



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nanci Klein
Jim Shannon

SUBJECT: SEE BELOW

DATE: August 28, 2023

Approved

Date

9/7/23

COUNCIL DISTRICTS: 6 & 9

SUBJECT: LAND EXCHANGE BETWEEN THE CITY OF SAN JOSE AND SAN JOSE WATER COMPANY FOR PROPERTIES LOCATED AT SUNOL STREET, W. HOME STREET, EMORY STREET, HARVEST MEADOW COURT AND BRANHAM LANE

RECOMMENDATION

(a) Adopt a resolution:

- (1) Declaring 12,800 square feet of land, identified as a portion of Assessor's Parcel Numbers 264-11-024, "exempt surplus land" under Cal. Gov. Code §54221(f)(1)(C) as exchange of land for another property necessary for the City's use;
- (2) Approving the sale of 12,800 square feet of City-owned property located at the southeast corner of W. Home and Sunol Streets, to San Jose Water Company in the amount of \$1,090,000, to exchange for the properties identified as Assessor's Parcel Numbers 264-11-034, 259-07-075, 459-02-004, 459-02-008 in fee interest and an approximately 12,000 square foot easement encumbering APN 458-18-012, for the total amount of \$270,000; and
- (3) Authorizing the City Manager or designee, to negotiate and execute a Purchase and Sale Agreement and an Easement Agreement between the City of San José and San Jose Water Company for the subject parcels and to execute all other documents necessary to effectuate the property exchange.

(b) Adopt the following 2023-2024 Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #6:

- (1) Establish an estimate for Revenue from Other Revenue in the amount of \$820,000; and
- (2) Establish the Del Monte Park Phase III Development Reserve appropriation in the amount of \$820,000.

SUMMARY AND OUTCOME

Adoption of this resolution will allow staff to complete the negotiation and execution of a Purchase and Sale Agreement and an Easement Agreement with the San Jose Water Company for the property exchange as described and depicted in the **Attachment:** Legal Descriptions of Subject Properties. Net proceeds in the amount of \$820,000 will be deposited into the Council District 6 Construction Tax and Property Conveyance Tax Fund.

BACKGROUND

As part of the San Jose Water Company's (SJWC) System Improvement projects, SJWC plans to use a pressure regulator at its Home Street Station located at the easterly end of W. Home Street (APN 264-11-034) adjacent to the City's Del Monte Park and Los Gatos Creek. Installation of the regulator on the existing SJWC property would require a pipeline run through Home Street.

SJWC believes a more practical location for the regulator facility would be at the corner of Sunol Street and Home Street, on a City-owned parcel (a portion of APN 264-11-024). SJWC approached the City with the desire to acquire approximately 12,800 square feet of the City-owned land in exchange for SJWC's existing Home Street Station property.

In discussions with the SJWC, City staff identified multiple SJWC properties that are a priority for the City to acquire for parks-related uses, and the parties have agreed to a multiple-property swap arrangement.

San José Municipal Code Chapters 4.20.030 and 4.20.050 permit the sale of City-owned surplus property upon a City Council finding and determination that the transaction is consistent with the Surplus Land Act, which is a State law controlling the City's ability to dispose of surplus property, and where the transaction is an exchange of properties, respectively, by direct negotiation.

ANALYSIS

City Property to be Conveyed to SJWC

The subject property is approximately 12,800 square feet (0.29 acres), identified as a portion of Assessor's Parcel Number 264-11-024, located at the southeast corner of W. Home Street and Sunol Street. The City acquired this property in 2017, to be included in the Del Monte Park Phase III Project. The site has a General Plan designation of Neighborhood/Community Commercial and zoning of Heavy Industrial. The site is fenced off with no building improvements. It has historically been used as a contractor's yard but is currently vacant. Per a City-commissioned appraisal, the highest and best use of the property is as an industrial contractor's yard, and the appraised value is \$1,090,000.

SJWC Properties to be Acquired by City

City staff identified four SJWC properties that are desirable for the City's use. SJWC agreed to convey these properties to the City as an exchange to offset the cost of its acquisition of the City's Home Street parcel. The properties to be conveyed to the City are listed below.

1. W. Home Street (APN 264-11-034): This property is approximately 31,916 square feet, located at the eastern end of W. Home Street. The property is situated between the Los Gatos Creek Trail on the west and the Los Gatos Creek on the east. The General Plan designation for this site is Open Space, Parklands, and Habitat, and zoning is heavy industrial. The site is currently improved with water system infrastructure. According to a City-commissioned appraisal, the highest and best use of the site is open space and habitat, and the appraised value is \$60,000. The property will be used to add to the adjacent site as part of the Del Monte Park/Los Gatos Creek Trail and could potentially provide mitigation. SJWC will be responsible for the removal of all water-related infrastructure.
2. Emory Street (APN 259-07-075): This property is approximately 3,120 square feet, located along the south side of Emory Street within the city's Guadalupe Gardens area. The General Plan designation for this site is Open Space, Parklands, and Habitat, and the zoning is agriculture. The site is currently used as open space and all well-related infrastructure and improvements have been removed. According to a City-commissioned appraisal, the highest and best use of the site is open space and habitat, and the appraised value is \$50,000. The property will be used as part of the Guadalupe Gardens, within the Guadalupe River Park. Conveyance of the SJWC parcel will extinguish a related SJWC access easement on the City's Guadalupe Gardens parcel (APN 259-07-113).
3. Harvest Meadow Court (APN 459-02-004 & 008): The property consists of two contiguous parcels totaling approximately 196,455 square feet, located on the east side of Almaden Expressway. The property abuts Thousand Oaks Park, and the Guadalupe River passes through the site. The General Plan designation for this site is Open Space, Parklands, and Habitat, and the zoning is single family residential. Five capped wells remain on the property, and SJWC removed all other well-related infrastructure and improvements. According to a City-commissioned appraisal, the highest and best use of the site is open space and habitat, and the appraised value is \$155,000. The property will be used as part of the Guadalupe River Trail and for mitigation, consistent with the City Council-approved master plan for Guadalupe River Trail development.
4. Branham Lane Easement (a portion of APN 458-18-012): The recreation trail easement is a portion of the SJWC's parcel, approximately 12,279 square feet in size. The easement is located at the junction of Branham Lane and the Guadalupe River. The easement allows for the development of the Guadalupe River Trail Reach 12 Project per the City Council-approved Guadalupe River Trail Master Plan. The Guadalupe River Trail will traverse an existing dirt road that is currently used by SJWC and the Santa Clara Valley Water District for access to existing infrastructure, maintenance of the Guadalupe River riparian

August 28, 2023

Subject: Land Exchange Between the City of San José and San Water Company for Properties Located at Sunol Street, W. Home Street, Emory Street, Harvest Meadow Court and Branham Lane

Page 4

corridor, and flood control purposes. The General Plan designation for this site is Open Space, Parklands, and Habitat, and the zoning is single family residential. According to a City-commissioned appraisal, the highest and best use of the site is open space and habitat, and the appraised value of the trail easement is \$250. SJWC has agreed to transfer the easement for the price of \$5,000, which is sufficient to cover SJWC staff time spent on the preparation and execution of easement and transaction documents.

In the exchange, the City will transfer 0.29 acres, worth \$1,090,000 in value, to SJWC and SJWC will transfer 5.31 acres and a 0.28 acre easement, worth \$270,000 in value, to the City. SJWC will pay the balance of value in cash to the City, or \$820,000, at the time of transfer. A summary of the properties to be exchanged is listed in the table below.

Owner	Location	APN	Area (sq ft)	Proposed Use	Transaction Value
City of San José	Sunol Street	26411024 (portion of)	12,800	Water Station	\$1,090,000
San Jose Water	W. Home Street	26411034	31,916	Park/Trail/Mitigation	\$60,000
San Jose Water	Emory Street	25907075	3,120	Parkland/Open Space	\$50,000
San Jose Water	Harvest Meadow Court	45902004 and 45902008	196,455	Trail/Mitigation	\$155,000
San Jose Water	Branham Lane Easement	45818012 (portion of)	12,279	Trail	\$5,000

The value received in the swap furthers the City's objectives to provide park and trail amenities for the public. The loss of 0.29 acres of potential Del Monte Park expansion area along Sunol Street is more than offset by the addition of 0.73 acres to the park on the eastern boundary. This swap would expand the useful Del Monte Park area adjacent to the existing dog park and field, and provide an opportunity to incorporate the Los Gatos Creek trail more directly in the park experience. In addition, the 4.5-acre property adjacent to Thousand Oaks Park adds considerable value to that park and has the potential for mitigation, the removal of the Guadalupe Gardens SJWC inholding parcel consolidates the City's ownership and improves the City's management of the area, and the Branham Lane Easement advances the City's efforts to construct the Guadalupe River Trail Reach 12 Project. The cash payment ensures that the swap is for fair market value.

The Environmental Services Department reviewed environmental reports for the four properties to be acquired by the City and found no significant environmental concerns for the proposed City uses of the properties to be acquired. SJWC will remove all above-ground infrastructure prior to transfer, retire all wells to Santa Clara Valley Water District standard requirements, and mitigate a few small areas of shallow soil contamination at the W. Home Street and Emory Street properties. There will be no open wells remaining on the property, with wellheads cut off below the surface. The Purchase and Sale Agreement will be conditioned on SJWC performing this site decommissioning to the satisfaction of the City.

EVALUATION AND FOLLOW-UP

Approval of the recommendations directs staff to negotiate and execute a Purchase and Sale Agreement and an Easement Agreement conditioned on satisfaction of final title and environmental due diligence, such as the appropriate decommissioning of the wells on the SJWC W. Home Street parcel, and complete the exchange of the subject properties.

After the property exchange, the Parks, Recreation, and Neighborhood Services Department will complete the Master Plan for Del Monte Park Phase III. Master plans have been completed to guide future improvements at Guadalupe Gardens and the Guadalupe River Reach 12 Trail.

COST SUMMARY/IMPLICATIONS

Budget actions in this memorandum include recognizing \$820,000 in revenue and appropriating the proceeds from the properties exchange to establish the Del Monte Park Phase III Development Reserve in the Council District #6 Construction Tax and Property Conveyance Tax Fund. The City's property at the corner of W. Home Street and Sunol Street was originally purchased in 2017 for the Del Monte Park expansion using funding from the Council District #6 Construction Tax and Property Conveyance Tax Fund and Subdivision Park Trust Fund.

With the approval of the recommendations in this memorandum, the total funding available for the Del Monte Park Phase III Development Reserve is \$6.0 million in the Subdivision Park Trust Fund and \$820,000 in the Council District #6 Construction Tax and Property Conveyance Tax Fund. City staff is currently surveying the area and clearing the parcel in anticipation of starting the master planning process in the summer of 2024.

BUDGET REFERENCE

The table below identifies the funds and appropriations to establish and appropriate proceeds of the properties exchange recommended as part of this memorandum.

Fund #	Appn #	Appn Name	Current Total Appn	Rec. Budget Action	2023-2024 Proposed Capital Budget Page*	Last Budget Action (Date, Ord. No.)
384	R130	Other Revenue	\$0	\$820,000	N/A	N/A
384	8532	Del Monte Park Phase III Development Reserve	\$0	\$820,000	N/A	N/A

* The 2023-2024 Adopted Capital Budget was approved on June 13, 2023, by the City Council and adopted on June 20, 2023.

HONORABLE MAYOR AND CITY COUNCIL

August 28, 2023

Subject: Land Exchange Between the City of San José and San Water Company for Properties Located at Sunol Street, W. Home Street, Emory Street, Harvest Meadow Court and Branham Lane

Page 6

COORDINATION

This memorandum has been coordinated with the City Attorney's Office and the Departments of Environmental Services; Parks, Recreation, and Neighborhood Services; and, Planning, Building and Code Enforcement.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the September 19, 2023 City Council meeting.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

CEQA

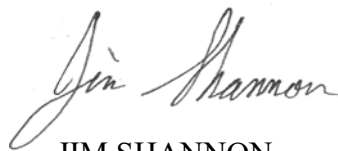
Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.; PDC08-061 (Ohlone Mixed-Use FEIR), PP14-091 (Del Monte Park Land Acquisition and Building Demolition); PP17-027 (Guadalupe River Trail Master Plan); PP03-092 (Guadalupe River Trail, Reach 12).

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

NANCI KLEIN
Director of Economic
Development and Cultural Affairs



JIM SHANNON
Budget Director

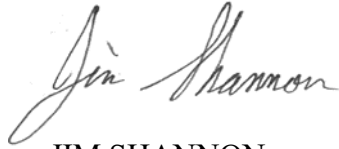
HONORABLE MAYOR AND CITY COUNCIL

August 28, 2023

Subject: Land Exchange Between the City of San José and San Water Company for Properties Located at Sunol Street, W. Home Street, Emory Street, Harvest Meadow Court and Branham Lane

Page 7

I hereby certify that there will be available funding for appropriation in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #6 in Fiscal Year 2023-2024 monies in excess of those heretofore appropriated therefrom, said excess being at least \$820,000.

A handwritten signature in black ink, appearing to read "Jim Shannon", is written in a cursive style.

JIM SHANNON

Budget Director

For questions, please contact Kevin Ice, Senior Real Estate Manager, Office of Economic Development and Cultural Affairs, at (408) 535-8197.

ATTACHMENT: Legal Descriptions of Subject Properties

ATTACHMENT

Legal Descriptions of Subject Properties

- *Sunol Street*

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, being all of Lots 5 and 6 and a portion of Lots 4 and 8, as shown on the map entitled "MAP OF NELSON TRACT NO. 1", filed on February 20, 1911 in Book "N" of Maps at Page 25, Santa Clara County records, more particularly described as follows:

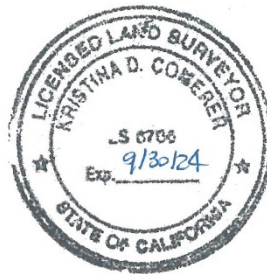
BEGINNING at the southwesterly corner of Lot 6, as said Lot is shown on said Map, said point being on the easterly line of Sunol Street and marked by a found ½" iron pipe; thence along the easterly line of Sunol Street, North 03° 09' 51" West, 80.19 feet; thence leaving said easterly line, North 87° 04' 43" East, 159.77 feet to a point on the easterly line of said Lot 8; thence along said easterly line, South 02° 57' 58" East, 80.19 feet to the southerly line of said Map; thence leaving said easterly line, along said southerly line, South 87° 04' 43" West, 159.49 feet to the **POINT OF BEGINNING**.

Containing an area of 0.294 acres (12,800 square feet) of land, more or less.

Legal description prepared by Cross Land Surveying, Inc. in August 2023 and is based upon a field survey of Lots 4, 5, 6 and 8, as shown on the map entitled "MAP OF NELSON TRACT NO. 1", filed on February 20, 1911 in Book "N" of Maps at Page 25, Santa Clara County records in order to convey a parcel containing 12,800 square feet.

END OF DESCRIPTION

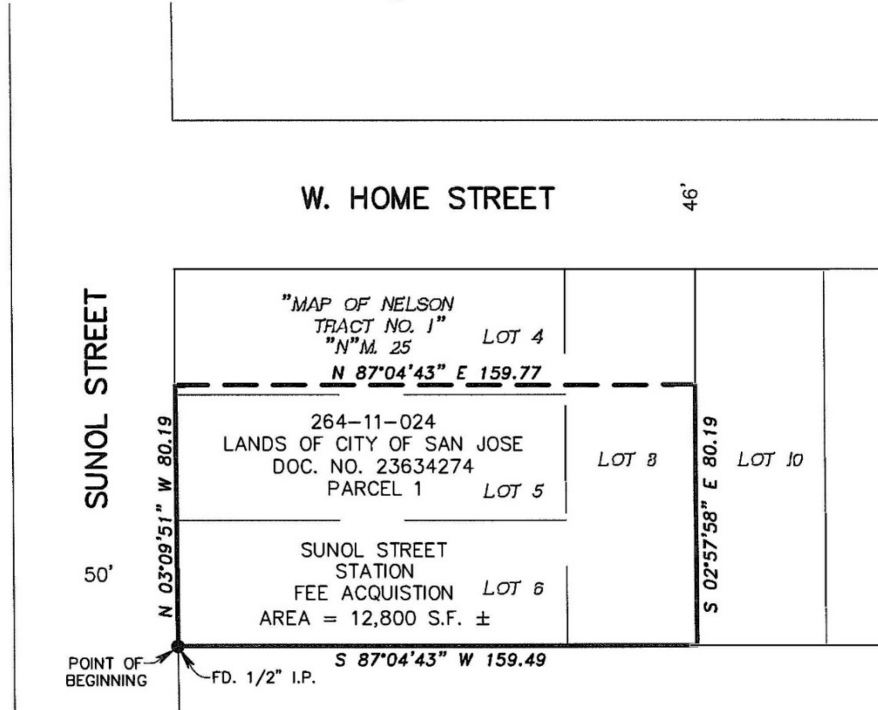
Kristina D. Comer
Kristina D. Comerer, PLS 6766
Date August 16, 2023



LEGEND
 --- FEE PARCEL LINE
 === BOUNDARY LINE



EXHIBIT "B"
PLAT TO ACCOMPANY
LEGAL DESCRIPTION
SUNOL STREET STATION
736 SUNOL STREET
SAN JOSE, CALIFORNIA
SCALE: 1" = 40' MAY 2023



264-11-098
 LANDS OF REED & GRAHAM, INC.
 DOC. NO. 12335047



Kristina D. Comer
 KRISTINA D. COMERER, PLS 6766
 DATE: AUGUST 16, 2023



CROSS LAND SURVEYING, INC.
 2210 MT. PLEASANT ROAD
 SAN JOSE, CA 95148
 (408) 274-7994

PROJECT NO. 23-54

- ***W. Home Street***

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

PARCEL 1:

BEGINNING AT AN IRON PIPE SET IN THE NORTHERLY LINE OF WEST HOME STREET AT THE COMMON CORNER FOR LOTS 29 AND 31 OF NELSON TRACT NO. 1 AS SHOWN UPON THE MAP THEREOF RECORDED IN [BOOK "N" OF MAPS AT PAGE 25](#), SANTA CLARA COUNTY RECORDS; AND RUNNING THENCE NORTHERLY ALONG THE DIVIDING LINE BETWEEN SAID LOTS 29 AND 31, N. 3°00' W. 147.19 FEET TO AN IRON PIPE SET AT THE NORTHERLY COMMON CORNER FOR SAID LOTS 29 AND 31; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 31, N. 83°08' E. 199.40 FEET TO A POINT IN THE CENTER LINE OF LOS GATOS CREEK AS SHOWN ON THE RECORD OF SURVEY MAP HEREINAFTER REFERRED TO; THENCE SOUTHERLY AND UPSTREAM ALONG SAID CENTER LINE OF LOS GATOS CREEK, S. 21°58' W. 177.20 FEET TO A POINT IN SAID NORTHERLY LINE OF WEST HOME STREET; AND THENCE WESTERLY ALONG SAID NORTHERLY LINE OF WEST HOME STREET; S. 87°00' W. 124.15 FEET TO THE POINT OF BEGINNING, CONTAINING 0.565 OF AN ACRE OF LAND, MORE OR LESS, AND BEING ALL OF SAID LOT 31 OF SAID NELSON TRACT NO. 1 LYING WESTERLY OF SAID CENTERLINE OF THE LOS GATOS CREEK, AS SHOWN UPON THE CERTAIN MAP OF RECORD OF SURVEY MAP NO. 112, SAN JOSE WATER WORKS LANDS SHOWING ASSESSMENT LOT NO. 172, WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON JANUARY 2, 1952 IN [BOOK 35 OF MAPS AT PAGE 29](#).

PARCEL 2:

NON-EXCLUSIVE EASEMENT FOR THE RIGHT AND PRIVILEGE OF EXCAVATING FOR AND LYING PIPELINES FOR THE TRANSMISSION AND DISTRIBUTION OF WATER ALSO A RIGHT OF WAY ALONG THE SAME AS DESCRIBED IN RIGHT OF WAY RECORDED JUNE 27, 1961 AS DOCUMENT NO. [2019338](#) IN BOOK 5212, PAGE 311 OF OFFICIAL RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF THAT CERTAIN 0.565 ACRE PARACEL OF LAND AS SHOWN ON THE MAP OF THE SAN JOSE WATER WORKS ASSESSMENT LOT NO. 172 AND RECORDED IN [BOOK 35 OF MAPS AT PAGE 29](#) RECORDS OF SANTA CLARA COUNTY; DISTANT ALONG SAID NORTHERLY LIEN N 83°08' E 141.14 FEET FORM THE NORTHWESTERLY CORNER OF SAID PARCEL OF LAND; THENCE LEAVING SAID NORTHERLY LINE OF SAID PARCEL AND ALONG THE TOP OF A HIGH CREEK BANK, THE FOLLOWING COURSES AND DISTANCES:

N 34°43' E 93.27 FEET;

N 31°12' E 19.77 FEET;

N 24°40' E 20.28 FEET;

N 11°55' 30" E 20.47 FEET;

N 3° 51' 30" E 92.59 FEET MORE OR LESS TO A POINT IN THE SOUTHERLY LINE OF AUZERAIS AVENUE 50 FEET WIDE.

APN: 264-11-034

- ***Emory Street***

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

PARCEL 1:

LOTS ONE (1), TWO (2), THREE (3), FOUR (4), TWENTY ONE (21), TWENTY TWO (22), TWENTY THREE (23) AND TWENTY FOUR (24) AND ALLEY NOW ABANDONED BETWEEN LOTS 1, 2, 3 AND 24 AND NORTHWESTERLY 15 FEET OF ALLEY NOW ABANDONED ADJACENT TO LOTS 21, 22, 23 AND 24 AND SOUTHWESTERLY 12.5 FEET OF ALLEY (NOW ABANDONED) ADJACENT TO LOT 21, AS DELINEATED AND SO DESIGNATED UPON MAP ENTITLED, "MAP OF THE SUBDIVISION OF RIVER LOTS 5 AND 8 UNIVERSITY GROUNDS", AND WHICH SAID MAP WAS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, STATE OF CALIFORNIA ON OCTOBER 18, 1887 IN VOLUME "C" OF MAPS, PAGE 31, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION OF LAND AS SHOWN IN THE CORPORATION GRANT DEED RECORDED DECEMBER 09, 1971 AS DOCUMENT NO. 4152164 BOOK 9621 PAGE 6 OF OFFICIAL RECORDS.

PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND FOR THE INSTALLATION, MAINTENANCE AND USE OF PIPELINES AND UNDERGROUND AND ABOVE GROUND UTILITIES, IN, UNDER, OVER AND UPON A STRIP OF LAND WITH A UNIFORM WIDTH OF 30 FEET, THE SOUTHEASTERLY LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID SAN JOSE WATER WORKS ASSESSMENT LOT NUMBER 127, IN THE NORTHEASTERLY LINE OF SPRING STREET; THENCE FROM SAID POINT OF BEGINNING; ALONG THE SOUTHEASTERLY LINE OF SAID ASSESSMENT LOT, NORTH 48°45' EAST, 174.00 FEET TO THE TERMINUS THEREOF.

PARCEL 3:

AN EASEMENT FOR THE INSTALLATION, MAINTENANCE AND USE OF PIPELINES, TOGETHER WITH THE RIGHT OF INGRESS THERETO AND EGRESS THEREFROM FOR SAID PURPOSES, IN, UNDER, OVER AND UPON ALL THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE SOUTHEASTERLY LINE OF SAID SAN JOSE WATER WORKS ASSESSMENT LOT 127, DISTANT ALONG SAID LINE NORTH 48°54' EAST, 174.00 FEET FROM THE MOST SOUTHERLY CORNER OF SAID LOT 127; THENCE NORTH 41°08' WEST, 30.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE FROM SAID TRUE POINT OF BEGINNING, NORTH 41°08' WEST, 30.00 FEET; THENCE NORTH 48°54' EAST, 3.40 FEET; THENCE NORTH 41°08' WEST 140.12 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF EMORY STREET; THENCE ALONG SAID LAST NAMED LINE, SOUTH 48°54' WEST; 10.00 FEET; THENCE SOUTH 41°08' EAST, 170.12 FEET; THENCE NORTH 48°54' EAST, 6.60 FEET TO THE TRUE POINT OF BEGINNING.

APN: 259-07-075

- ***Harvest Meadow Court***

The land referred to is situated in the County of Santa Clara, City of San Jose, State of California, and is described as follows:

PARCEL ONE:

Being a parcel of land containing 2.113 acres of land, more or less, and more particularly described as follows:

Commencing at the Southernmost corner of that certain 1.307 acre tract of land described in the Deed from Louise M. Dudley, et al, to Charles B. Morton, et ux, recorded in Book 2710 of Official Records, Page 175, Santa Clara County Records, said Southernmost corner being in the Easterly boundary of Lot 13 of the Henderson Tract in the channel of the Guadalupe River, as said boundary is shown upon the Map of the Henderson Tract, recorded in Book "H" of Maps, Page 113, Santa Clara County Records, running thence along said Easterly boundary of Lot 13, South 42° 45' East 54.17 feet and South 6° 30' East 20.14 feet to an iron pipe marking the true point of beginning of this description; thence from said true point of beginning continuing along said Easterly boundary of Lot 13, South 6° 30' East 386.24 feet to an iron pipe set at the point of intersection thereof with the Southwesterly prolongation of the Northwesterly line of that certain 40.06 acre tract of land conveyed in the Deed from J.P. Dudley to S.I. Roper, recorded in Book 130 of Deeds, Page 292, Santa Clara County Records; thence leaving said Easterly boundary of Lot 13 and running along said Southwesterly prolongation and said Northwesterly line of said 40.06 acre tract of land, said Northwesterly line marked by an old redwood fence North 72° 42' 30" East 236.70 feet to an iron pipe, from which iron pipe the corner 4" x 6" redwood post of said fence, scribed "W. P. 4", bears North 72° 42' 30" East; thence leaving said fence line and said Northwesterly line and running North 6° 30' West 405.31 feet to an iron pipe; thence South 68° 15' West 241.00 feet to the true point of beginning.

PARCEL TWO:

An easement for ingress and egress over and across that portion of Lot 27, Tract No. 5147 Thousand Oaks, described as follows:

Beginning at the most Westerly corner of Lot 27, as said lot is shown upon the Map of Tract No. 5147 Thousand Oaks, which Map was recorded in Book 299 of Maps, Pages 52 and 53, Santa Clara County Records; thence leaving said point of beginning along the Southwesterly line of said Lot 27, South 16° 17' 32" East 131.56 feet to the most Southerly corner thereof; thence along the Southeasterly line of said Lot 27, North 71° 39' 54" East 18.00 feet to the general Westerly line of Harvest Meadow Court (60 feet wide); thence along last said general Westerly line of Harvest Meadow Court along the arc of a curve to the right from a tangent which bears North 18° 20' 06" West having a radius of 42.00 feet through a central angle of 32° 46' 30" for an arc length of 24.03 feet; thence leaving said general Westerly line North 18° 20' 06" West 108.42 feet to the Northwesterly line of said Lot 27; thence along said Northwesterly line South 72° 35' 41" West 20.00 feet to the point of beginning.

APN: 459-02-004

The land referred to is situated in the County of Santa Clara, City of San Jose, State of California, and is described as follows:

Being a parcel of land containing 1.787 acres of land, more or less, and more particularly described as follows:

All of that certain 4.215 acre parcel of land shown on Record of Survey Map No. 153-A for San Jose Water Company Assessment Lot No. 205 recorded in Book 114 of Maps at Page 24, Santa Clara County Records.

EXCEPTING THEREFROM:

All of that certain .315 acre parcel of land shown as Parcel A on the Record of Survey Map recorded in Book 181 of Maps at Page 12, Santa Clara County Records.

EXCEPTING THEREFROM:

A parcel of land containing 2.113 acres of land, more or less, and more particularly described as follows:

Commencing at the Southernmost corner of that certain 1.307 acre tract of land described in the Deed from Louise M. Dudley, et al, to Charles B. Morton, et ux, recorded in Book 2710 of Official Records, Page 175, Santa Clara County Records, said Southernmost corner being in the Easterly boundary of Lot 13 of the Henderson Tract in the channel of the Guadalupe River, as said boundary is shown upon the Map of the Henderson Tract, recorded in Book "H" of Maps, Page 113, Santa Clara County Records, running thence along said Easterly boundary of Lot 13, South 42° 45' East 54.17 feet and South 6° 30' East 20.14 feet to an iron pipe marking the true point of beginning of this description; thence from said true point of beginning continuing along said Easterly boundary of Lot 13, South 6° 30' East 386.24 feet to an iron pipe set at the point of intersection thereof with the Southwesterly prolongation of the Northwesterly line of that certain 40.06 acre tract of land conveyed in the Deed from J.P. Dudley to S.I. Roper, recorded in Book 130 of Deeds, Page 292, Santa Clara County Records; thence leaving said Easterly boundary of Lot 13 and running along said Southwesterly prolongation and said Northwesterly line of said 40.06 acre tract of land, said Northwesterly line marked by an old redwood fence North 72° 42' 30" East 236.70 feet to an iron pipe, from which iron pipe the corner 4" x 6" redwood post of said fence, scribed "W. P. P. 4", bears North 72° 42' 30" East; thence leaving said fence line and said Northwesterly line and running North 6° 30' West 405.31 feet to an iron pipe; thence South 68° 15' West 241.00 feet to the true point of beginning.

APN 459-02-008

- ***Branham Lane***

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, being a portion of that certain parcel of land as described in the EASEMENT DEED recorded on March 4, 2014 as Document No. 22535923, Santa Clara County records, more particularly described as follows:

BEGINNING at the most northerly corner of said EASEMENT DEED Parcel, said point being the beginning of a non-tangent curve, concave southwesterly, having a radius of 309.00 feet, from which the radius point bears South 21° 30' 58" West; thence along the easterly line of said EASEMENT DEED Parcel the following thirteen (13) courses: 1) southeasterly, along said curve, through a central angle of 13° 46' 20", for an arc length of 74.28 feet, 2) South 54° 42' 42" East, 61.14 feet, 3) South 50° 25' 21" East, 20.06 feet, 4) South 54° 42' 42" East, 70.00 feet, 5) South 59° 00' 03" East, 20.06 feet, 6) South 54° 42' 42" East, 27.79 feet to the beginning of a tangent curve to the right, having a radius of 509.00 feet, 7) along said curve, through a central angle of 06° 02' 57", for an arc length of 53.74 feet, 8) South 48° 39' 45" East, 100.42 feet, 9) South 40° 07' 54" East, 20.22 feet, 10) South 48° 39' 45" East, 72.86 feet to the beginning of a tangent curve to the left, having a radius of 164.00 feet, 11) along said curve, through a central angle of 29° 18' 07", for an arc length of 83.87 feet to the beginning of a reverse curve, having a radius of 42.00 feet, 12) along said curve, through a central angle of 31° 01' 44", for an arc length of 22.75 feet and 13) South 46° 56' 08" East, 38.60 feet to the southerly line of said EASEMENT DEED Parcel; thence leaving said easterly line, along said southerly line, South 76° 21' 15" West, 23.93 feet to a point on a line parallel with and distant 20.00 feet southwesterly, measured at right angles, from said easterly line; thence along said parallel line the following twelve (12) courses: 1) North 46° 56' 08" West, 25.47 feet to the beginning of a tangent curve to the left, having a radius of 22.00 feet, 2) along said curve, through a central angle of 31° 01' 44", for an arc length of 11.91 feet to the beginning of a reverse curve, having a radius of 184.00 feet, 3) along said curve, through a central angle of 29° 18' 07", for an arc length of 94.10 feet, 4) North 48° 39' 45" West, 74.35 feet, 5) North 40° 07' 54" West, 20.22 feet, 6) North 48° 39' 45" West, 98.93 feet to the beginning of a tangent curve to the left, having a radius of 489.00 feet, 7) along said curve, through a central angle of 06° 02' 57", for an arc length of 51.63 feet, 8) North 54° 42' 42" West, 27.04 feet, 9) North 59° 00' 03" West, 20.06 feet, 10) North 54° 42' 42" West, 71.50 feet, 11) North 50° 25' 21" West, 20.06 feet and 12) North 54° 42' 42" West, 17.49 feet to a point on the southwesterly line of said EASEMENT DEED Parcel; thence leaving said parallel line, along said southwesterly line, North 49° 15' 34" West, 116.99 feet to the **POINT OF BEGINNING**.

Containing an area of 12,279 square feet (0.282 acres), more or less.

Legal description prepared by Cross Land Surveying, Inc. in March 2023 and is based upon a partial field survey and record data as described in the EASEMENT DEED recorded on March 4, 2014 as Document No. 22535923, Santa Clara County records.

END OF DESCRIPTION

Kristina D. Comer
Kristina D. Comerer, PLS 6766

Date: March 10, 2023



