

**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 interest 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 and incorporated herein ("Property Interest"); and

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

WHEREAS, Valley Water made an offer to purchase the Property Interest from the owner of record on July 23, 2025, based on a current appraisal and in compliance with Government Code section 7267.2; 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 Interest 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 Interest 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 Interest described herein in plat map and legal description attached hereto as Exhibit A is necessary for the Project;
4. Valley Water made the offer required by 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 Interest;
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 Interest, to deposit the amount of probable compensation pursuant to Code of Civil Procedure Section 1255.010, and to acquire prejudgment possession of the Property Interest 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 TEMPORARY CONSTRUCTION EASEMENT, FILE NO. 4021-436

No. of Pages: 4

Exhibit Attachments: None

Santa Clara Valley Water District
San Jose, Ca 95118

PROJECT: COYOTE CREEK FLOOD
PROTECTION PROJECT (CCFPP)

RESU FILE NO.: 4021-436
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 24665307 filed on October 21, 2020, in the Office of the Recorder, County of Santa Clara, State of California, more particularly described as follows:

Temporary Construction Easement (T.C.E.)

BEGINNING at a 1" iron pipe at the southwesterly corner of the lands shown as PARCEL "A", on that certain Parcel Map, filed in Book 328 of Maps at Page 46, on August 21, 1973, in the Office of the Recorder, Santa Clara County, State of California, said point also being the beginning of a non-tangent curve concave easterly and having a radius of 890.05 feet, a radial line to said point bears N76°46'58"W;

Thence along the northwesterly line of said lands, northeasterly along said curve thru a central angle of 1°34'35", an arc distance of 24.49 feet;

Thence leaving said northwesterly line, S75°12'34"E, 220.34 feet to a point on the southeasterly line of said lands, said point also being the beginning of a non-tangent curve concave easterly and having a radius of 430.00 feet, a radial line to said point bears N77°34'53"W;

Thence along said southeasterly line, southwesterly along said curve thru a central angle of 3°12'22", an arc distance of 24.06 feet, to a 1" iron pipe at the most southerly corner of said lands;

Thence along said southwesterly line, N75°20'05"W, 221.67 feet to the **POINT OF BEGINNING**.

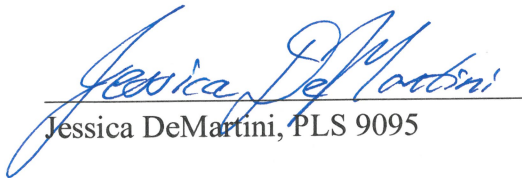
Containing 5,356 square feet of land, more or less.

BASIS OF BEARINGS:

The bearing of N75°20'05"W, shown as N76°08'07"W along the southwesterly line of the lands shown as PARCEL "A" on that certain Parcel Map, filed in Book 328 of Maps at Page 46, on August 21, 1973, in the Office of the Recorder, State of California, was used as Basis of Bearings shown hereon.

SURVEYOR'S STATEMENT:

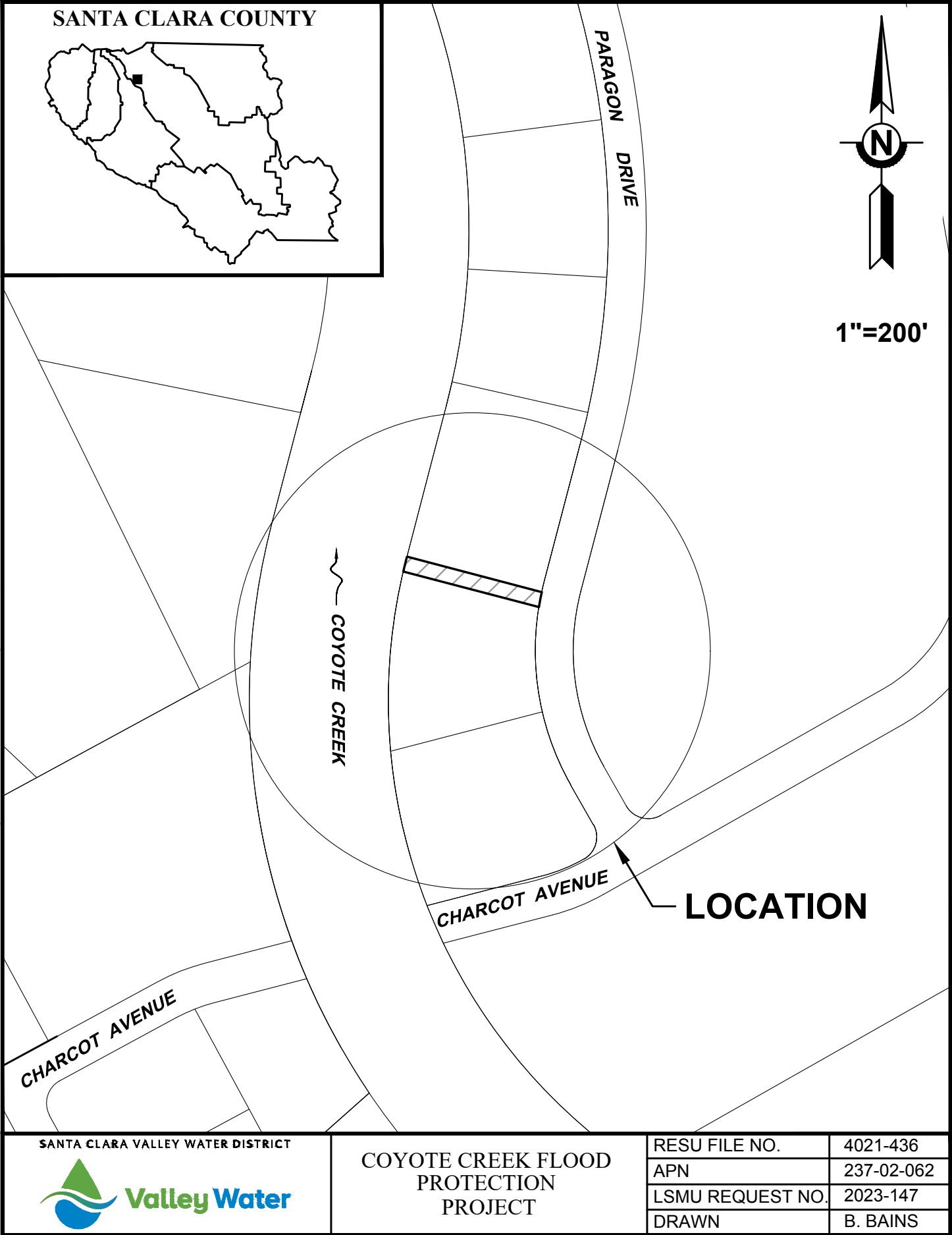
The description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.


Jessica DeMartini, PLS 9095

7/15/25
Date



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