

File: 24482
San Tomas Aquino Creek

November 16, 2018

Mr. Jason Bagley
Government Affairs Manager
Intel Corporation
2200 Mission College Boulevard
Santa Clara, CA 95054

Subject: Lease Agreement for Pedestrian Bridge (Freedom Bridge) Crossing of San
Tomas Aquino Creek

Dear Mr. Bagley:

This letter is to inform Intel of the Santa Clara Valley Water District's (District) need to terminate the Pedestrian Bridge Lease Agreement between the District and Intel for the bridge crossing of San Tomas Aquino Creek and to summarize our discussions over the last few years.

The District last extended the lease agreement for a period of 18 months from March 14, 2017 through September 14, 2018. This extension was granted to allow the City of Santa Clara (City) time to complete the Creek Trail Network study and the development plans that would determine the final disposition of the bridge. During this time, however, development plans have changed, and the City has decided to include the bridge in the Bike Master Plan Study and Freedom Circle Specific Plan to determine its necessity and final location to serve the public.

The District fully supports pedestrian and bicycle trails in the County and has partnered with many cities and the County to bring trail projects to the community. We have provided grant funding, allowed use of our maintenance roads to facilitate trails, and made a valiant effort to allow the Freedom Bridge to remain in place until final bridge locations were determined. However, during a recent meeting with the City on September 19, 2018, we learned that these studies will not be completed for another 2 years, and the implementation of the identified alternatives might take another couple of years. This temporary bridge, permitted in 1997 is not ADA compliant, is not fully available for public use, is structurally deficient, and could potentially exacerbate flooding.

Given these factors and the potential safety issues this presents to members of the community, the District has made the decision to terminate the lease agreement. Per the terms of the lease agreement and encroachment permit, the bridge must be removed, and the levee restored. All the existing improvements that need to be removed are listed on the attachment included with the letter (Attachment 1).

We acknowledge that relocation of the fiber optics line prior to its removal and removal of the bridge and other structures within the levee prism will require some time for Intel to prepare plans, secure permits, and facilitate construction. In addition, we understand that construction within the creek banks cannot occur until April 2019; therefore, we hereby extend the lease for another 12 months, until September 14, 2019, which includes the 90-days' notice to terminate

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the lease. Per the terms of the lease agreement, the required 90-days' notice to terminate the lease will be provided, at a later date.

Please send us the plans addressing the removal of the bridge and other structures constructed within the District right of way along with your plan of action. We are available to meet if you have any additional questions. I can be reached by email at uchatwani@valleywater.org or by phone at (408) 630-2731.

Sincerely,



Usha Chatwani, P.E.
Engineering Unit Manager
Community Projects Review Unit

Enclosure: Attachment 1

cc: Craig Mobeck, City of Santa Clara (cmobeck@santaclaraca.gov)

Director B. Keegan, N. Camacho, M. Richardson, R. Callender, R. Gibson, S. Tippetts,
S. Turner, U. Chatwani

Attachment 1

List of improvements to be removed and restored for the Freedom Bridge

- The bridge, including the foundation, stairs, vaults within the levee prism, and the gate must all be removed.
- The fiber optics cables that were attached to the bridge and excavated into the levee need to be removed.
- The levee must be restored to its original grade.
- The drainage remediation measures outlined in Intel's 2005 Drainage Study or alternative measures to address District's concerns relative to the structural integrity of the levee due to erosion or ponding in the swale at the outboard toe of the levee must be addressed.
- A site visit by our staff on September 28, 2018 revealed that several flower pots with a sophisticated mechanism to hold them are attached on both sides of the bridge, without our review and issuance of a permit. These should be removed immediately

All the above work elements will need to be shown on the plans with details and a District permit must be obtained for the work.