RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN REAL PROPERTY INTERESTS FOR A PUBLIC PROJECT AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

WHEREAS, the City of Santa Clara (hereinafter the "City"), a chartered city and municipal corporation acting by and through its municipally owned utility, Silicon Valley Power (hereinafter "SVP"), is engaged in a continuing effort to upgrade and enhance its overhead and underground distribution and transmission systems to meet new customer demand and to maintain the reliability of SVP's electric system. The upgrades and enhancements require a new 115-kilovolt (kV) transmission line connecting the Northern Receiving Station (NRS) and the Kifer Receiving Station (KRS) (the "Project);

WHEREAS, the Project will enable SVP to transfer additional power, balance electric loads across the City's three receiving stations, and enhance overall system reliability;

WHEREAS, the Project will involve the construction, installation, placement, operation, and maintenance of transmission and distribution electric facilities and result in either the expansion of existing easements or the acquisition of new easements;

WHEREAS, it is desirable and necessary for the City to acquire the real property interests necessary for the Project located at 881 Duane Avenue, Santa Clara, CA 95054 (the "Subject Property Interests"), as more fully described and depicted in Exhibit A and Exhibit B;

WHEREAS, the City is vested with the power of eminent domain to acquire real property interests by virtue of Section 19 of Article I of the California Constitution, California Government Code section 37350.5, California Public Utilities Code section 612, and California Code of Civil Procedure sections 1240.010 and 1240.220;

WHEREAS, the City conducted an appraisal of the Subject Property Interests and, pursuant to the provisions of Section 7267.2 of the California Government Code, the City has made an offer to the owner of record (the "Owner of Record") to acquire the Subject Property Interests for the

amount which it has established to be just compensation;

WHEREAS, the City determined the Owner of Record based on the name and address appearing on the last equalized county assessment roll notice in connection with the Subject Property Interests;

WHEREAS, the Owner of Record has not accepted the City's offer;

WHEREAS, pursuant to the provisions of the California Code of Civil Procedure Section 1245.235, the City provided notice to the Owner of Record of 881 Duane Avenue, Santa Clara, CA 95054 that the City Council intends to adopt a resolution of necessity and the right of the Owner of Record to appear before the City Council and heard; and

WHEREAS, on November 12, 2024, by Resolution No. 24-9386, the City Council certified the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for the Project in accordance with California Environmental Quality Act (CEQA), and the actions proposed herein require no further environmental review is necessary pursuant to CEQA.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the above Recitals are true and correct and by this reference made a part hereof.

2. That the Report to Council accompanying this resolution is true and correct and by this reference made a part hereof.

3. That the Recitals and the Report to Council support the City Council's findings below:

   A. The public interest and necessity require the Project.

   B. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

   C. The Subject Property Interests sought to be acquired are necessary for the Project.

   D. All environmental review required by law has been prepared and adopted.

   E. The offer required by Section 7267.2 of the California Government Code has

been made to the Owner(s) of Record of the Subject Property Interests.

F. The necessary notice of hearing has been given, as required by Code of Civil Procedure section 1245.235.

4. That the City Attorney or his duly authorized designee is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such actions as he may deem advisable or necessary in connection therewith.

5. That the City may deposit with the State Treasury the probable amount of compensation and obtain an order for prejudgment possession of the Subject Property Interests.

6. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 20__, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Exhibit A – Subject Property Interests Overhead Electric Utility Easement
2. Exhibit B – Exhibit A Description

SVP REF:

EXHIBIT "A"

OVERHEAD ELECTRIC EASEMENT ACROSS:
STORAGE EQUITIES, INC.
881 DUANE AVE.
SANTA CLARA, CALIFORNIA 95054
APN: 224-36-039
EASEMENT AREA: 7,000 SQ.FT. ±

DESCRIPTION:

The westerly 25.00 feet of the parcel of land conveyed in that certain Grant Deed recorded December 31, 1986 as Document No. 9092674, in the Office of the Recorder of Santa Clara County (ORSCC), herein after referred to as the Grantor's Parcel, located in the City of Santa Clara, County of Santa Clara, State of California, described as follows:

COMMENCING at a monument located along the centerline of Bassett Street; thence South 1°06'00" West 1,005.27 feet along the centerline of said Bassett Street (as shown on Page 2 of this Exhibit) to a monument located along the centerline of said Bassett Street; thence continuing South 1°06'00" West 206.65 feet along said centerline; thence South 88°54'00" East 33.00 feet to the northwesterly corner of said Grantor's Parcel and easterly right-of-way of Duane Avenue and the **POINT OF BEGINNING**; thence South 75°10'12" East 25.74 feet along the northerly line of said Grantor's Parcel; thence South 1°06'00" West 286.93 feet to said easterly right-of-way of Duane Avenue and the beginning of a non-tangent curve concave northeasterly having a radius of 54.00 feet; thence northwesterly 40.18 feet along said curved right-of-way through a central angle of 42°37'54"; thence North 1°06'00" East 262.77 feet along said easterly right-of-way to the **POINT OF BEGINNING.**

CONTAINING: 7,000 sq. ft., more or less.

PROFESSIONAL LAND SURVEYOR
JAMES J. COUTS
PLS 8560
Exp. 12/31/2025
STATE OF CALIFORNIA
2/7/25

THIS DRAWING SHOULD BE USED ONLY AS A REPRESENTATION OF THE LOCATION OF THE EASEMENT BEING CONVEYED. THE EXACT LOCATION OF ALL STRUCTURES, LINES AND APPURTENANCES IS SUBJECT TO CHANGE WITHIN THE BOUNDARIES OF THE RIGHT OF WAY HEREIN GRANTED

REV: 0	DATE: 2-7-25		SCALE: N/A	BY: GAB	CHK: GHH	APP: JJC

"Engineering with Distinction"
ECI ELECTRICAL CONSULTANTS, INC.
SALT LAKE CITY, UTAH
660 West 700 South Woods Cross, UT 84087 (801) 292-9954

STORAGE EQUITIES, INC.
APN: 224-36-039
881 DUANE AVE.
SANTA CLARA, CALIFORNIA 95054

SILICON VALLEY POWER
CITY OF SANTA CLARA

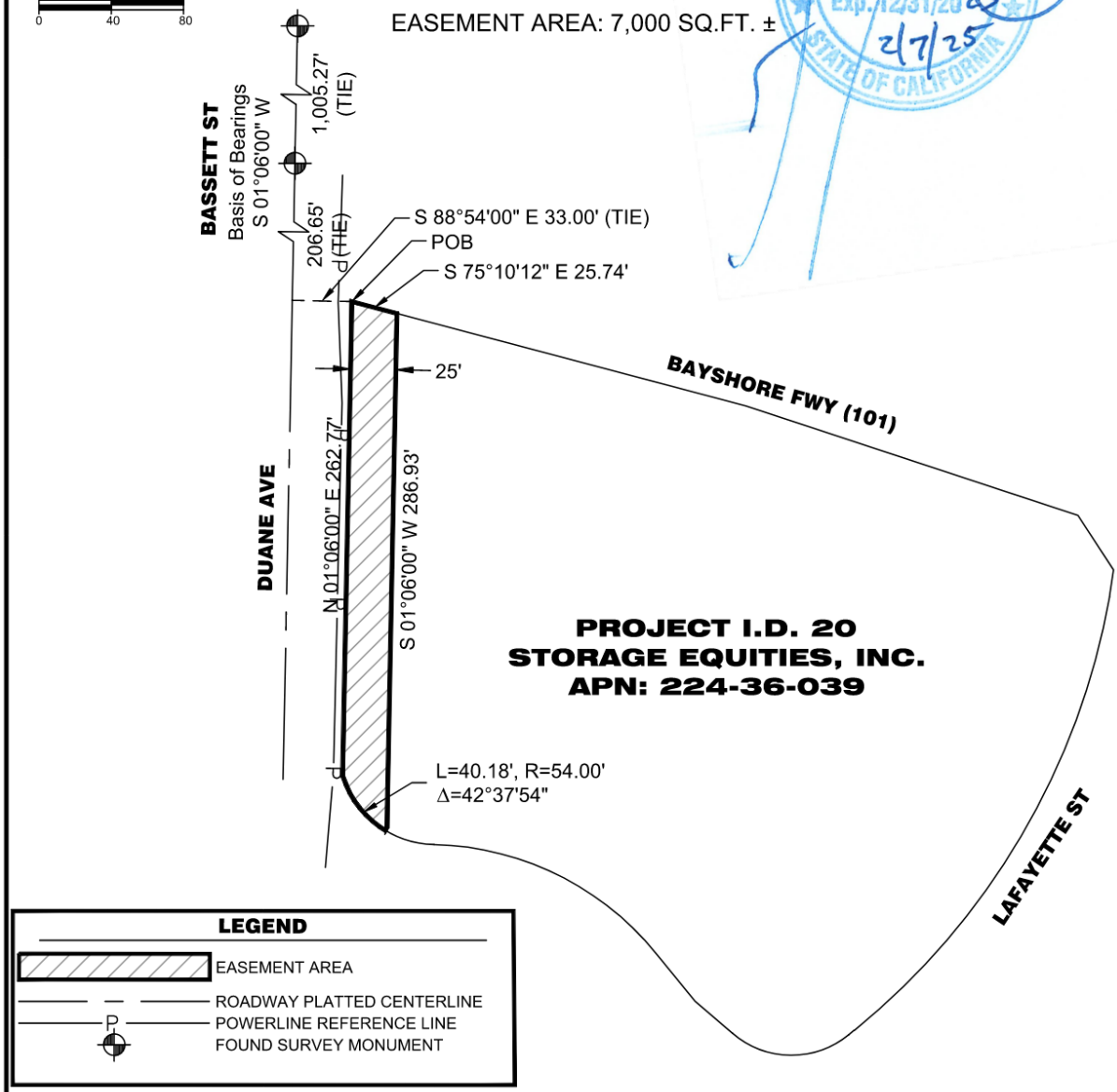
SHEET: 1 of 2

EXHIBIT "A"

SVP REF:

OVERHEAD ELECTRIC EASEMENT ACROSS:
STORAGE EQUITIES, INC.
881 DUANE AVE.
SANTA CLARA, CALIFORNIA 95054
APN: 224-36-039
EASEMENT AREA: 7,000 SQ.FT. ±

PROFESSIONAL LAND SURVEYOR JAMES J. COUTS PLS 8360 Exp. 12/31/2025 STATE OF CALIFORNIA 2/7/25



LEGEND

- EASEMENT AREA
- ROADWAY PLATTED CENTERLINE
- POWERLINE REFERENCE LINE
- FOUND SURVEY MONUMENT

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REV: 0	DATE: 2-7-25	SCALE: 1" = 80'	BY: GAB	CHK: GHH	APP: JJC

"Engineering with Distinction" ECI ELECTRICAL CONSULTANTS, INC. SALT LAKE CITY, UTAH
660 West 700 South Woods Cross, UT 84087 (801) 292-9954

STORAGE EQUITIES, INC.
APN: 224-36-039
881 DUANE AVE.
SANTA CLARA, CALIFORNIA 95054

SILICON VALLEY POWER. CITY OF SANTA CLARA

SHEET: 2 of 2

EXHIBIT B

Exhibit A Description

[i] a 7,000 square foot permanent Easement in, on, over, along and across the real property described and depicted in Exhibit "A" ("Easement Area") for the purpose of constructing and reconstructing, installing, operating, inspecting, maintaining, repairing, removing and/or replacing overhead electrical transmission, distribution and/or communication systems, and appurtenances thereto, including a reasonable right of ingress and egress over adjoining lands of fee owner. In exercising said right of ingress and egress, easement holder shall, wherever practical, use existing roads and lanes across lands of fee owner, if such there be, and if not, by such route or routes as shall result in the least practicable inconvenience to fee owner and any occupants of fee owner's property.

The overhead system will consist of poles, wire supports, wires and conductors suspended from pole to pole, transformers and other equipment mounted on the poles, anchors, guy attachments, and other appurtenances.

Portions of the Easement Area may be used by the fee owner for driveway(s), landscaping (excluding trees), and parking, as will not interfere with the easement holder's use of the Easement. Any other use of the Easement Area by fee owner shall be subject to easement holder's express written consent and only after easement holder's review of plans and specifications and determination that such use will not interfere with its use of the Easement. Easement holder may trim any trees or remove any tree or structure which are in or adjacent to the Easement Area which, in easement holder's reasonable determination, interferes with its use of the Easement. Easement holder may trim any trees or remove any tree which is in or adjacent to the Easement Area which exceeds a height of 20 feet or poses a risk of falling onto the easement holder's facilities or equipment located within the Easement.