

<b>CITY COUNCIL ACTION REQUEST</b>			
<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, Planning, Building and Code Enforcement	<b>Dept. Approval:</b> /s/ Kim Walesh
<b>Council District(s):</b> 3			<b>CMO Approval:</b>  3-11-20
<b>SUBJECT: TERMINATION OF DRAINAGE EASEMENT ON CHAMPIONS WAY AND CHAMPIONS DRIVE</b>			
<b>RECOMMENDATION:</b>			
Adopt a resolution authorizing the City Manager or his designee to execute all documents necessary to terminate the Drainage Easement Agreement and Reciprocal Drainage Easement Agreement to CAP TRANCHE 2, LLC, CITY FIELDS WEST 1, LLC, and TOD BROKAW, LLC in order to support the Coleman Highline development project.			
<b>BASIS FOR RECOMMENDATION:</b>			
<p>Coleman Highline project documents hold 1.) that certain Drainage Easement, dated December 21, 1999, as Document No. 15098685, and amended by that certain Amendment to Drainage Easement Agreement dated January 19, 2011, as Document No. 21052364; 2.) that certain Reciprocal Drainage Easement Agreement, dated January 19, 2011, as Document No. 21052378. (collectively, the "Easement"), over the properties APN 230-46-069, 230-46-086, 230-46-088, 230-59-001 and 230-59-002 as described and depicted in Exhibit A and Exhibit B.</p> <p>The Easement provides for storm drain lines from a previous project design that was never built, which bisect the Coleman Highline development. As part of the Coleman Highline development project improvement plans, utility lines are now planned to run a different course, within the future public and private rights of way. The developer, Hunter Properties, requests that the City terminate the Drainage Easement and the Reciprocal Drainage Easement Agreement as they are no longer necessary to accommodate the project's storm drainage. Staff conclude that because the project's storm drainage will be served by new drainage lines that do not follow the Easement location, and the planned location of the project's storm drainage will be the subject of separate easements, the Easement is obsolete and should be terminated.</p> <p>Climate Smart San Jose: The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.</p> <p>Commission Recommendation/Input: No commission recommendation or input is associated with this action.</p>			
<b>COST AND FUNDING SOURCE:</b>			
This resolution has no fiscal impact. No costs are associated with this action.			
<b>FOR QUESTIONS CONTACT:</b> Nanci Klein, Assistant Director, Office of Economic Development, at (408) 535-8184.			

Attachments

**Exhibit A**

**EXHIBIT "A-1"  
LEGAL DESCRIPTION  
DRAINAGE EASEMENT QUITCLAIM**

All of that certain Drainage Easement situate partially in the City of Santa Clara and partially in the City of San Jose, County of Santa Clara, State of California being described in that certain Reciprocal Drainage Easement Agreement Document recorded on January 1, 2011 in Document number 21052378, Santa Clara County Records.

As shown on Exhibit "B-1" attached hereto and by this reference made a part hereof.

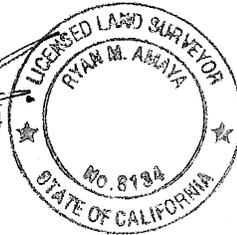
**Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.**

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

Date

1-15-2020

  
Ryan M. Amaya, L.S. 8134



**EXHIBIT "A-2"**  
**LEGAL DESCRIPTION**  
**DRAINAGE EASEMENT QUITCLAIM**

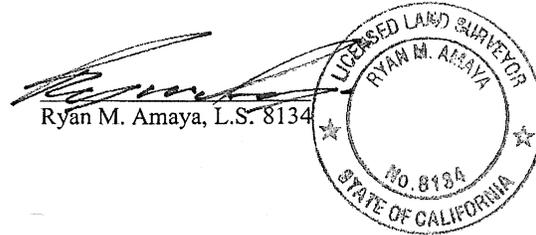
All of that certain Drainage Easement situate partially in the City of Santa Clara and partially in the City of San Jose, County of Santa Clara, State of California being described in that certain Drainage Easement Agreement Document recorded on December 21, 1999 in Document number 15098685 and as amended in that certain Amendment to Drainage Easement Agreement Document recorded January 19, 2011 in Document number 21052364, Santa Clara County Records.

As shown on Exhibit "B-2" attached hereto and by this reference made a part hereof.

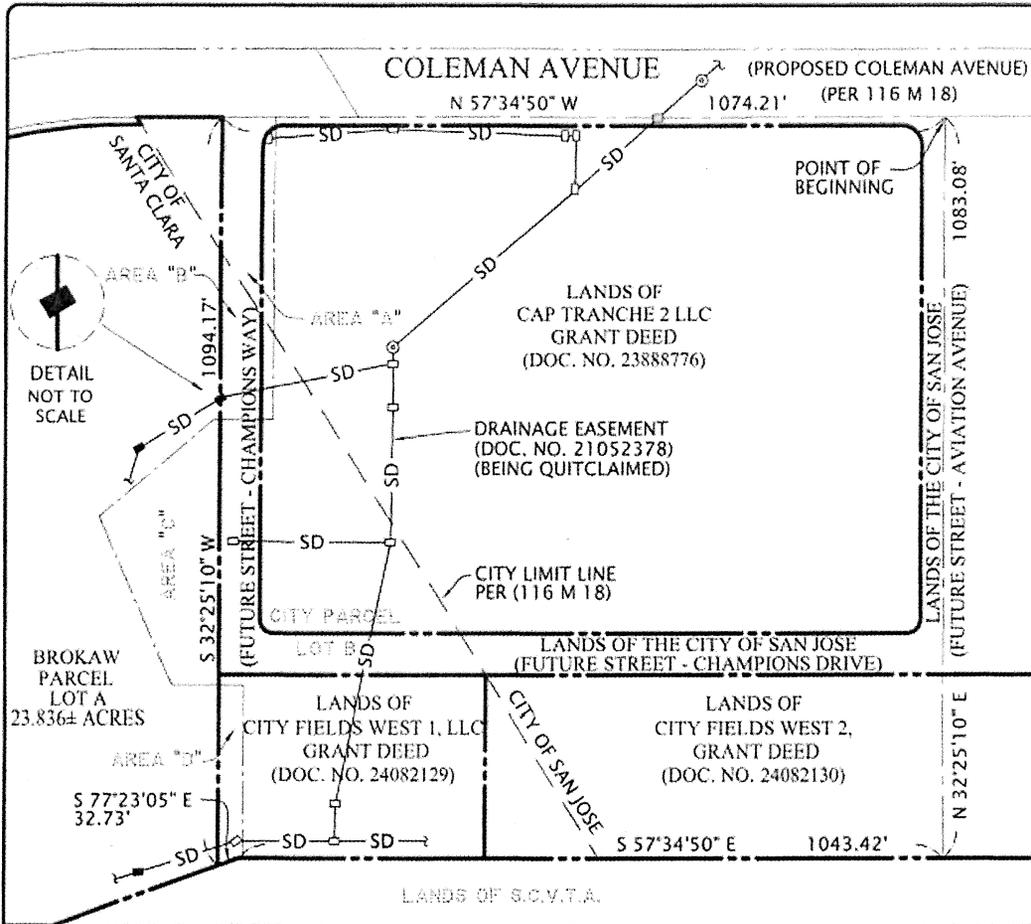
**Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.**

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

Date 1-15-2020



# Exhibit B







 <p><b>KIER+WRIGHT</b></p> <p>3350 Scott Boulevard, Building 22 Santa Clara, California 95054</p> <p>Phone (408) 727-6665 www.kierwright.com</p>	<p><b>EXHIBIT "B-1"</b></p> <p>PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR: DRAINAGE EASEMENT QUITCLAIM SANTA CLARA COUNTY CALIFORNIA</p>	DATE JANUARY, 2020 SCALE 1" = 200' BY CJ JOB NO. A18034-12 SHEET 1 OF 1
---	---	---

Z:\2018\A18034-12\DRG\SURVEY\PLATS\SURFACE DRAINAGE AGREEMENT QUITCLAIMS\A18034-12-FO-EXBT-B-21052378-QUITCLAIM.dwg

