

Watershed: Coyote  
Project: 26174043  
Real Estate File No.: 4021-354, -467

**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, the use of the Property Interests for the Project will not unreasonably interfere with or impair any known, existing public uses or uses that may reasonably be expected to exist in the future and, therefore, is compatible with any other public uses pursuant to California Code of Civil Procedure Section 1240.510; and

WHEREAS, Valley Water made an offer to purchase the Property Interests from the owner of record on June 16, 2025, based on a current appraisal and in compliance with California Government Code Section 7267.2 and the owner has declined such offer; and

WHEREAS, on September 11, 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 October 14, 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 September 26, 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 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 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. The use of the Property Interests for the Project will not unreasonably interfere with or impair any public use as it now exists or may reasonably be expected to exist in the future and, therefore, is compatible with any other public uses pursuant to California Code of Civil Procedure Section 1240.510;
6. Valley Water has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Property Interests;
7. Valley Water has complied with the requirements of CEQA for the Project; and

8. 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 October 14, 2025.

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

ATTEST: CANDICE KWOK-SMITH

\_\_\_\_\_  
TONY ESTREMER  
Chair, Board of Directors

\_\_\_\_\_  
Clerk, Board of Directors

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# **EXHIBIT A COVERSHEET**

## **PLAT MAP AND LEGAL DESCRIPTION TEMPORARY CONSTRUCTION EASEMENT, FILE NO. 4021-354**

No. of Pages: 9

Exhibit Attachments: None

**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**;

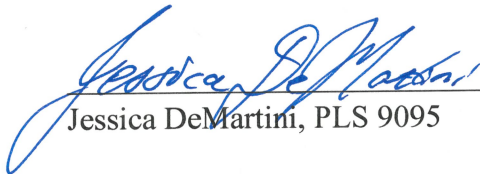
Containing 8,719 square feet of land, more or less.

**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:**

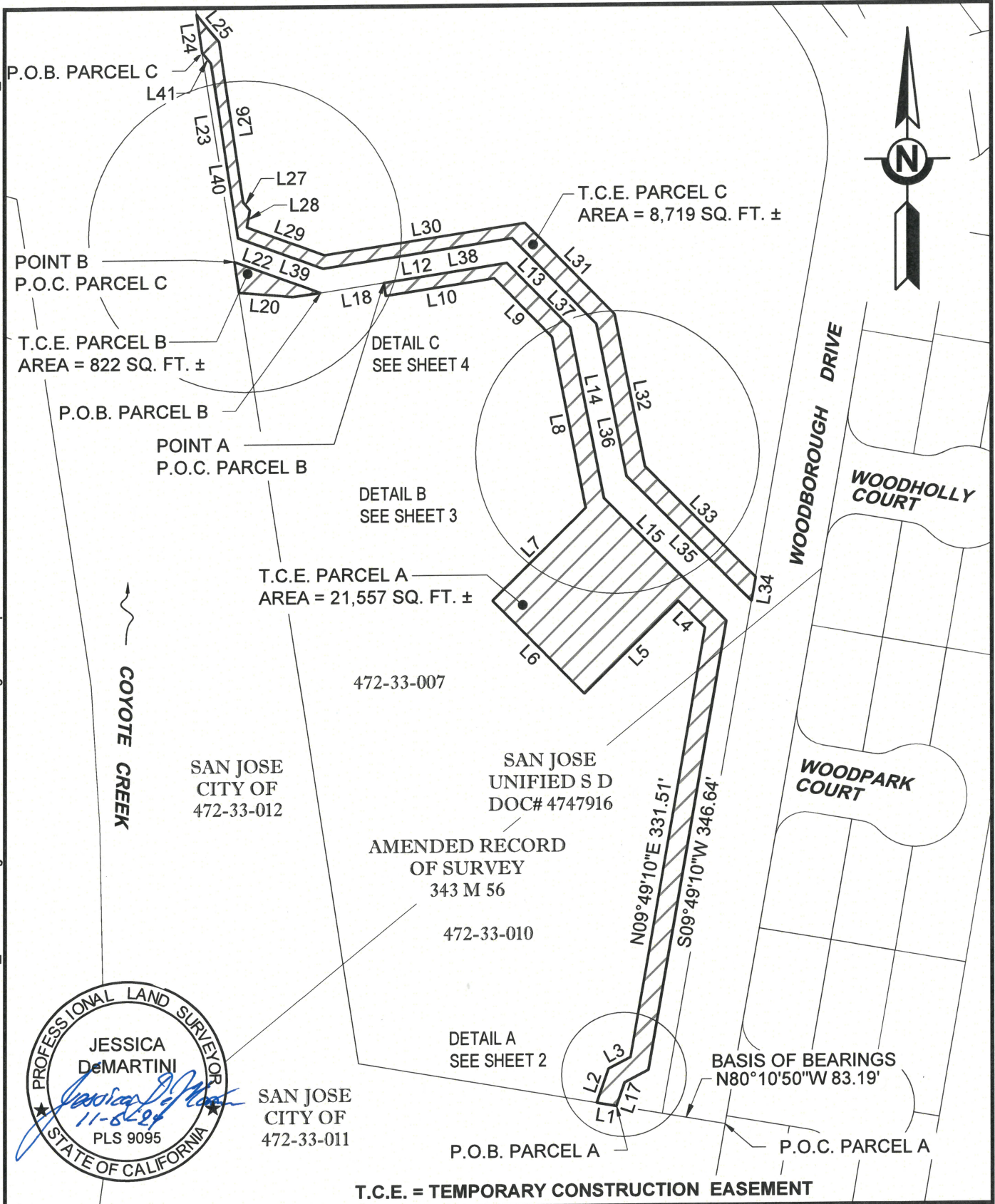
The description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

  
Jessica DeMartini, PLS 9095

11/6/24  
Date



SCVWD S:\REQUESTS\COYOTE CREEK\2023\_147\2 Working\Office\ROW\Plats and Legal Descriptions\Reach 7\472-33-007&010 SAN JOSE UNIFIED\4021-354 TCE\2023-147\_4021-354 TCE Rev2.dv



SANTA CLARA VALLEY WATER DISTRICT



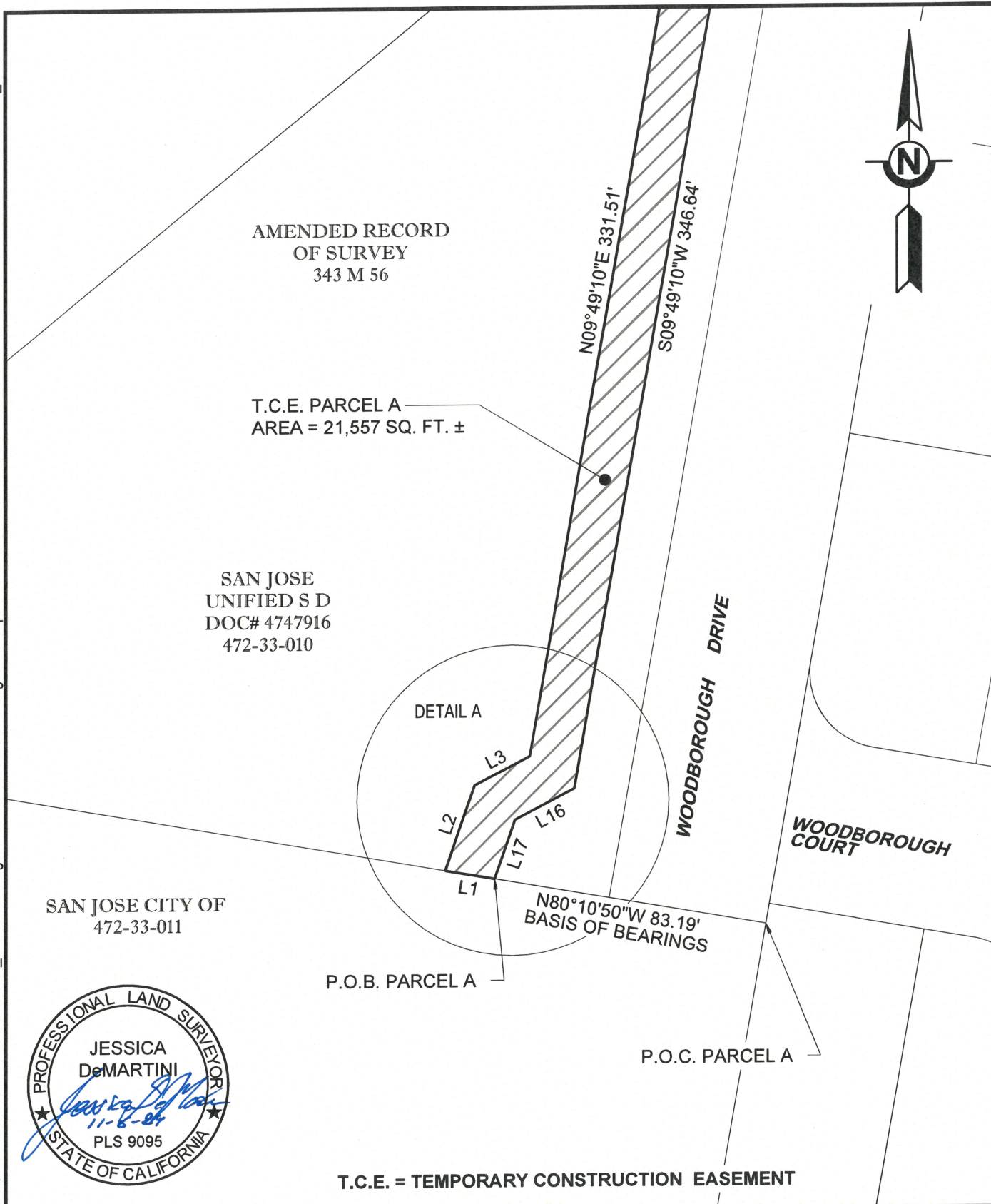
SCALE: 1" = 100'

**T.C.E. = TEMPORARY CONSTRUCTION EASEMENT**

RESU FILE NO.	4021-354
APN	MULTIPLE
LSMU REQUEST NO.	2023-147
DRAWN	B. Bains



SCVWD S:\REQUESTS\COYOTE CREEK\2023\_147\2 Working\Office\ROW\Plats and Legal Descriptions\Reach 7\472-33-007&010 SAN JOSE UNIFIED\4021-354 TCE\2023-147\_4021-354 TCE Rev2.dwg



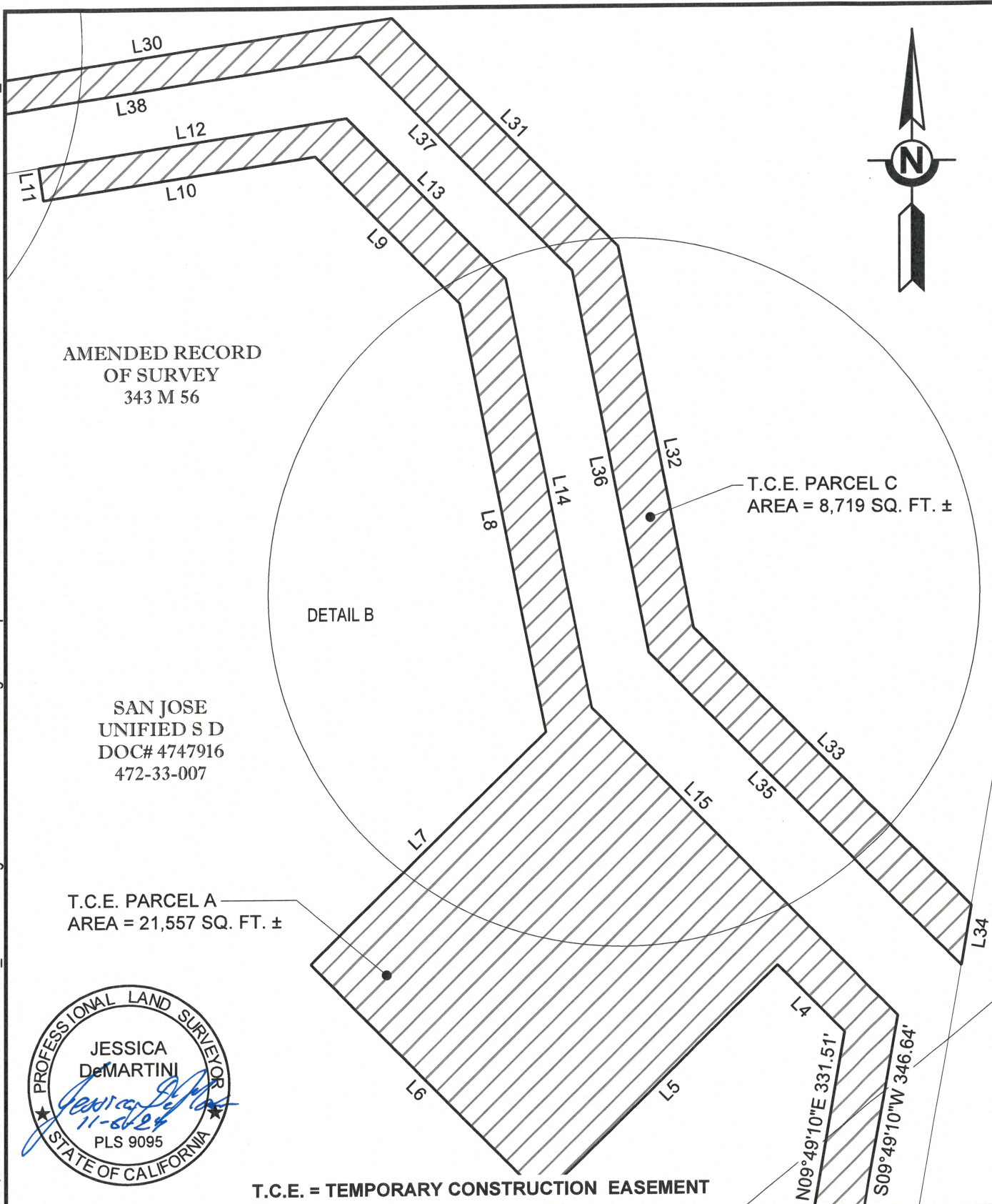
SANTA CLARA VALLEY WATER DISTRICT



SCALE: 1" = 40'

RESU FILE NO.	4021-354
APN	MULTIPLE
LSMU REQUEST NO.	2023-147
DRAWN	B. Bains

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SANTA CLARA VALLEY WATER DISTRICT

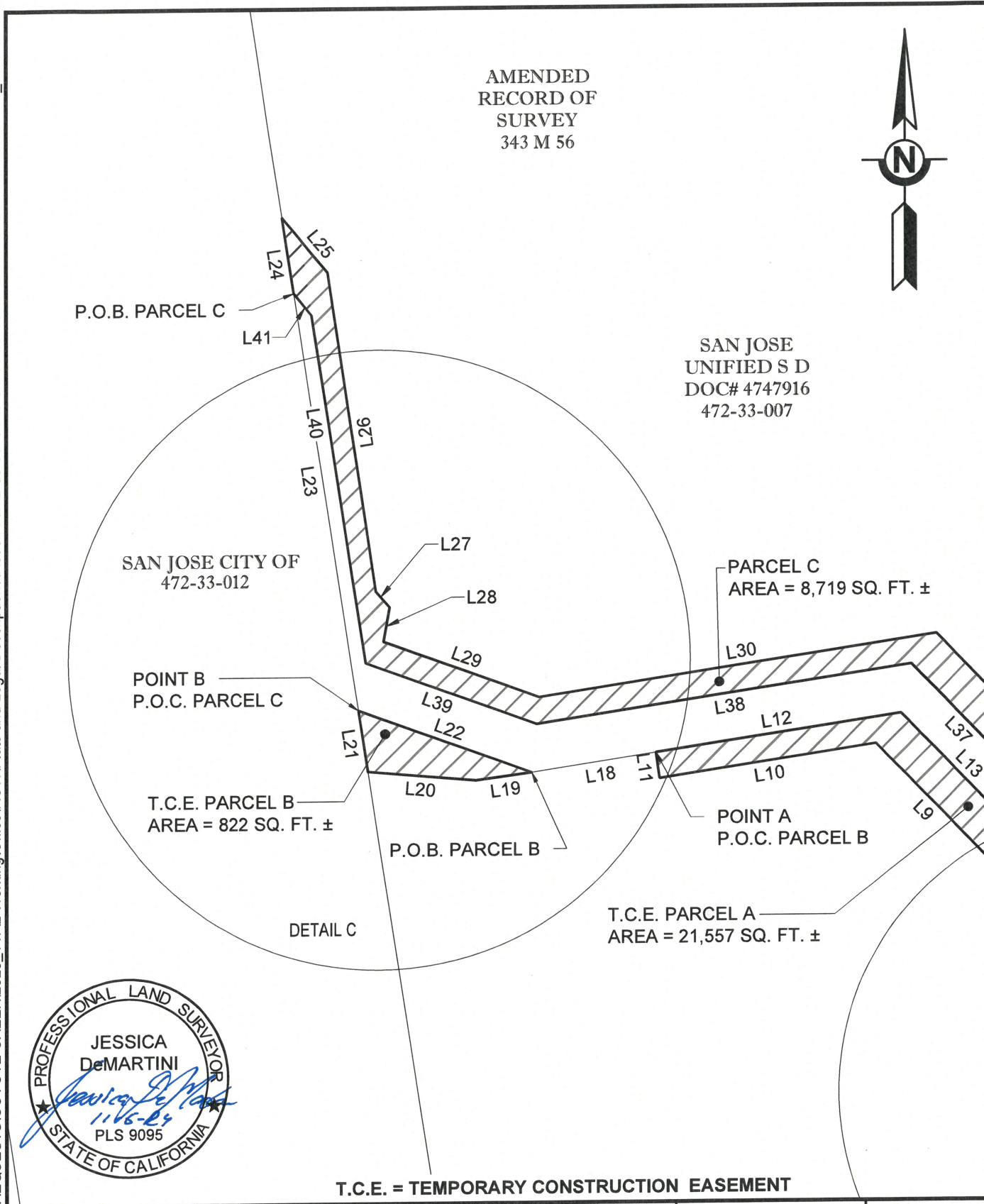


SCALE: 1" = 50'

RESU FILE NO.	4021-354
APN	MULTIPLE
LSMU REQUEST NO.	2023-147
DRAWN	B. Bains



SCVWD S:\REQUESTS\COYOTE CREEK\2023\_147\2 Working\Office\ROW\Plats and Legal Descriptions\Reach 7\472-33-007&010 SAN JOSE UNIFIED\4021-354 TCE\2023-147\_4021-354 TCE Rev2.dwg



T.C.E. = TEMPORARY CONSTRUCTION EASEMENT

SANTA CLARA VALLEY WATER DISTRICT



SCALE: 1" = 50'

RESU FILE NO.	4021-354
APN	MULTIPLE
LSMU REQUEST NO.	2023-147
DRAWN	B. Bains

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



SCALE: N/A

RESU FILE NO.	4021-354
APN	MULTIPLE
LSMU REQUEST NO.	2023-147
DRAWN	B. Bains

# **EXHIBIT B COVERSHEET**

## **PLAT MAP AND LEGAL DESCRIPTION WATER MANAGEMENT EASEMENT, FILE NO. 4021-467**

No. of Pages: 5

Exhibit Attachments: None

**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:**

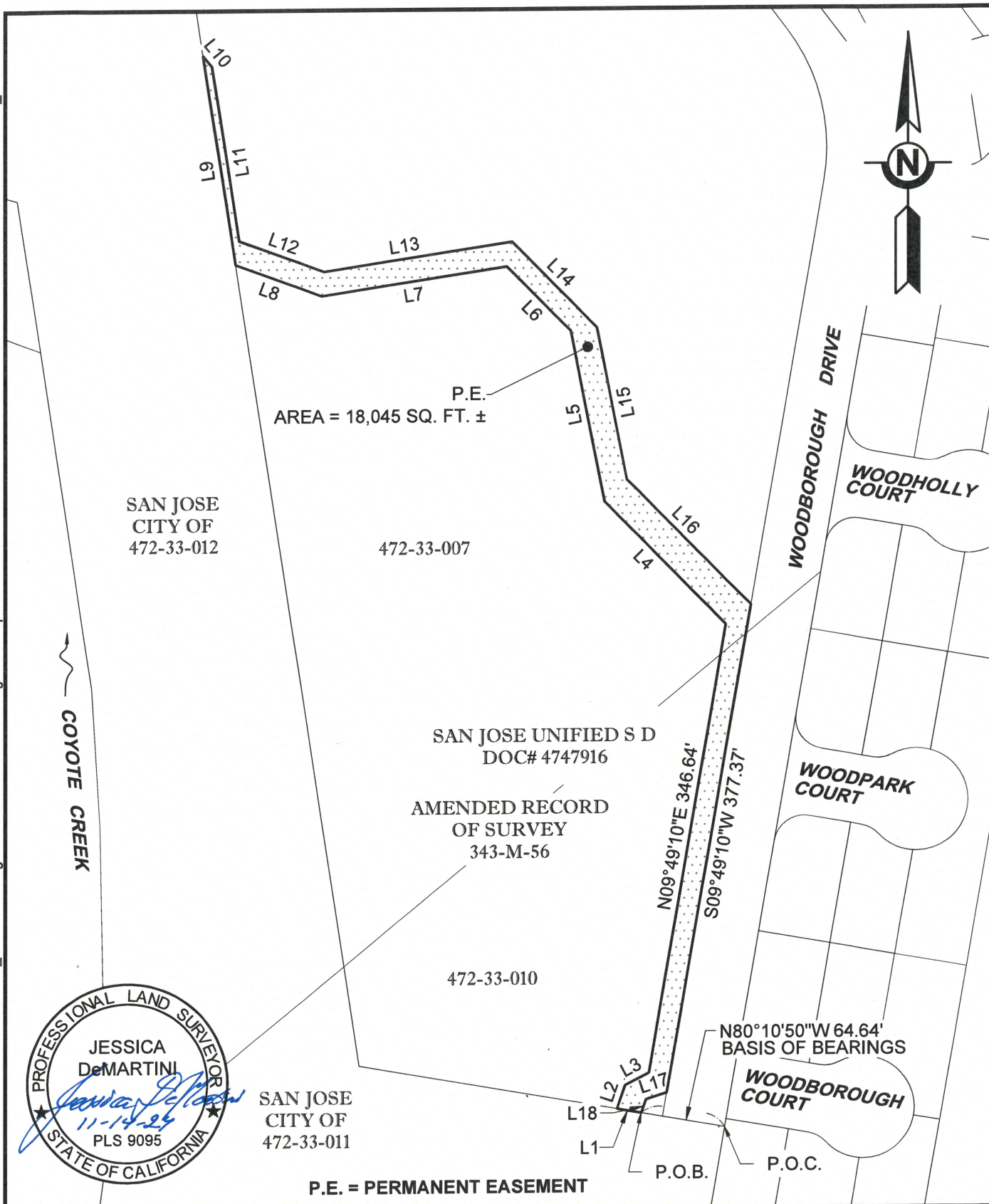
The description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

  
Jessica DeMartini, PLS 9095

11/14/24  
Date



SCVWD S:\REQUESTS\COYOTE CREEK\2023\_147\2 Working\Office\ROW\Plats and Legal Descriptions\Reach 7\472-33-007&010 SAN JOSE UNIFIED\4021-467 PE\2023-147\_4021-467 PE Rev2.dwg



SAN JOSE  
CITY OF  
472-33-011

P.E. = PERMANENT EASEMENT

SANTA CLARA VALLEY WATER DISTRICT

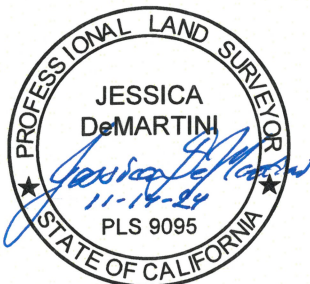


SCALE: 1" = 150'

RESU FILE NO.	4021-467
APN	MULTIPLE
LSMU REQUEST NO.	2023-147
DRAWN	B. Bains



Line Table		
Line #	Bearings	Distance
L1	N80°10'50"W	18.55'
L2	N19°00'42"E	18.99'
L3	N62°29'42"E	20.32'
L4	N44°30'50"W	132.04'
L5	N11°06'46"W	132.98'
L6	N44°17'02"W	68.87'
L7	S81°16'02"W	142.58'
L8	N69°44'47"W	69.92'
L9	N08°42'37"W	161.73'
L10	S39°20'34"E	10.81'
L11	S08°42'37"E	134.90'
L12	S69°44'47"E	68.93'
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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