



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Jose Obregon

**SUBJECT: EASEMENT FOR SANTA CLARA
VALLEY WATER DISTRICT
ACROSS CILKER PARK**

DATE: March 17, 2004

Approved

Date

COUNCIL DISTRICT: 9
SNI AREA: n/a

RECOMMENDATION

Adoption of a Resolution granting an Easement to the Santa Clara Valley Water District (SCVWD) over a portion of the future Cilker Park for the purpose of providing ingress and egress to the adjacent percolation pond, and delegating authority to the Director of General Services to execute all documents necessary to complete transfer of the Easement.

BACKGROUND

The City of San Jose is in the process of installing improvements on property located on the Southwest corner of Winfield Boulevard and Chynoweth Avenue for the future Cilker Park. The park improvements include a trail that will tie into an existing trail on SCVWD property that runs North and South along an existing percolation pond and flood control channel. The Water District has requested that the City provide them with an Easement over a portion of the trail to provide them with permanent access to their own trail and pond for future maintenance purposes.

ANALYSIS

The City's Department of Parks, Recreation and Neighborhood Services approached General Services staff requesting that staff prepare and process the necessary paperwork to grant an easement to the SCVWD. General Services' staff worked closely with the Department of Public Works Survey Section to define an easement that will provide the Water District with the access they are requesting while minimizing the impact on the park itself. In essence, the park is being designed with the easement rights taken into consideration.

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PUBLIC OUTREACH

Public Outreach for William H. Cilker Park was conducted in conjunction with Guadalupe River Trail Reach 12. Public Outreach meetings were held on Sept. 9, 2003, and Oct. 21, 2003. The Department of Parks, Recreation and Neighborhood Services approval of master plan was Nov. 20, 2003 and Council on Dec. 18, 2003.

COORDINATION

This item has been coordinated with the Department of Parks, Recreation and Neighborhood Services and the City Manager's Budget Office. The City Attorney's Office has reviewed the Easement and approved it as to form.

COST IMPLICATIONS

The subject easements are being granted to the SCVWD at no cost to the City, other than staff time for completion of documents. The project improves flood protection for the park, both to the benefit of the local citizens and the community at large. This project is consistent with the Council approved Budget Strategy under General Principle Item 4 "We must continue to emphasize prevention and expenditures that reduce costs to the City and our community".

BUDGET REFERENCE

Not applicable

CEQA

William H. Cilker Park, Mitigated Negative Declaration PP03-03092, May 5, 2003

JOSE OBREGON
Director of General Services