



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen

**SUBJECT: COYOTE CREEK TRAIL - RIVER
OAKS REACH - ACQUISITION OF
RIGHT OF WAY**

DATE: 02-18-04

Approved

Date

Council District: 4

RECOMMENDATION

Adoption of a resolution authorizing the Director of Public Works to approve and execute an agreement with the State of California for the purchase of a portion of land located at the River Oaks Reach of the Coyote Creek Trail in the amount of \$22,000, and to execute any additional documents necessary to complete the transaction.

CEQA: Exempt, PP03-07-230.

BACKGROUND

The City of San José is currently pursuing development of the northernmost reach of the Coyote Creek Trail that extends between State Route 237 and Montague Expressway in San José. The City plans to construct a 2-1/2 mile, 12-foot wide bicycle and pedestrian trail on top of an existing Santa Clara Valley Water District (SCVWD) levee on the west side of Coyote Creek. The levee was built on flood control easements over five contiguous properties of land owned in fee by the SCVWD, the City of San José, the State of California, the City and County of San Francisco and the Santa Clara Valley Transportation Authority.

ANALYSIS

The entire 2-1/2 mile trail within the River Oaks Reach will be located on top of the SCVWD's levee. To install and operate a bicycle and pedestrian trail over the levee, the design and right-of-way requirements of the Water District require the City to secure the right to use the property from each of the underlying property owners on whose property the levee sits. The City will also enter into a joint-use agreement with the District.

Each of the property owners has indicated what type of interest the City must purchase in order to use the property for the trail. The State of California, which owns almost 35% of the proposed

trail alignment, will require the City to purchase an easement which is the subject of this acquisition.

On February 4, 2004, City staff submitted an offer of \$22,000 to the State of California to acquire the required easement. The offer was based upon the full appraised value of the property that the City needed to acquire. The proposed trail extension requires an 18-foot wide by 4,575-foot long easement consisting of approximately 82,366 square feet. A location plan of this parcel is attached as Exhibit "A".

PUBLIC OUTREACH

Not applicable.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, the City Manager's Budget Office, the Department of Parks, Recreation and Neighborhood Services and the Department of Planning, Building and Code Enforcement.

COST IMPLICATIONS

The amount of \$22,000 is specified in the purchase agreement. In addition, there will be escrow and closing costs estimated at \$700. The total cost is anticipated to be approximately \$22,700.

BUDGET REFERENCE

Fund #	Appn. #	Appn.Name	RC #.	Total Appn.	Amt For Contract	Adopted 2003-2004 Capital Budget Page	Last Budget Action Date Ord. No.
381	5799	River Oaks/Coyote Creek Trail	044883	\$355,000	\$22,700	Page 478	10/14/2003, Ord. No. 26997
		Total		\$355,000	\$22,700		

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CEQA

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KATY ALLEN

Director, Public Works Department

MK:hla

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Attachment