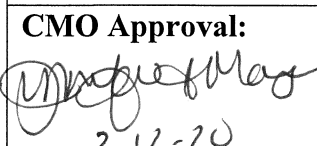


**CITY COUNCIL ACTION REQUEST**

<b>Department(s):</b> Office of Economic Development	<b>CEQA:</b> DOC with the FMC/Coleman Avenue EIR (SCH# 1999122059), the Airport West Stadium and Great Oaks Place Project EIR (SCH# 2009052053), the General Plan 2040 FEIR (SCH# 2009072096), the General Plan 2040 FSEIR (SCH# 2009072096), and addenda thereto.	<b>Coordination:</b> City Attorney's Office, City Manager's Budget Office, Public Works Department, PBCE	<b>Dept. Approval:</b> /s/ Kim Walesh
<b>Council District(s):</b> 3			<b>CMO Approval:</b>  3.12.20

**SUBJECT: PERMANENT WATER EASEMENT BETWEEN THE CITY OF SAN JOSE AND SAN JOSE WATER COMPANY**

**RECOMMENDATION:**

Adopt a resolution authorizing the City Manager or his designee to execute all the documents necessary for a permanent water easement agreement with the San Jose Water Company for water facilities installation to support the construction of the Coleman Highline Project.

**BASIS FOR RECOMMENDATION:**

The Coleman Highline Development Project adjacent to the Avaya Soccer Stadium on Coleman Avenue in San Jose. Site work includes surface parking and infrastructure to support the seven new commercial buildings. Part of the public/private improvements requires granting a permanent easement to the San Jose Water Company (SJWC) over that certain real property, portion of APN 230-59-005 and APN 230-59-002 (the "Property"), as described in Exhibit A, C and depicted in B and D. It will allow SJWC to install new water service lines on Aviation Avenue, Champions Drive and Champions Way, in order to provide and maintain necessary water services for building and fire protection uses.

The project is currently completing core and shell improvements for the first two buildings and needs water services to be installed in order to commission and close-out and allow for tenant improvements to proceed. The cost of preparation of the engineering plans, trenching and installation of the appropriate pipes, connections, and other equipment required for water service to the project will be paid by the developer.

The portion of the easement area covering APN 230-59-005 will ultimately become a public right of way when the new streets are completed. The other portion of the easement area, APN 230-59-002, will become a private street once the new street is completed and transferred to the developer. Staff considers the proposed easement essential for completing the Coleman Highline development project and does not believe granting the proposed easement right to SJWC will adversely affect the design or operations of future projects.

Climate Smart San Jose: The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

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

**COST AND FUNDING SOURCE:**

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

**FOR QUESTIONS CONTACT:** Nanci Klein, Assistant Director of Economic Development, at (408) 535-8184

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**FOR: WATER LINE EASEMENTS**

Two (2) Water Line Easements situated in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel One and also a portion of Parcel Two as described in the Grant Deed recorded on January 19, 2011 as Document No. 21052358, Official Records of Santa Clara County, being more particularly described as follows:

**WATER LINE EASEMENT 1**

**COMMENCING** at a point on the southeasterly line of Parcel One at the southerly terminus of that certain course South 32° 25' 10" West 694.36 feet, as described in the Grant Deed recorded on March 15, 2018 as Document No. 23888776, Official Records of Santa Clara County;

Thence leaving said Point of Commencement and continuing along said southeasterly line North 32° 25' 10" East 242.12 feet to the **TRUE POINT OF BEGINNING** of Water line Easement Area 1;

Thence continuing along said southeasterly line, North 32° 25' 10" East 15.00 feet;

Thence leaving said southeasterly line South 57° 34' 50" East 57.98 feet to the northwesterly line of that certain Water Line Easement described in that certain Document recorded on January 16, 2019, as Document No. 24098907, Official Records of Santa Clara County;

Thence along said northwesterly line, South 32° 25' 10" West 15.00 feet;

Thence leaving said northwesterly line, North 57° 34' 50" West 57.98 feet to the True Point of Beginning.

Containing 0.020± acres.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

**WATER LINE EASEMENT 2**

**COMMENCING** at a point on the southwesterly line of Parcel One, said point being North 57°34'50" West, 664.17 feet from the southeasterly terminus of that line described as North 57°34'50" West, 940.63 feet in the Grant Deed recorded on March 15, 2018 as Document No. 23888776, Official Records of Santa Clara County. Said point of commencement also being on the City Limit line for the City of San Jose and City of Santa Clara as shown on that certain Record of Survey filed for record on January 25, 1960 in Book 116 of Maps at Page 18, Official Records of Santa Clara County;

Thence leaving said Point of Commencement and continuing along said City Limit Line South 0° 05' 36" East 11.86 feet to the **TRUE POINT OF BEGINNING** of Water line Easement Area 2;

Thence continuing along said City Limit Line, South 0° 05' 36" East 17.79 feet;

Thence leaving said City Limit Line, and continuing the following two (2) courses and distances:

1. South 57° 34' 50" East 741.21 feet;
2. North 32° 25' 10" West 15.00 feet to a point on the southwesterly line of that certain Water Line Easement as described in that certain Document recorded on January 16, 2019, as Document No. 24098907, Official Records of Santa Clara County;

Thence along said southwesterly line and the prolongation thereof North 57° 34' 50" West 490.12 feet;

Thence North 32° 25' 10" East 10.00 feet to a point on the southwesterly line of said Parcel One;

Thence along said southwesterly line North 57° 34' 50" West 10.00 feet;

Thence leaving said southwesterly line the following three (3) courses and distances:

1. South 32° 25' 10" West 10.00 feet;
2. North 57° 34' 50" West 186.79 feet;
3. North 32° 25' 10" East 10.00 feet to a point on said southwesterly line of said Parcel One;

Thence along said southwesterly line North 57° 34' 50" West 15.00 feet;

Thence leaving said southwesterly line the following two (2) courses and distances:

1. South 32° 25' 10" West 10.00 feet;
2. North 57° 34' 50" West 48.87 feet to the True Point of Beginning;  
Containing 0.263± acres.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

Description prepared by Kler & Wright Civil Engineers & Surveyors, Inc.

This legal description was prepared by me or under my direction in accordance with the professional land surveyors act.

1-9-2020  
Date

  
Ryan M Amaya, LS 8134



# COLEMAN AVENUE

(PROPOSED COLEMAN AVE 116 M 18)

## LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S0°05'36"E	11.86'
L2	S0°05'36"E	17.79'
L3	S57°34'50"E	741.21'
L4	N32°25'10"E	15.00'
L5	N57°34'50"W	490.12'
L6	N32°25'10"E	10.00'
L7	N57°34'50"W	10.00'
L8	S32°25'10"W	10.00'
L9	N57°34'50"W	186.79'
L10	N32°25'10"E	10.00'
L11	N57°34'50"W	15.00'
L12	S32°25'10"W	10.00'
L13	N57°34'50"W	48.87'

PARCEL ONE  
GRANT DEED  
(DOC. NO. 23888776)

15.00' WATER LINE EASEMENT  
(DOC. NO. 24098907)

PARCEL TWO  
(DOC. NO. 21052358)

LOT A  
(DOC. NO.  
24040807)

PARCEL ONE  
(DOC. NO.  
21052358)

S57°34'50"E  
57.98'  
S32°25'10"W  
15.00'  
N57°34'50"W  
57.98'

LOT B  
(DOC. NO.  
24040807)

POINT OF COMMENCEMENT  
(WATER LINE EASEMENT 1)

POINT OF COMMENCEMENT  
(WATER LINE EASEMENT 2)

(940.63' TOTAL)  
S57°34'50"E

664.17'

CHAMPIONS DRIVE

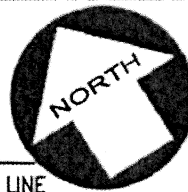
(A FUTURE PUBLIC STREET)

LANDS OF  
CITY OF SAN JOSE

TRUE POINT OF BEGINNING  
WATER LINE EASEMENT 2  
(0.263± ACRES)

## LEGEND

- ADJACENT PROPERTY LINE
- ===== CITY LIMIT LINE
- FORMER PROPERTY LINE
- PROPOSED EASEMENT



**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
3350 Scott Boulevard, Building 22 Phone (408) 727-6665  
Santa Clara, California 95054 Fax (408) 727-5641  
www.kierwright.com

**EXHIBIT "B"**  
**WATER LINE EASEMENTS**  
**PLAT TO ACCOMPANY**  
**LEGAL DESCRIPTION**  
SAN JOSE SANTA CLARA COUNTY CALIFORNIA

DATE	JAN., 2020
SCALE	1" = 120'
BY	CJ
JOB NO.	A18034-12
SHEET	1 OF 1

**EXHIBIT "C"**  
**LEGAL DESCRIPTION**  
**FOR: WATER LINE EASEMENT**

A Water Line Easement situated in the City of Santa Clara, County of Santa Clara, State of California, being a portion of Parcel Two as described in the Grant Deed recorded on January 19, 2011 as Document No. 21052358, Official Records of Santa Clara County, being more particularly described as follows:

**COMMENCING** at a point on the southwesterly line of Parcel One, said point being North 57°34'50" West, 664.17 feet from the southeasterly terminus of that line described as North 57°34'50" West, 940.63 feet in the Grant Deed recorded on March 15, 2018 as Document No 23888776, Official Records of Santa Clara County. Said point of commencement also being on the City Limit line for the City of San Jose and City of Santa Clara as shown on that certain Record of Survey filed for record on January 25, 1960 in Book 116 of Maps at Page 18, Official Records of Santa Clara County;

Thence leaving said Point of Commencement and continuing along said City Limit Line South 0° 05' 36" East 11.86 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing along said City Limit Line, South 0° 05' 36" East 17.79 feet;

Thence leaving said City Limit Line, and continuing the following eight (8) courses and distances:

1. North 57° 34' 50" West 314.38 feet;
2. North 12° 34' 50" West 35.39 feet;
3. North 32° 25' 23" East 235.85 feet;
4. North 12° 34' 50" West 7.80 feet;
5. North 32° 25' 10" East 116.37 feet;
6. South 57° 34' 50" East 15.00 feet;
7. South 32° 25' 10" West 7.50 feet;
8. South 57° 34' 50" East 17.50 feet to the northwesterly line of said Parcel One;

Thence along said northwesterly line South 32° 25' 10" West 48.00 feet;

Thence leaving said line, and continuing the following three (3) courses and distances:

1. North 57° 34' 50" West 17.50 feet;
2. South 32° 25' 10" West 27.58 feet;
3. South 57° 34' 50" East 17.50 feet to said northwesterly line of Parcel One;

Thence along said northwesterly line South 32° 25' 10" West 15.00 feet;

Thence leaving said line, and continuing the following five (5) courses and distances:

1. North 57° 34' 50" West 17.50 feet;
2. South 32° 25' 10" West 12.08 feet;
3. South 12° 34' 50" East 7.78 feet;
4. South 32° 25' 10" West 98.59 feet;
5. South 57° 34' 50" East 12.00 feet to said northwesterly line of Parcel One;

Thence along said northwesterly line South 32° 25' 10" West 15.00 feet;

Thence leaving said line, and continuing the following five (5) courses and distances:

1. North 57° 34' 50" West 12.00 feet;
2. South 32° 25' 10" West 122.28 feet;
3. South 12° 34' 50" East 22.95 feet;
4. South 57° 34' 50" East 110.65 feet;
5. North 32° 25' 10" East 10.00 feet to the southwesterly line of Parcel One;

Thence along said southwesterly line South 57° 34' 50" West 15.00 feet;

Thence leaving said line, and continuing the following two (2) courses and distances:

1. South 32° 25' 10" West 10.00 feet;
2. South 57° 34' 50" East 172.96 feet to the True Point of Beginning;

Containing 0.271± acres.

As shown on Exhibit "D" attached hereto and by this reference made a part hereof.

Description prepared by Kier & Wright Civil Engineers & Surveyors, Inc.

This legal description was prepared by me or under my direction in accordance with the professional land surveyors act.

1-9-2020  
Date

  
Ryan M. Amaya LS 8134



