

RECORD WITHOUT FEE UNDER SECTION 6103  
GOVERNMENT CODE OF THE STATE OF CALIFORNIA

AFTER RECORDING RETURN TO:  
REAL ESTATE SERVICES UNIT  
SANTA CLARA VALLEY WATER DISTRICT  
5750 ALMADEN EXPRESSWAY  
SAN JOSE, CALIFORNIA 95118

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 434-20-000, 434-04-000

DISTRICT	<u>3015-614</u>
DOCUMENT	<u>3015-617</u>
NOS:	<u>3015-618</u>

## QUITCLAIM DEED

1. The **CITY OF SAN JOSE**, a municipal corporation of the State of California, hereinafter "CITY", hereby REMISES, RELEASES AND FOREVER QUITCLAIMS to the **SANTA CLARA VALLEY WATER DISTRICT**, a Special District, created by the California Legislature ("District"), any and all right, title or interest in the real property located in the City of San Jose, County of Santa Clara, State of California, described and depicted in the attached Exhibits A1, A2, A3, B1, B2, and B3 ("Property").
2. **RESERVING**, unto CITY, a "**Public Roadway Easement**" and all rights necessary to construct, maintain, operate, modify, enlarge, replace, remove and renew any and all in-place and future public roadway improvements, roadway appurtenances and utility facilities located at-road-grade and within the Property; a "**Public Service Easement**" and all rights necessary to construct, maintain, operate, modify, enlarge, replace, remove and renew any and all in-place and future public utility facilities located at-road-grade and above-road-grade and below-road-grade within the Property; a "**Public Sidewalk Easement**" and all rights necessary to construct, maintain, operate, modify, enlarge, replace, remove and renew any and all in-place and future public sidewalk facilities located at-road-grade and above-road-grade within the Property. "**City Improvement**" shall include any in place or future improvements constructed, conveyed to CITY by DISTRICT, or owned by CITY as part of or across an existing or future Public Roadway Easement, Public Service Easement or Public Sidewalk Easement in favor of CITY.
3. CITY shall be responsible for the operation, maintenance, and repair costs of all CITY Improvements.

T-35081/1592242

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

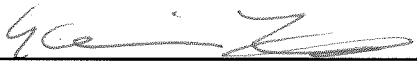
4. Upon completion of the bridge and appurtenant structures, including but not limited to the bridge deck, the roadway, the abutments, the foundations, and the wingwalls, by the District, ownership of the bridge and any appurtenant structures shall transfer automatically upon CITY'S completion of a structural inspection and written acceptance and formal District acceptance. CITY shall also be responsible for the operation and maintenance costs of the bridge and appurtenant structures and improvements.
5. The Easement Area shall be kept clear of any type of structure, except for the future bridge and appurtenant structures. Activities, including but not limited to, excavation, underground work or utility installation, that could impact the DISTRICT's improvements and facilities are not allowed in the Easement Area unless prior written approval in the form of a permit is obtained from the District.
6. District shall not remove or relocate the CITY Improvements placed on the Property by CITY without the prior written approval of CITY. Any improvements constructed, maintained or owned by DISTRICT that conflict with any CITY Improvements existing as of the date this deed is fully executed shall be removed and replaced and or relocated by DISTRICT at no cost to the CITY.
7. CITY's use of the Public Roadway Easement, Public Service Easement and Public Sidewalk Easement shall be conducted in a manner that does not damage or endanger the DISTRICT's improvements located on the Property or compromise the structural support of such improvements.
8. CITY shall indemnify, protect, defend and hold harmless DISTRICT, its elected officials, officers, employees, invitees, guests, contractors, and agents from and against all claims, actions, losses, liabilities, damages, costs and expenses arising out of or in connection with (a) the use of the Property by CITY, its employees, invitees, guests, contractors, agents, or any other parties using the Property, (b) the performance by CITY of its duties, obligations, agreements, and covenants under this Agreement, (c) the exercise of CITY's right to construct, repair, operate, or maintain a roadway, sidewalk, future bridges, utility installations or any other improvement that is related and appurtenant to said uses on the Property, and (d) any breach or default by CITY under this deed, excepting those damages or injuries resulting from DISTRICT's active negligence or willful misconduct. The provisions of this Paragraph shall survive the expiration or termination of the rights reserved herein.
9. DISTRICT shall indemnify, protect, defend and hold harmless CITY, its elected officials, officers, employees, invitees, guests, contractors, and agents from and against all claims, actions, losses, liabilities, damages, costs and expenses arising out of or in connection with (a) the use of the Property by DISTRICT, its employees, invitees, guests, contractors, agents, or anyone directly or indirectly employed or under contract with DISTRICT, (b) the performance by DISTRICT of its duties, obligations, agreements, and covenants under this deed, and (c) any breach or default by DISTRICT under this deed, excepting those damages or injuries resulting from CITY's active negligence or willful misconduct. The provisions of this Paragraph shall survive the expiration or termination of the easements reserved herein.

**[Remainder of Page Intentionally Left Blank. Signatures on Following Page.]**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019

Approved as to Form:


CITY OF SAN JOSE,  
a Municipal Corporation of the State of  
California


By:   
\_\_\_\_\_  
Kevin Fisher  
Chief Deputy City Attorney

By: \_\_\_\_\_  
Leland Wilcox  
Chief of Staff,  
Office of the City Manager

Approved as to form:

SANTA CLARA VALLEY WATER DISTRICT,  
a California Special District

By:   
\_\_\_\_\_  
Joseph Aranda  
Assistant District Counsel

By:   
\_\_\_\_\_  
Norma J. Camacho  
Chief Executive Officer

T-35081/1592242

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

ALL-PURPOSE ACKNOWLEDGMENT

COUNTY OF SANTA CLARA } STATE OF CALIFORNIA  
SS

On this 9<sup>th</sup> day of April, in the year 2019, before me SUSAN L TURNER,

Notary Public, personally appeared

Norma J. Camacho

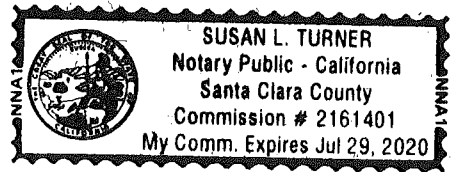
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Susan L. Turner  
Notary Public in and for said County and State



CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- Individual
- Corporate Officer (s): CEO
- Partner (s)  Limited  General
- Attorney-In-Fact \_\_\_\_\_
- Trustee (s)
- Guardian/Conservator
- Other: \_\_\_\_\_

Signer is Representing (Name of Person(s) or Entity (ies))  
San Jose Valley Water District

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

ALL-PURPOSE ACKNOWLEDGMENT

COUNTY OF SANTA CLARA } STATE OF CALIFORNIA  
SS

On this \_\_\_ day of \_\_\_\_\_, in the year 20\_\_, before me \_\_\_\_\_,

Notary Public, personally appeared

\_\_\_\_\_  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

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Notary Public in and for said County and State

CAPACITY CLAIMED BY SIGNER

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- Corporate Officer (s): \_\_\_\_\_
- Partner (s)  Limited  General
- Attorney-In-Fact \_\_\_\_\_
- Trustee (s)
- Guardian/Conservator
- Other: \_\_\_\_\_

Signer is Representing (Name of Person(s) or Entity (ies))  
\_\_\_\_\_  
\_\_\_\_\_

EXHIBIT A1  
LEGAL DESCRIPTION OF THE PROPERTY

SANTA CLARA VALLEY WATER DISTRICT  
5750 Almaden Expressway  
San Jose, CA 95118

Original By: B. SNYDER  
Date: 12/04/09

Revised By: SJ  
Revision Date: 02/21/2017

PROJECT: GUADALUPE RIVER  
PROPERTY: CITY OF SAN JOSE

APN: 434-20-000  
RESU File No.: 3015-614

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF THE LANDS OF THE CITY OF SAN JOSE AS SHOWN ON THAT CERTAIN MAP FILED AS R-108.17, IN DISTRICT 4 OFFICE OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, OAKLAND, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF ALMA AVENUE, 80 FEET WIDE AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED IN BOOK 138 OF MAPS AT PAGE 18, IN THE OFFICE OF THE RECORDER, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, WITH THE CENTERLINE OF GUADALUPE RIVER (FORMERLY KNOWN AS LEWIS CANAL), AS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED ON FEBRUARY 19, 1958 AS DOCUMENT NUMBER 1438775 OF OFFICIAL RECORDS, IN THE OFFICE OF THE RECORDER, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA;

THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID ALMA AVENUE, NORTH 76°23'50" EAST, 55.80 FEET TO THE **POINT OF BEGINNING**;

THENCE LEAVING SAID SOUTHEASTERLY LINE OF ALMA AVENUE, NORTH 25°58'10" WEST, 81.90 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID ALMA AVENUE;

THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY LINE, NORTH 76°23'50" EAST, 17.54 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1960.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE AND ALONG THE NORTHWESTERLY LINE OF SAID ALMA AVENUE THROUGH A CENTRAL ANGLE OF 2°16'22" FOR AN ARC LENGTH OF 77.75 FEET;

THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE, NORTH 38°33'29" EAST, 18.59 FEET;

EXHIBIT A1  
LEGAL DESCRIPTION OF THE PROPERTY

(continued)

THENCE LEAVING SAID NORTHWESTERLY LINE, SOUTH 36°04'02" EAST, 96.15 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID ALMA AVENUE, SAID POINT ALSO BEING A POINT OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 2040.00 FEET AND TO WHICH POINT A TANGENT BEARS SOUTH 72°46'03" WEST,

THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°37'47" FOR AN ARC LENGTH OF 129.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 9,848 SQUARE FEET OR 0.226 ACRE OF LAND, MORE OR LESS.

**BASIS OF BEARING:**

BEARINGS ARE BASED ON AND IDENTICAL TO DOCUMENT NUMBER 1438775 OF OFFICIAL RECORDS, SANTA CLARA COUNTY, STATE OF CALIFORNIA.

**SURVEYOR'S STATEMENT:**

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT.

  
\_\_\_\_\_  
GISELA SILKE JOBST, L9169

2-22-2017  
Date

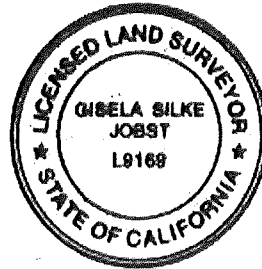




EXHIBIT A2  
LEGAL DESCRIPTION OF THE PROPERTY

SANTA CLARA VALLEY WATER DISTRICT  
San Jose, California

By: B. SNYDER  
Date: 02/05/10

Checked by: \_\_\_\_\_ Date: \_\_\_\_\_

PROJECT: GUADALUPE RIVER  
PROPERTY: CITY OF SAN JOSE

FILE NO.: 3015-617

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

Being a portion of the lands as described as "SEGMENT 2" in the deed recorded as Document Number 14166907 in the office of the Recorder, County of Santa Clara, State of California, to wit:

BEGINNING at that intersection of the northwesterly line of (Formerly) Willow Street (60 feet wide) with the southwesterly line of said parcel as shown on that certain map filed as R-108.18, in District 4 Office of the California Department of Transportation, Oakland, California; thence southeasterly along the general southwesterly line of said parcel, S35°15'45"E 7.96 feet to the TRUE POINT OF BEGINNING; thence leaving said general southwesterly line running parallel and concentric, 30.00 feet distant as measured at right angles from the centerline of Willow Street realigned designated as "WS" Line as shown on said map, along a curve to the right from a tangent which bears N64°14'23"E, having a radius of 580.00 feet, through a central angle of 10°48'06", for an arc distance of 109.35 feet; thence S14°57'31"E 51.26 feet to a point lying 21.26 feet measured at right angles southeasterly of said "WS" Line as shown on said map; thence running parallel and concentric along a curve to the left from a tangent which bears S75°02'29"W, having a radius of 528.74 feet, through a central angle of 9°52'15", for an arc distance of 91.09 feet to an angle point on the general southwesterly line of said parcel as shown on said map; thence northwesterly along the general southwesterly N35°15'45"W 52.04 feet to the TRUE POINT OF BEGINNING.

Containing 5137 square feet or 0.118 acre of land, more or less.

**BASIS OF BEARING:** Bearings are based on and identical to that certain map filed as R-108.18, in District 4 office of the California Department of Transportation, Oakland, California.

**SURVEYOR'S STATEMENT:** This description was prepared by me or under my direction in conformance with the requirement of the Land Surveyor's Act.

  
Dwight J. Busalacchi PLS 7903  
Prepared by the Santa Clara Valley Water District, San Jose, CA

Sept 29, 2010  
Date



T-35081/1592242

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

EXHIBIT A3  
LEGAL DESCRIPTION OF THE PROPERTY

SANTA CLARA VALLEY WATER DISTRICT  
San Jose, California

By: B. SNYDER  
Date: 02/05/10

Checked by: \_\_\_\_\_ Date: \_\_\_\_\_

PROJECT: GUADALUPE RIVER  
PROPERTY: CITY OF SAN JOSE

FILE NO.: 3015-618

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

Being a portion of the lands shown as Willow Street (60 feet wide) on that certain map filed as R-108.18, in District 4 Office of the California Department of Transportation, Oakland, California, to wit:

BEGINNING at that intersection of the northwesterly line of Willow Street (60 feet wide) with the southwesterly line of lands designated as "SEGMENT 2" as shown on that certain map filed as R-108.18, in District 4 Office of the California Department of Transportation, Oakland, California; thence southeasterly along the general southwesterly line of said parcel as shown on said map, S35°15'45"E 7.96 feet to a point which is the TRUE POINT OF BEGINNING; thence continuing southeasterly along said general southwesterly line of lands designated as "SEGMENT 2" as shown on said map, S35°15'45"E 52.04 feet to a point on the southeasterly line of Willow Street (60 feet wide) as shown on said map; thence southwesterly along said southeasterly line of Willow Street (60 feet wide), S54°44'15"W 114.20 feet; thence leaving said southeasterly line of Willow Street (60 feet wide), N17°56'33"W 62.85 feet to a point on the northwesterly line of Willow Street (60 feet wide) as shown on said map, said point being 30 feet distant as measured at right angles from the centerline of Willow Street realigned designated as "WS" Line as shown on said map; thence leaving said northwesterly line of Willow Street (60 feet wide) running parallel and concentric to said centerline of Willow Street realigned designated as "WS" Line as shown on said map, along a curve to the right from a tangent which bears N54°44'15"E, having a radius of 580.00 feet, through a central angle of 9°28'36", for an arc distance of 95.93 feet to the TRUE POINT OF BEGINNING.

Containing 6037 square feet or 0.139 acre of land, more or less.

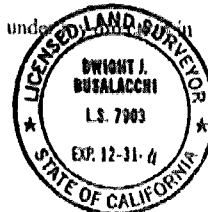
**BASIS OF BEARING:** Bearings are based on and identical to that certain map filed as R-108.18, in District 4 office of the California Department of Transportation, Oakland, California.

**SURVEYOR'S STATEMENT:** This description was prepared by me or under my direct supervision in conformance with the requirement of the Land Surveyor's Act.

  
Dwight J. Busalacchi PLS 7903

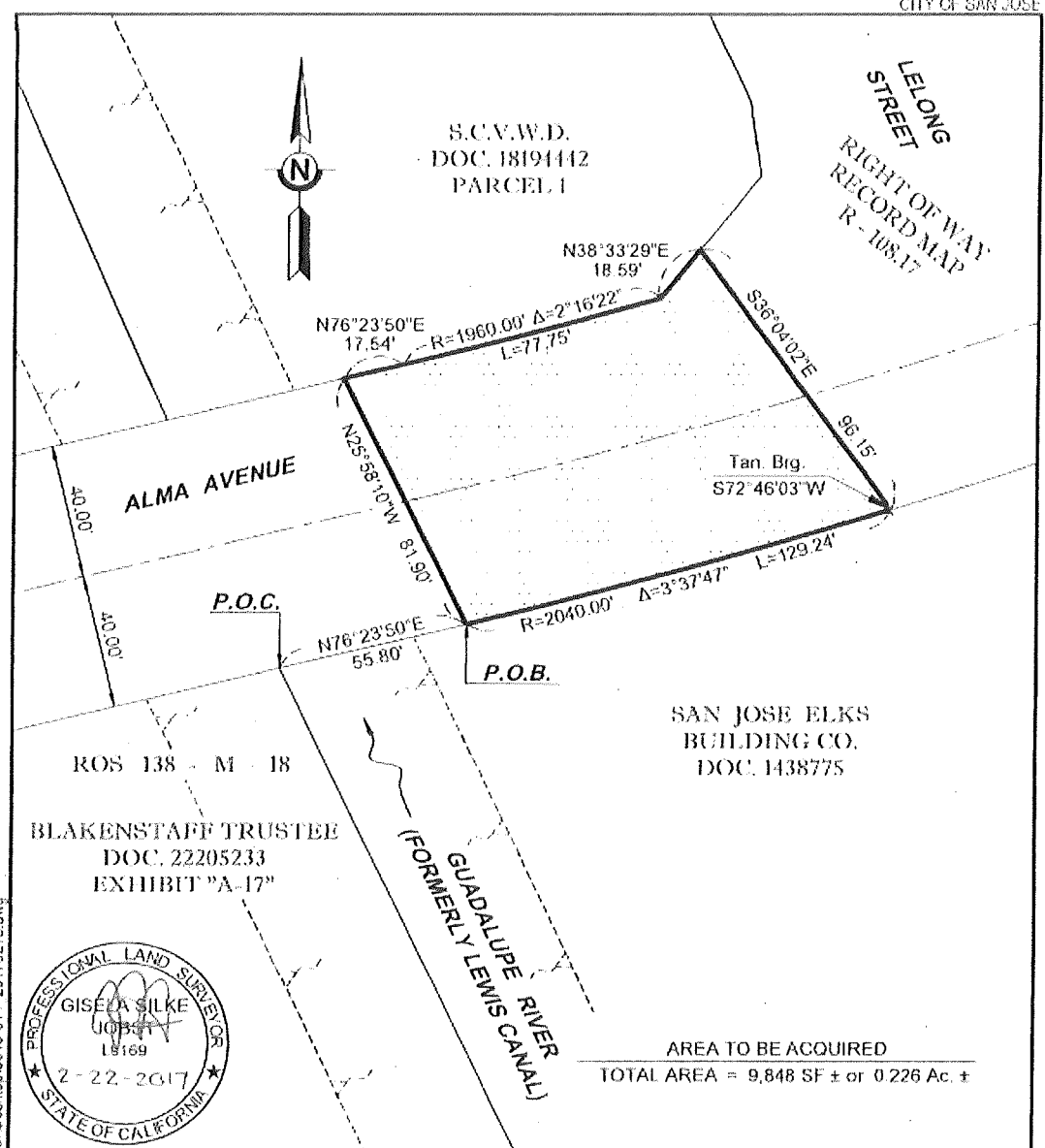
Sept 29, 2010  
Date

Prepared by the Santa Clara Valley Water District, San Jose, CA



**EXHIBIT B1  
PLAT OF PROPERTY (A1 Legal Description)**

CITY OF SAN JOSE



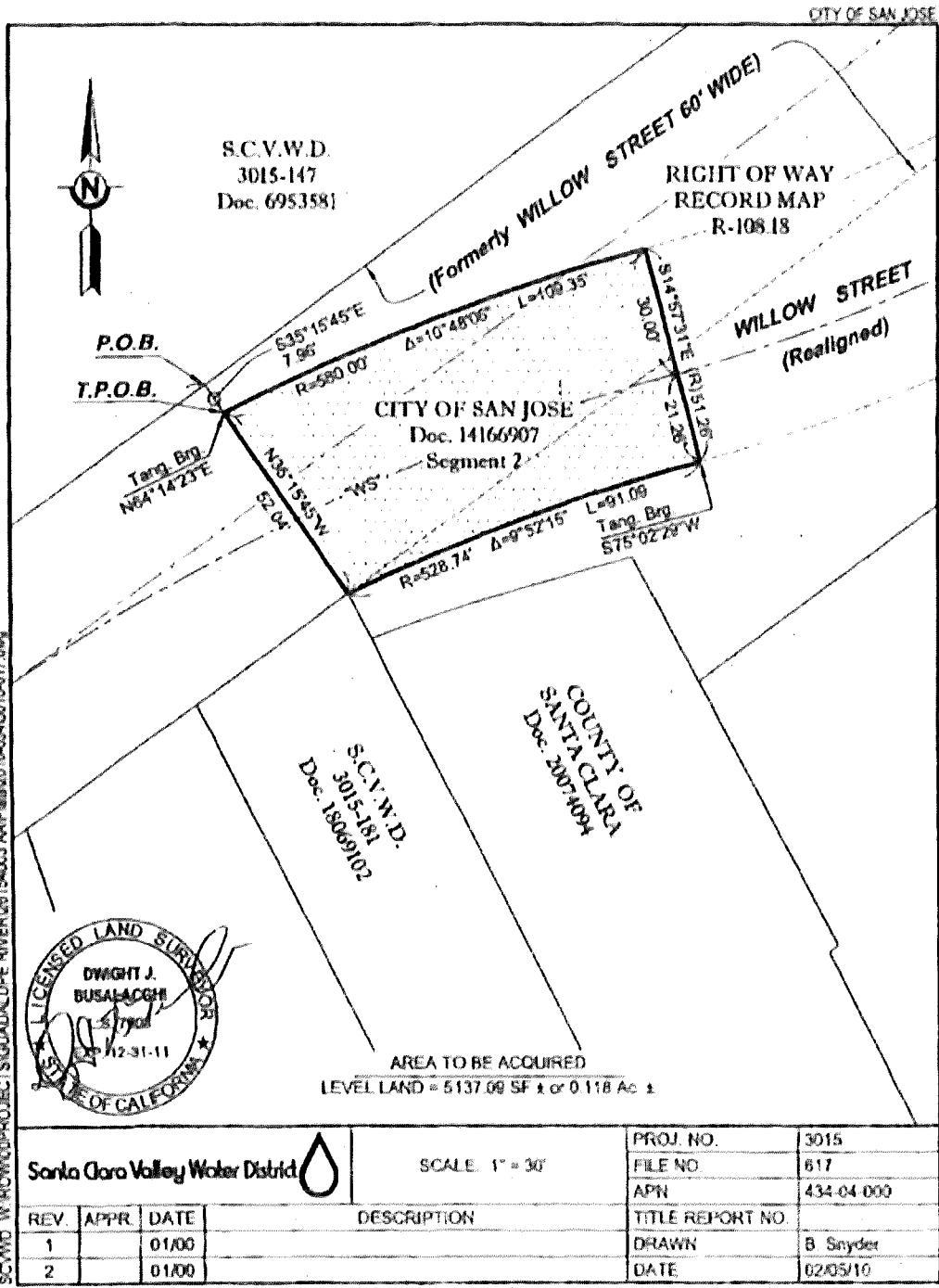
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Santa Clara Valley Water District			SCALE 1" = 40'	PROJ. NO 3015
				FILE NO 614
				APN 434-20-000
REV.	APPR.	DATE	DESCRIPTION	TITLE REPORT NO.
1				DRAWN B Snyder
2				DATE 12/04/09

T-35081/1592242

**DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.**

EXHIBIT B2  
 PLAT OF PROPERTY (A2 Legal Description)



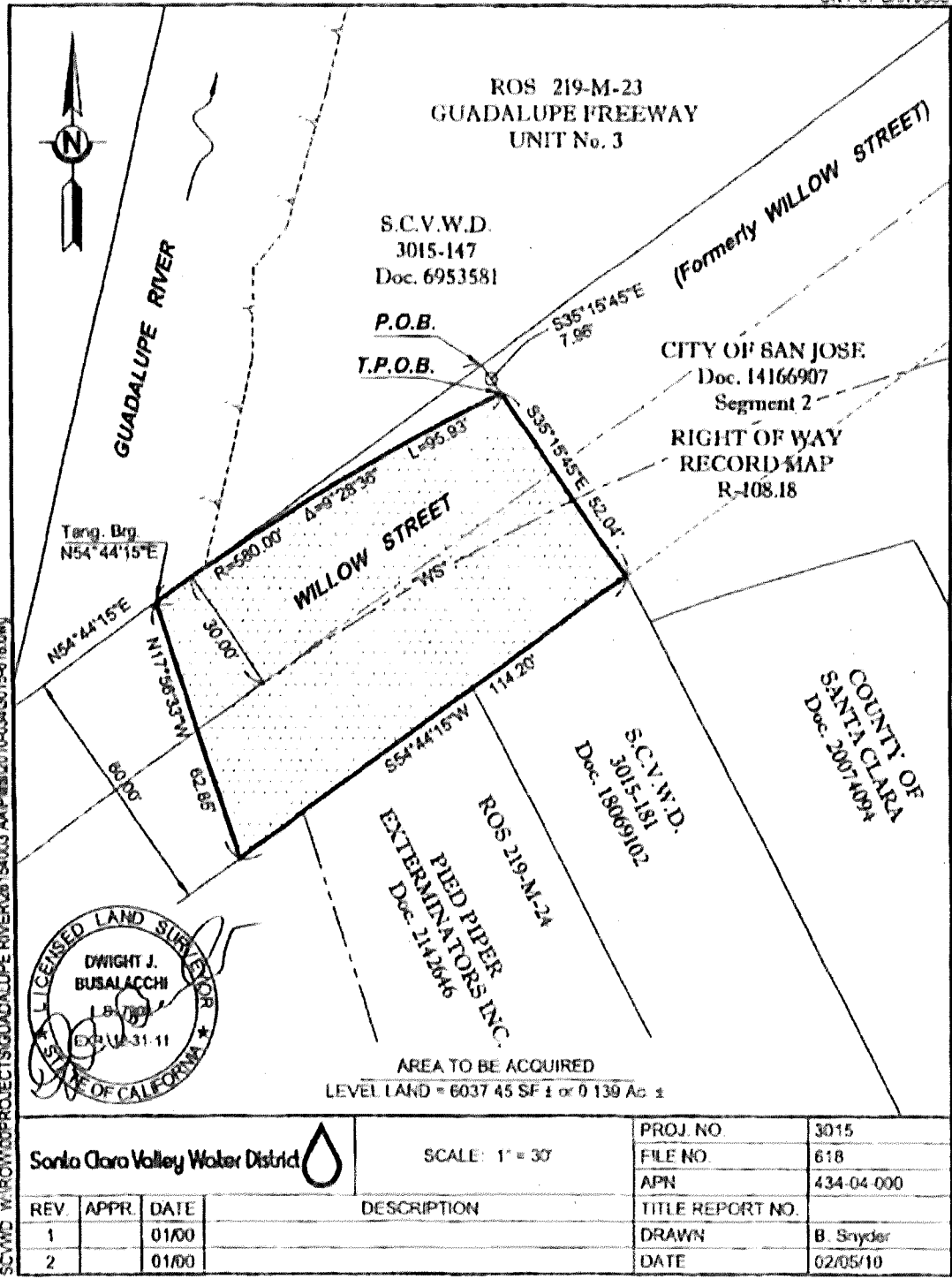
Sheet 1 of 1

T-35081/1592242

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

EXHIBIT B3  
 PLAT OF PROPERTY (A3 Legal Description)

CITY OF SAN JOSE



S.C.V.W.D. PROJECTS/GUADALUPE RIVER/28154003.AA/Plat/2010-03/43015-618.dwg

T-35081/1592242

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.