



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Peter Jensen

SUBJECT: SEE BELOW

DATE: April 5, 2006

Approved

Date

4/9/06

COUNCIL DISTRICT: 4

SNI: N/A

**SUBJECT: QUITCLAIM DEED TRANSFERING TITLE OF CATHERINE STREET
BETWEEN HOPE STREET AND THE ALVISO SLOUGH TO THE SANTA
CLARA VALLEY WATER DISTRICT FOR FLOOD CONTROL PURPOSES**

RECOMMENDATION

Adoption of a resolution authorizing the Director of General Services to execute, on behalf of the City, a Quitclaim Deed surrendering title of the Western terminus of Catherine Street in Alviso to the Santa Clara Valley Water District, and to record the deed at the Office of the County Recorder.

OUTCOME

The outcome of this item will be the transfer of the ownership of a portion of Catherine Street lying between Hope Street and the Alviso Slough to the Santa Clara Valley Water District (District), including maintenance and all other responsibility or liability associated with such ownership. (See Exhibit A, attached). This will allow the District to construct a flood protection project, including providing public trail access to the area.

BACKGROUND

On August 5, 1957, the City of Alviso's City Council adopted Resolution 99, recorded on August 9, 1957 in Book 3864, Page 240, of the Official Records of the County of Santa Clara. This resolution accepted as Public Streets all remaining streets not previously accepted as public, as shown and delineated on that certain Map entitled, "Plan of the Western Section of Alviso" recorded July 29, 1869 in Book "A" of Maps at Page 45, Santa Clara County Official Records. In 1968, Alviso was incorporated into the City of San José and through such incorporation the ownership of all of the publicly held property annexed became vested in the City of San José.

In 1986 the City of San José granted an easement to the District for water management and/or storm water drainage purposes. This easement covers the property in its entirety and the District has constructed a levee on the property.

ANALYSIS

According to the District, the San Francisco Bay Conservation and Development Commission (BCDC) Permit 05-02, issued in June 2003, grants the Santa Clara Valley Water District permission to construct the Baylands (north of UPRR Bridge) portions of the Lower Guadalupe River Flood Protection Project. The permitted activities involve levee raising, an overflow weir into Salt Pond A-8, vegetation management, and construction of a wetlands area.

An explicit special condition of the permit (condition II-C-3-a), requires that the District acquire the Catherine Street Parcel from the City of San José. Acquisition of the property is a condition for a permit for public access to the trail on the top of the levee.

The District contracted for an appraisal prepared by Carneghi-Bautovich & Partners, Inc., which values the underlying fee to this property at \$1,800. The District's acceptance of the quitclaim deed will relieve the City of future maintenance responsibility. The District will continue to work jointly with the City with regard to the City's plan for trail development across the property pursuant to a Joint-Trail Agreement. The District's provision of public access amenities on the site will benefit the public.

A quitclaim deed has been prepared to transfer the City's rights to the District, which will be recorded upon Council approval of this item.

PUBLIC OUTREACH

The District has held Public meetings concerning the trail project along the existing levee.

COORDINATION

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

COST IMPLICATION

The quitclaim deed surrendering the City's rights to the District is in alignment with the Mayor's Budget Strategy Expenditure Control Principle No. 4 in that it eliminates the expenses of City maintenance and all other future responsibilities for the property, while facilitating a public purpose. The City's cost will consist of staff time to complete the transaction.

HONORABLE MAYOR AND CITY COUNCIL

April 5, 2006

Subject: Execution of a quitclaim deed in favor of the Santa Clara Valley Water District

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CEQA

Mitigated Negative Declaration, File PP01-150, and addenda thereto, File PP02-116.

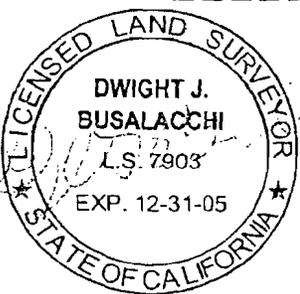
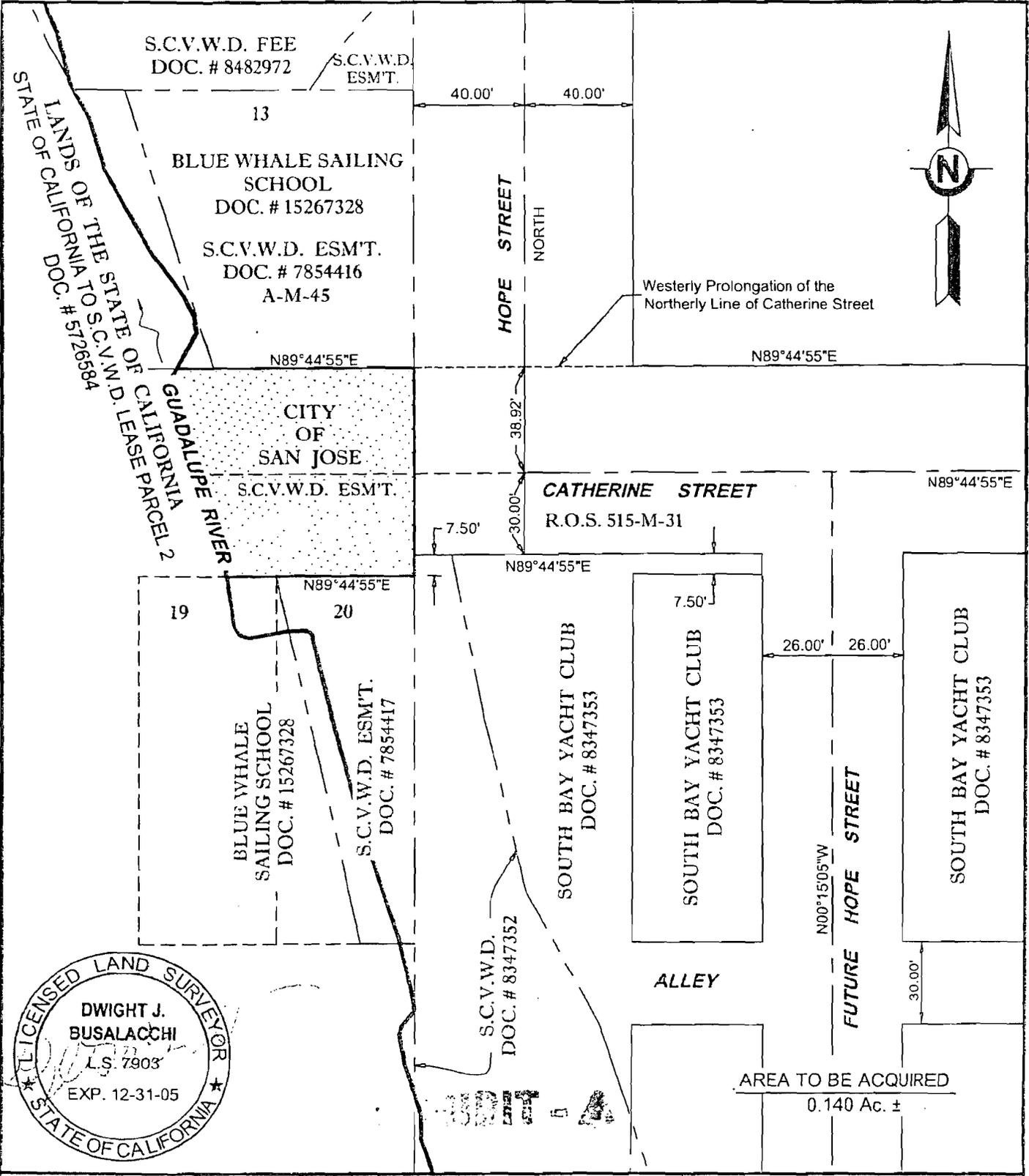


PETER JENSEN

Director of General Services

Business Phone Number: (408) 938-2025

Attachments



Santa Clara Valley Water District 

SCALE: 1" = 50'

PROJ. NO.	3015
FILE NO.	552
APN	15-01
TITLE REPORT NO.	
DRAWN	JGP
DATE	05/20/05

REV.	APPR.	DATE	DESCRIPTION
1	DJB/JGP	11/17/05	OHWM
2			

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