

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

RESOLUTION NO. 18-

**ACQUISITION OF A GRANT DEED FROM AND CONVEYANCE OF
A QUITCLAIM EASEMENT DEED TO FRANCISCO J. ARRIAGA
FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT
PROJECT NO. 26174051 (MORGAN HILL)**

WHEREAS, on June 10, 2014, the Board certified the Environmental Impact Report for the Upper Llagas Creek Flood Protection Project (Project) by Resolution No. 14-67; and

WHEREAS, the existing real property interest (5027-313) was acquired by Santa Clara Valley Water District in the easement deed recorded as Document Number 19043589 in the office of the Recorder, County of Santa Clara, State of California, dated August 1, 2006, in order to purchase lands within and adjacent to existing Llagas Creek; and

WHEREAS, acquisition of real property interest, described in the Real Property Exchange Agreement (Attachment One, including Exhibit A and Exhibit B) from Francisco J. Arriaga (hereafter "Arriaga") is necessary for the Project because the fee acquisition of the real property described in Exhibit B of the Attachment will provide the District fee ownership of lands required for the Project; and

WHEREAS, the District's independent appraisal was prepared by Smith & Associates, Inc. to evaluate "just compensation" for the conveyance of Quitclaim Easement Deed (5027-313.1: Exhibit A) from the District to Arriaga and for the Grant Deed (5010-237) acquisition from Arriaga to the District (Exhibit B); and

WHEREAS, the real property interest described in Exhibit A was appraised at \$13,300.00 and the real property interest described in Exhibit B was appraised at \$21,600.00 (Date of Valuation: April 14, 2015); and

WHEREAS, Arriaga has offered to exchange the real property interest described in Exhibit B to the District in exchange for \$8,300.00 and the District conveyance of the real property interest described in Exhibit A to Arriaga;

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 by this reference.
2. The Real Property Exchange Agreement, attached hereto as Attachment One, is approved.
3. Pursuant to the terms set forth in the Real Property Exchange Agreement, the Chief Executive Officer (CEO) is hereby authorized to acquire the property described in said Exhibit B from Arriaga and to execute all necessary real estate documents to complete this acquisition.

4. The real property interest of the District described in Exhibit A is no longer to be retained for Project purposes as these easement lands are not required for the construction of the Project.
5. The quitclaim deed to Arriaga of the real property described in Exhibit A is approved, and the CEO is hereby authorized to execute and deliver a quitclaim deed to Arriaga.
6. All exhibits referenced in this resolution are attached hereto and made a part hereof.

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

By: _____
RICHARD P. SANTOS
Chair/Board of Directors

ATTEST: MICHELE L. KING, CMC

Clerk/Board of Directors