


City Council

Action on a Resolution of Necessity to Acquire Certain Real Property Interests on 630 Martin Avenue

August 24, 2021


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City of Santa Clara
The Center of What's Possible

South Loop Project

- Scope: Install 82 new steel poles and approx. 2.4 Miles of new 60kV transmission line.
- Benefits – Increases Reliability and Capacity
 - Shifts Load, Higher power delivery capability, Replaces Aging Infrastructure, Resolves low voltage issues on South Loop, Permanent line extension for Parker Substation
- Council Actions
 - June 16, 2015 - Adopted the FY 2015/16 CIP
 - July 12, 2016 - Professional services agreement
 - January 14, 2020 - Agreement to perform appraisal services
 - July 7, 2020 - Adopted the Negative Declaration
 - Multiple actions for easement acquisition
 - 37 parcels require easement 29 parcels negotiations complete and 7 parcels passed Resolution of Necessity



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POST MEETING MATERIAL



Steps for Acquisition

- Send letter to property owner that City will appraise value ✓
- Complete Fair Market Value (FMV) appraisal ✓
- Send initial offer of just compensation to property owner ✓
 - Allows for property owner to be reimbursed up to \$5,000 for second appraisal ✓
- Negotiate with Property Owner (months) ✓
- Property Owner/City negotiated agreements to Council ✓
- No agreement- Council consideration for Resolution of Necessity ✓
- **Continue to Negotiate with Property Owner**
- Eminent Domain process will take up to approximately 24 months
- City has rights to build project after receiving Order of Possession (7-8 months)

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630 Martin Avenue

- Initial Offer sent 4/08/20
- Over 1 year of ongoing negotiations
- LLC that owns property is suspended by Secretary of State
 - Unable to contract to sell easement
- Powerline Easement: 190 SF Easement
- Temporary Construction Easement: 1,823 SF TCE

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Resolution of Necessity Findings

- The public interest and necessity require the Project.
 - The Project is critical to maintain reliability of the power system in Santa Clara and necessary for future development in the area.
- The Project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury.
 - Staff considered multiple alternatives as part of the project
- The property sought to be acquired is necessary for the Project
 - The property at 630 Martin Avenue is necessary to achieve the technical needs of the Project.
- The offer required by Section 7267.2 of the Government Code has been made to the owner of record for the full amount established as the fair market value of the property.
 - On April 8, 2020, the City made an offer to D&R Miller Properties, LLC, to acquire the Easement in accordance with the above referenced Government Code.

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Recommended Action

Alternative 1: Adopt a Resolution of Necessity to acquire Certain Real Property Interests on 630 Martin Avenue, Santa Clara, California, from D&R Miller Properties, LLC.

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