



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Kim Walesh

SUBJECT: SEE BELOW

DATE: November 7, 2011

Approved

Date

11/15/11

COUNCIL DISTRICT: 5, 8

SUBJECT: ADOPTION OF A RESOLUTION APPROVING AN EASEMENT AGREEMENT CONVEYING A PERMANENT EASEMENT TO THE SAN JOSE WATER COMPANY FOR WATER FACILITIES INSTALLATION, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT AGREEMENT AND ALL DOCUMENTS NECESSARY TO CONVEY THE EASEMENT AND COMPLETE THE TRANSACTION.

RECOMMENDATION

Adopt a resolution approving the agreement set forth below and authorizing the City Manager to execute the agreement together with all other documents needed to conclude the transaction.

- a) A permanent easement agreement with the San José Water Company for water facilities installation on the site of the future Fire Station No. 21.

OUTCOME

Approval of the delegation of authority to execute this easement agreement with the San José Water Company ("SJW") will provide the property rights necessary to allow for the installation and maintenance of the water infrastructure that are needed for the future Fire Station No. 21.

BACKGROUND

The Fire Station No. 21 relocation project includes an approximately 9,000 square foot facility consisting of a single engine company fire station with potential future expansion to two engine companies as regional development requires. The new facility will be built on a .97 acre site located on the easterly side of White Road approximately 200 feet south of Cunningham Court. The site is bounded by White Road to the west and a new proposed street to the south, existing

November 7, 2011

Subject: Conveyance of Permanent Easement to San Jose Water Company

Page 2

private residential units to the north, and a proposed private residential development to the east (map attached).

The construction of the off-site and utility improvements for both the proposed Fire Station No. 21 and a planned adjacent private residential development is being undertaken by Ponderosa Homes ("Developer") as part of the Subdivision Improvement Agreement ("SIA") that requires the Developer to construct all public improvements for its residential project, but also provides for City reimbursement of the Developer for additional fire station related work performed for the City. Construction of the utilities and off-site improvements is expected to begin in December 2011.

ANALYSIS

New water services must be installed by SJW to serve the future Fire Station No. 21 and a proposed residential development. The SIA includes reimbursement by the City of the Developer's cost of preparation of the engineering plans, trenching and installation of the appropriate pipes, connections, and other equipment required for water service to the projects. Staff from the Fire Department and Public Works indicate that having the Developer contract directly with SJW to install the water main and stub outs for the pending Fire Station No. 21 project is the most cost effective means to procure this utility. Since the Developer is proceeding with construction of their proposed residential project first, having it install the off-site improvements and utility connections will make the future construction of Fire Station No. 21 more cost effective. In addition, having the contractor for the residential development work with SJW on the installation will avoid the need to cut, trench and patch new asphalt and concrete when installing utilities for the fire station.

The proposed easement is required due to physical limitations that prevent placement of the required water main in the proposed public right-of-way to the south of the planned fire station site. An existing 96" storm line in this right-of-way conflicts with placement of the 6" water line and requires that SJW route the water line to the north of the fire station site's property line. The northerly limits of the proposed easement is between 2' and 6' north of an existing Santa Clara Valley Water District (SCVWD) and overlaps portions of the existing SCVWD easement.

Staff considers this easement essential to complete the proposed project and does not believe granting the proposed easement rights to SJW will adversely affect the design or operations of the proposed Fire Station No. 21.

November 7, 2011

Subject: Conveyance of Permanent Easement to San Jose Water Company

Page 3

PUBLIC OUTREACH/INTEREST

- 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)**

The memorandum will be posted on the City's website for the November 29, 2011, Council agenda.

COORDINATION

This memorandum and project has been coordinated with the Fire Department, Public Works Department, the City Manager's Budget Office, and the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

This project is consistent with the Council approved Budget Strategy to continue with capital investments that spur construction spending in our local economy. The relocation of Fire Station No. 21 to this site is one of a series of fire station relocations, described in the "Eastside Service Delivery Model" section of the Manager's Budget Addendum #8 of the 2004-2005 Adopted Budget, which will significantly improve service levels within the Eastside neighborhoods of the City.

COST SUMMARY/IMPLICATIONS

There are no costs directly associated with the recommended action other than staff time to process the Easement Agreement.

CEQA

An Addendum was issued to EIR. PP08-184 wherein it was concluded that the proposed project would result in no new significant environmental impacts as discussed in the original EIR.

HONORABLE MAYOR AND CITY COUNCIL

November 7, 2011

Subject: Conveyance of Permanent Easement to San Jose Water Company

Page 4

/s/

KIM WALESH

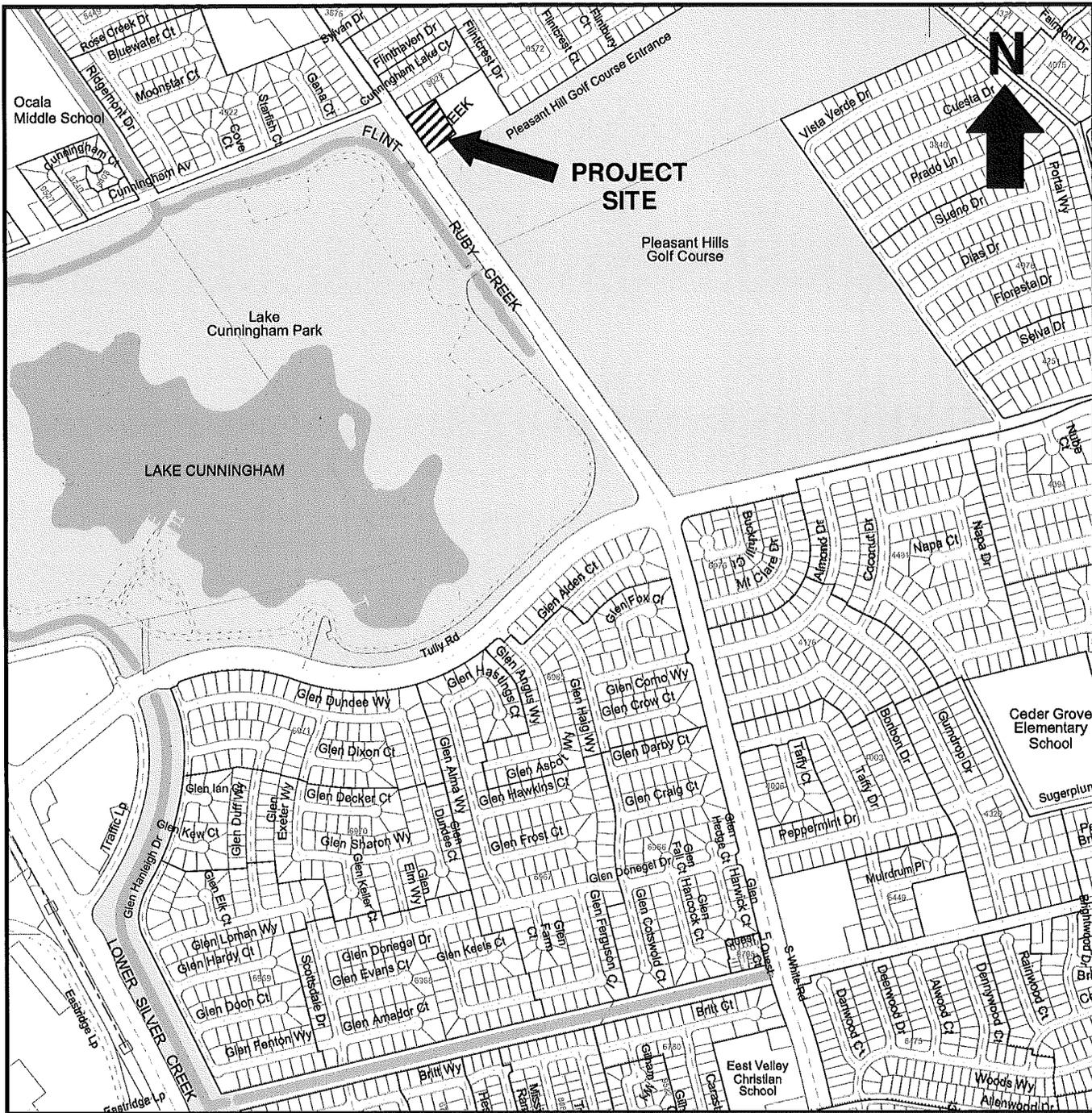
Director of Economic Development

Chief Strategist

For questions please contact Nanci Klein, Deputy Director at (408) 535-8184.

Attachment

EXHIBIT A



FIRE STATION NO. 21

LOCATION MAP

NOT TO SCALE