

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE 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

WHEREAS, the City of San José's ("City") Coleman Highline development project ("Project") includes a Drainage Easement that bisects the Project on Champions Way and Champions Drive ("Easement"); and

WHEREAS, the City executed a Drainage Easement Agreement, as amended, and a Reciprocal Drainage Easement Agreement ("Agreements") regarding the properties described and depicted in Exhibit A and Exhibit B in the memorandum to the City Council from Kim Welsh, Director of Economic Development; and

WHEREAS, the Easement provides for storm drain lines from a previous Project design that was never built; and

WHEREAS, the developer of the Project requests that the City terminate the Agreements since the Easement is no longer necessary to accommodate the Project's storm drainage; and

WHEREAS, staff recommends terminating these Agreements since 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 easement agreements; and

WHEREAS, the City desires to execute all required documents to terminate the Agreements since the Easement is obsolete;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Manager or his designee is hereby authorized 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.

ADOPTED this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk