



# Public Hearing to Consider Adoption of Resolution of Necessity: Coyote Creek Flood Protection Project

# Findings to be Made at RON Hearing

- Establish the public need for the project
- Establish that project is designed/located in a manner most compatible with greatest public good and least private injury
- Determine the property is necessary for the project
- Establish offer required by Section 7267.2 of the Government Code was made to record owner(s)
- Determine the Project use of the Property will not unreasonably interfere with the public use, consistent with the requirements of Cal. Code of Civ. Proc. § 1240.510

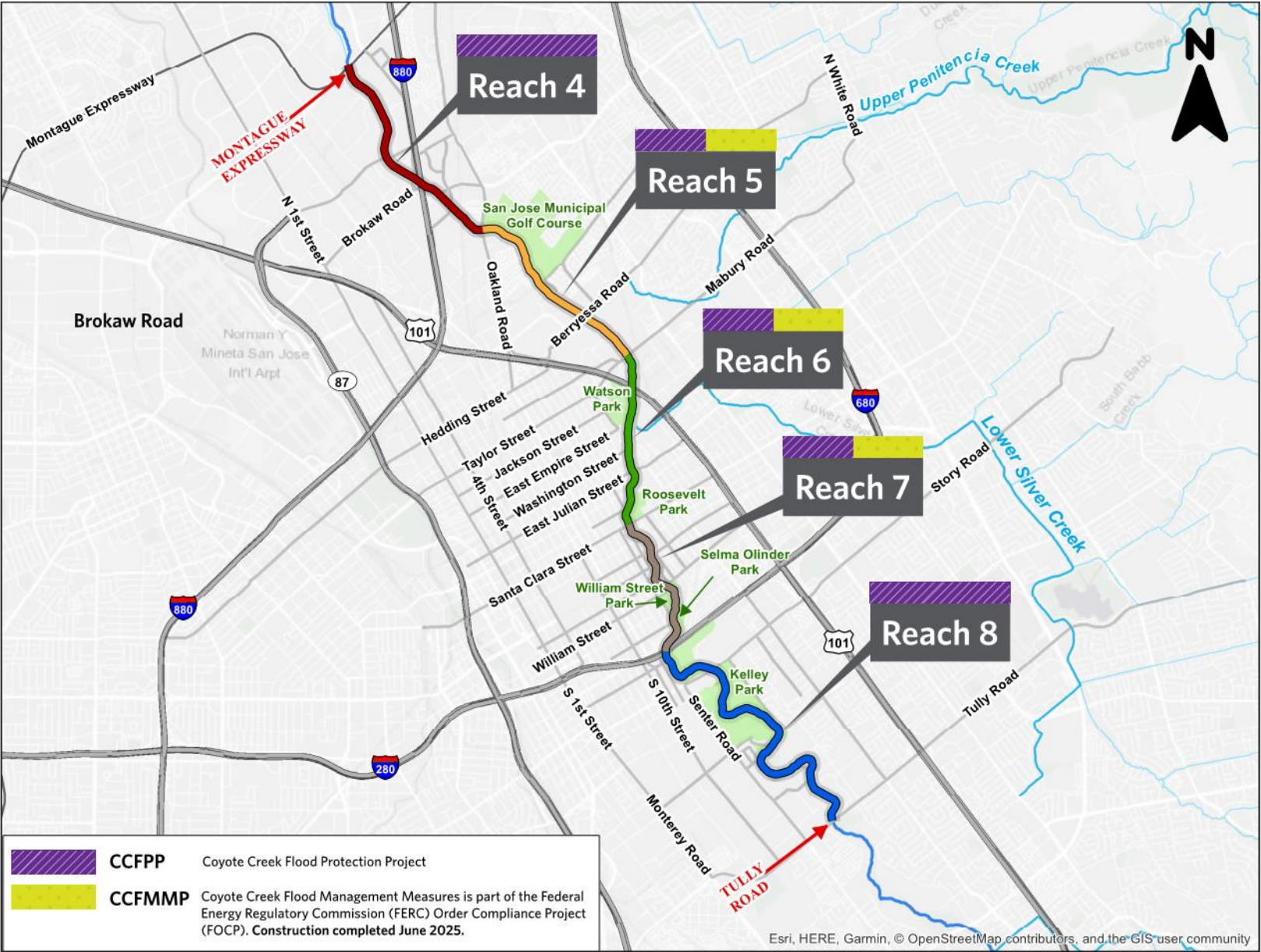
# Public Necessity for the Proposed Project

3

- **Finding: The public interest and necessity require the proposed project**
  - Provide flood protection from floods up to the level that occurred in February 2017 (approximately a 20-year flood event) along portions of Coyote Creek from Montague Expressway to Tully Road
  - Preserve creek's habitat
  - Reduce long-term maintenance



# Coyote Creek Flood Protection Project



# Existing Constraints on Project Design

- The geography and footprint of the creek determines which properties will be impacted
  - Private property and public parks are located on both sides of the creek
  - The creek flows through private property and public parks

# Project Design Serves the Greatest Public Good with the Least Private Injury

6

**Finding:** The proposed project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury

- Holistic approach to project design
- Avoidance of public and private structures
  - Locating project features to minimize impacts to existing structures
- Preserve habitat
  - Minimize disturbance to native vegetation
  - Preserve aquatic habitat
- Align project features with existing creek alignment

# CEQA Compliance

- An Environmental Impact Report (EIR) was prepared by Valley Water as the lead agency.
- The final EIR was certified by the Valley Water board of directors on March 11, 2025.

# Property Acquisitions Necessary for Project

- Project requires acquisition of 62 Properties in Reaches 4, 5, 6, 7, & 8
- A Resolution of Necessity is proposed to acquire property interests over portions of 2 properties in Reach 7 owned by the following owners of record:
  - San Jose Unified School District

# San Jose Unified School District Property is Necessary for the Project

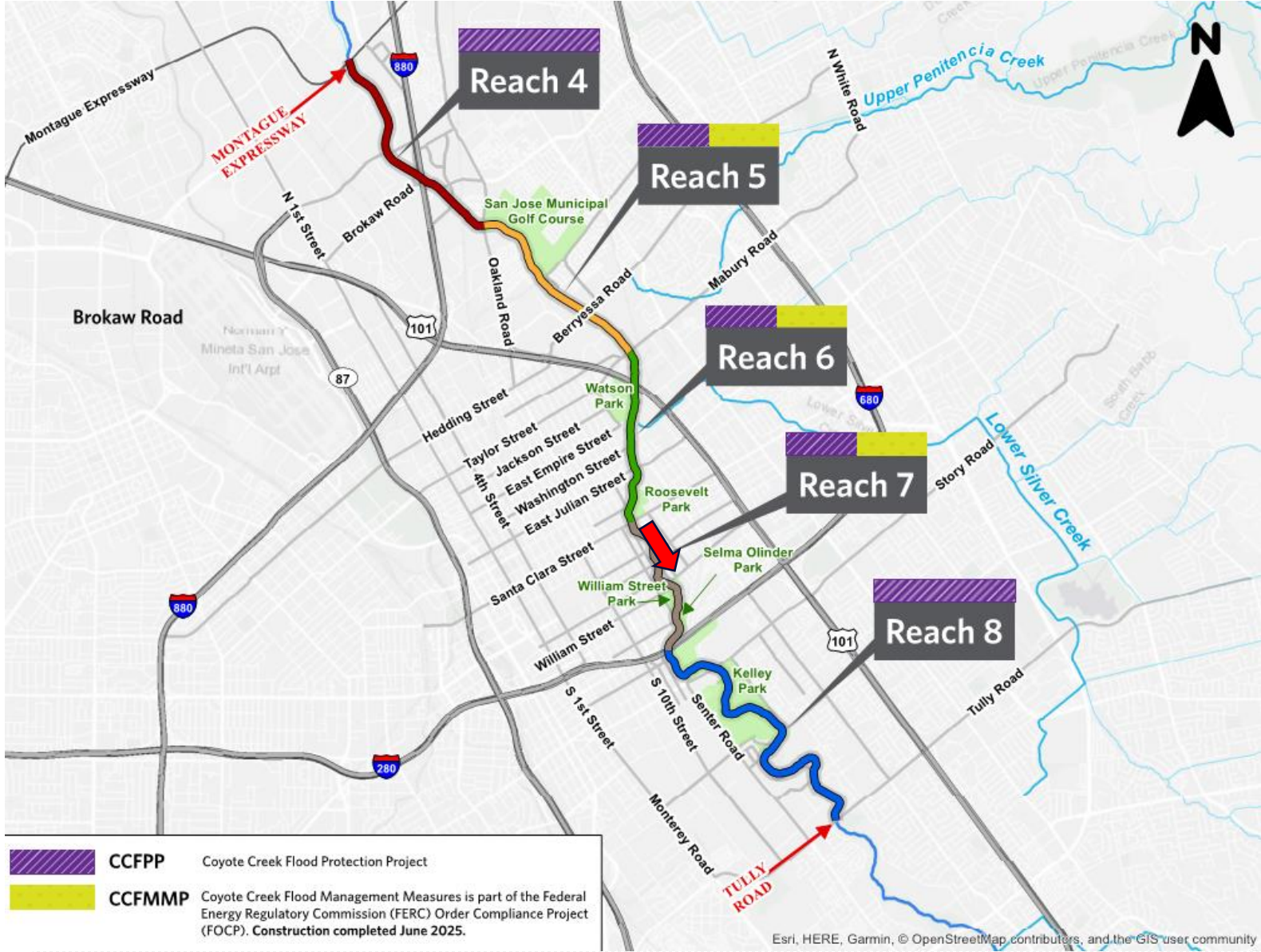
9

**Finding: The properties described in the resolution are necessary for the proposed project**

- This property is necessary for the project because floodwalls, passive barriers and the access path to construct/maintain the project features are on a portion of these properties.
- Construction activities also require that a separate portion of the properties be temporarily accessible to construct the project features.

# San Jose Unified School District Property Location

10



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# San Jose Unified School District Property Exhibit

472-33-007 &  
472-33-010

Floodwall

Permanent  
Easement

Temporary  
Construction  
Easement

Passive  
Barriers

PE Total Area: 18,045 Sq Ft. or 0.41 Acres  
TCE Total Area: 31,098 Sq. Ft. or 0.71 Acres

## Legend

- Flood Wall
- Flood Wall
- Passive Barrier
- Permanent Easement
- Property Boundary
- Temporary Easement



700 ft

# CCFPP on San Jose Unified School District Property:

12

- The passive barriers and floodwalls are located on San Jose Unified School District property.
- A portion of the area is to be acquired for access to and maintenance of the project features.
- The project features maintain access and minimize impacts to existing structures and recreation facilities.
- After project is constructed, the area will be returned to its existing use.

**Finding: The use of the Property 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 Code of Civil Procedure Section 1240.510.**

# Gov. Code Section 7267.2(a) Offer

**Finding: The Offer of Just Compensation as Required by Section 7267.2(a) of the Gov. Code in an amount not less than the appraised value of the interest to be acquired has been made to the owners of record**

- On June 16, 2025, the District sent a final written offer to the Owner(s) via certified mail for the Full Amount established as Just Compensation.
- The amount of just compensation was not less than fair market value established by an approved appraisal

# San Jose Unified School District Property - Acquisition Chronology

| DATE                 | DISTRICT ACTIVITIES                                                                                                         |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------|
| March/April/May 2024 | Online Meeting (3/13/24); Online Meeting (4/18/24); In-person Meeting (5/1/24) to discuss the Project                       |
| October 2, 2024      | In-person meeting between VW staff and SJUSD to discuss the Project                                                         |
| November 4, 2024     | Notice of Decision to Appraise Letter mailed to SJUSD*                                                                      |
| June 16, 2025        | Offer package mailed to SJUSD Certified Mail Receipt confirmed that the packet was delivered on June 18, 2025*              |
| August 11, 2025      | SJUSD replied to June 29 <sup>th</sup> VW email stating VW should expect a written response to the offer by August 15, 2025 |
| August 18, 2025      | SJUSD notified VW by email that they will be obtaining their own appraisal                                                  |
| August 21, 2025      | SJUSD replied by email with an amended version of our Right of Way Agreement                                                |
| September 3, 2025    | VW left a phone message for SJUSD to discuss VW comments on amended Right of Way Agreement                                  |
| September 11, 2025   | Notice letter for RON hearing sent via USPS certified mail                                                                  |
| September 16, 2025   | VW sent email requesting SJUSD respond to September 3 <sup>rd</sup> phone message                                           |
| September 24, 2025   | Received a letter from SJUSD informing that they will appear in-person at the October 14, 2025 Valley Water Board Meeting   |
| October 1, 2025      | VW sent letter to SJUSD confirming the RON Hearing date and providing a hyperlink to related materials                      |
| October 13, 2025     | Interim CEO emailed SJUSD that October 14, 2025, RON Hearing agenda item would be deferred to a future Board meeting        |
| October 14, 2025     | Board defers RON Hearing to November 25, 2025, public meeting                                                               |
| October 27, 2025     | VW provided comments to SJUSD regarding the August 21 <sup>st</sup> draft document emailed to VW                            |
| October 30, 2025     | VW Staff and counsel met electronically with owner representatives and their counsel to discuss draft document              |
| October 31, 2025     | Notice letter for Deferred RON hearing sent via USPS certified mail                                                         |
| November 10, 2025    | VW Emailed amended ROW Agreement to SJUSD with acceptable terms                                                             |
| November 13, 2025    | VW Staff and counsel met electronically with SJUSD and their counsel to discuss draft ROW Agreement                         |

# Discussion and Decision

15

- This completes the Valley Water's presentation regarding acquisition of the San Jose Unified School District's Properties.
- After the Board receives comments from the property owner and public, staff is ready to answer questions.

# Close the Public Hearing

16

- After receiving comments/questions from the Owner and/or public, the Public Hearing can be closed.



# Valley Water

Clean Water • Healthy Environment • Flood Protection

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