

December 15, 2023

File: 2044-13  
South San Francisco Bay  
Shoreline Phase I Economic  
Impact Area 11 Project

**VIA CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Mr. Tony A. Santos  
Santos/Alviso Partnership L.P.  
P.O Box 201  
Alviso, CA 95002

Mr. Tony A. Santos  
Santos/Alviso Partnership L.P.  
1110 Taylor Street  
Alviso, CA 95002

**NOTICE OF INTENTION TO ADOPT RESOLUTION OF NECESSITY**  
(California Code of Civil Procedure section 1245.235)

Re: Acquisition of a Temporary Work Area Easement of a Portion of Santa Clara County  
Assessor Parcel Number 015-25-012

**NOTICE IS HEREBY GIVEN** that the Board of Directors (Board) of the Santa Clara Valley Water District (Valley Water) intends to hold a hearing on Tuesday, January 10, 2023, at 1:00 p.m., or as soon thereafter as the matter may be heard, in the Valley Water Headquarters Boardroom, 5700 Almaden Expressway, San Jose, California 95118 to consider the adoption of a Resolution of Necessity. The adopted Resolution will authorize Valley Water to acquire real property by eminent domain for the San Francisco Bay Shoreline Phase 1 Economic Impact Area 11 Project ("Project"). The required property is located near Madison Street, Alviso, California 95002, Santa Clara County Assessor's Parcel No. 015-25-012 and is described and depicted in Exhibit A attached hereto. You are being sent this notice as your name appears on the last equalized Santa Clara County assessment roll.

**NOTICE IS FURTHER GIVEN** that you have the right to appear and be heard before the Board of Directors at the above scheduled hearing on the following matters and issues, and to have the Board give consideration to your testimony prior to deciding whether or not to adopt the proposed Resolution of Necessity:

Whether the public interest and necessity require the Project;

Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

Whether the property sought to be acquired is necessary for the Project; and

Whether the offer required by Government Code Section 7267.2 was made to the owner of record.

Notice of Intention to Adopt Resolution of Necessity  
Santos Alviso Partnership LP  
Page 2  
December 15, 2023

Valley Water is authorized to acquire property by eminent domain for the Project in accordance with Article I, Section 19 of the California Constitution; Code of Civil Procedure Section 1230.010 et seq.; and Section 6 of the Santa Clara Valley Water District Act.

**NOTICE IS FURTHER GIVEN** that you must file a written request to be heard within 15 days after this Notice was mailed. California Code of Civil Procedure Section 1245.235(b)(3) provides that "failure to file a written request to appear and be heard within 15 days after the notice was mailed will result in waiver of the right to appear and be heard" on the above matters and issues which are the subject of the hearing. If you desire to be heard, you must file a written request with the Clerk of the Board, 5700 Almaden Expressway, San Jose, California, 95118. Your written request to be heard must be received by the Clerk of the Board for filing within 15 days after this Notice was mailed. The date of mailing appears at the end of this Notice.

PLEASE BE AWARE THE PRICE TO BE PAID FOR THE PROPERTY WILL NOT BE CONSIDERED BY THE BOARD AT THIS HEARING, AND IF YOU ELECT NOT TO APPEAR AND BE HEARD, YOUR NON-APPEARANCE WILL **NOT** BE A WAIVER OF YOUR RIGHT TO CLAIM GREATER COMPENSATION IN A COURT OF LAW.

If the Board elects to adopt the Resolution of Necessity, then within six months of the adoption of the Resolution, Valley Water will commence eminent domain proceedings in Superior Court. In that proceeding, the Superior Court will determine the amount of compensation to which you are entitled.

Santa Clara Valley Water District

By:   
Michele L. King, CMC  
Clerk of the Board

Certified Mail #70222410000149369974 & #70222410000149369981

Enclosures: Exhibit A – P&D

Dated and mailed on: December 15, 2022

Notice of intention to appear due: December 30, 2022

## EXHIBIT A

### SANTA CLARA VALLEY WATER DISTRICT

SAN JOSE, CA 95118

PROJECT: SOUTH BAY WETLANDS RESTORATION

RESU FILE NO.: 2044-13

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF BLOCK 69 AS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED ON SEPTEMBER 30, 2005 AS DOCUMENT NUMBER 18605126 OF OFFICIAL RECORDS AND ALSO AS SHOWN ON THAT CERTAIN MAP FILED IN BOOK D OF MAPS ON PAGE 184 AND ALSO AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED ON AUGUST 27, 1976 IN BOOK 378 OF MAPS AT PAGE 55, AND ALSO BEING A PORTION OF MADISON STREET AS SHOWN ON SAID MAP AND ALSO AS SHOWN ON SAID RECORD OF SURVEY, ALL IN THE OFFICE OF THE RECORDER, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

#### (TEMPORARY WORK AREA EASEMENT)

**COMMENCING** AT THE CAST ALUMINUM MONUMENT 138 ON THE SOUTHERLY LINE OF SAID RECORD OF SURVEY, SAID POINT ALSO SHOWN AS POINT NUMBER 3955 ON SAID RECORD OF SURVEY;

THENCE ALONG SAID SOUTHERLY LINE OF SAID RECORD OF SURVEY, SOUTH 89° 47' 34" EAST, 43.58 FEET TO THE **POINT OF BEGINNING**;

THENCE LEAVING SAID SOUTHERLY LINE, NORTH 02° 31' 31" EAST, 17.93 FEET TO A POINT ON THE CENTER LINE OF SAID MADISON STREET;

THENCE ALONG SAID CENTER LINE OF SAID MADISON STREET, NORTH 49° 07' 40" EAST, 82.58 FEET;

THENCE LEAVING SAID CENTER LINE, SOUTH 02° 31' 31" WEST, 34.41 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID MADISON STREET, SAID LINE ALSO BEING THE NORTHWESTERLY LINE OF BLOCK 69;

THENCE SOUTH 56° 58' 37" EAST, 69.74 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID BLOCK 69, SAID LINE ALSO BEING THE SOUTHERLY LINE OF SAID RECORD OF SURVEY;

THENCE ALONG SAID SOUTHERLY LINE, NORTH 89° 47' 34" WEST, 120.19 FEET TO THE **POINT OF BEGINNING**.


CONTAINING 3,841 SQUARE FEET OF LAND, MORE OR LESS.

**BASIS OF BEARINGS:**

BEARINGS ARE BASED ON AND IDENTICAL TO SAID RECORD OF SURVEY FILED ON AUGUST 27, 1976 IN BOOK 378 OF MAPS AT PAGE 1 THROUGH 57 IN THE OFFICE OF THE RECORDER, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA.

**SURVEYOR'S STATEMENT:**

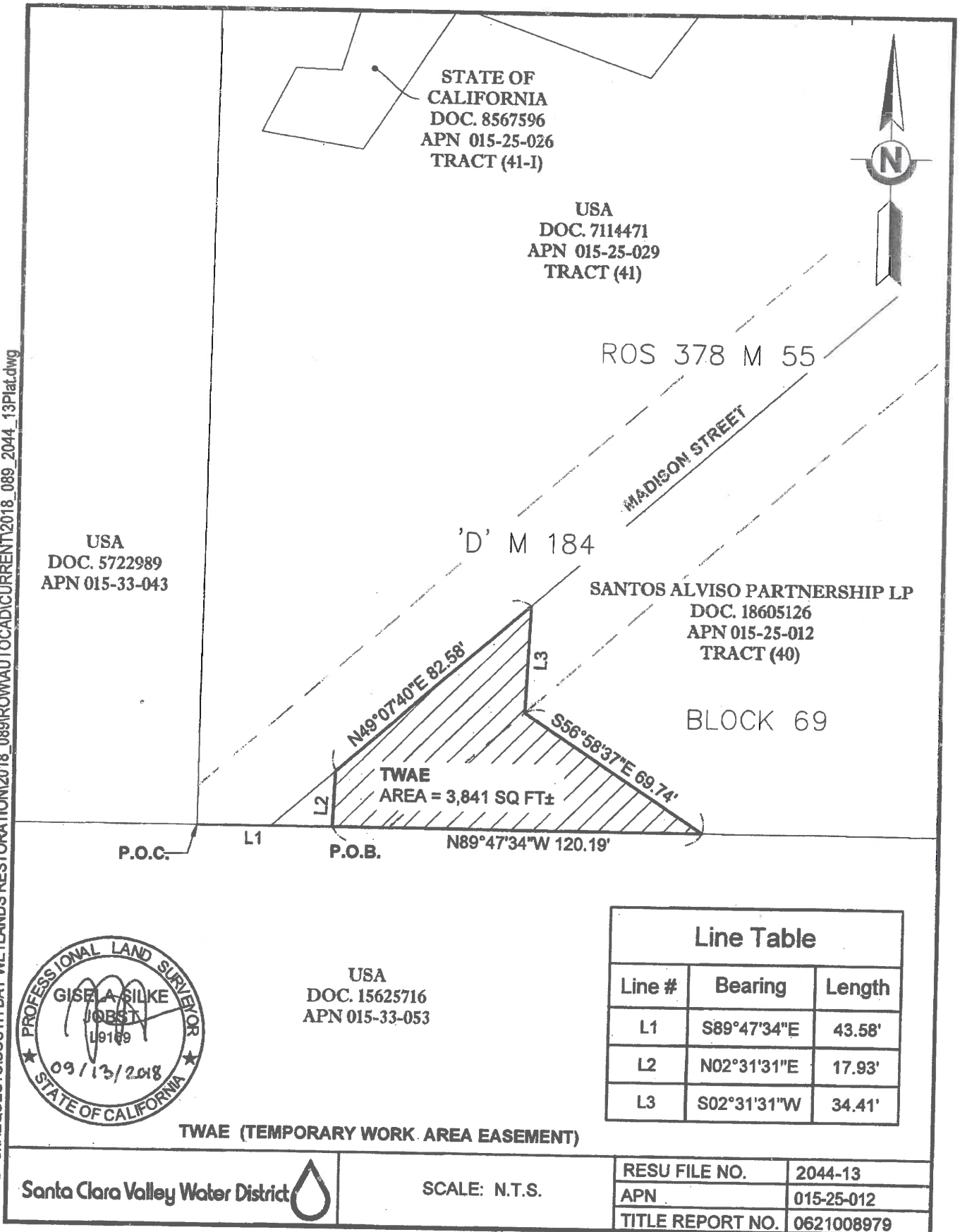
THE DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.

  
\_\_\_\_\_  
GISELA SILKE JOBST, L9169

09/13/2018  
DATE



SCVWD S:\REQUESTS\BAY WETLANDS RESTORATION\2018\_089\ROW\AUTOCAD\CURRENT\2018\_089\_2044\_13\plat.dwg



SHEET 1 OF 1

## AFFIDAVIT OF MAILING

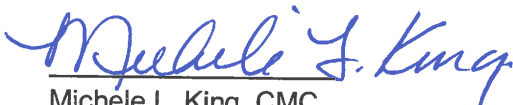
I, Michele L. King, am now and at all times herein mentioned have been over the age of eighteen years, employed in Santa Clara County, California; that my business address is 5750 Almaden Expressway, San Jose, California 95118. I am readily familiar with the District's business practice for collection and processing of correspondence for mailing with the United States Postal Service. I served a copy of the attached Notice of Intention to Adopt Resolution of Necessity by mailing said copy to the address shown on the attached mailing list by FIRST CLASS MAIL and CERTIFIED MAIL. This mailing list has been provided by the Real Estate Services Unit and lists the owners of property who are entitled to Notice of Hearing.

On December 15, 2022, a Notice was placed for collection and mailing at my place of business following ordinary business practices. Said correspondence will be deposited with the United States Postal Service at San Jose, California, on the above referenced date in the ordinary course of business; there is delivery service by the United States mail at the place so addressed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this affidavit was executed on December 15, 2022, at San Jose, California.

Date: December 15, 2022

By:



Michele L. King, CMC  
Clerk of the Board  
Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, California 95118

Notice of Intent to Adopt Resolution of Necessity

Notices were provided to the following interested party in the manner described above:

Mr. Tony A. Santos  
Santos/Alviso Partnership L.P.  
P. O. Box 201  
Alviso, CA 95002

Mr. Tony A. Santos  
Santos/Alviso Partnership L.P.  
1110 Taylor Street  
Alviso, CA 95002