

November 16, 2018

SENT REGULAR AND CERTIFIED MAIL

File: 2044-13,2044-14
SF Bay Shoreline

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

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

Re: Acquisition of Permanent Easement and Temporary Construction Easements 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 (District) intends to hold a hearing on Tuesday, December 11, 2018, at 1:00 pm, or as soon thereafter as the matter may be heard, in the District Headquarters Boardroom, 5700 Almaden Expressway, San Jose, California 95118 to consider the adoption of a Resolution of Necessity. The adopted Resolution will authorize the District to acquire real property by eminent domain for the San Francisco Bay Shoreline Flood Protection 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 Exhibits A and B 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:

- a. Whether the public interest and necessity require the Project;
- b. 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;
- c. Whether the property sought to be acquired is necessary for the Project; and
- d. Whether the offer required by Government Code section 7267.2 was made to the owner of record.

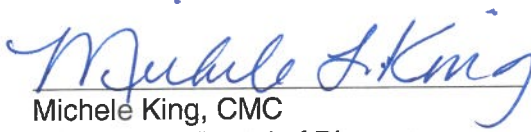
The District is authorized to acquire property by eminent domain for the Project in accordance with Article I, Section 19 of the California Constitution; Code of Civil Procedure Section 1230.010 et seq.; and Section 6 of the Santa Clara Valley Water District Act.

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 actually 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, the District 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 King, CMC
Clerk of the Board of Directors

Dated and mailed on: November 16, 2018
Notice of intention to appear due: December 3, 2018

EXHIBIT A

(TEMPORARY WORK AREA EASEMENT FILE 2044-13)

A temporary work area easement and right-of-way in, on, over and across the land described below, for a period not to exceed forty-eight (48) months, beginning with the date possession of the land is delivered to the District, for use by the United States, its representatives, agents, and contractors as a work area, including the right to deposit fill thereon, move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the **San Francisco Bay Shoreline Phase 1 Economic Impact Area 11 (EIA 11) Project**, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

This temporary construction easement is granted under the express conditions listed below:

1. This easement is necessary for the purpose of constructing the **San Francisco Bay Shoreline Phase 1 Economic Impact Area 11 (EIA 11) Project** and related activities incident to construction. This temporary work area easement shall continue in full force and effect for a period of forty-eight (48) months to complete construction of the **San Francisco Bay Shoreline Phase 1 Economic Impact Area 11 (EIA 11) Project**.
2. The District agrees to use all reasonable efforts to keep the roadway covered by this easement open to traffic and to not interfere with residential occupants or construction activity of Landowner on site. The District will keep the area covered by the easement clean and remove all debris related to its construction.
3. The District agrees to indemnify and hold harmless the Landowner from and against any and all claims, damages, liabilities, costs or any expenses whatsoever, arising from or caused, directly or indirectly by the entry onto the property by Holder or its agents, employees, invitees, contractors and subcontractors.

EXHIBIT A

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:

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.

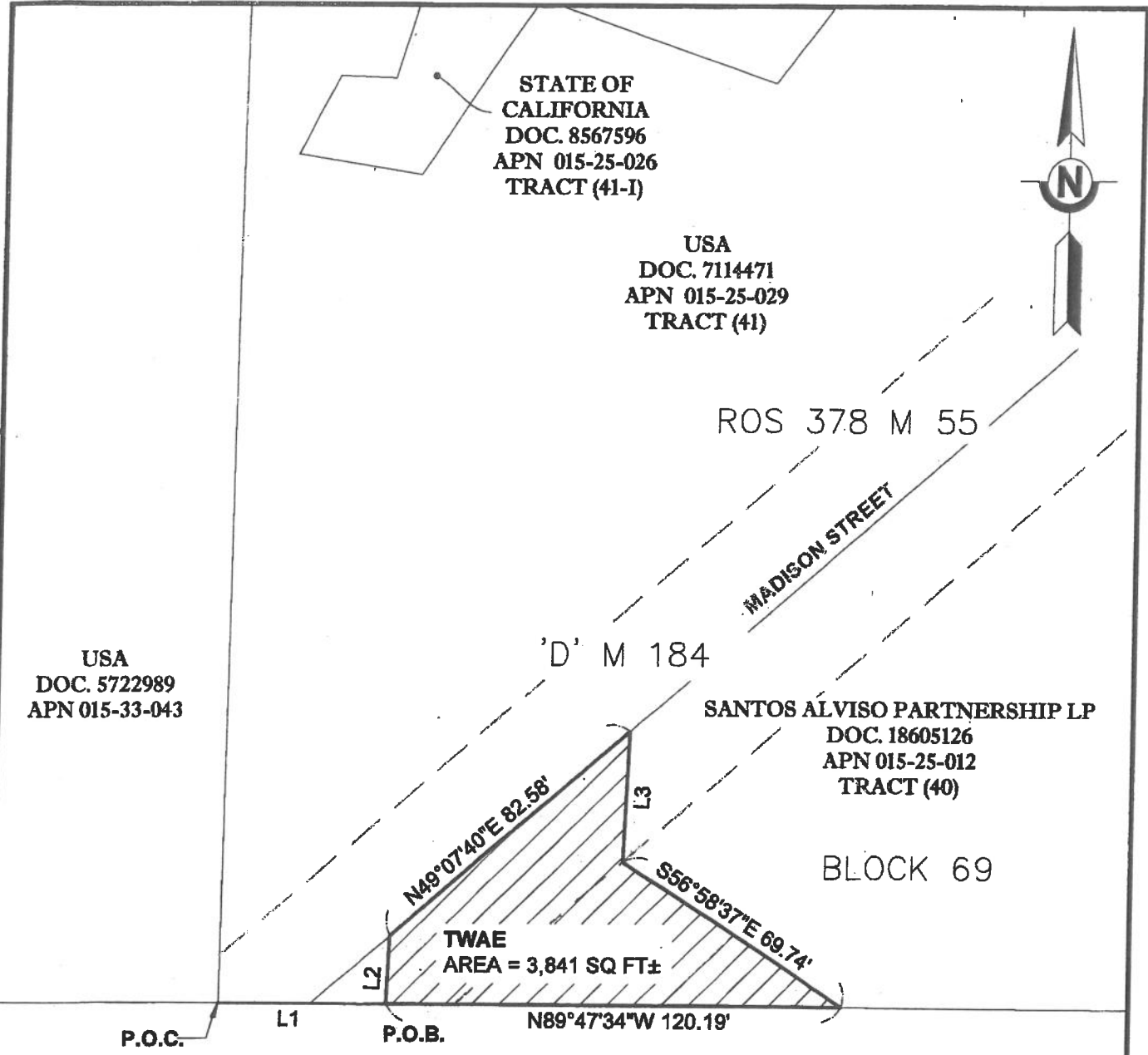


GISELA SILKE JOBST, L9169

09/13/2018
DATE



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USA
DOC. 15625716
APN 015-33-053

TWAE (TEMPORARY WORK AREA EASEMENT)

Line Table		
Line #	Bearing	Length
L1	S89°47'34"E	43.58'
L2	N02°31'31"E	17.93'
L3	S02°31'31"W	34.41'

Santa Clara Valley Water District

SCALE: N.T.S.

RESU FILE NO.	2044-13
APN	015-25-012
TITLE REPORT NO.	0621008979

EXHIBIT B

(FLOOD PROTECTION LEVEE EASEMENT FILE 2044-14)

A perpetual and assignable right and easement in the land described below to construct, maintain, repair, operate, patrol and replace a flood protection levee, including all appurtenances thereto; reserving, however, to the Landowners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

Said easement area shall be kept clear of any type of building, fences, structure, pavement, or trees unless prior written approval is obtained from the District.

The easement shall include the right to construct, reconstruct, inspect, maintain, and repair a protection levee, and appurtenant structures, together with the right to trim or remove such trees or brush within the easement area as may constitute a hazard to persons or property or may interfere with the use of said area for the purpose granted. It also shall include the right to enter upon said land with vehicles, tools, implements, and other materials, take there from and use earth, rock, sand, and gravel for construction, maintenance, and repair of said channel, protections works, and appurtenant structures by said District, its officers, agents, and employees, and by persons under contract with it and their employees whenever and wherever necessary for flood control or storm drainage purposes.

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF MADISON STREET 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, ALL IN THE OFFICE OF THE RECORDER, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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, 23.76 FEET TO THE **POINT OF BEGINNING**, SAID POINT ALSO BEING A POINT ON THE CENTER LINE OF SAID MADISON STREET;

THENCE ALONG SAID CENTER LINE OF SAID MADISON STREET, NORTH 49° 07' 40" EAST, 27.26 FEET;

THENCE LEAVING SAID CENTER LINE, SOUTH 02° 31' 31" WEST, 17.93 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID RECORD OF SURVEY;

EXHIBIT B

THENCE ALONG SAID SOUTHERLY LINE, NORTH 89° 47' 34" WEST, 19.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 178 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.



GISELA SILKE JOBST, L9169

09/13/2018
DATE



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USA
DOC. 5722989
APN 015-33-043

USA
DOC. 7114471
APN 015-25-029
TRACT (41)

ROS 378 M 55

'D' M 184

MADISON STREET

FPLE
AREA = 178 SQ FT±

SANTOS ALVISO PARTNERSHIP LP
DOC. 18605126
APN 015-25-012
TRACT (40)

BLOCK 69

P.O.C. L1 P.O.B. L4

USA
DOC. 15625716
APN 015-33-053



Line Table

Line #	Bearing	Length
L1	S89°47'34"E	23.76'
L2	N49°07'40"E	27.26'
L3	S02°31'31"W	17.93'
L4	N89°47'34"W	19.82'

FPLE (FLOOD PROTECTION LEVEE EASEMENT)

Santa Clara Valley Water District



SCALE: N.T.S.

RESU FILE NO.	2044-14
APN	015-25-012
TITLE REPORT NO.	0621008979

SHEET 1 OF 1