

*SAN JOSÉ / SANTA CLARA
WATER POLLUTION CONTROL PLANT*

February 12, 2004

TREATMENT PLANT ADVISORY COMMITTEE

The Honorable Mayor and City Council
City of San Jose
801 North First Street
San Jose, CA 95110

Dear Mayor Gonzales and City Council:

At its meeting of February 12, 2004 the Treatment Plant Advisory Committee (TPAC) reviewed the items concerning the Water Pollution Control Plant on the San Jose City Council agenda for February 24, 2004.

These items are listed below along with the TPAC recommendation for San Jose City Council action.

Adoption of a resolution

- 7.2
- 1 Determining that the public use and necessity require the acquisition of: (a) fee title to a portion of property located near Old Yerba Buena Road, owned by Legacy Partners, LLP for a recycled water storage facility site; (b) permanent easements for access, overflow and pipelines; and (c) temporary construction easements (TCEs) for recycled water storage facility access, pipelines and overflow drains
 - 2 Finding that: (a) The property to be taken is necessary for the completion of the Zone 3 recycled water storage facility Project; (b) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; (c) City staff established an amount of just compensation not less than the approved appraisal of the fair market value; (d) City staff presented an offer to the owners for the full appraised amount; and (e) the proposed taking and use are authorized by law;
 - 3 Directing the City Attorney to file an eminent domain action to acquire the above property interests.

Sincerely,



for RODNEY DIRIDON, Jr., Chairperson
Treatment Plant Advisory Committee