



# Santa Clara Valley Water District

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**File No.:** 19-0850

**Agenda Date:** 1/14/2020  
**Item No.:** 3.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Adopt the Resolution Amending Resolution No. 19-05 to Amend the Easement Deed from Silicon Valley Club, LLC, for APN 015-45-013 and 015-45-24, File No. 3015-684 (San Jose) (District 3).

### **RECOMMENDATION:**

- A. Adopt the Resolution AMENDMENT TO RESOLUTION NO. 19-05 TO AMEND EXHIBIT A, THE EASEMENT DEED FROM Silicon Valley Club, LLC (APN 015-45-013 and 015-45-24, File No. 3015-684); and
- B. Authorize the Chief Executive Officer (CEO) to accept the amended Easement Deed from Silicon Valley Club, LLC.

### **SUMMARY:**

On January 22, 2019, the Board adopted Resolution 19-05, Authorizing the Exchange of Real Property Interests with Silicon Valley Club, LLC at Assessor Parcel Nos. 015-45-013 and 015-45-024, Real Estate File Nos. 3015-503.1, 3015-55.4 and 3015-684, and authorized the CEO to execute a Real Property Exchange Agreement and Quitclaim Deed, and accept an Easement Deed from Silicon Valley Club, LLC, District Real Estate File No. 3015-684 (Attachment 1).

Prior to recording the Easement Deed Approved by the Board on January 22, 2019, Silicon Valley Club, LLC (Developer) requested language be added that was included in the District's existing recorded easement deed (Document No. 16666911 recorded on December 6, 2002). The language added is as follows:

“Damage to the easement area or other part of the Property resulting from Grantee’s use of the easement area shall be repaired at Grantee’s sole expense.

Grantee or its agent shall save and hold harmless the Grantor from and on account of liability or damage to persons or property occasioned by Grantee’s use of the easement area. Without limitation, the provisions of this paragraph shall benefit and bind the successors and assigns of Grantor and Grantee.”

The proposed Resolution (Attachment 2) provides authorization to revise the previously Board-Approved Easement Deed and accepts Developer’s requested revisions. The additional language in

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the amended Easement Deed does not change Santa Clara Valley Water District's obligations and/or risk associated with the use of the easement as compared to the existing condition. The location map (Attachment 3) delineates the easement area.

As reported at the January 22, 2019 Board meeting, the Silicon Valley Club, LLC is managed by SVC America Center Hotel, LLC. Mr. Devang Shah, Ms. Kristina Jhaveri, and Mr. Ashok Killer are listed as managers or members of SVC America Center Hotel, LLC. The California Secretary of State Statement of Information forms for Silicon Valley Club, LLC and SCV America Center Hotel, LLC, are attached (Attachment 4).

**FINANCIAL IMPACT:**

This request does not have any impacts on the financial impacts of the original exchange agreement and time spent processing this Developer requested change will be invoiced to the Developer.

**CEQA:**

This project qualifies for a Categorical Exemption under Environmental Quality Act (CEQA) Guidelines Section 15301 (b) Existing Facilities, Class 1.

**ATTACHMENTS:**

- Attachment 1: SCVWD 012219 Item 6.1, Conformed Copy
- Attachment 2: Resolution
- Attachment 3: Location Map
- Attachment 4: Secretary of State Statement of Information (LLC)

**UNCLASSIFIED MANAGER:**

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