



# Santa Clara Valley Water District

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**File No.:** 16-0332

**Agenda Date:** 9/27/2016

**Item No.:** 3.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Resolution Authorizing Conveyance of Real Property Interest Located at Harriet Avenue and San Tomas Creek to the City of Campbell (District 4).

### **RECOMMENDATION:**

- A. Adopt the Resolution AUTHORIZING CONVEYANCE OF REAL PROPERTY INTEREST TO THE CITY OF CAMPBELL; and
- B. Authorize the Interim Chief Executive Officer to execute the Quitclaim Deed 2019-101.2.

### **SUMMARY:**

The City of Campbell (City) initiated a project to construct minor sidewalk improvements along Harriet Avenue as it crosses San Tomas Creek. During project review, District staff noted that the City does not have land rights for the public street across the public lands owned in fee title by the District and requested that the City acquire rights for the roadway. City staff provided a copy of a 1972 cost share agreement with the District for the construction of the channel and bridge improvements wherein the parties agreed that permanent land rights necessary to provide the City with ownership of the bridge and to operate and maintain the same would be granted to the City at no cost. These rights were never transferred.

This item is presented to the Board in accordance with the District Act, Section 31 which states that the Board may by a majority vote sell, lease or otherwise transfer to any city within the District, any real property or interest therein belonging to the District upon the terms and conditions that are agreed upon.

The conveyance would transfer fee title property rights at no cost to the City for the ownership of the bridge and public street in accordance with the 1972 agreement. The conveyance reserves easement rights to the District for water management and storm drainage purposes. Since the District will reserve easement rights, the underlying fee interest is not necessary to be retained by the District in order to operate and manage San Tomas Creek. A hazardous substance liability assessment was not prepared and the City acknowledges that it has had the opportunity to obtain this assessment and agrees to accept the property "as is".

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**FINANCIAL IMPACT:**

Staff labor costs to process the conveyance are available in the Watersheds Asset Protection Support Project 62011002.

**CEQA:**

The City, lead agency for the project, determined that the project is exempt from CEQA pursuant to Guidelines Section 15303(d) which exempts street improvements to serve new construction or conversion of small structures.

**ATTACHMENTS:**

Attachment 1: Resolution

**UNCLASSIFIED MANAGER:**

Ngoc Nguyen, 408-630-2632