



# Santa Clara Valley Water District

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**File No.:** 18-0561

**Agenda Date:** 7/10/2018

**Item No.:** \*3.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Resolution Authorizing Acquisition of Fee Interests in Real Property, and Agreements to Purchase Tax Defaulted Properties from Santa Clara County, Assessor's Parcel Numbers: 015-01-013 and 015-02-007, District File Numbers: 3015-682, 3015-683.

### **RECOMMENDATION:**

- A. Adopt a Resolution AUTHORIZING ACQUISITION OF FEE INTERESTS IN REAL PROPERTY for Assessor's Parcel Numbers 015-01-013 and 015-02-007;
- B. \*Approve the purchase price, as determined by the County of Santa Clara pursuant to California Revenue and Taxation Code Sections 3793.1 and 3802, estimated to be approximately \$58,900; and
- C. Authorize the CEO to execute the Agreements to Purchase Tax Defaulted Properties and the related documents necessary to effect the terms and conditions of the Agreements for Assessor's Parcel Numbers 015-01-013 and 015-02-007.

### **SUMMARY:**

Two properties (Properties) in Alviso, APN: 015-01-013 and APN: 015-02-007, owned by the Blue Whale Sailing School have become available for purchase through the County's tax defaulted property process. The Santa Clara Valley Water District (District) submitted an Application to Purchase Tax-Defaulted Property to the County of Santa Clara (County) on September 15, 2017. On April 3, 2018, the County provided the District with the Agreement to Purchase Tax-Defaulted Property for each parcel and specified that the deadline to submit the executed Purchase Agreements to the County is August 1, 2018.

Staff has found the two tax-defaulted properties, identified as Exhibit 1 to Attachment 1, beneficial for the District for flood protection and public access related to the Guadalupe River and Bay Trail segment in Alviso. The District owns property adjacent to the Properties and currently has easements on the Properties. In the 1980's the District constructed the Guadalupe River Flood Protection Project which included levee improvements on the Properties. There are no plans currently to construct new improvements within the Properties. The current use of the Properties for flood protection, maintenance access and public access would remain unchanged after the sale is

completed.

The County requires that the District approve the purchase of these properties by resolution before the County Board of Supervisors and San Jose City Council consideration of the proposed acquisitions. The County has prepared two Agreements to Purchase Tax-Defaulted Properties (the "Agreements"; see Exhibit 1 to Attachment 1). The County estimates the final price for the 2 properties to be \$58,500. Accounting for the State Controller's Office processing time, the County estimates the date of actual transaction to occur on December 28, 2018. As described in Section 2 of the Agreements, additional taxes, assessments, and other related costs incurred through the month of sale shall be included as part of the final sales price. When the Board approves the Agreements, the Board agrees to pay the purchase price as determined by the County pursuant to California Revenue and Taxation Code Sections 3793.1 and 3802.

**FINANCIAL IMPACT:**

The total estimated purchase price of \$58,500 will be funded by the Watershed's Stream Stewardship fund. Additional taxes may be incurred in the interim and may increase the final sales price.

**CEQA:**

The recommended action is exempt under CEQA Guidelines Section 15301 which provides for a Class 1 CEQA categorical exemption for "existing facilities". Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is that the project involves negligible or no expansion of an existing use. The District has historically undertaken maintenance activities on the existing Blue Whale property and plans to continue to do so once the transaction is completed.

**ATTACHMENTS:**

- Original Agenda Memo
- Original Attachment 1: Resolution
- Original Attachment 2: Location Map
- \*Supplemental Agenda Memo
- \*Supplemental Attachment 1: Revised Resolution

**UNCLASSIFIED MANAGER:**

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