



# Santa Clara Valley Water District

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**File No.:** 16-0751

**Agenda Date:** 3/14/2017

**Item No.:** 3.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Resolution Authorizing Conveyance of Real Property with PREG Western Tropicana on Permanente Creek at W. El Camino Real (Mountain View) (District 7).

### **RECOMMENDATION:**

- A. Adopt the Resolution APPROVING THE EXCHANGE OF REAL PROPERTY WITH PREG WESTERN TROPICANA;
- B. Authorize the Interim Chief Executive Officer to execute the Real Property Easement Exchange Agreement With PREG Western Tropicana for the exchange of real property over the Permanente Creek box culvert pursuant to Section 31 of the District Act; and
- C. Authorize the Interim Chief Executive Officer to execute and deliver the Quitclaim Deed to PREG Western Tropicana (Real Estate File 1024-1.3) and accept in exchange the new Easement Deed from PREG Western Tropicana (Real Estate File 1024-170).

### **SUMMARY:**

PREG Western Tropicana (Developer) has the City of Mountain View's approval to construct a 166-unit apartment project in two 4-story buildings on a redevelopment site consisting of four parcels totaling 2.6 acres. The site is located adjacent to the District's Permanente Creek box culvert at 1616 -1620 West El Camino Real, Mountain View, CA (Attachment 1). Based on recent excavations and site surveys, the Developer has determined that the District's existing maintenance and flood control easement for the box culvert is not coincident with the facility. As such, the Developer has offered to dedicate a new easement over the culvert in order to perfect the District's existing easement. In exchange for the new easement the District would quitclaim the existing easement to the Developer. The new easement will include the entirety of the culvert and provide the District with complete access to the box culvert during routine and emergency maintenance operations for flood protection.

In 2013, the District completed a similar easement exchange with the Developer covering the east side of the Permanente Creek box culvert on the site. That easement exchange was approved by the Board of Directors on November 12, 2013 (Agenda Item 3.2).

A Phase I Hazardous Substance Liability Assessment (HSLA) was completed by the consultant for

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the Developer in September 2011 and a supplemental soils report was completed in July 2014. Based on the investigations, no evidence of hazardous material was found at the site. Since the HSLA was completed the site has been covered with asphalt pavement to accommodate tenant parking for the apartments.

**FINANCIAL IMPACT:**

An independent appraisal was completed for both easements in May 2016. The existing District easement contains 3,756 square feet (SF) and has an appraised value of \$7,500. The new easement from PREG Western Tropicana contains 3,482 SF and has an appraised value of \$7,000. The Developer has agreed to pay the \$500 difference in valuation for the District's easement. District's staff time to prepare and process this exchange will be invoiced to the Developer.

**CEQA:**

The California Environmental Quality Act Guidelines Section 15378 defines a project as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The District currently has a maintenance easement over the box culvert and can perform maintenance as needed. The proposed activity merely perfects the location of the easement over the facility. There will be no change to the physical environment and no change to how the District maintains the facility. With no change in the condition or use of the property, there will be no direct or indirect change to the environment; and the exchange of real property rights are therefore not considered a 'project' under CEQA.

**ATTACHMENTS:**

Attachment 1: Location Map  
Attachment 2: Resolution

**UNCLASSIFIED MANAGER:**

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