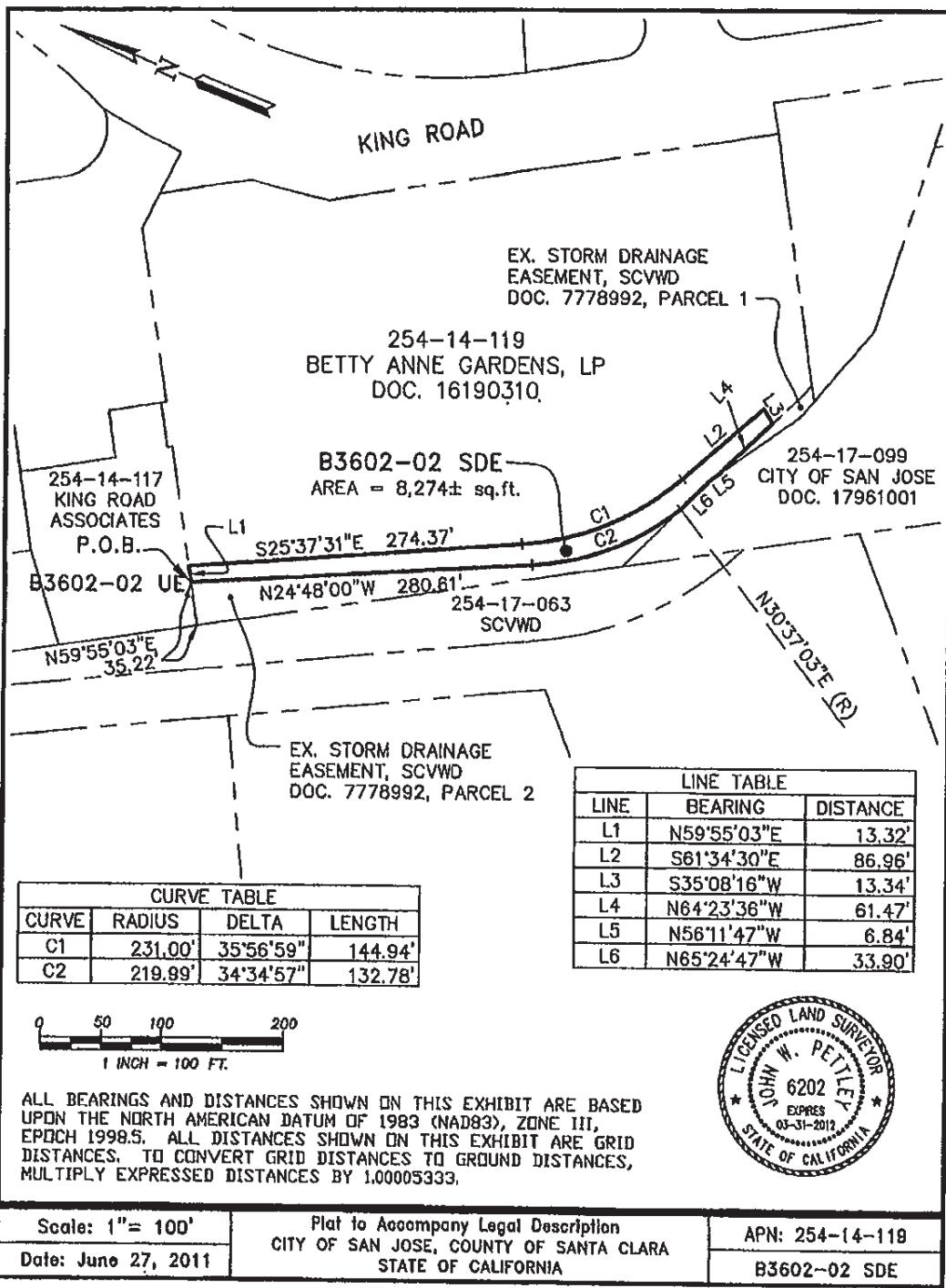
Parcel B3602-02  
6/27/2011  
SDE

A Plat Map is attached hereto and made a part hereof.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone 3, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

*John W. Pettley*  
John W. Pettley, PLS 6202  
My License Expires on 3/31/2012

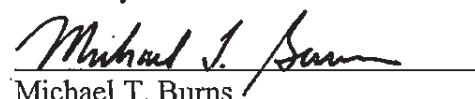




## DELEGATION OF AUTHORITY

Pursuant to Sec. 1-6 of the Santa Clara Valley Transportation Authority Administrative Code adopted December 20, 1994, I hereby delegate to Bijal Patel, VTA Deputy Director Property Development & Management, the authority to execute any lease documents, purchase and sale agreements and letters of acceptance regarding real property acquisition, permits to enter, possession, use agreements and other related real estate activity within your authority for the SVBX Project, as authorized by action of the Board of Directors on November 4, 2010, effective on the date below.

Dated: 11/8/11

  
\_\_\_\_\_  
Michael T. Burns  
General Manager





# EXHIBIT

# C

# 9015. Upper Penitencia Ck at King Rd.

Coyote Creek Watershed

9014

9017

WebCams update at least twice a day, and more frequent as creek water height (stage) rises and recedes during storm events.  
Scroll down for past available images.



2025-02-13 09:00:00 PST

Available Images >

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Photo Range

Time Range Selection

Start

02/13/2025  06:00 AM

End

02/13/2025  04:00 PM

View

Selection is limited current water year  
(October 2024 to October 2025)

Time Lapse Selection

40 images found



Play timelapse of available images

Tools

Magnifier



Image Filters



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