



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: SEE BELOW

DATE: 06-04-07

Approved

Katy Allen

Date

6/10/07

COUNCIL DISTRICT: 3

SUBJECT: ADOPTION OF A RESOLUTION AUTHORIZING THE SALE OF A WATER LINE EASEMENT TO KB HOMES SOUTH BAY OVER CITY-OWNED LANDS

RECOMMENDATION

Adoption of a resolution authorizing the sale of a water line easement over a City-owned landfill along South 22nd Street for the installation and extension of a water line to the existing Forestdale Avenue waterline; and delegating authority to the Director of Public Works Department to execute all documents necessary to complete transfer of the easement.

OUTCOME

Approval of the resolution will authorize the sale of a water line easement for fair market value for the installation of a six-inch potable water main to provide the required fire flow to serve not only the new subdivision, but upgrade the surrounding neighborhood fire flow and water pressure. In addition, the new potable water main loop may permit the City to eliminate the need to install an irrigation pressure pump and storage tank associated with the Phase II Development of the Martin Park.

BACKGROUND

KB Home South Bay (Developer) is developing a residential development known as, Tract No. 9644 (PDC03-098). The 105 single-family detached residential unit development is located on the south side of William Street west of McLaughlin Avenue on a former Union Pacific Railroad right-of-way. As part of the development, a new public street, South 22nd Street, is being constructed. The new public street, approximately 3000 feet in length, will begin at William Street and end in a cul-de-sac to the south (map attached).

The San José Fire Department has required a minimum of 2,000 gallons per minute fire flows to the new fire hydrants. In order to comply with this requirement, San José Water Company, the

water retailer who will serve the subdivision, is requesting permission to install a six-inch potable water main in the southernmost part of Martin Landfill between Forestdale Avenue and the proposed South 22nd Street.

In March 2007, a Right of Entry Agreement that included the subject portion of Martin Landfill was approved by the City Manager's Office. Per the agreement, the developer agreed to propose to Council the payment of fair market value for the easement for purchase of the easement by the end of June 2007. Public Works Real Estate has appraised the easement at fair market value of \$159,733 to be paid to the City by the benefited developer KB Homes South Bay. The developer has agreed to pay this amount to the City.

ANALYSIS

The proposed resolution would designate 2,402 square feet of land in an area approximately 160 feet long by 15 feet wide at the southernmost part of Martin Landfill as a water line easement. As a result, San José Water Company will be able to install the necessary connection from its existing water main on Forestdale Avenue to the new line on South 22nd Street and allow the development to comply with the fire flow requirements by the San José Fire Department.

In addition, the installation of this water line along with the 6-inch water main that KB Homes recently installed in the Public Way between Woodborough Place and South 22nd Street, as approved by Council on March 15, 2007, will complete a loop that will provide the required fire flow to serve the new subdivision, upgrade the surrounding neighborhood fire flow and water pressure, and may eliminate the need to install booster pumps and a water tank associated with the Phase II development of Martin Park.

PUBLIC OUTREACH

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

City Council approved the proposed subdivision for 105 single-family homes on December 7, 2004. A supplemental memo to Council regarding an ordinance establishing a portion of Selma Olinder Park as a Public Way referenced the future request for a grant of easement for a water line across the Martin Landfill site to provide the necessary fire flows and water pressure to the

project. The public way designation for a portion of Selma Olinder Park was approved by Council on March 15, 2007. No additional outreach has occurred regarding the use of a portion of the Martin Landfill site for a water line easement required to meet the fire flow requirements for the KB Home project.

Approval of this easement sale does not meet any of the criteria identified by the Sunshine Reforms Work Plan. This memorandum will be posted on the City's website for the June 26, 2007 Council agenda.

COORDINATION

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

COST SUMMARY/IMPLICATIONS

The subject easement is being granted to the developer, KB Home South Bay, paying a one-time payment of \$159,733.00 to the City of San José. The proposed project improves fire protection for the development and neighboring community.

This action involves the designation of a portion of Martin Landfill as a water line easement for potable water service to South 22nd Street. The location of the water line easement does not interfere with the proposed future recreational uses of these areas by the City as parkland. In addition, there may also be an annual cost savings to the City in the future, if the booster pump for the irrigation system and storage tank is eliminated from the Martin Park Phase II Project.

BUDGET REFERENCE

Fund #	Appn. #	Appn. Name	RC#	Total Appn.	Amt. For Contract	2006-07 Adopted Budget Page	Last Budget Action (Date, Ord. No.)
001	8130	Other Revenue	NA	NA	N/A	N/A	N/A

HONORABLE MAYOR AND CITY COUNCIL

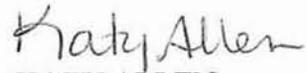
06-04-07

Subject: Designation of a Portion of Martin Landfill as a Water Line Easement

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CEQA

CEQA: Mitigated Negative Declaration PP07-080



KATY ALLEN

Director, Public Works Department

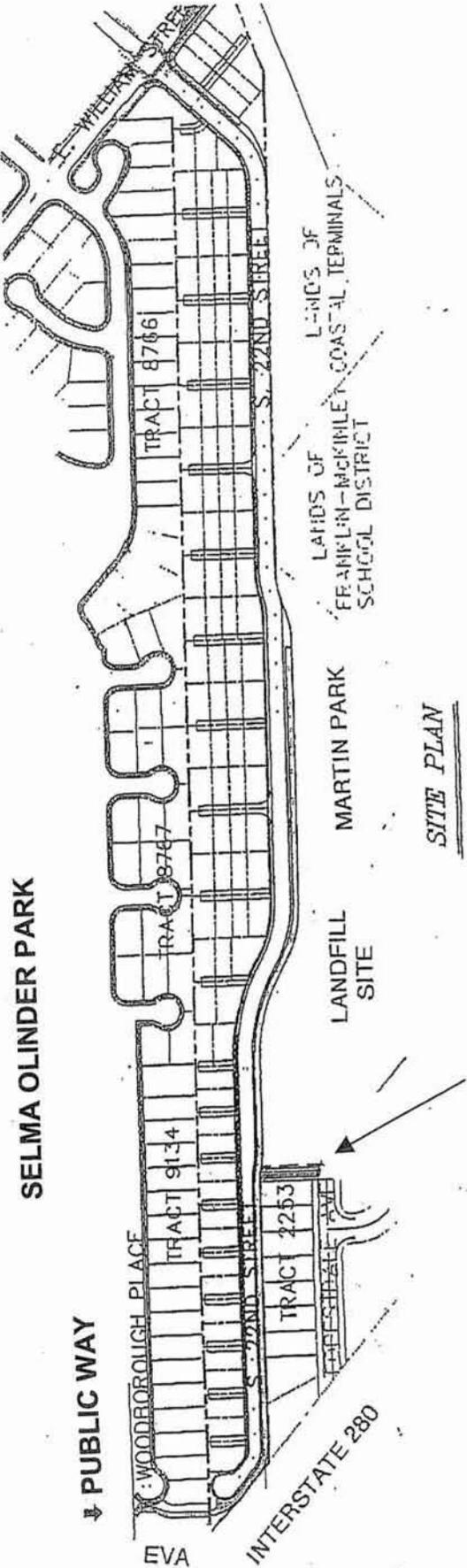
For questions please contact TIMM BORDEN, DEPUTY DIRECTOR, at (408) 535-8499.

PD:ML:dcs
(052907CMWaterLineEasement)

Attachment

TRACT 9644

SAN JOSE



SITE PLAN
1" = 200'

PROPOSED WATER LINE EASEMENT



0 60 120
GRAPHIC SCALE
 1 INCH = 120 FT.

LANDS OF CITY
 OF SAN JOSE
 B093 O.R. 475

LANDS OF CITY OF SAN JOSE

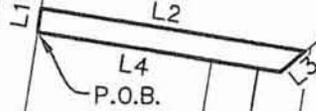
WOODBOROUGH PLACE

TRACT 9134
 712-M-53

TRACT 9644
 802-M-15

SOUTH 22nd STREET

FORESTDALE AVENUE

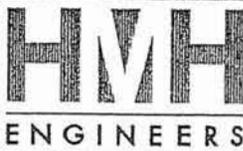


Line Table		
No.	Bearing	Distance
L1	N08°44'34"E	15.00'
L2	S81°16'34"E	166.74'
L3	S49°57'02"W	19.94'
L4	N81°16'34"W	153.60'

SINCLAIR
 FREEWAY 280

SHEET 1 OF 1

20061002.1451
 Date: 03-19-07
 Scale: 1" = 120'
 Designed: -
 Drawn: JM
 Checked: SD
 Proj. Engr.: -
 Dwg Name: 3010PL09



San Jose
 (408) 487-2200
 Gilroy
 (408) 846-0707
 www.hmh-engineers.com

Plat to accompany description:
 WATER LINE LOCATION

SAN JOSE

CALIFORNIA

EXHIBIT "B"
WATER LINE LOCATION

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land described in the deed to the City of San Jose, recorded September 20, 1974, in Book B093 of Official Records, page 475, Santa Clara County Records, described as follows:

BEGINNING at the most westerly corner of said parcel of land;

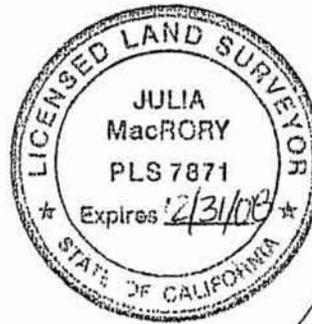
Thence along the westerly line of said parcel of land, North 08°44'34" East, 15.00 feet;

Thence South 81°16'34" East, 166.74 feet, to the southeasterly line of said parcel of land;

Thence along said southeasterly line, South 49°57'02" West, 19.94 feet, to the southerly line of said parcel of land;

Thence along said southerly line, North 81°16'34" West, 153.60 feet, to the POINT OF BEGINNING.

Containing 2,402 square feet, more or less.



Julia MacRory