

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

RESOLUTION NO. 2025-

DECLARING A PORTION OF REAL PROPERTY OWNED BY THE SANTA CLARA VALLEY WATER DISTRICT (APN 386-21-037) AS EXEMPT SURPLUS LAND UNDER CALIFORNIA GOVERNMENT CODE 54221 (f)(1)(C), DETERMINING THAT THE REAL PROPERTY TO BE EXCHANGED IS NOT REQUIRED FOR DISTRICT USE, AND THE PROPERTY TO BE ACQUIRED IS REQUIRED FOR DISTRICT USE, AND AUTHORIZING THE EXCHANGE OF PROPERTY PURSUANT TO SECTION 31(D) OF THE DISTRICT ACT (SARATOGA, DISTRICT 5)

WHEREAS, the Santa Clara Valley Water District (“District”) is the owner of real property along Saratoga Creek near Saratoga Creek and Westview Drives, Santa Clara County, California (APN 386-21-037) (“District Property”), more particularly described and depicted in Exhibit A; and

WHEREAS, the District has recently undertaken the Saratoga Creek Hazard Tree Removal and Restoration Project (“Project”) to remove non-native eucalyptus trees and trees that could become potential safety hazards along Saratoga Creek between Prospect High School and Cox Avenue; and

WHEREAS, it was discovered during surveying for the Project boundaries that the Saratoga Woods Community Association (“Owner”), who owns APN 386-21-039 (“Owner Property”), has improvements encroaching onto approximately 2,183 square feet of District Property as described and depicted in Exhibit A herein; and

WHEREAS, the Owner has offered the District a real property interest on the Owner Property to facilitate encroachment mitigation without court intervention; and

WHEREAS, District staff have determined that the Owner encroachment does not materially impact District operations and maintenance on this stretch of District Property along Saratoga Creek and the exchange of real property interests will allow District personnel to more efficiently get to the District Property located directly behind the Owner Property; and

WHEREAS, the District Property is exempt surplus land under California Government Code § 54221(f)(1)(C) because it is being exchanged by the District for another property interest necessary for the District’s use; and

WHEREAS, none of the characteristics listed in California Government Code § 54221(f)(2) requiring a written notice of the availability of surplus land for open-space purposes to entities described in subdivision (b) of Section 54222 are applicable to the subject portion of District Property being declared exempt surplus; and

WHEREAS, District may not dispose of District Property until District provides the California Department of Housing and Community Development (“HCD”) a copy of this written determination of exemption and a 30-day response period from the date the copy is provided to

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HCD (“Response Period”), unless HCD approves of District’s determination of exemption prior to expiration of the Response Period; and

WHEREAS, pursuant to Section 31 of the District Act, the Board may by a majority vote exchange real property of equal value with any person, firm, or corporation where the real property to be exchanged is not required for District use and the property to be acquired is required for District use.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Santa Clara Valley Water District does hereby

1. Declare a portion of real property owned by the Santa Clara Valley Water District (APN 386-21-037) along Saratoga Creek near Saratoga Creek and Westview Drives, Santa Clara County, California, as Exempt Surplus Land under California Government Code § 54221(f)(1)(C); and
2. Determine that the real property to be exchanged is not required for District use and the property to be acquired is required for District use; and
3. Authorize the exchange of property pursuant to Section 31(d) of the District Act.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on May 27, 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

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EXHIBIT A COVERSHEET

LEGAL DESCRIPTION OF EXEMPT SURPLUS PROPERTY

No. of Pages: 4

Exhibit Attachments: None

EXHIBIT A

(4 pages total)

SANTA CLARA VALLEY WATER DISTRICT SAN JOSE, CA 95118

PROJECT: SARATOGA CREEK

RESU FILE NO.: 2021-58.1

BY: HZ

All that certain real property situate in the City of Saratoga, County of Santa Clara, State of California, being a portion of that certain lands of County of Santa Clara Flood Control and Water Conservation District as described and as shown on that certain document recorded on July 31, 1957 as document number 1366740, filed in the Office of the Recorder, County of Santa Clara, State of California, more particularly described as follows:

BEGINNING at the most northerly corner of LOT 19, as shown on that certain Tract Map No. 1928 filed for record on July 26, 1957, in Book 84 of Maps at page 35, in the Office of the Recorder, County of Santa Clara, State of California, said point also being the most easterly corner of said document;

Thence along the westerly line of LOT 19 and LOT 20 and LOT 21 of said Tract Map, and east line of said document, along a non-tangent curve, concave southeasterly and having a radius of 500 feet, a radial line to said point bears N 58° 30' 00" W;

Thence along said curve thru a central angle of 18° 44' 20", an arc distance of 163.53 feet;

Thence continuing along said westerly line, S 12° 45' 33" W, 58.85 feet;

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

- 1) N 67° 13' 21" W, 1.75 feet;
- 2) N 09° 45' 44" E, 148.74 feet;
- 3) N 28° 46' 42" E, 66.57 feet;
- 4) N 60° 26' 47" E, 12.16 feet to the northeasterly line of said document number 1366740;

Thence along said northeasterly line, S 67° 13' 21" E, 8.78 feet to **POINT OF BEGINNING**.

Containing 2,183 square feet of land, more or less.

BASIS OF BEARINGS:

Bearings are based and identical to that certain Tract Map No. 1928 filed for record on July 26, 1957, in Book 84 of Maps at page 35, in the Office of the Recorder, County of Santa Clara, State of California.

SURVEYOR'S STATEMENT:

The description was prepared by me or under my direction in conformance with the requirements of the land surveyor's act.

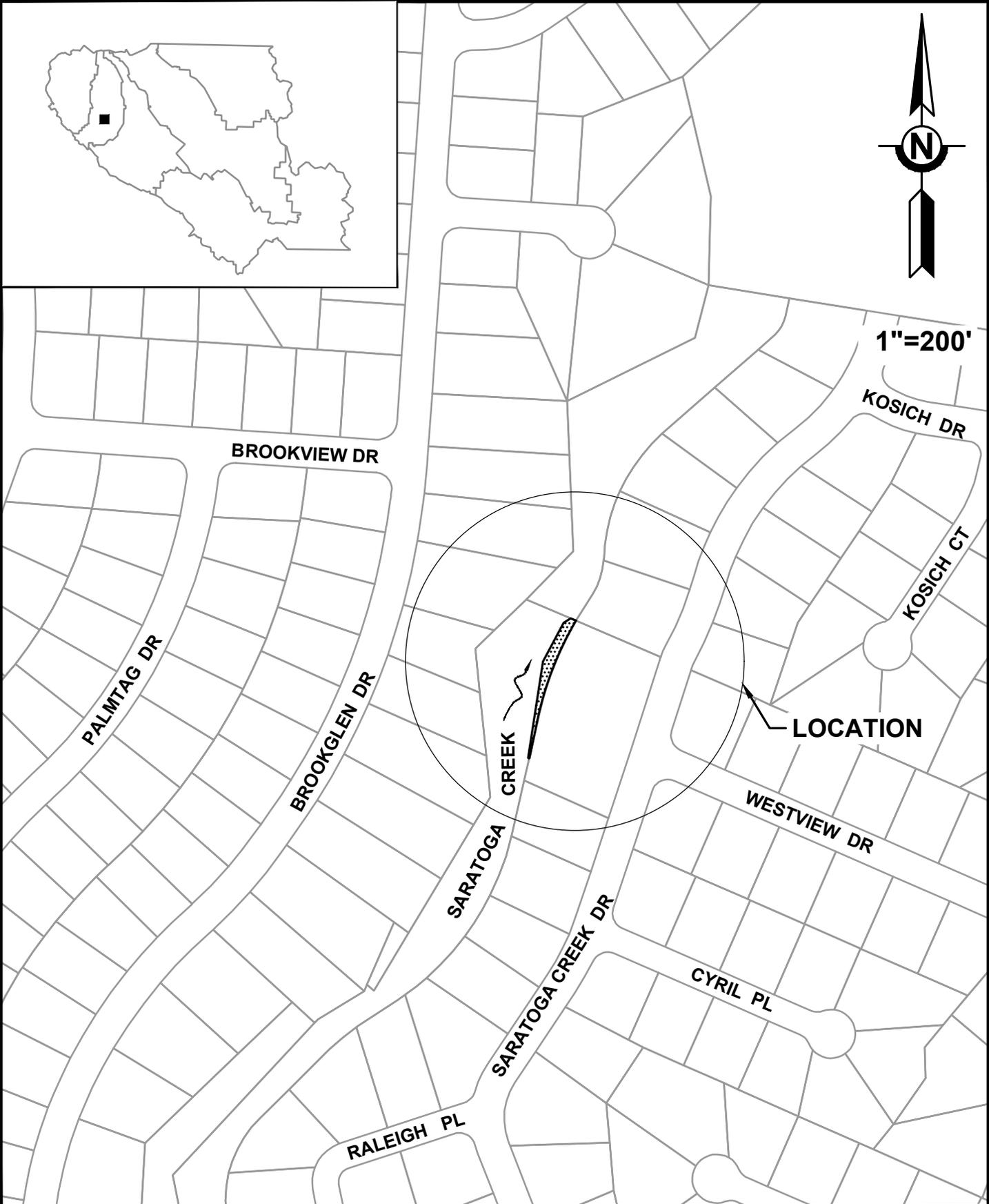


Kristopher Allan Puthoff, L8994

10-19-23

Date

SCVWD S:\REQUESTS\SARATOGA CREEK\2024_10112 Working\Office\ROW\Plats and Legal Descriptions\2021-58.1\2024_101_2021_58.1\LocationMap.dwg



12341 SARATOGA CREEK DRIVE
SARATOGA, CA

RESU FILE NO.	2021-58.1
APN	386-21-037
TITLE REPORT NO.	8012200409

SCVWD S:\REQUESTS\SARATOGA CREEK\2024_10112 Working\Office\ROW\Plats and Legal Descriptions\2021-58_1\2024-101_2021-58.1\Plat.dwg



ZHONG & LI TRUSTE
 APN: 386-19-070
 DOC. 24816072
 TRACT NO. 3739
 181 M 26
 LOT 96

S.C.V.W.D.
 APN: 386-19-089
 DOC. 2644972

SARATOGA CREEK
 S.C.V.W.D.
 APN: 386-21-037
 DOC. 1366740

S67°13'21"E 8.78'
 N60°26'47"E 12.16'
P.O.B.

AREA = 2,183 SQ.FT.±

SARATOGA WOODS
 COMMUNITY
 ASSOCIATION INC.
 APN: 386-21-039
 DOC. 2328433
 TRACT NO. 1928
 84 M 35
 LOT 19,20,21

N28°46'42"E 66.57'
 L=163.53'
 Δ=18°44'20"
 R=500.00'

10.00' P.U.E.

LOT 19

SARATOGA CREEK DRIVE

WESTVIEW DRIVE

N09°45'44"E 148.74'
 S12°45'33"W 58.85'
 10.00' P.U.E.
 5.0' P.U.E.

LOT 20

N67°13'21"W 1.75'

LOT 21

(R): RADIAL LINE
 P.U.E.: PUBLIC UTILITY EASEMENT



SANTA CLARA VALLEY WATER DISTRICT



SCALE: 1" = 40'

RESU FILE NO.	2021-58.1
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DRAWN	HZ

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