

Watershed: Coyote
Project: 26174043
Real Estate File No.: 4021-373

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

RESOLUTION NO. 2025-

**DETERMINING AND DECLARING THE PUBLIC NECESSITY
FOR 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 Exhibit A 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, Valley Water made an offer to purchase the Property Interests from the owner of record on August 6, 2025, based on a current appraisal and in compliance with California Government Code Section 7267.2; 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 map and legal description attached hereto as Exhibit A is necessary for the Project;
4. Valley Water made the offer required by California 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 Interests;
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 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

TONY ESTREMER
Chair, Board of Directors

ATTEST: CANDICE KWOK-SMITH

Clerk, Board of Directors

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EXHIBIT A COVERSHEET

PLAT MAP AND LEGAL DESCRIPTION WATER MANAGEMENT EASEMENT, FILE NO. 4021-373

No. of Pages: 3

Exhibit Attachments: None

EXHIBIT A

WATER MANAGEMENT AND/OR STORM WATER DRAINAGE EASEMENT, File No. 4021-373

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.

Exhibit A

Santa Clara Valley Water District
 San Jose, Ca 95118

PROJECT: COYOTE CREEK FLOOD
 PROTECTION PROJECT (CCFPP)

RESU FILE NO.: 4021-373
 BY: A. Ruiz

A permanent easement over that certain real property situate in the City of San Jose, County of Santa Clara, State of California, as described in that certain Deed recorded as Document Number 20141382, filed on February 20, 2009, in the Office of the Recorder, County of Santa Clara, State of California, and replicated as follows:

"Beginning at a point on the lot line between 500 acre Lots 10 and 11, N. 37° 53' W. 206.67 feet from the point of intersection of said line with the Northerly line of Keyes Street, sometimes known as the Story Road, said point being also 75 feet distant Westerly, measured at right angles to the located center line of the Western Pacific Railroad Company's branch line of railroad from Niles to San Jose; thence along said 500 acre lot line, N. 37° 53' W. 77.76 feet to a point; thence S. 70° 23' E. 44.56 feet to a point 75 feet distant Westerly, measured at right angles to said center line of said railroad; thence S. 7° 32 1/2' E. 75 feet from and parallel to said center line of said railroad a distance of 46.95 feet to the Point of Beginning, said parcel of land containing 0.02 acres of land, more or less, and being a portion of that certain tract of land conveyed by The Standard Realty and Development Company to the Western Pacific Railroad Company, by deed recorded June 25, 1921 in Book 533 of Deeds, page 469, records of Santa Clara County, California, and being a portion of 500 acre Lot 11 of the PUEBLO LANDS to the City of San Jose."

Containing 931 square feet of land, more or less.

SURVEYOR'S STATEMENT:

The description as replicated from said Deed recorded as Document Number 20141382, filed on February 20, 2009, in the Office of the Recorder, County of Santa Clara, State of California, was reviewed and prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.


 Jessica DeMartini, PLS 9095

4/23/25
 Date



Exhibit A

