

CITY COUNCIL ACTION REQUEST

Department: Economic Development and Cultural Affairs	CEQA: Mitigated Negative Declaration for the Guadalupe River Trail Project and addenda thereto, File Nos. PP03-092 and PP05-172.	Coordination: City Attorney’s Office, City Manager’s Budget Office, PRNS, and PBCE	Dept. Approval: /s/ Nanci Klein
Council District: 9			CMO Approval:  9/15/2021

SUBJECT: PERMANENT TRAIL EASEMENT AGREEMENT BETWEEN THE CITY OF SAN JOSE AND BROOKDALE LIVING COMMUNITIES OF CALIFORNIA, LLC

RECOMMENDATION:

Adop a resolution authorizing the City Manager, or her designee, to execute an Easement Agreement with Brookdale Living Communities of California, LLC, and all documents necessary to acquire a 412 square foot trail easement, and a 1,248 square foot temporary construction easement to support construction of the Guadalupe River Trail, for a price of \$0.

BASIS FOR RECOMMENDATION:

In 2004, the City of San José completed construction of the Guadalupe River Trail (Trail) from Blossom River Drive to Chynoweth Avenue. The Trail was built on an existing maintenance road managed by the Santa Clara Valley Water District (“Valley Water”), and has no direct trail access from Blossom River Drive. In 2015, Valley Water altered the Guadalupe River channel to improve flood protection. In the process, the trail was elevated and reconstructed, which reduced the trail’s grade change and made a direct connection to Blossom River Drive feasible. The City must acquire a permanent trail easement and a temporary construction easement to connect the existing Guadalupe River Trail and the terminus of the Blossom River Drive cul-de-sac.

Brookdale Living Communities Of California, LLC., (“Brookdale”) owns the property located between the terminus of the Blossom River Drive cul-de-sac and the existing Guadalupe River Trail. The total easement area encumbers approximately 1,660 square feet of land, which includes a 412 square foot permanent trail easement, and a 1,248 square foot temporary construction easement. The easement areas are a portion of Assessor’s Parcel Number 458-14-030, and are further described in Exhibit A and depicted in Exhibit B. Brookdale will provide the easements to the City at no cost.

Commission Recommendation/Input: No commission recommendation or input is associated with this action.

Climate Smart San Jose: The recommendation in this memo aligns with one or more Climate Smart San José energy, water, or mobility goals by facilitating mobility choices other than single-occupancy, gas-powered vehicles.

COST AND FUNDING SOURCE:

This resolution has no fiscal impact. No costs are associated with this action.

FOR QUESTIONS CONTACT: Kevin Ice, Senior Manager, Real Estate Services at (408) 535-8197.

EXHIBIT A

Description of Easement Area

BEGINNING at that point hereinabove described as "POINT A" ; thence along said westerly line S 09°57'37" W 12.68 feet, to a non-tangent curve, from a radial bearing of N 33°15'45" E, easterly along a curve to the right, concave southerly, having a radius of 17.69 feet and a central angle of 36°17'51", for an arc length of 11.21 feet; thence S 12°16'07" E 15.88 feet to a point on the northerly line of Blossom River Drive as shown on said Record of Survey; thence along said northerly line of said Blossom River Drive, from a radial bearing of N 20°00'11" W, easterly along a curve to the right, concave southerly, having a radius of 35.50 feet and a central angle of 19°28'23", for an arc length of 12.07 feet; thence leaving said northerly line of Blossom River Drive, N 12°16'07" W 16.94 feet, to a non-tangent curve, from a radial bearing of N 72°32'21" E, westerly along a curve to the left, concave southerly, having a radius of 28.91 feet and a central angle of 49°30'59", for an arc length of 24.99 feet, to the POINT OF BEGINNING.

Contains approximately 412 +/- sq. ft. (0.009 ac).

The Basis of Bearings for this description is the bearing S 09°57'37" W of the northerly portion of the monument line of Blossom River Drive as shown on the Record of Survey filed for record on June 8, 1989 in Book 600 of Maps, at Page 28, Records of Santa Clara County.

Plat labeled "A-1" to accompany this description and made a part hereof.

This description, and plat attached, has been compiled from record data and not on a field survey.

The above description of real property was prepared by me, or under my supervision, in conformance with the requirements of Section 8726 (g, k, l, m) of the Business and Professions Code of the State of California.



A handwritten signature in blue ink, appearing to read "SGC", positioned above a horizontal line.

Steve G. Choy, PLS 6672

EXHIBIT B

Plat Map of Easement Area

Permanent Easement – Green Area
 Temporary Construction Easement – Yellow Area

