

Public Hearing to Consider Adoption of Resolution of Necessity: Upper Llagas Creek Project

September 26, 2017

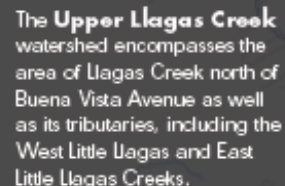


Public Necessity for the Proposed Project

- ▶ **Finding:** The public interest and necessity require the proposed project:
 - ▶ Provide 100-year flood protection to downtown Morgan Hill (Reaches 7 & 8)
 - ▶ Provide 10-year level of flood protection in Reach 14 and no induced flooding in Reaches 4, 5 & 6 (rural lands)
 - ▶ Design a stable channel
 - ▶ Preserve and enhance habitat
 - ▶ Reduce long-term maintenance
 - ▶ Improve creek conditions



project map



Existing Constraints on Project Design

- The Geography and Footprint of the Creek determines which Private Properties will be impacted
 - Private Property is Located on Both Sides of the Creek
 - The Creek is Located In and Flows Through Private Property

- The Project Design Must Qualify as the Least Environmentally Damaging Practicable Alternative
 - Must Preserve, Enhance, and Restore Natural Habitat

- **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
- Achieved through Holistic Approach to Project Design
 - Apply Hydraulic Modeling and Geomorphology to
 - Prevent incision
 - Reduce erosion
 - Reduce long term maintenance
 - Prevent induced flooding



- Achieved through Holistic Approach to Project Design
 - Avoid Private Structures
 - Examine the Possibility of Locating Project Features In a Manner that Minimizes Impacts to Private Structures
- Preserve Habitat of Greater Environmental Value
 - Minimize disturbance to native vegetation
 - Preserve, enhance, and create aquatic habitat
- Align project features with existing creek alignment

Other Project Benefits

- Improve creek conditions
- Remove invasive species
- Remove legacy trash and debris
- Preserve natural creek footprint and open space
- Increase native vegetation
- Incorporate topsoil to support plantings
- Improve water quality
- Reestablish abandoned creek
(around Lake Silveira)



- The District has complied with the requirements of the California Environmental Quality Act ("CEQA") with the District's Board certifying the Final Environmental Impact Report on June 10, 2014

Property Acquisitions Necessary for Project

- Project requires acquisition of 146 properties:
 - ▶ Phase 1 - 41 Properties (39 acquired)
 - ▶ Phase 2 - 105 Properties, including temporary construction areas (55 acquired)
- Resolutions of Necessity due to impasse are proposed for 3 properties within Phase 2 owned by the following owners of record:
 - ▶ Morgan Hill Plaza, a Partnership
 - ▶ Eleanor Sade, Trustee
 - ▶ MH Sterling Group, LLC, a California limited liability company

Separate Hearings For Each Property

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- ▶ At this point in the presentation, the District will conduct a separate hearing for each specific property
- ▶ The Chair of the Board of Directors will describe the process for each hearing

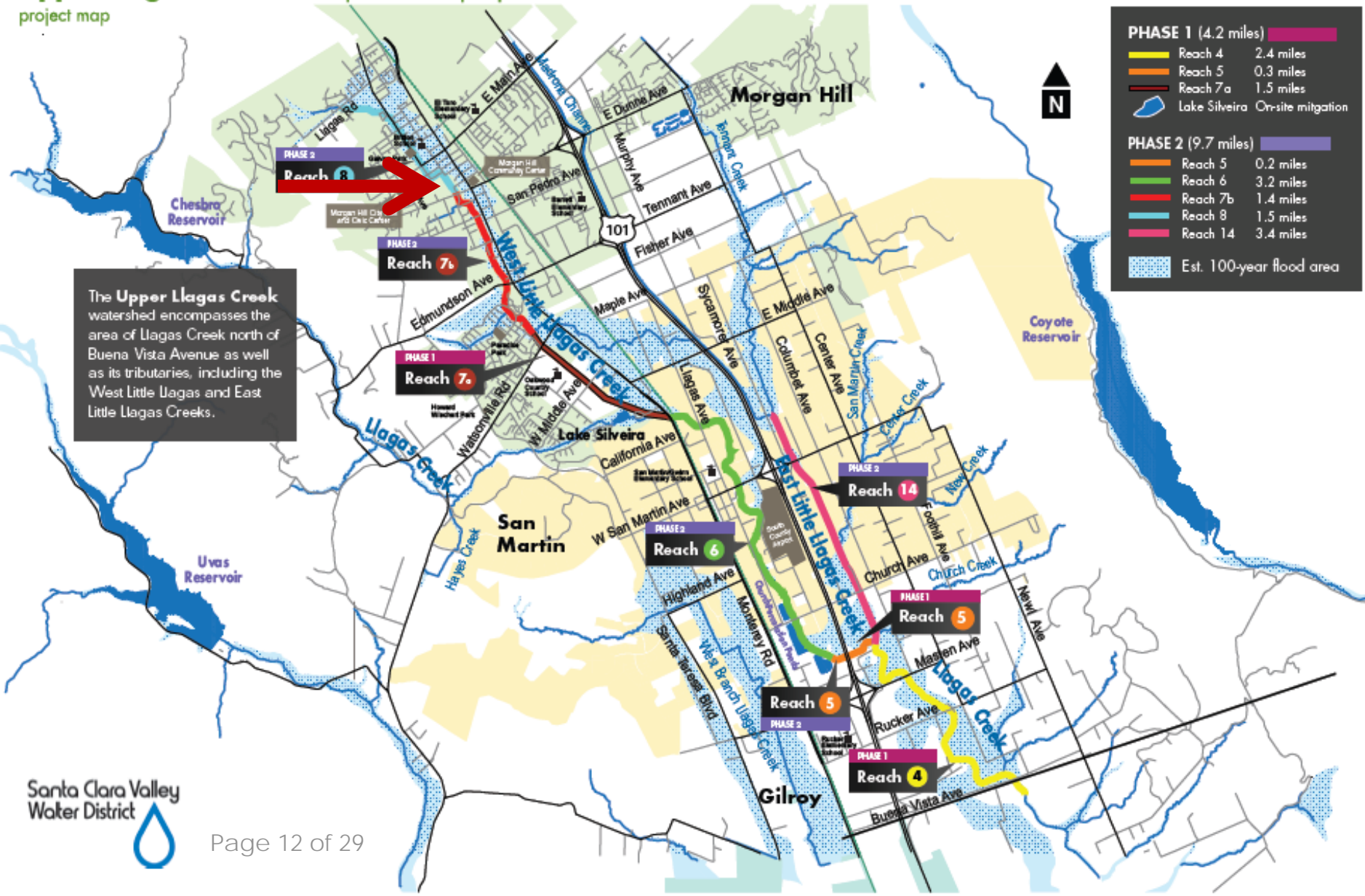
Morgan Hill Plaza Property: Least Private Injury

- ▶ The acquisition area is in back of the property behind the structure
- ▶ High flow creek diversion will be in an underground box culvert
- ▶ The proposed area to be acquired does not impact any existing private structures or access to these structures
- ▶ After project is constructed, the area will be returned to its existing use

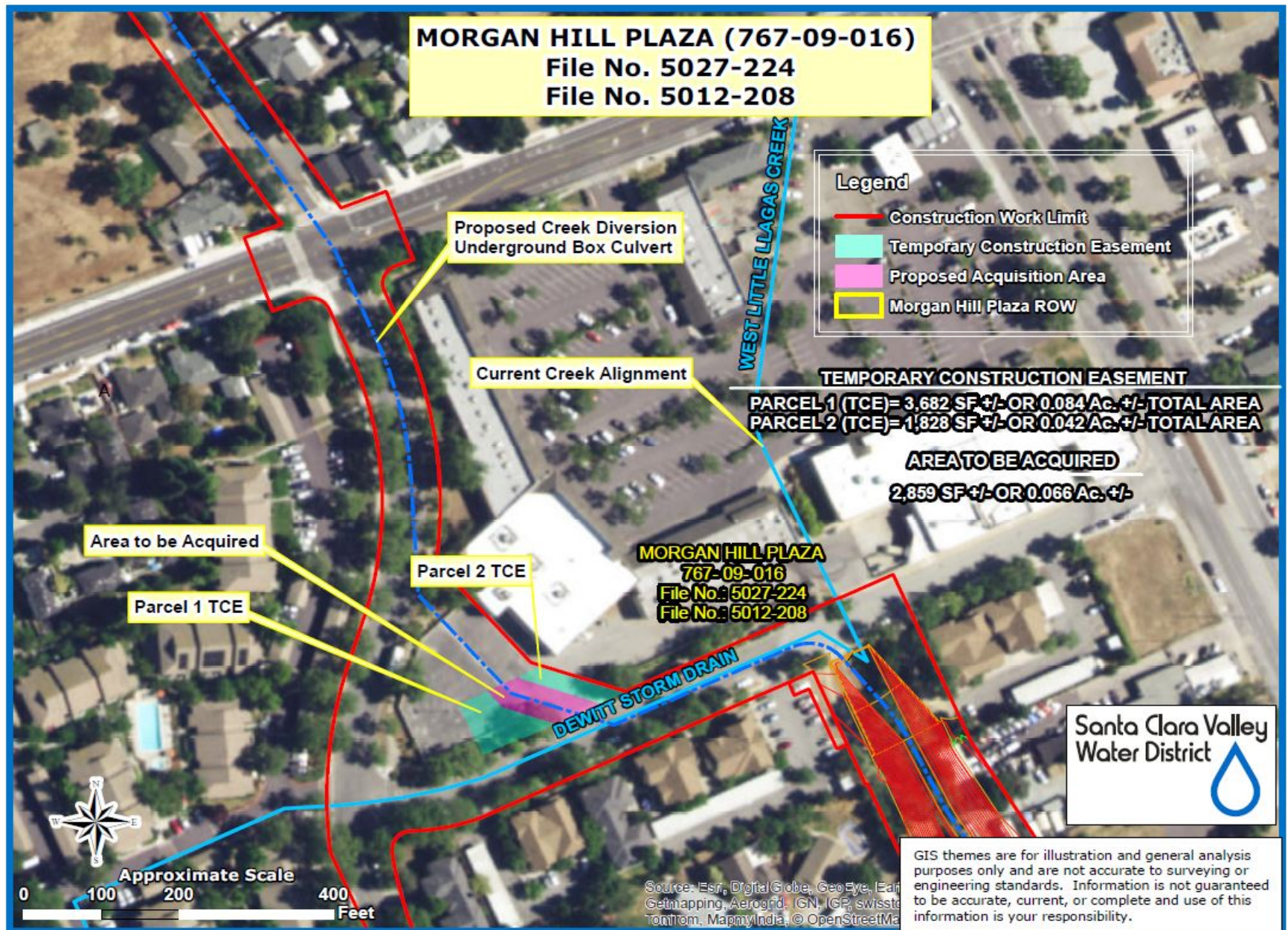
Upper Llagas Creek Flood Protection Project

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Upper Llagas Creek flood protection project project map



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Morgan Hill Plaza Property is Necessary for the Project

- Finding: The property described in the resolution is necessary for the proposed project

Gov. Code Section 7267.2(a) Offer

- ▶ **Finding:** The Offer Required by Section 7267.2(a) of the Gov. Code has been made to the owners of record
- ▶ On February 7, 2017, the District sent a final written offer to Morgan Hill Plaza via certified mail
- ▶ District's offer complies with Gov. Code Section 7267.2(a)
- ▶ District has received confirmation of the owners' receipt of the offer
- ▶ Staff has reached an impasse

- ▶ This completes the District's presentation regarding acquisition of the Morgan Hill Plaza property.
- ▶ After the Board receives comments from the property owner and public, staff is ready to answer questions.

Sade Property: Least Private Injury

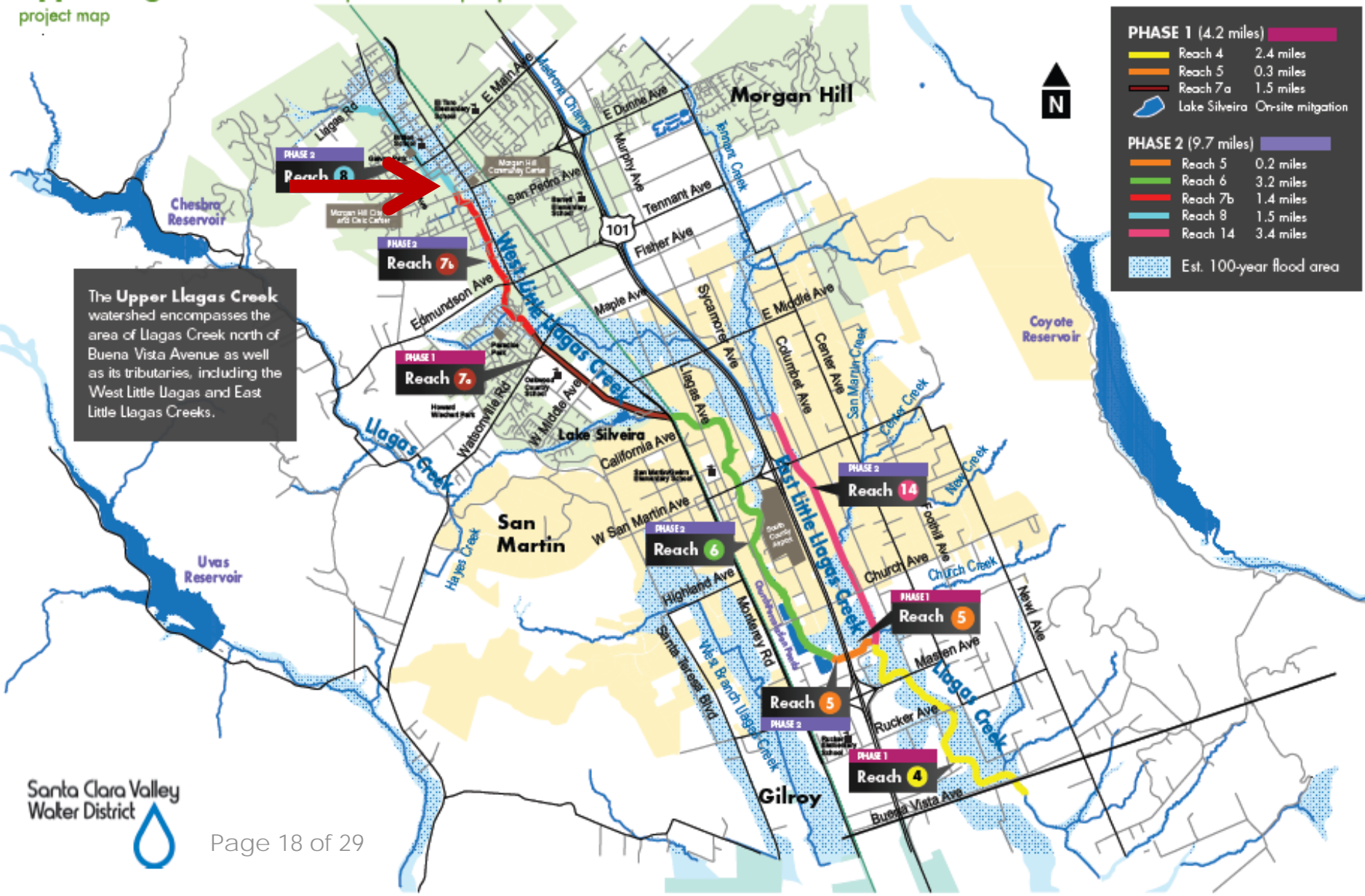
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- ▶ The acquisition area is in back of the property behind the structure
- ▶ High flow creek diversion will be in an underground box culvert
- ▶ The proposed area to be acquired does not impact any existing private structures or access to these structures
- ▶ After project is constructed, the area will be returned to its existing use

Upper Llagas Creek Flood Protection Project

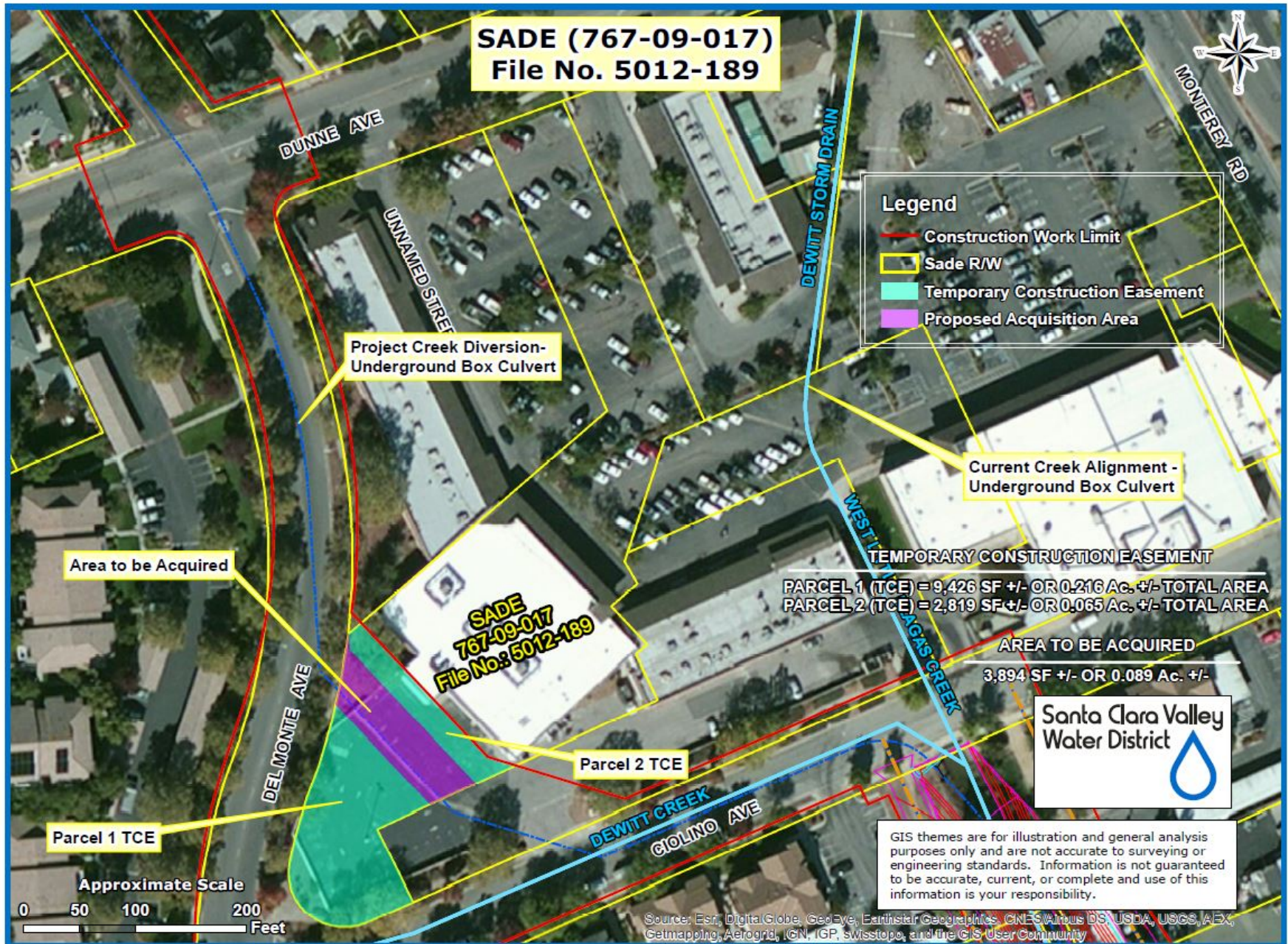
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Upper Llagas Creek flood protection project project map



Sade Exhibit

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Item 2.8-A



- Finding: The property described in the resolution is necessary for the proposed project

Gov. Code Section 7267.2(a) Offer

- ▶ **Finding:** The Offer Required by Section 7267.2(a) of the Gov. Code has been made to the owners of record
- ▶ On February 7, 2017, the District sent a final written offer to Sade via certified mail
- ▶ District's offer complies with Gov. Code Section 7267.2(a)
- ▶ District has received confirmation of the owners' receipt of the offer
- ▶ Staff has reached an impasse as a result of lack of response from the owner

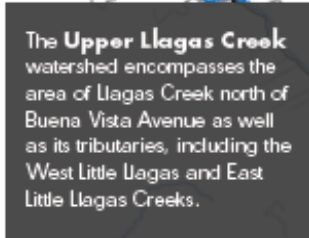
- ▶ This completes the District's presentation regarding acquisition of the Sade property.
- ▶ After the Board receives comments from the property owner and public, staff is ready to answer questions.

MH Sterling Group: Least Private Injury

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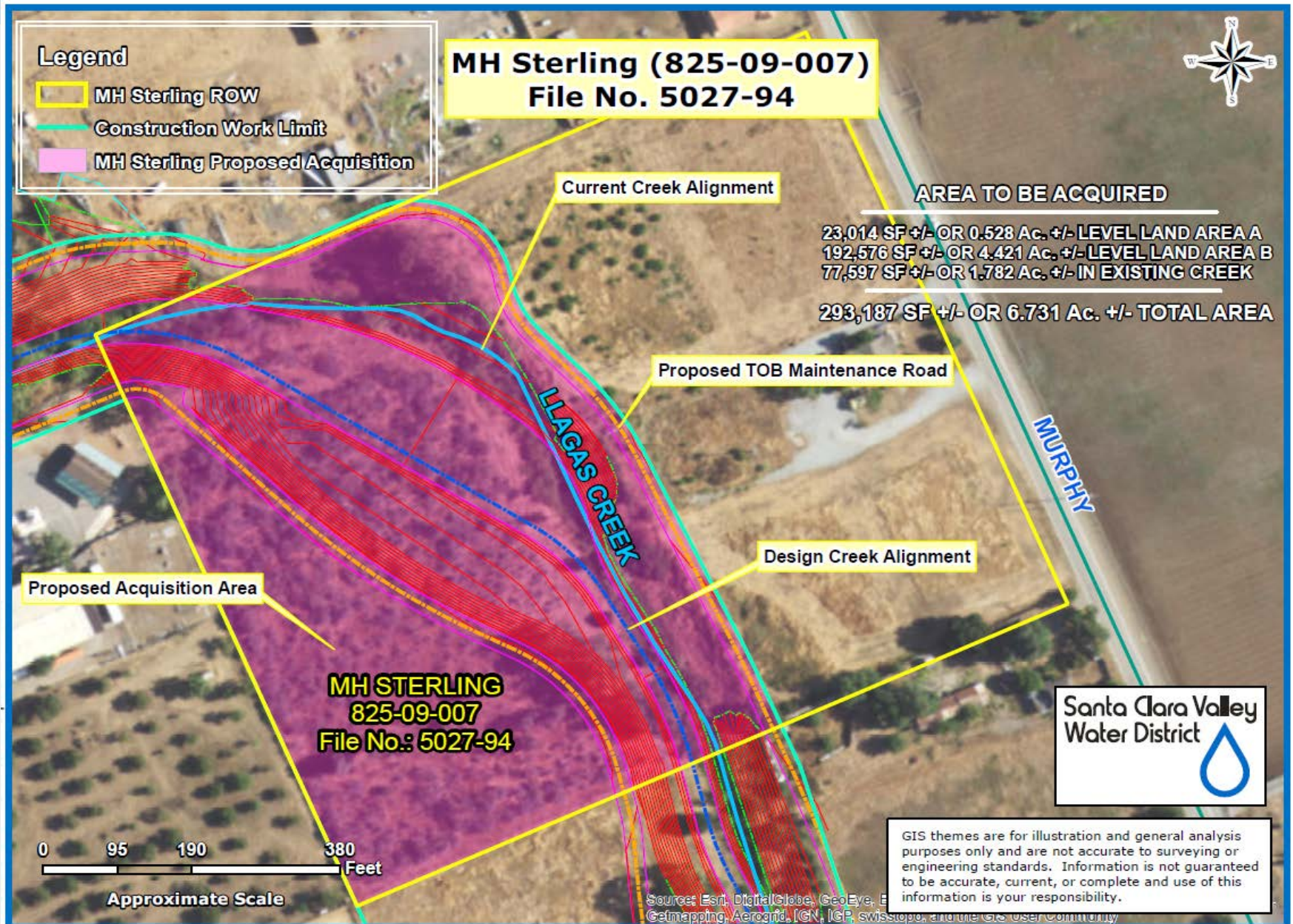
- ▶ Avoids Impact to Private Structures
- ▶ The proposed project maintenance road is located at the top of bank and aligned with the creek
- ▶ Acquisition includes portion of property that constitutes a non-economical remnant without access to a public road

project map



MH Sterling Group Exhibit

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Item 2.8-A



- Finding: The property described in the resolution is necessary for the proposed project

Gov. Code Section 7267.2(a) Offer

- ▶ **Finding:** The Offer Required by Section 7267.2(a) of the Gov. Code has been made to the owners of record
- ▶ On January 19, 2017, the District sent a final written offer
- ▶ District's offer complies with Gov. Code Section 7267.2(a)
- ▶ District has received confirmation of the owners' receipt of the offer
- ▶ Staff has reached an impasse with the owner

- ▶ This completes the District's presentation regarding acquisition of the MH Sterling Group property.
- ▶ After the Board receives comments from the property owner and public, staff is ready to answer questions.

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