

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING THE CITY'S POND A-18 PROPERTY (ASSESSOR'S PARCEL NUMBERS 015-32-042 AND 015-32-043) AS EXEMPT SURPLUS LAND UNDER CAL. GOV. CODE §54221 AS THE LAND IS SURPLUS TO THE NEEDS OF THE CITY**

**WHEREAS**, the San José-Santa Clara Regional Wastewater Facility ("RWF"), owned by the cities of San José and Santa Clara, manages the Pond-A18 property, as depicted in Exhibit A of the memorandum to the Council of the City of San José ("City") from Kim Walesh, Deputy City Manager, Office of Economic Development, and Kerrie Romanow, Director of Environmental Services; and

**WHEREAS**, the City acts as a representative on behalf of the RWF; and

**WHEREAS**, in 2015, the City and Valley Water initially discussed Valley Water's interest in acquiring the Pond-A18 property for the Shoreline Levee Project, and in October 2015, the Treatment Plant Advisory Committee ("TPAC") and City Council approved preliminary terms for a Memorandum of Understanding and directed staff to proceed with discussions with Valley Water; and

**WHEREAS**, in 2017, City staff informed the Transportation and Environment Committee that Valley Water could not begin negotiations on the transfer of the Pond-A18 property until the U.S. Army Corps of Engineers ("USACE") issues a "take letter" for the property, meaning that the property has been identified by the USACE as critical to the construction of the Shoreline Levee Project; and

**WHEREAS**, the USACE, Valley Water, and the State Coastal Conservancy received funding from the federal government to identify and improve flood infrastructures along the South San Francisco Bay Shoreline ("Project"), and subsequently, identified the

Pond A-18 property as a necessary component in completing Phase 1 of the Project;  
and

**WHEREAS**, in May 2019, the City was notified of Valley Water's interest in potentially acquiring the Pond A-18 property to support the Project; and

**WHEREAS**, the intended use of the Pond A-18 property shall be for wetlands and environmental mitigation; and

**WHEREAS**, in October 2019 and December 2019, City staff met with Valley Water and other stakeholders to discuss and better understand the impacts that the Project will have on the area and the City; and

**WHEREAS**, land that is transferred from a local agency to another government agency, such as Valley Water, for that agency's use is "exempt surplus land" under Cal. Gov. Code §54221(f)(1)(D);

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

The City Council hereby declares the City's Pond A-18 property (Assessor's Parcel Numbers 015-32-042 and 015-32-043) as exempt surplus land under Cal. Gov. Code §54221 as the land is surplus to the needs of the City.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk