

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 3205 Bassett Street, 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 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 3205 Bassett Street, 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 October 8, 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