

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

RESOLUTION NO. 17 -

**APPROVING THE RECONVEYANCE OF REAL PROPERTY TO CIVIC SOUTH BAY, LLC, A
SUCCESSOR IN INTEREST TO THE FORMER OWNER**

WHEREAS, Civic South Bay, LLC (Civic) is proposing to develop 250 residential dwelling units, 315,000 square feet of retail, a public softball complex, and related infrastructure (public and private streets and related utilities) within 80 acres of vacant land in the City of San Jose (APN 670-29-022, 023, & 024, formerly 670-29-002, 017, 020, & 071);

WHEREAS, in 1979, Eli Reinhard and Ben Har Company dedicated to the Santa Clara Valley Water District (District) fee title property and two easements to operate and maintain 2,730 feet of Lower Silver Creek (LSC) contained in a 72-inch diameter cast-in-place pipe (CIPP) located within the proposed development;

WHEREAS, with the development of the parcels, 1,060 feet of LSC will be removed and 1,170 feet of LSC will be realigned and constructed outside the existing District fee title property and easements and within a public street;

WHEREAS, Civic will dedicate to the District a new easement encompassing 1,170 feet of the new 72-inch diameter reinforced concrete pipe (RCP) upon construction of the new pipeline alignment;

WHEREAS, District staff has verified that Civic is the successor in interest to Eli Reinhard and Ben Har Company;

WHEREAS, Section 31 of the District Act authorizes the Board by majority vote to exchange real property of equal value with any person, firm, or corporation where the real property to be exchanged is not required for district use and the property to be acquired is required for district use;

WHEREAS, the District proposes to convey the two easements to Civic in exchange for a new easement from Civic along the new pipeline alignment;

WHEREAS, Section 31 of the District Act authorizes the Board to reconvey real property to the former owner by whom the property was conveyed, or from whom the property was condemned by the district, or the owner's successor in interest for fair market value;

WHEREAS, the District proposes to convey 218 square feet of fee to Civic, the successor in interest to Eli Reinhard and Ben Har Company for fair market value;

WHEREAS, the opinion of value for the fee title property of approximately 218 square feet is in the amount of \$2,751.00;

WHEREAS, the City of San Jose certified the Evergreen-East Hills Vision Strategy Environmental Impact Report (EIR) for the Evergreen Circle Project on December 12, 2006, adopted the Supplemental Environmental Impact Report for the Evergreen Circle Project on December 16, 2008, and considered the Addendum to the EIR for the Evergreen Circle Project on December 16, 2014; and

WHEREAS, the Santa Clara Valley Water District (District) has considered the City of San Jose's Evergreen-East Hills Vision Strategy Environmental Impact Report, Supplemental Environmental Impact Report and Addendum for the Evergreen Circle Project; and

WHEREAS, the City of San Jose's Evergreen-East Hills Vision Strategy Environmental Impact Report, Supplemental Environmental Impact Report, and Addendum for the Evergreen Circle Project are adequate for use by the District to approve a real property conveyance;

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District that:

1. The recitals set forth above are incorporated herein.
2. The two easements and fee interest to be conveyed to Civic are described in "Exhibit 1", consisting of Quitclaim Deeds Nos. 4026-92.1 and 4026-93.1, attached hereto and incorporated herein (the "Real Property Disposition").
3. The real property interests described in "Exhibit 1" are not required for District uses or purposes because the existing 72-inch diameter CIPP alignment will be removed and realigned with Reinforced Concrete Pipe outside of the District's easement.
4. The two District easements may be conveyed to Civic because Civic has agreed to dedicate to the District a new easement with the realignment of LSC.
5. The 218 square feet of District fee may be conveyed because Civic has agreed to pay to the District the sum of \$2751.00, fair market value, for this property.
6. The proposed disposition of real property is approved and consistent with the requirements of the District Act.
7. The Chair of the Board is authorized to sign this resolution.
8. That the Chief Executive Officer, or designee, is hereby authorized to execute and deliver to Civic the "Agreement for Sale of Real Property to Civic South Bay LLC", incorporated herein by this reference, and the quitclaim deeds from the District for the property described in said attached "Exhibit 1".

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on November 28, 2017.

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

By: _____

John L. Varela
Chair/Board of Directors

ATTEST: MICHELE L. KING, CMC

Clerk/Board of Director

RECORD WITHOUT FEE UNDER CALIFORNIA
GOVERNMENT CODE SECTION 6103

AFTER RECORDING RETURN TO:
REAL ESTATE SERVICES UNIT
SANTA CLARA VALLEY WATER DISTRICT
5750 ALMADEN EXPRESSWAY
SAN JOSE, CALIFORNIA 95118

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: Portion of 670-29-018 & 670-29-023

DOCUMENT NO.: 4026-92.1

QUITCLAIM DEED

SANTA CLARA VALLEY WATER DISTRICT, a Special District, created by the California Legislature (District), hereinafter "Grantor," does hereby release and quitclaim to Civic South Bay, LLC, all that real property, including the 72-inch diameter cast-in-place pipe, in the City of San Jose, County of Santa Clara, State of California, described as:

"Exhibit A" and "Exhibit B" attached

Dated this _____ day of _____, 20__

SANTA CLARA VALLEY WATER
DISTRICT

By: _____
Chief Executive Officer

Attest: Michele L. King

By: _____
Clerk/Board of Directors

DOCUMENT NO.: 4026-92.1**ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } SS

On this ____ day of _____, in the year 20__, before me _____,

Notary Public, personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public in and for said County and State

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

☐ Individual

☐ Trustee(s)

☐ Corporate Officer(s): _____

☐ Guardian/Conservator

☐ Partner(s) ☐ Limited ☐ General

☐ Other: _____

☐ Attorney-In-Fact: _____

Signer is Representing (Name of Person(s) or Entity(ies))

NOVEMBER 1, 2017
JOB NO.: 2612-000

EXHIBIT A
LEGAL DESCRIPTION
QUITCLAIM- STORM DRAIN EASEMENT
E349 OR 728 (PORTION)
SAN JOSE, CALIFORNIA

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS 'PARCEL 2' IN THE GRANT DEED TO SANTA CLARA VALLEY WATER DISTRICT RECORDED MARCH 16, 1979 IN BOOK E349 OF OFFICIAL RECORDS AT PAGE 728 IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AN EASEMENT, 20.00 FEET IN WIDTH, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS,

COMMENCING AT A POINT ON THE CENTERLINE OF SAID PARCEL 2 (E349 OR 728), SAID POINT BEING THE SOUTHWESTERLY TERMINUS OF THAT CERTAIN COURSE DESCRIBED IN SAID DOCUMENT (E349 OR 728) AS "NORTH 27°29'56" EAST, 458.32 FEET",

THENCE, FROM SAID POINT OF COMMENCEMENT, ALONG SAID CENTERLINE, NORTH 27°29'01" EAST (THE BEARING OF NORTH 27°29'01" EAST BEING USED FOR PURPOSES OF MAKING THIS DESCRIPTION) 352.03 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIPTION,

THENCE, FROM SAID POINT OF BEGINNING, CONTINUING ALONG SAID CENTERLINE, THE FOLLOWING FIVE (5) COURSES:

- 1) NORTH 27°29'01" EAST 106.59 FEET,
- 2) NORTH 44°12'42" WEST 147.79 FEET;
- 3) ALONG THE ARC OF A TANGENT 500.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 29°41'36", AN ARC DISTANCE OF 259.12 FEET;
- 4) NORTH 14°31'07" WEST 128.59 FEET;
- 5) ALONG THE ARC OF A TANGENT 170.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 78°52'41", AN ARC DISTANCE OF 234.04 FEET TO THE POINT OF TERMINUS FOR THIS DESCRIPTION. SAID POINT ALSO BEING THE POINT OF TERMINUS FOR SAID PARCEL 2 (E349 OR 728).

LEGAL DESCRIPTION

NOVEMBER 1, 2017
JOB NO. : 2612-000

CONTAINING 17,536 SQUARE FEET OR 0.40 ACRES OF LAND MORE OR LESS.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS
REFERENCE MADE A PART HEREOF.



A handwritten signature in blue ink, appearing to read "Joel Garcia", written over a horizontal line.

JOEL GARCIA, P.L.S.
L.S. NO. 5285

11-01-2017

NOVEMBER 1, 2017
JOB NO.: 2612-000

EXHIBIT B
LEGAL DESCRIPTION
QUITCLAIM- SANTA CLARA VALLEY WATER DISTRICT
E349 OR 728 - PARCEL 3
SAN JOSE, CALIFORNIA


REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF
SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS
FOLLOWS:

BEING A ALL THAT CERTAIN PARCEL OF LAND DESCRIBED AS 'PARCEL 3' IN
THE GRANT DEED TO SANTA CLARA VALLEY WATER DISTRICT RECORDED MARCH
16, 1979 IN BOOK E349 OF OFFICIAL RECORDS AT PAGE 728 IN THE OFFICE
OF THE COUNTY RECORDER OF SANTA CLARA COUNTY.

CONTAINING 218 SQUARE FEET OF LAND MORE OR LESS.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS
REFERENCE MADE A PART HEREOF.





JOEL GARCIA, P.L.S.
L.S. NO. 5285
11-01-2017

LEGEND

EX EXISTING
 POB POINT OF BEGINNING
 POC POINT OF COMMENCEMENT
 POT POINT OF TERMINUS
 SDE STORM DRAIN EASEMENT

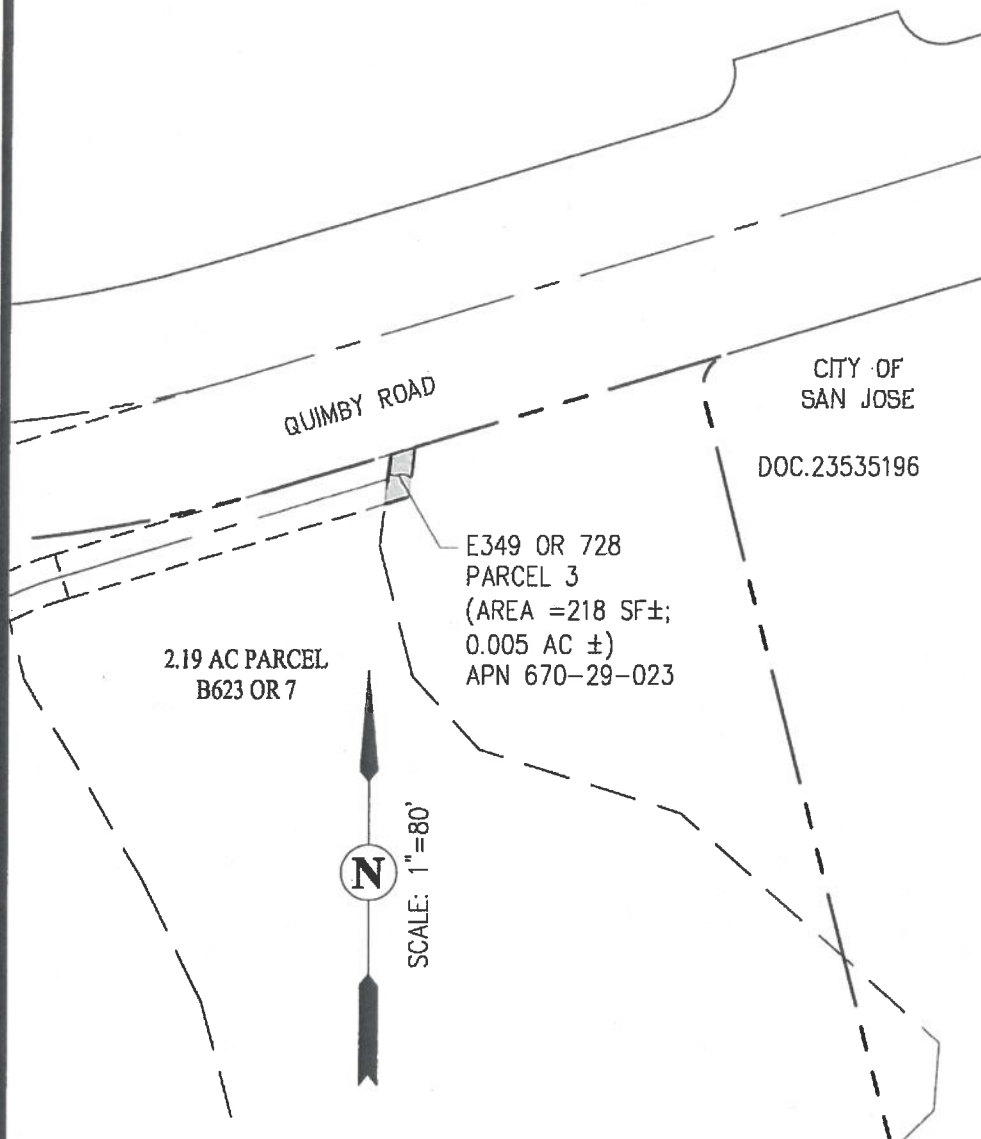


EXHIBIT B
PLAT TO ACCOMPANY LEGAL DESCRIPTION

QUITCLAIM - SANTA CLARA COUNTY WATER DISTRICT
 E349 OR 728, PARCEL 3
 SANTA CLARA COUNTY, CALIFORNIA

NOVEMBER 1, 2017

PAGE 2 OF 2

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

SAN RAMON • (925) 866 - 0322
 WEST SACRAMENTO • (916) 375 - 1877

RECORD WITHOUT FEE UNDER CALIFORNIA
GOVERNMENT CODE SECTION 6103

AFTER RECORDING RETURN TO:
REAL ESTATE SERVICES UNIT
SANTA CLARA VALLEY WATER DISTRICT
5750 ALMADEN EXPRESSWAY
SAN JOSE, CALIFORNIA 95118

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: Portion of 670-29-024

DOCUMENT NO.: 4026-93.1

QUITCLAIM DEED

SANTA CLARA VALLEY WATER DISTRICT, a Special District, created by the California Legislature (District), hereinafter "Grantor," does hereby release and quitclaim to Civic South Bay, LLC, all that real property, including the 72-inch diameter cast-in-place pipe, in the City of San Jose, County of Santa Clara, State of California, described as:

"Exhibit A" attached

Dated this _____ day of _____, 20__

SANTA CLARA VALLEY WATER
DISTRICT

By: _____
Chief Executive Officer

Attest: Michele L. King

By: _____
Clerk/Board of Directors

DOCUMENT NO.: 4026-93.1**ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA } SS

On this ____ day of _____, in the year 20__, before me _____,

Notary Public, personally appeared _____
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public in and for said County and State

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

☐ Individual

☐ Trustee(s)

☐ Corporate Officer(s): _____

☐ Guardian/Conservator

☐ Partner(s) ☐ Limited ☐ General

☐ Other: _____

☐ Attorney-In-Fact: _____

Signer is Representing (Name of Person(s) or Entity(ies))

NOVEMBER 1, 2017
JOB NO.: 2612-000

**EXHIBIT A
LEGAL DESCRIPTION
QUITCLAIM- STORM DRAIN EASEMENT
E349 OR 733
SAN JOSE, CALIFORNIA**

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF
SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS
FOLLOWS:

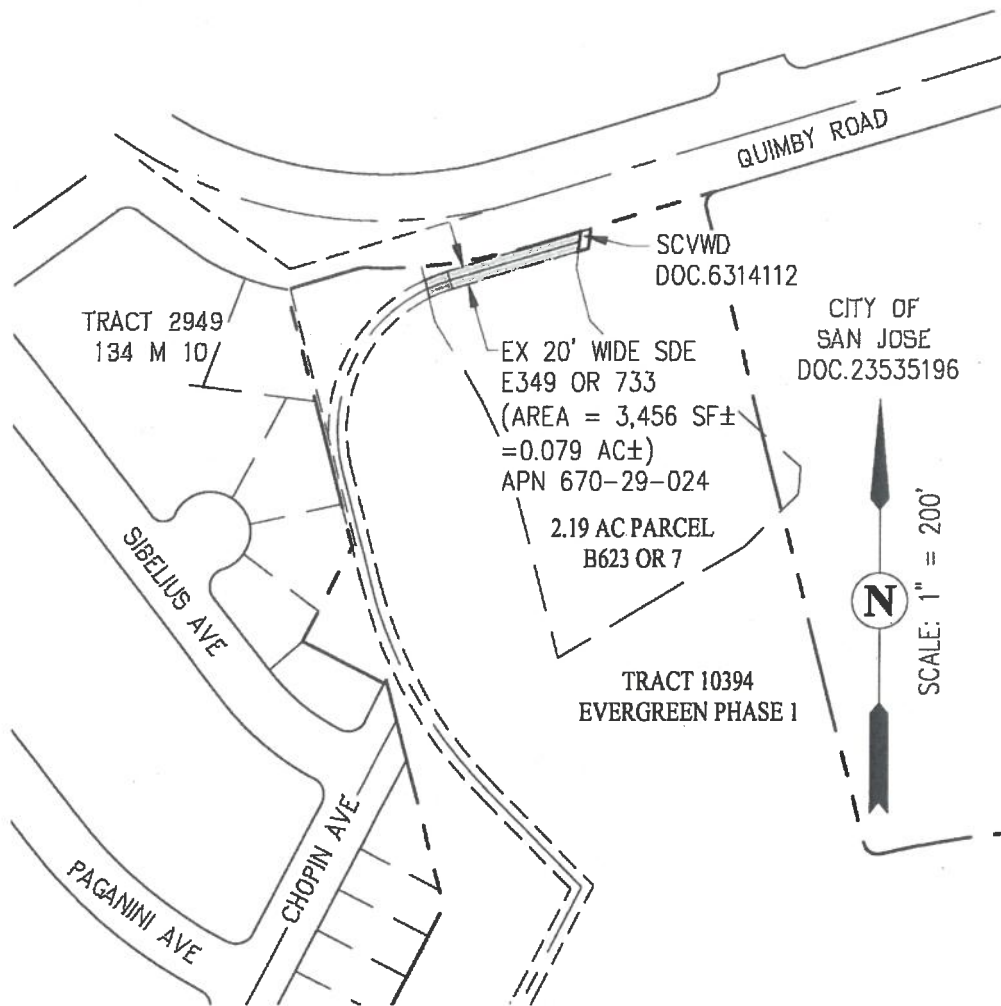
BEING ALL OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE STORM DRAIN
EASEMENT DEED TO SANTA CLARA VALLEY WATER DISTRICT RECORDED MARCH
16, 1979 IN BOOK E349 OF OFFICIAL RECORDS AT PAGE 733 IN THE OFFICE OF
THE COUNTY RECORDER OF SANTA CLARA COUNTY.

CONTAINING 3,456 SQUARE FEET OR 0.079 ACRES OF LAND MORE OR LESS.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS
REFERENCE MADE A PART HEREOF.




JOEL GARCIA, P.L.S.
L.S. NO. 5285
11-01-2017

**LEGEND**

EX EXISTING
SDE STORM DRAIN EASEMENT



EXHIBIT A
PLAT TO ACCOMPANY LEGAL DESCRIPTION

QUITCLAIM 20' WIDE STORM DRAIN EASEMENT

E349 OR 733

SANTA CLARA COUNTY, CALIFORNIA

NOVEMBER 1, 2017

PAGE 2 OF 2

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