

02-23-20

ITEM# 6
RTC# 21-295

CITY OF SANTA CLARA
OFFICE OF THE CITY CLERK

2021 FEB 22 AM 10:41

P. O. Box 4163
Santa Clara, Ca. 95056-4163
February 22, 2021

City of Santa Clara
Office of the City Clerk
1500 Warburton Avenue
Santa Clara, Ca. 95050

Subject: Submittal of Materials for February 23, 2021 City Council Hearing of Item 21-295
Reference: City of Santa Clara/Simrat Dhadli Memorandum dated February 18, 2021

Honorable City Clerk,

Please consider and attach the enclosed documents in support of the Petition, as amended, for Item 21-295 at the February 23, 2021 Council Meeting:

Chronological partial list of correspondence regarding this matter

A sample of 11 encroachment pictures, each numbered at the bottom left hand corner:

- 1 Silicon Valley Power encroachment in 2017 blocked Benton Street side. Note guy wire
- 2 View west of intersection with Benton Street from Scott Blvd. in 2017
- 3 Traffic light surface encroachment beginning about 1998. Note outline of underground base
- 4 Surveyed proposed wall location at northwest corner of lot June, 2020
- 5 Survey marking of property lines of Lot 90 at Scott Blvd. & Benton June, 2020
- 6 Truck blocking Scott Blvd. and Benton Street Driveways June, 2020
- 7 Tractor blocking driveway and working insides the property June, 2020
- 8 Truck blocking two driveways and parking area June, 2020
- 9 Truck blocking two driveways and parking area July, 2020
- 10 Two trucks blocking two driveways – no customer parking July, 2020
- 11 Nailed concrete wall forms damaging+ encroaching on parking area/driveway July, 2020

These pictures demonstrate that the City has encroached on the property even before its letter of September 3, 2019. Applicant and the small businesses in the building suffered greatly, but quietly, in the spirit of cooperation, as requested. However, the City's intrusions require a collaborative solution to the continuing encroachments. The 1/25/2021 Amended Petition offers a mutually beneficial settlement.

Applicant will be available via Zoom on 2/23/2021 to answer any Council members' questions

Humbly,

Aryeh Korthamar

POST MEETING MATERIAL

Chronological Partial List of Correspondence
 For: City Council Meeting February 23, 2021
 Agenda Item 21-295 APN: 290-35-048 Applicant: A. Korthamar
 Petition dated October 6, 2020 as Updated January 25, 2021

<u>Date</u>	<u>From</u>	<u>Brief Description</u>
Dec 22, 1959	City of Santa Clara Resolution 814	Change Gould Street to Scott Blvd.
Aug 17, 1999	City of Santa Clara Engineering Dept	Draft underground traffic light easement
Jun 26, 2019	Public Works Dept/G. Gomez PE	City has no easements on APN 29035048
May 14, 2019	Applicant to City Clerk	Public Records Requests (3)
Sept. 3, 2019	Public Works Dept/H Nguyen PE	Construct in public right of way +Cooperation
Sept 25, 2019	Applicant to Public Works/G. Gomez PE	No survey done + offer to share cost of survey
Sept 26, 2019	Applicant to Public Works/ H Nguyen PE	Confirm Oct 2, 2019 meeting + Assurances
Oct 4, 2019	Applicant to Silicon Valley Power	Guy wire encroachment settlement Proposal
Oct 4, 2019	Applicant to H Nguyen PE	Encroachments + Suggested Settlement
Oct 4, 2019	Applicant to Ms. Falguni Amin PE	Compliance with ADA + Other Laws + Drawings
Aug 25, 2020	Applicant to City Manager	Request for City Drawings of APN 290-35-048
Sept 14, 2020	Applicant to Ms. Falguni Amin PE	Questions about City Right-of-Way Survey
Sept 25, 2020	Applicant to City Manager	Request for collaboration and co-operation
Oct 6, 2020	Applicant to City Clerk –Petition	City Council Hearing on encroachments
Jan 25, 2021	Applicant to City Clerk- Petition	Clarification and amendment of Petition

Issues to consider *if* Council will not like to consider this Petition, as amended, for a Future Agenda:

1. Council Policy 030 became effective after this Petition was submitted on October 6, 2020
2. Council is asked to retain continuing jurisdiction of this Petition so a new amended settlement proposal may be submitted by Applicant , if needed
3. Will the City provide Applicant with applicable drawings, surveys and documents?
4. Is there any other administrative avenue available in the City for further appeals, if need?





