

File: 31369
Various Facilities

May 21, 2007

Ms. Kristin Borel
City of Saratoga
Public Works Department
13777 Fruitvale Avenue
Saratoga, CA 95070

Subject: Draft Mitigated Negative Declaration for the Saratoga de Anza Trail Project

Dear Mr. Borel:

The Santa Clara Valley Water District (District) has reviewed the subject project documents received on April 19, 2007.

The proposed project consists of the construction of a bicycle/pedestrian trail including supporting infrastructure such as a small parking lot and informational signs within and adjacent to District fee title and easement right of way; therefore, in accordance with District Ordinance 06-01, a District permit is required prior to the start of construction.

The proposed trail traverses portions of District easement and approximately 650 feet of District owned lands. The Negative Declaration does not identify the District as a property owner. For future projects affecting District facilities and property, please coordinate with the District through the planning phases prior to the preparation of environmental documents. As a property owner with jurisdiction and discretionary approval over a portion of the project the District is a responsible agency for this project under CEQA. As a responsible agency the subject document should indicate discretionary action by the District such that the District can rely on the City's CEQA document in approving the project on District property.

There are a number of pipelines and underground facilities along the trail alignment. The District's pipelines include the West Pipeline; a 66-inch high pressure treated water pipe that supplies drinking water to residents, and Stephens Creek Pipeline, a 30-inch raw water pipe. San Jose Water Company pipelines are also located along the alignment. The proposed bridge crossings at Saratoga Creek and Rodeo Creek may impact accessibility to these pipelines and supporting infrastructure such as manholes and blow-offs. The corridor is constrained at the creek crossings with respect to the pipes. Detailed drawings of these areas are needed to assess the impacts to these facilities.

When prepared, the project plans should clearly delineate the boundaries of the District's fee title and easement right of way. Enclosed please find assessor parcel maps with the District's property shaded in green and the easements shaded in yellow. Also, please find the fee title

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and easement deeds which contain legal descriptions of the above mentioned areas. This information should be shown and labeled on all plan sheets.

Figure 3d indicates that the proposed trail alignment enters District property approximately 200 feet east of Saratoga Creek. Prior to public use of District lands, the City must enter into a Joint Use Agreement (JUA) with the District, detailing the responsibilities of each organization with respect to trail use, maintenance and other issues. To proceed, please contact us for a draft copy of a JUA for review.

The proposed trail alignment will cross both Rodeo Creek and Saratoga Creek, each of which is a natural channel at the proposed bridge location. When finalizing the bridge plans please refer to Design Guide 8 – Establishing Freeboard for Bridge Crossings and Flood Protection Projects (enclosed). According to these guidelines the freeboard amount must be greater than or equal to the larger of the freeboard distance upstream or downstream of the bridge location. The Negative Declaration is not clear as to the elevation of the bottom of the bridge. The document states that the 100-year water surface elevation will not exceed the elevation of the bottom of the bridge because supports are at least 6 feet from the top of the creek bank. This information does not define the soffit of the bridge. While Flood Insurance Rate Maps (FIRMs) are appropriate for insurance purposes they are not intended to be used for bridge design. It is possible that the design flowrate and water surface elevation differ from those in the flood insurance study. We cannot assess the impact of the bridges on the 100-year flood level without further review or review of the hydraulic study prepared for the project. Please submit a copy of the reports prepared by Baseline Environmental Consulting and Schaaf and Wheeler, regarding the hydraulic characteristics of the site.

The subject document indicates that the trail alignment is discontinuous. Although signs are posted to indicate the end of the trail, users will likely continue through. This would bring users closer to the railroad tracks and potential hazard. There may also be safety concerns with vehicle/pedestrian interaction at Cox Avenue where the District and San Jose Water Company access the Cox Reservoir site.

As mentioned above, the District's West Pipeline is located just south of the trail alignment. The pipeline is encompassed by a 30-foot easement (deed enclosed). The southern boundary of the easement coincides with the southern boundary of Pacific Gas and Electric's property. The proposed parking lot entrance area off Saratoga-Sunnyvale Road should be designed such that it does not encroach into this easement area. If this is not feasible, the parking lot will need to be designed so that District maintenance vehicle access to the easement and underlying pipe is not hindered. This should also be considered when planning the placement of information signs. Trail alignments crossing vehicular access points should be paved or the crossing should be avoided due to potential damage to the decomposed granite surfacing. Please provide more information regarding the increased width of the trail at creek crossings and trail heads. The reasons for this are not clear.

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The project document indicates that storm water runoff from the trail will flow via sheet flow from the trail surface to vegetated swales adjacent to the trail alignment. The swales should be designed according to Design Guide 9 and 10 – Use of Vegetated Swales or Buffer Strips and Plant Species for Vegetated Buffers and Swales (enclosed).

In this area, Rodeo Creek and Saratoga Creek are crossed by the railroad and a number of pipeline crossings. The environmental documents should discuss the cumulative impacts from numerous creek crossings on vegetation and aquatic species with respect to the reduction in riparian habitat and the effects it has on water temperature. If the City proceeds with bridge construction, mitigation may be required for the removal of the vegetation due to the bridge crossing. Please identify the location of any required mitigation outside the limits of District property. Plants within the riparian corridor should be local natives, grown from propagules collected from parent plants within the watershed and at approximately the same elevation as the project site. For guidance, please refer to Design Guide 4 – Riparian Vegetation or Mitigation Projects. Please contact a native plant nursery early as the collection process may need to be initiated as early as a year in advance of construction.

The subject document states that during construction, the impacts to water quality standards due to erosion of the channel banks will be reduced by implementing a Storm Water Pollution Prevention Plan. The SWPPP will indicate which best management practices will be used to prevent contaminated water from entering the creek. Please refer to the enclosed Design Guide 5 – Temporary Erosion Control Options for guidance on sites with existing native plants, if temporary erosion control measures are necessary in lieu of preferred more permanent measures.

Aesthetic plant choice used for screening should, where appropriate, follow the guidelines in Design Guide 2 and 3 – Use of Local Native Species and Use of Ornamental or Non-native Landscaping.

Vegetation management is critical in close proximity to riparian areas. To minimize impacts to the aquatic environment, the City should ensure that herbicides used in the operation and maintenance of the trail are herbicides approved for use in and around aquatic habitat.

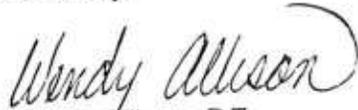
Breeding season for non-raptor migratory birds in Santa Clara County extends from February to August. Please revise the discussion regarding the breeding season of Cooper's Hawk to reflect this information. These dates are standards used by Department of Fish and Game when considering permits for District projects.

The project document should include a discussion considering special status animal species known to occur in habitat adjacent to the project area. These species may include the San Francisco dusky-footed woodrat and various sensitive bat species.

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Thank you for the opportunity to review the environmental documents. If you have any questions, my number is (408) 265-2607, extension 3135.

Sincerely,



Wendy Allison, P.E.
Assistant Civil Engineer
Community Projects Review Unit

Enclosures: Assessor Parcel Maps, Fee Title and Easement Right of Way Deeds, Design Guides 2, 3, 4, 5, 8, 9, and 10

cc: B. Goldie, S. Tippets, N. Jassal, L. Spahr, D. Hook, J. Aguilera, File (2)

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USE OF LOCAL NATIVE SPECIES

INTRODUCTION

The use of locally native plants for all landscaping and revegetation projects adjacent to streams and riparian areas is required for new and major redevelopment. It should also be the preferred choice for homeowners involved in any landscaping and revegetation projects within the riparian corridor since native plants are ecologically best suited to a particular creek environment and will provide the most habitat and slope protection with the least amount of maintenance over time.

HOW TO FIND AND SELECT NATIVES IN THE WATERSHED

When vegetating the creek, choose species growing nearby and make sure the plants used were propagated from seeds, cuttings or divisions collected from the same local creek or watershed. Try local home-grown native plants via direct installation of seeds, divisions and cuttings on the creek bank. Oaks, buckeye and bay trees are easy to grow from seed planted directly into moist creek bank soil. Cottonwood and willow are easy to grow from cuttings stuck directly into moist sandbars. California rose, California blackberry, snowberry, mugwort, beardless wildrye and others can be propagated readily from vegetative offsets and division.

GUIDELINES FOR PLANTING NATIVE SPECIES

- Geared toward establishing or enhancing the native habitat.
- **Ensure that the initial planting density is high**, averaging 6 to 12 feet on center, to create canopy coverage and closure quickly. Include a range of species in the plant palette to fill in the understory, mid-story and overstory.
- **Avoid hardscape** such as patios, walkways and decks within these areas to minimize human impacts and maximize habitat value.
- **Maintain and monitor plantings** for a 3 to 5 year period to ensure healthy establishment. Performance and success criteria include percentage of allowable mortality and goals for an annual percentage of vegetative cover.
- Slowly eliminate the need for human intervention, including irrigation, weed control, replanting, pruning, etc. The final goal is to discontinue maintenance activities when habitat is self sustainable.

California Native Plant Society's Web site:
www.cnps.org

DESIGN GUIDE 2

GUIDELINES AND STANDARDS 1.B & 1.C

LIST OF NATIVE PLANT SPECIES

The following list is a conglomerate of riparian plant species that exist within the boundaries of Santa Clara County. The distribution of one plant may or may not overlap with the next one on the list. Some of them would never be seen together in the wild due to preferences for different

microclimates, soil substrates and hydrologic regimes. If you are unfamiliar with local native plant ecology, consult local experts for help selecting the best plant palette for your particular creek or follow Nature's example and copy what you see in a wild area located close to your project site.

TREES:

- Big Leaf Maple**
Acer macrophyllum
- California Box Elder**
Acer negundo var. *californicum*
- California Buckeye**
Aesculus californica
- White Alder**
Alnus rhombifolia
- Western Sycamore**
Platanus racemosa
- Fremont Cottonwood**
Populus fremontii ssp. *fremontii*
- Black Cottonwood**
Populus trichocarpa
- Coast Live Oak**
Quercus agrifolia
- Valley Oak**
Quercus lobata
- Narrow-leaved Willow**
Salix exigua
- Red Willow**
Salix laevigata
- Yellow Willow**
Salix lucida ssp. *lasianдра*
- Arroyo Willow**
Salix lasiolepis
- Blue Elderberry**
Sambucus mexicana
- California Bay Laurel**
Umbellularia californica

SHRUBS AND VINES:

- California Sagebrush**
Artemisia californica
- Mule Fat**
Baccharis salicifolia
- Virgin's Bower**
Clematis ligusticifolia
- Toyon**
Heteromeles arbutifolia
- Coffeeberry**
Rhamnus californica
- California Wild Grape**
Vitis californica
- Brown Dogwood**
Cornus glabrata
- California Rose**
Rosa californica
- California Blackberry**
Rubus ursinus
- Snowberry**
Symphoricarpos albus var. *laevigatus*

GROUND COVERS AND HERBACEOUS PERENNIALS:

- Mugwort**
Artemisia douglasiana
- Western Aster**
Aster chilensis

Douglas' Baccharis

Baccharis douglasii

Western Goldenrod

Euthamia occidentalis

Beardless Wildrye

Leymus triticoides

Sticky Monkey Flower

Mimulus aurantiacus

California Figwort

Scrophularia californica

California Native Plant Society's Web site:
www.cnps.org

USE OF ORNAMENTAL OR NON-NATIVE LANDSCAPING

INTRODUCTION

If the use of local native plants propagated from local stock does not fit your landscaping goals, choose:

- **Non invasive drought-tolerant, non native ornamental plants** having no potential to cross pollinate native riparian species. For example, if native valley and coast live oaks, willows, sycamores or cottonwoods exist in the riparian corridor, don't plant ornamental oaks, willows, sycamores or poplars.
- **Non invasive, drought tolerant, non-local California natives** (aka ornamental natives), with no potential to cross-pollinate local native species; for example- Fremontodendron or Romneya.

When selecting plants and choosing their location in an ornamental landscape, the project design goals are generally geared to human aesthetics. In choosing ornamental landscaping, hardscape features, such as patios, decks, and walkways, are design components. **These features should be avoided within the riparian habitat area at all locations.**

PLANT SELECTION GUIDE

The choices of plants that meet the criteria described above for ornamental landscaping is vast. Selection of a plant species for a particular site will depend on goals of the landscape plan, site constraints, the owner's desires and budget. There are a variety of resources available from which selections can be made. Cities generally have plant lists available that were assembled for water conservation purposes. The East Bay Municipal Utility District has prepared a book, entitled "Plants and Landscapes for Summer Dry Climates" and the Sunset Western Garden Book, commonly available at most nurseries, has plant selections identified that are suitable for dry places. **Select plants from these sources as long as you avoid invasive plants and take the caution provided above for selecting native species that have not been propagated from your local watershed.**

REFERENCES

The California Native Plant Society's 'Guidelines for Protecting Native Plants from Genetic Degradation' is a helpful reference on the subject.

NON - LOCAL CALIFORNIA NATIVE PLANTS

The following California native plants have a very low potential of hybridizing with our Santa Clara County natives since they do not naturally occur in northern California

TREES

Chilopsis linearis, (Desert Willow), *Lyonothamnus floribundus*, (Catalina Ironwood), *Prosopis glandulosa* var. *torreyana*, (Mesquite)

SHRUBS

Fremontodendron californicum or *Fremontodendron mexicanum*, (Flannel Bush), *Galvesia speciosa*, (Island Bush Snapdragon) *Rhus integrifolia*, (Lemonade Berry), *Rhus ovata*, (Sugar Bush), *Romneya coulteri*, Matilija Poppy, *Simmondsia chinensis*, (Jojoba)

California Invasive Plant Council Web site:
www.cal-ipc.org

DESIGN GUIDE 3

GUIDELINES AND STANDARDS 1.C.2

COMMONLY FOUND INVASIVE SPECIES TO BE AVOIDED

Acacia
acacia spp.

Almond
prunus dulcis

Ash, evergreen
fraxinus uhdei

Bamboo, running types
arundinaria, chimonobambusa, phyllostachys, etc.

Black locust
robinia pseudoacacia

Broom, french
genista monspessulana, previously cyrtis monspessulana

Broom, scotch
cyrtis scoparius

Broom, spanish
spartium junceum

Cape weed
arctotheca calendula

Coloneaster
coloneaster spp.

Elm
ulmus spp.

Eucalyptus
eucalyptus spp.

Fig
figus carica

Flowering plum, fruitful varieties
prunus spp.

Fountain grass
pennisetum setaceum; purple variety "cupreum" is sterile and acceptable

Foxglove
digitalis purpurea

Giant reed
arundo donax

Glossy privet
ligustrum lucidum

Gorse
ulex europaea

Himalayan blackberry
rubus discolor

Holly oak
quercus ilex

Iceplants
carpobrotus edulis, c. Chilensis, mesembryanthemum spp.

Ivy, algerian
hedera canariensis

Ivy, cape
delairea odorata, previously senecio mikanioides

Ivy, english
hedera helix

Kikuyu grass
pennisetum clandestinum

Lemon balm
melissa officinalis

Lombardy poplar
populus nigra 'italica'

London plane tree
platanus acerifolia

Mint, any kind including pennyroyal, peppermint, spearmint
mentha spp.

Monterey pine
pinus radiata

Myoporum
myoporum laetum

Olive
olea europaea

Pampas grass, jubata grass
cartodera selboana, C. Jubata

Pepper trees
schinus spp.

Periwinkle
vinca major

Pyracantha
pyracantha spp.

Tamarisk, salt cedar
tamarix spp.

Tree of heaven
allanthus altissima

Walnut, english or black
juglans regia, juglans californica var. Hindsii

Find it at: <http://www.cnps.org/archives/archives.htm>

Scroll down to:

- 1) Policies and Guidelines
- 2) Conservation Policies
- 3) Guidelines for Landscaping to Protect Native Vegetation from Genetic Degradation.

California Invasive Plant Council Web site:
www.cal-ipc.org

RIPARIAN REVEGETATION OR MITIGATION PROJECTS

INTRODUCTION

This Design Guide is most applicable for larger scale revegetation or mitigation projects but also provides helpful information for anyone planning a revegetation project. Because of the complexity of revegetation design and the variety of ecosystems that exist within the county, it is nearly impossible to create succinct detailed Design Guidelines. Instead, a list of general, broad brush design planning guidelines is included below for riparian revegetation projects in Santa Clara County. Each individual project should be mentored through all stages of project planning and design by experienced biological staff on a case by case basis.

WATERSHED FIDELITY

- **To preserve genetic integrity in county watersheds, propagation material (seeds, cuttings, divisions) must originate from local native stock, i.e. individuals found as close as possible to the project site and within the same watershed.**
- If propagation material cannot be obtained from within the watershed, material may be collected from an immediately adjacent watershed that shares common ecological characteristics (climate, elevation, soil type, headwaters in the same mountain range, etc.).
- An ecological justification is required before any species may be planted using container stock grown from propagules that originate outside Santa Clara County.

SEED AND CONTAINER PLANTS

- Direct seeding should be used when possible. *Quercus* sp. and *Aesculus californica* have high success rates when installed in this manner.
- Direct stuck cuttings of willows, cottonwoods and mule fat is encouraged.
- Containerized native plants for revegetation or landscape plantings should be grown and installed in the smaller, deeper container sizes typically offered by revegetation nurseries rather than commercial nurseries to ensure they are healthy. For that reason, quality native plants will normally be smaller and younger than conventional nursery container stock, usually 1-gallon equivalent or smaller size. **Contract nursery production takes one-year minimum lead time before installation. Designers should take these factors into account when commitments are made to project stakeholders.**

DESIGN GUIDE 4

GUIDELINES AND STANDARDS 1.C

SPECIES SELECTION

- Select plant species that are historically and ecologically appropriate to the project area unless site conditions have been radically modified. The plant palette should be well-suited to these conditions and blend with the existing native vegetation types.
- Non-local, showy, native **"landscape" species should not be intermingled with native revegetation species on projects where habitat restoration is the goal.**
- Do not plant invasive, non-native species near streams.

DESIGN CRITERIA

- Revegetation design should be predicated upon thorough analysis of groundwater and surface water hydrology, soil profiles, and other physical information obtained from direct site investigations. Existing site conditions should be preserved and modification into an artificially sustained condition should be discouraged.
- Revegetation projects should be designed to quickly attain sustainability rather than to require long-term human intervention.
- Irrigation, weed and pest control, soil manipulation, etc., should become unnecessary within one to three years.
- Land use on adjacent sites that could disrupt or damage the project goals should be factored into design decisions for revegetation projects.
- Experienced biological staff should be active participants during the entire design process for revegetation, native landscape, mixed (native & non-native) landscape, erosion control, etc. plans and specifications.

California Native Plant Society Web site:
www.cnps.org

TEMPORARY EROSION CONTROL OPTIONS

INTRODUCTION

This design guide provides more detail on G&S 1.C.3 and GS IV.B.7 by explaining what steps can be taken during post construction to provide erosion control in short order on stream banks through temporary vegetative measures. These measures are typically employed:

- when the grading and/or construction is being done in phases,
- when it does not make sense to plant more permanent vegetation or
- if grading and/or construction has not been completed by the rainy season.

These temporary techniques are also sometimes used in conjunction with final more permanent revegetation. The following guidelines can be used to determine if and how erosion control seed mixes should be used.

SEED MIXES TO BE AVOIDED

Some commercially available seed mixes contain species, which are invasive weeds, aggressive competitors with native plants and/or future fire hazards. **These seed mixes should be excluded from streamside areas.** Examples are Blando brome, rose or red clover and annual rye.

EROSION CONTROL OPTIONS FOR WORK SITES WITH EXISTING NATIVE PLANTS

These erosion control options should be followed in most areas along natural creeks, where native trees, shrubs and herbs reside on or near the work site. A site visit or referral of a good series of photos to a landscape professional familiar with native plants or a revegetation specialist may be needed to determine the best approach.

If no irrigation is available, if the slope is very steep, or if it's late in the season

- Use a non-biological method, such as straw, straw with tackifier, erosion control blankets (jute netting with straw or coir filling), etc. instead of seeding.

Benefits:

- The blankets are functional immediately after installation.
- The adjacent native plants will fill in at their own pace.

Use if there is absolutely no time to investigate site conditions.

- Use a Failsafe mix with 50 lb/ac 'Escort' sterile wheat (Triticum X Agropyron 'Escort'), with 95% minimum purity, and minimum germination of 85%.

Benefits:

- This plant mix makes few if any seeds, so it cannot become a weed, and it usually lives only one year.
- The adjacent native plants can seed in thereafter.

DESIGN GUIDES 5

GUIDELINES AND STANDARDS 1.C.3 AND IV.B7

EROSION CONTROL OPTIONS FOR WORK SITES **WITHOUT** EXISTING NATIVE PLANTS

These erosion control options should be followed in areas where there is no remaining native vegetation for miles around. An example of such a site is the back slope of a levee in an urbanized area.

For Sunny Slopes 3:1 or Flatter

- **California Native Grass**
Use a mix of:
Prostrate *Hordeum californicum* (Prostrate California Barley) @ 16 lb/ac, minimum purity 90%, minimum germination 80%.
Elymus glaucus 'Berkeley' ('Berkeley' Blue Wildrye) @ 12 lb/ac, minimum purity 95%, minimum germination 85%
Bromus carinatus 'S.F. Bay Area' ('S. F. Bay Area' California Brome) @ 10 lb/ac, minimum purity 95%, minimum germination 85%
- **Failsafe mix**
50 lb/ac 'Escort' sterile wheat (*Triticum* X *Agropyron* 'Escort'), minimum purity 95%, minimum germination 85%

- **Non-biological method** as outlined above

For Slopes 2:1 or Steeper

- **California Native Grasses PLUS Mix**
Use the mix for Slopes 3:1 or Flatter PLUS *Vulpia microstachys* (Three Weeks Fescue) @ 5 lb/ac, minimum purity 95%, minimum germination 70%
- **Failsafe mix**
50 lb/ac 'Escort' sterile wheat (*Triticum* X *Agropyron* 'Escort'), minimum purity 95%, minimum germination 85%.
- **Non-biological method** as outlined above

GUIDELINES FOR ESTABLISHING FREEBOARD FOR BRIDGE CROSSINGS AND FLOOD PROTECTION PROJECTS

BACKGROUND

Freeboard is the additional capacity in a stream above the calculated capacity required for the 1 percent flow. Freeboard provides a safety factor for such things as normal wave action, inaccuracies in determination of friction factors, and minor silt and debris deposits. **The freeboard guidelines should also be followed when streams are modified as part of major land development proposals.** The Federal Emergency Management Agency (FEMA) has set guidelines for the determination of freeboard. In order for an area to be removed from a flood zone designated by FEMA following completion of a flood control project, the project must meet the FEMA guidelines. These freeboard guidelines are followed by the SCVWD in the design of flood protection projects **and should be followed for the design of bridges and other street crossings.**

A. Where the design water surface¹ is above natural ground, the following criteria shall be considered a minimum:

1. Federal Emergency Management Agency (FEMA) guidelines. FEMA currently specifies that levees shall have a minimum of 3 feet of freeboard with an additional foot of freeboard required 100 feet on either side of structures that are within the leveed section of creek or where the flow is constricted such as at bridges. FEMA also requires an additional ½ foot above the minimum at the upstream end of the levee, tapering to not less than the minimum at the downstream end of the levee. To comply with these requirements, use as a minimum 3½ feet of freeboard within leveed sections and 4 feet within 100 feet of bridges or other constrictions.

2. For floodwalls, use the same freeboard criteria as for levees. (Basis—SCVWD guideline)

3. If two-tenths of the total energy (depth of flow + $[v^2/2g]$) is greater than the freeboard requirement of A-1 or A-2 above, then the computed value shall be used for freeboard. (Basis—Natural Resource Conservation Service [NRCS] guideline)

B. Where the design water surface is below natural ground, the following criteria shall be considered a minimum:

1. One foot of freeboard shall be used for constructed, nonnatural channels where large amounts of vegetation are not anticipated in the channel. (Basis—Corps of Engineers guideline)

2. For all channels, if two-tenths of the total energy is greater than the freeboard requirement of B-1 above, then the computed value shall be used for freeboard. (Basis—NRCS guideline)

C. For bridges, the following criteria shall be considered minimum:

1. At new bridges, freeboard shall be the same as in the existing or proposed channel either upstream or downstream, whichever is greater. When the bridge structure encroaches into the freeboard area, there shall not be an increase in water surface for bank full flow. The intent is to define a system (bridge and channel) with a uniform level of protection. (Basis—SCVWD guideline)

¹ Defined by recent flood protection projects or determined according to local topography and site conditions. For more information, contact SCVWD.

DESIGN GUIDE 8

GUIDELINES AND STANDARDS

2. Where an existing bridge or culvert can convey the design flow under pressure, it must be structurally sound and must be able to resist the resultant lateral and uplift forces.
(Basis—SCYWD guideline)
- D. Other Considerations:
1. Evaluate all bridges with debris loads on the piers. (suggest Corps practice of three times pier diameter as blockage)
 2. Freeboard should also contain the flow defined by the 80 percent confidence limit statistical parameter where practical to do so.
3. All channels with super-critical flow will use sequent depth plus freeboard.
 4. All channels will include freeboard for super-elevation of water surface at curves in addition to requirements specified in Sections A, B, and C above.
 5. In areas of the County where there is the possibility of continued land surface subsidence, additional freeboard allowances should be considered.

DESIGN GUIDE 9

GUIDELINES AND STANDARDS V.A

GRADING OPTIONS NEXT TO STREAMS

INTRODUCTION

The details in this Design Guide are intended to provide clarification to G&S V.A, which calls for all grading next to streams to address drainage and avoid the concentration of flow over the stream bank. For all major redevelopment and new development, grading should be addressed in stormwater permit provisions. The applicants will have to observe urban runoff pollution prevention regulations during grading operations. In addition, the following grading guidelines would also be useful to single family homeowners interested in minimizing erosion and saturation of the streambank and maintaining slope stability and riparian habitat.

ADDITIONAL INFORMATION REQUIRED

In addition to the urban runoff pollution prevention regulations, permit applicants should also be asked to provide the following information:

- Existing trees that are to remain and those proposed to be removed
- The species of tree and its diameter at 4 feet from the ground
- Source of fill and hazmat certification

This will help in assess if the proposed grading method is the most appropriate for the site so as to avoid other impacts.

OPTIONS FOR GRADING

This Design Guide provides 5 options of how to design grading. Any other proposal which satisfactorily meets the goals of preventing over-bank drainage and the placement of fill along the riparian protection area by future lot owners may be considered. The selection of a particular option will be influenced by a site's finished grades needed to provide for streets, building pads and positive drainage to the storm sewer system.

Option #1 is the preferred option because it avoids disturbance to the riparian corridor and does not direct drainage over bank.

In other cases, applicants might need to use one of the Options 2- 5, because of the need to raise the site elevation. Option 2 avoids disturbance to the riparian corridor and minimizes the drainage directed over bank. Options 3 and 4 are similar but more costly. Option 5 would only be suitable if there is no riparian vegetation and it conforms to adjacent property upstream and downstream. **Fill placed within the riparian area should be suitable for planting.**

GRADING AND DRAINAGE

Use of Vegetated Swales or Buffer Strips

INTRODUCTION

The Guidelines and Standards Section V on Grading and Section VI on Outfalls and Site Drainage refer to the use of vegetated swales or buffer strips. A vegetated swale (a.k.a. grassed channel, dry swale, wet swale or biofilter) is a broad, shallow channel with a dense stand of vegetation designed to trap particulate pollutants (suspended solids and trace metals). Vegetated swales are fairly straight forward to design and can be easily incorporated into a project's site drainage plan. For all major redevelopment and new development, vegetated swales may be included in the stormwater permit; however, they are also a good practice for single family homeowners to consider incorporating in landscaping and design plans.

The benefits of using vegetated swales or buffer strips next to streams are that they:

1. Improve the quality of stormwater runoff and reduce or slow the velocity of runoff from hardened or paved areas
2. Allow for infiltration
3. Provide an opportunity for sediment and pollutants to be filtered and removed from the runoff.

The swales can be located within landscaped or turf areas and can collect runoff from patios, driveways, roof drains, parking lots. Discharge from the swale should be to a storm drain system, which will ultimately discharge to a stream.

DESIGN ELEMENTS

- Gentle side slopes: 3 horizontal to 1 vertical slope maximum
- Minimal longitudinal slope: 1% to 2% recommended. If greater, install check dams to reduce velocity. Do not use swales on slopes greater than 6%
- Flowpath length: Minimum of 10 feet
- Bottom width: 2 to 8 feet. Consider access with mowing equipment if turf grasses are used.

RECOMMENDED TYPES OF VEGETATION TO USE

There is a variety of vegetation, including trees, shrubs, groundcover and grasses that are suitable for periodic inundation. One goal is to select plants that will thrive at the site. Near streams, native plants and wetland vegetation are preferred to turf grasses as swale liners because they offer higher resistance to flow and provide a better environment for filtering and trapping pollutants from stormwater. However, turf grass, allowed to remain slightly high, can provide some benefits as well.

MAINTENANCE

Turf maintenance consists of mowing and removal of grass clippings. Swales should be cleaned of any sediment accumulation and monitored for erosion with subsequent reseeded or replanting as necessary. Fertilizers should be applied before the rainy season to minimize conveyance of pollutants to the stream.

DESIGN GUIDE 10

GUIDELINES AND STANDARDS V.B.2

PLANT SPECIES FOR VEGETATED BUFFERS AND SWALES

The following trees and shrubs tolerate wet soil and periodic inundation, and may be suitable for planting in basins and biofilters depending on regional hardiness and other factors. This list is not all-inclusive, and draws from both native and exotic species.

TREES

Box Elder (N)
Acer negundo

Red Maple (H)
Acer rubrum

Silver Maple (H)
Acer saccharinum

Alder (N)
Alnus spp.

Birch
Betula spp.

Pecan
Carya illinoensis

Buttonbush
Carya ovata

She-Oak
Casuarina spp.

Lily of the Valley
Clethra arborea

Redtwig Dogwood (N)
Cornus stolonifera

Persimmon
Diospyros virginiana

Oregon Ash (N)
Fraxinus latifolia

Honey Locust
Gleditsia triacanthos

Liquidambar
Liquidambar styraciflua

Tulip Tree
Liriodendron tulipifera

Southern Magnolia
Magnolia grandiflora

Sweet Bay
M. virginiana

Cajepul Tree
Melaleuca quinquenervia

Tupelo
Nyssa sylvatica

Sitka Spruce
Picea sitchensis

Sycamore (H)
Platanus occidentalis

California Sycamore (N)
P. racemosa

Fremont Cottonwood (N)
Populus fremontii

Wingnut
Pterocarya stenocarpus

Bur Oak (H)
Quercus macrocarpa

Pin Oak (H)
Q. palustris

Willow (N)
Salix spp.

Bald Cypress
Taxodium distichum

Arborvitae
Thuja occidentalis

SHRUBS

Salal (N)
Gaultheria shallon

Horsetail (N)
Equisetum hyemale

Fern (N)
Ferns (many spp.)

Iris (N)
Iris (many spp.)

Myoporum
Myoporum parvifolium
'putan creek'

Pacific Wax Flower (N)
Myrica

Willow (N)
Salix spp.

Huckleberry (N)
Vaccinium

GROUND COVER

Acorus
Acorus gramineus

Sedge (N)
Carex spp.

Tufted Hairgrass (N)
Deschampsia caespitosa

Sierra Laurel
Leucothoe davisiae

Bulrush
Scirpus spp.

Rush (N)
Juncus spp.

Spiderwort
Tradescantia virginiana

Common Cattail (N)
Typha latifolia

SUITABLE TURF GRASS

Bentgrass (N)
Agrostis exarata

California Brome (N)
Bromus carinatus

Creeping wildrye (N)
Elymus triticoides

Idaho Fescue, (N)
Blue Bunchgrass
Festuca idahoensis

Molate/Red Fescue (N)
Festuca rubra

Meadow Barley (N)
Hordeum brachyantherum

Meadow Barley salt (N)
Hordeum brachyantherum salt

Rushes (N)
Juncus spp.

N = Use plants grown from propagules collected locally

H = This species has a potential to hybridize with natives. Delete if native plants of the same genus exist nearby.

Table excerpted from BASMAA's *Start at the Source Guide* (2003) and adapted from Harris (1992), *Sunset Western Garden Book* (1998) and ABAG (1995b).

"Start at the Source" is available at http://www.scvurppp-w2k.com/basmaa_satsm.htm.
Other design guidance for pollution prevention is available at www.scvurppp.org

ENCLOSURE

BOOK 8995 PAGE 233

3003-2792

AFTER RECORDING, RETURN TO:

FOR RECORDER'S USE ONLY

3843696

BOOK 8995 PAGE 233
FILED FOR RECORD
AT REQUEST OF

SANTA CLARA COUNTY FLOOD CONTROL & WATER DISTRICT

JUL 22 2 12 PM '70

OFFICIAL RECORDS
SANTA CLARA COUNTY
GEORGE F. FOWLES
RECORDER

3843696

NO FEE

NO TAX DUE

GRANT OF EASEMENT

PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Pacific, hereby grants to SANTA CLARA COUNTY FLOOD CONTROL AND WATER DISTRICT, a body politic and corporate, hereinafter called District, an easement for the general maintenance of the Rodeo Creek Channel and for a steel collection rack to collect debris in, and ingress and egress along, the strip of land situate in the City of Saratoga, County of Santa Clara, State of California, described as follows:

Being a portion of the lands of the Pacific Gas and Electric Company, a California corporation, as described in the deed recorded in Book 3121 of Official Records at page 217, in the office of the Recorder, County of Santa Clara, State of California, to wit:

Beginning at the northwesterly corner of Lot 20 as shown upon that certain map entitled, "Georgetown Unit No. 2, Tract No. 4041," filed in Book 215 of Maps at page 56, Santa Clara County Records; thence along the southwesterly line of the said lands of Pacific Gas and Electric Company N 59° 55' 06" W 58.50 feet, thence leaving said line N 30° 04' 54" E 75.00 feet to the southwesterly line of the Southern Pacific Railroad Company right-of-way also being the northeasterly line of said lands of Pacific Gas and Electric Company; thence along said line S 59° 55' 06" E 65.00 feet; thence leaving said line S 30° 04' 54" W 75.00 feet to the aforesaid southwesterly line of

the lands of the Pacific Gas and Electric Company; thence along said line N 59° 55' 06" W 6.50 feet to the point of beginning, containing 4,875 square feet or 0.112 acres of land more or less.

This Grant is subject to the following covenants:

1. In the event that Pacific's use of said strip of land shall at any time or times necessitate the rearrangement, relocation, reconstruction or removal of District's facilities constructed under and by virtue of this grant and Pacific shall notify District in writing of such necessity and agree to reimburse District on demand for its costs incurred in complying with such notice, then District shall provide Pacific with plans of its proposed work and an estimate of the cost thereof and, upon approval of such plans and cost by Pacific, District shall promptly proceed to effect such rearrangement, relocation, reconstruction or removal.
2. District's exercise of the rights hereby granted shall be at its sole risk and expense.
3. Channel maintenance and debris removed from said steel collection rack may be performed by equipment that is equipped with moveable accessories which do not exceed a maximum length of 20 feet. All debris will be removed from Pacific's strip of land.
4. No tools, machinery, equipment, or materials shall be moved or operated within six feet of any wire in Pacific's electric transmission lines. Violation of this provision is a misdemeanor under Section 385 of the Penal Code of the State of California.
5. All of the provisions of General Order No. 69B and of General Order No. 95 of the Public Utilities Commission of the State of California in like manner

as though said provisions were set forth herein.

- 6. Any damage which District shall do to Pacific's facilities, including roads or lanes, caused by District's use of the easement area conveyed, shall be repaired by Pacific at District's expense.
- 7. District shall not perform any work hereunder without first giving Pacific at least one week's notice of its desire so to do. Said notice shall be given to Pacific Gas and Electric Company, 86 South Third Street, San Jose, California, 95114, Telephone (408) 298-3333, Attention Division Electric Superintendent.
- 8. District acknowledges Pacific's title to said strip of land and agrees never to assail or resist said title.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the parties hereto.

IN WITNESS WHEREOF Pacific has executed these presents this 12th day of May, 1970.



PACIFIC GAS AND ELECTRIC COMPANY

By E. Hall
Its Manager, Land Department

Attest Raylor
Secretary

San Jose
L.D. Est. 4621
Dwg. 208385
T.7S.R.2W
M.D.B. & M.
70-039
LS
rms

Accepted: June 23, 1970

James J. Leithan
Chairman Board of Directors

Attest:
Violet V. Egan
Violet V. Egan
Clerk/Board of Directors

Prepared JLM
Checked TM

APR 22 1970

P.G.#E.

7/3/69

Rev. 2/13/70

S.P.R.R.

S59°55'06"E 65.00'

N30°04'54"E
75.00'

N125°40'05"W
75.00'

SCCFC
7921-OR-217

SCCFC & W.D.
7958-OR-423

N59°55'06"W 65.00'

N59°55'06"W

58.50'
P.O.B.

6.50'

N.W. COR. LOT 20 &
N.E. COR. OF SCCFC & W.D.
EASEMENT 7546-OR-379

N33°33'17"E
30.07'

Rodeo Cr.

SCCFC & W.D.

TRACT No. 4041

19

20

N3°50'30"W 163.33'

Total Area = 4,875 Sq. Ft.
Area in Exist. F.C. Easement = 1950 Sq. Ft.

FREDERICKSBURG DR.

PROJECT NO. 20018

Scale: 1" = 50'

7C-5

ENCLOSURE

Zone W-1
Project No. 90036
Project West Pipeline
S. D. No. IV
Owners Walter M. SEAGRAVES

RESOLUTION AUTHORIZING EMINENT DOMAIN

BE IT RESOLVED by the Board of Supervisors of the Santa Clara County Flood Control and Water District that it finds and determines and hereby declares:

That the public interest and necessity require the acquisition, construction, completion and maintenance by the Santa Clara County Flood Control and Water District of a public improvement, namely, water transmission pipelines and appurtenant structures upon, and in certain real property hereinafter described:

That the use to which said real property is to be applied is for such water transmission pipelines and appurtenant structures and that such use is a public use authorized by law;

That the interest hereinafter set forth in said real property is necessary to and for such public use and that the taking of such interest in said real property is necessary to and for such public use;

That the said proposed water transmission pipelines and appurtenant structures are planned and located in the manner which will be most compatible with the greatest public good and the least private injury.

AND BE IT FURTHER RESOLVED by this Board of Supervisors that the Santa Clara County Flood Control and Water District acquire by condemnation in accordance with the provisions of the Santa Clara County Flood Control and Water District Act and the Code of Civil Procedure of the State of California relating to eminent domain for the uses and purposes of such water transmission pipelines and appurtenant structures, the following interest in real property situated in the County of Santa Clara, State of California, to wit:

2 cc - F.C.

11

A water pipeline easement and appurtenant structures, if any,
in the parcel(s) 1 hereafter described.

Said easement area shall be kept clear of any type of building,
structure or trees, unless prior approval is obtained from the Santa
Clara County Flood Control and Water District's Engineer.

The easement shall include the right to construct, reconstruct,
inspect, maintain, and repair water pipelines and appurtenant structures.
It shall also include the right to enter upon said land with tools,
implements, and other materials, take therefrom and use, earth, rock,
sand and gravel for the purpose of excavating, widening, deepening,
and otherwise rectifying the water pipelines, and for the construction,
maintenance and repair of said water pipelines, protection works and
appurtenant structures by said District, its officers, agents, and
employees, and by persons under contract with it and their employees
whenever and wherever necessary for said water pipelines and appurtenant
structures.

And,

A temporary construction area easement in Parcel(s) 2
hereafter described during the construction of the
pipeline in Parcel(s) 1 beginning June 1, 1965
and ending May 31, 1967.

Parcel 1

All that certain real property sitsuate in the City of Saratoga, County of Santa Clara, State of California, described as follows:

Being a portion of the lands of Walter M. Seagraves as described in the deeds recorded in Book 1015 of Official Records at page 512 and in Book 523 of Official Records at page 519 both in the office of the Recorder, County of Santa Clara, State of California, to wit:

A 30.00 foot wide strip of land described as follows: Beginning at the intersection of the northwesterly line of Saratoga Avenue, 100.00 foot wide, with the southwesterly line of the lands of the Pacific Gas and Electric Company, a California corporation, as described in the deed recorded in Book 3166 of Official Records at page 249 in the office of the Recorder, County of Santa Clara, State of California; thence along said northwesterly line of Saratoga Avenue S 40°03'06"W 74.52 feet; thence S 46°01'46"W 155.21 feet to the true point of beginning; thence leaving said line N 47°07'12"W 224.51 feet; thence N 43°32'27"W 653.72 feet to a point in the southwesterly line of said lands of the Pacific Gas and Electric Company; thence along said southwesterly line S 59°11'31"E 111.20 feet; thence leaving said line S 43°32'27"E 545.70 feet and S 47°07'12"E 225.23 feet to a point on said northwesterly line of Saratoga Avenue; thence along said line S 46°01'46"W 30.04 feet to the true point of beginning; containing 0.568 acres of land more or less.

Parcel 2

Being a portion of the lands of Walter M. Seagraves as described in the deeds recorded in Book 1015 of Official Records at page 512 and in Book 523 of Official Records at page 519 in the office of the Recorder, County of Santa Clara, State of California, to wit:

A 50.00 foot wide strip of land described as follows: beginning at the intersection of the northwesterly line of Saratoga Avenue, 100.00 foot wide, with the southwesterly line of the lands of the Pacific Gas and Electric Company, a California corporation, as described in the deed recorded in Book 3166 of Official Records at page 249 in the office of the Recorder, County of Santa Clara, State of California; thence along said northwesterly line of Saratoga Avenue S 40°03'06"W 74.52 feet; thence S 46°01'46"W 125.16 feet to the true point of beginning; thence leaving said line N 47°07'12"W 225.23 feet; thence N 43°32'27"W 545.70 feet to a point in the southwesterly line of said lands of the Pacific Gas and Electric Company; thence along said southwesterly line S 59°11'31"E 185.34 feet; thence leaving said line S 43°32'27"E 355.68 feet and S 47°07'12"E 226.42 feet to a point on said northwesterly line of Saratoga Avenue; thence along said line S 46°01'46"W 50.08 feet to the true point of beginning; containing 0.782 acres of land more or less.

W-50036

Cal. Pac. T.I. 223478

W

AND BE IT FURTHER RESOLVED by this Board of Supervisors that Counsel for this District is hereby directed, required, authorized, and empowered:

To institute, maintain, and prosecute, in the name of the Santa Clara County Flood Control and Water District, proceedings in the Superior Court of the State of California, in and for the County of Santa Clara, an action in eminent domain for the condemnation of the interests set forth above in that certain real property hereinabove described, for the uses and purposes set forth above, and to take all steps necessary for the condemnation of such lands in the name of the Santa Clara County Flood Control and Water District;

To make an application to said Court for an order fixing the amount or amounts of such security in the way of money deposits as said Court may direct to be made upon the taking of possession of said lands by the Santa Clara County Flood Control and Water District, and permitting said Santa Clara County Flood Control and Water District to take immediate possession and use of said lands;

To make deposits of such security out of proper funds of the Santa Clara County Flood Control and Water District in such amount or amounts so fixed and determined and in such manner as said Court, in which the condemnation proceedings herein authorized are pending, may direct.

PASSED AND ADOPTED by the Board of Supervisors of the Santa Clara County Flood Control and Water District this ____ day of MAY 17 1956, 1956, by the following vote:

AYES:	Supervisors,	Della Maggiano Spangler Melchior Sanchez Quian
NOES:	Supervisors,	None
ABSENT:	Supervisors	None

Charles R. Quian
Chairman of the Board of Supervisors

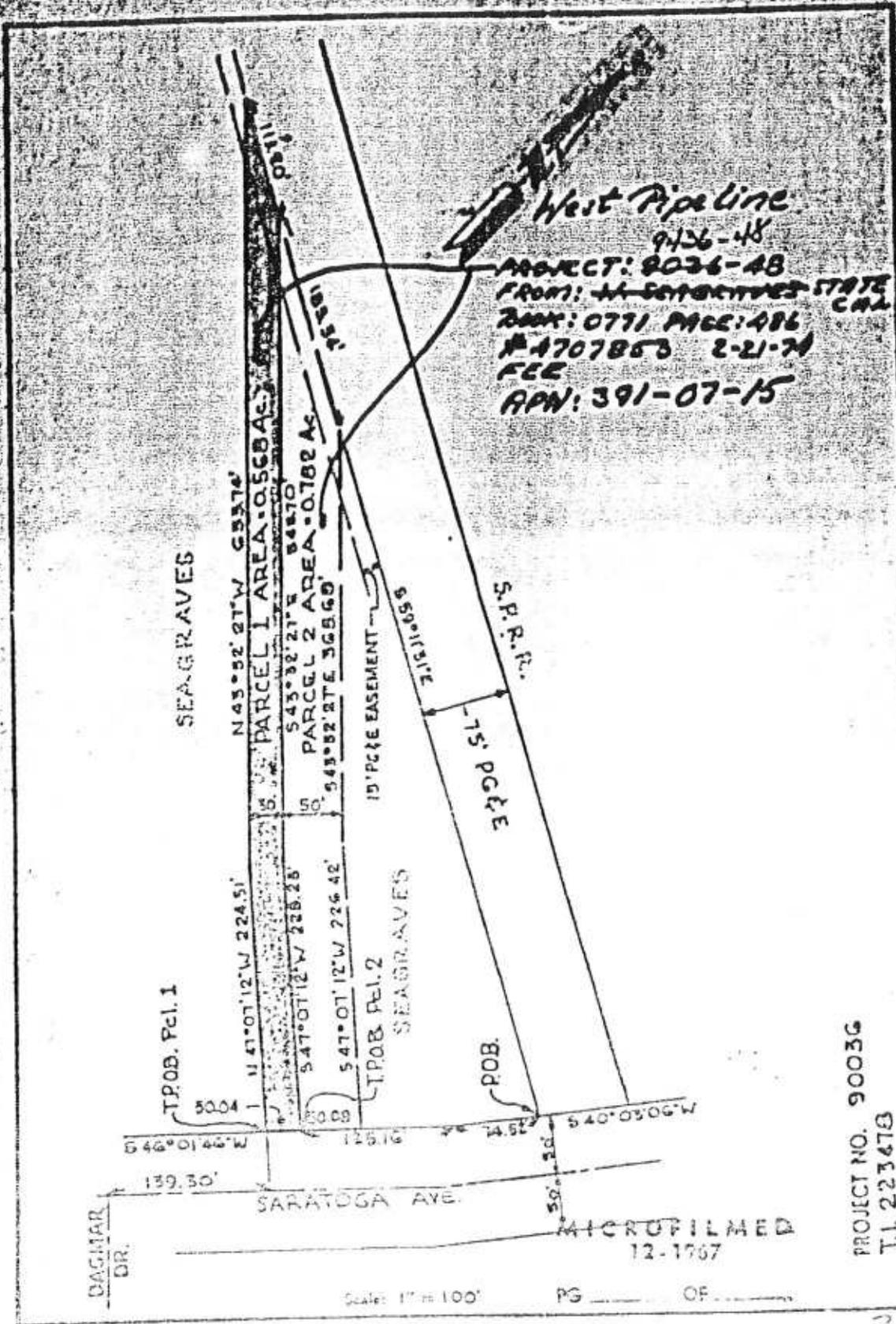
ATTEST: JEAN FULLAN, Clerk of said Board

Jean Fullan

MICROFILMED

10-1-56

Seagraves



West Pipeline
 9036-48
 PROJECT: 9036-48
 FROM: H. SEAGRAVES STATE OF CALIF.
 BOOK: 0771 PAGE: 486
 #4707853 2-21-74
 FEE
 APN: 391-07-15

DAGMAR DR.

SARATOGA AVE.

MICROFILMED
 12-1967

Scale: 1" = 100'

PG _____ OF _____

PROJECT NO. 90036
 T.1 22347B

50000 & W0

5

ENCLOSURE

4707853

0771 PAGE 486

0771 PAGE 486

RECORD WITHOUT FEE UNDER SECTION 8102
GOVERNMENT CODE OF THE STATE OF CALIFORNIA
SANTA CLARA VALLEY WATER DISTRICT
5750 ALMADEN EXPY. SAN JOSE, CA 95118

FILED FOR RECORD
AT REQUEST OF
SANTA CLARA VALLEY WATER DISTRICT
5750 ALMADEN EXPRESSWAY SAN JOSE, CALIF. 95118
FEB 21 3 55 PM '74

NO FEE

OFFICIAL RECORDS
SANTA CLARA COUNTY
GEORGE A MANN
REGISTRAR RECORDER

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary Tax: \$0.00

File No. 90036-48

DIRECTOR'S DEED

DISTRICT	COUNTY	ROUTE	POST MILE	NUMBER
04	SCL	85	13.7	DD-013635-38

NOV 1973

40

Co-op Agr. No. 43-194640

The STATE OF CALIFORNIA, acting by and through its Director of Transportation, does hereby grant to

SANTA CLARA COUNTY FLOOD CONTROL AND WATER DISTRICT

all that real property in the City of Saratoga

County of Santa Clara, State of California, described as:

That parcel of land conveyed to the State of California by Parcel 3 of deed recorded February 28, 1968, in Book 8038, at Page 201, Official Records of Santa Clara County, more particularly described as follows:

Beginning for reference at the most southerly corner of that certain 1.74 acre parcel of land described in deed to Pacific Gas and Electric Company, a California corporation, recorded May 11, 1955, in Book 3166 at Page 249, Official Records of Santa Clara County; thence along the southwesterly line thereof N. 59°11'31" W., 342.16 feet; thence from a tangent that bears S. 37°24'07" E., along a curve to the left with a radius of 1889.91 feet, through an angle of 3°42'57", an arc length of 122.57 feet to a point of reverse curvature; thence from a tangent that bears S. 41°07'04" E., along a curve to the right with a radius of 100.00 feet, through an angle of 65°05'25", an arc length of 113.60 feet to the TRUE POINT OF COMMENCEMENT; thence from a tangent that bears N. 43°47'01" W., along a curve to the right with a radius of 1949.91 feet, through an angle of 6°35'18", an arc length of

MAIL TAX STATEMENTS TO:

Santa Clara County Flood Control and Water District
5/50 Almaden Expressway
Santa Clara, CA 95188

Form HR/W-203 (REV. 7-73)

DOCUMENTARY TRANSFER TAX \$0.00

COMPUTED ON FULL VALUE OF PROPERTY CONVEYED. OR

COMPUTED ON FULL VALUE LESS BY THE ENCUMBRANCES REMAINING THEREON AT THE TIME.

George A Mann
Signature of declarant or public officer

CITY OF SARATOSA

7

E 0771 (487)

224.22 feet to a point of reverse curvature; thence from a tangent that bears N. 37°11'43" W., along a curve to the left with a radius of 1869.91 feet, through an angle of 4°51'30", an arc length of 158.56 feet to said southwesterly line; thence along last said line N. 59°11'31" W., 381.43 feet to the north-easterly line of Tract No. 4344, as shown on that certain map entitled "Tract No. 4344" which map was filed for record on November 17, 1967 in Book 230 of Maps, at Page 30, in the office of the Recorder of Santa Clara County; thence along said north-easterly line S. 43°32'27" E., 653.72 feet and S. 47°07'12" E., 104.35 feet; thence N. 44°48'31" E., 38.28 feet; thence along a tangent curve to the left with a radius of 100.00 feet, through an angle of 20°50'10", an arc length of 36.37 feet to the true point of commencement.

CONTAINING 1.227 acres, more or less.

The bearings and distances used in the above description are on the California Coordinate System, Zone 3. Multiply the above distances by 1.0000537 to obtain ground level distances.

There shall be no abutter's rights of access appurtenant to the above-described real property in and to the adjacent State freeway.

Subject to special assessments if any, restrictions, reservations, and easements of record.

488

This conveyance is executed pursuant to the authority vested in the Director of Transportation by law and in particular, by the Streets and Highways Code.

WITNESS my hand and the seal of the Department of Transportation of the State of California, this 20th day of November 1973.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

JAMES A. MOE
DIRECTOR OF TRANSPORTATION

APPROVED AS TO FORM AND PROCEDURE
[Signature]
DEPARTMENT OF TRANSPORTATION

By *[Signature: R.W. Boles]*
Attorney in Fact



STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } ss.

On this 20th day of November, in the year 1973, before me, C. D. HULBERT, a Notary Public in and for the State of California, residing therein, duly commissioned and sworn, personally appeared R. W. BOLES, known to me to be the person whose name is subscribed to the within instrument as the Attorney in Fact of James A. Moe, Director of Transportation of the State of California, and known to me to be the person who executed the within instrument on behalf of the State of California, and he acknowledged to me that he subscribed the name of James A. Moe as Director of Transportation, and his own name as Attorney in Fact, and that the State of California executed the same.

WITNESS my hand and official seal.

C. D. HULBERT
NOTARY PUBLIC
SACRAMENTO COUNTY, CALIFORNIA
My commission expires July 13, 1975.

[Signature: C.D. Hulbert]
Notary Public



THIS IS TO CERTIFY That the California Highway Commission has authorized the Director of Transportation to execute the foregoing deed at its meeting regularly called and held on the 15th

day of November, 1973, in the City of Los Angeles

Dated this 16th day of November 1973

[Signature: Harold A. Richard]

HAROLD A. RICHARD
Assistant Secretary of the
California Highway Commission

3335451

BOOK 7358 PAGE 423

ENCLOSURE

FILED FOR RECORD
AT REQUEST OF

423 PT

AFTER RECORDING, RETURN TO:

Flood Control

SANTA CLARA COUNTY FLOOD CONTROL RECORDER'S USE ONLY

AND WATER DISTRICT
DEC 11 11 06 AM '67

OFFICIAL RECORDS
SANTA CLARA COUNTY
GEORGE E. FOWLES
RECORDER

BOOK 7358 PAGE 423

NO FEE

GRANT OF EASEMENT

PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Pacific, hereby grants to SANTA CLARA COUNTY FLOOD CONTROL AND WATER DISTRICT, a body politic and corporate, hereinafter called District, an easement for 60 inch diameter concrete pipe for conveying ~~water~~ water in, over, and ingress and egress along, the strips of land situate in the City of Saratoga, County of Santa Clara, State of California, described as follows:

1. A strip of land of the uniform width of 30 feet lying contiguous to and northeasterly of the southwesterly boundary line of the 1.08 acre parcel of land described in the deed from Clara Ernst and husband to Pacific Gas and Electric Company dated August 16, 1954 and recorded in the office of the County Recorder of said County of Santa Clara in Book 2939 of Official Records at page 596 and extending from the northwesterly boundary line of said 1.08 acre parcel of land southeasterly 674 feet, more or less, to the northeasterly boundary line of said 1.08 acre parcel of land.

2. A strip of land of the uniform width of 30 feet lying contiguous to and northeasterly of the southwesterly boundary line of the 0.70 acre parcel of land described in the deed from Angelo Aspesi and wife to Pacific Gas and Electric Company dated July 30, 1954 and recorded in the office of said County Recorder in Book 2929 of Official Records at page 372 and northeasterly of the northeasterly boundary line of the 0.14 acre parcel of land described in the deed from Pacific Gas and Electric Company to Virgil S. Stokes and Snow Stokes dated November 12, 1958 and recorded in the office of said County Recorder in Book 4247 of Official Records at page 721 and extending from the northerly boundary line of said 0.70 acre parcel of land southeasterly 638 feet, more or less, to the easterly boundary line of the 0.50 acre parcel of land described in the deed from Felipe Rios and wife to Pacific Gas and Electric Company dated February 8, 1955 and recorded in the office of said County Recorder in Book 3099 of Official Records at page 271 said easterly boundary line being the centerline of Quito Road, and to the southerly boundary line of said 0.50 acre parcel of land.

3. A strip of land of the uniform width of 20 feet extending from the northeasterly boundary line of said 0.50 acre parcel of land southwesterly to the northeasterly boundary line of the strip of land hereinbefore described and designated 2 and lying equally on each side of the



F-55117 C

line which begins at a point in the northeasterly boundary line of said 0.50 acre parcel of land from which the intersection of the northeasterly boundary line of said 0.50 acre parcel of the centerline of Quito Road bears south 60° 01' 40" east 48.03 feet distant and runs thence south 38° 36' 11" west 35.50 feet; thence south 29° 58' 20" west 10.00 feet, more or less, to a point in the northeasterly boundary line of said strip of land designated 2.

4. Beginning at the most westerly corner of the 1.74 acre parcel of land described in the deed from Walter M. Seagraves and wife to Pacific Gas and Electric Company dated May 2, 1955 and recorded in the office of said County Recorder in Book 3166 of Official Records at page 249 and running thence south 59° 11' 31" east, along the southwesterly boundary line of said 1.74 acre parcel of land, 234.71 feet; thence north 43° 22' 27" west 115.30 feet to a point distant 30 feet northeasterly from (measured at a right angle to) the southwesterly boundary line of said 1.74 acre parcel of land; thence north 59° 11' 31" west, parallel with the southwesterly boundary line of said 1.74 acre parcel of land 111.49 feet to a point in the northwesterly boundary line of said 1.74 acre parcel of land; thence south 59° 04' 29" west, along the northwesterly boundary line of said 1.74 acre parcel of land, 34.06 feet, more or less, to the point of beginning.

5. A strip of land of the uniform width of 30 feet lying contiguous to and northeasterly of (a) the southwesterly boundary line of the 2.05 acre parcel of land described in the deed from John W. Cox and wife to Pacific Gas and Electric Company dated August 23, 1954 and recorded in the office of said County Recorder in Book 2943 of Official Records at page 556 and (b) the southwesterly boundary line of the 0.04 acre parcel of land described in the deed from Myrtle G. Cox to Pacific Gas and Electric Company dated March 6, 1958 and recorded in the office of said County Recorder in Book 4044 of Official Records at page 323 and extending from the westerly boundary line of said 2.05 acre parcel of land southeasterly 1225 feet, more or less, to the southeasterly boundary line of said 0.04 acre parcel of land and to the southeasterly boundary line of the 0.045 acre parcel of land described in the deed from Southern Pacific Company to Pacific Gas and Electric Company dated December 14, 1954 and recorded in the office of said County Recorder in Book 3078 of Official Records at page 11.

6. A strip of land of the uniform width of 30 feet lying contiguous to and northeasterly of the southwesterly boundary line of the 0.94 acre parcel of land described in the deed from Frances C. McCoy to Pacific Gas and Electric Company dated July 26, 1954 and recorded in the office of said County Recorder in Book 2925 of Official Records at page 549 and extending from the westerly boundary line of said 0.94 acre parcel of land southeasterly 470 feet, more or less, to the easterly boundary line of said 0.94 acre parcel of land.

7. A strip of land of the uniform width of 30 feet lying contiguous to and northeasterly of the southwesterly boundary line of the 0.67 acre parcel of land described and designated Parcel 2 in the deed from John W. Cox and wife to Pacific Gas and Electric Company dated August 23, 1954 and recorded in the office of said County Recorder in Book 2943 of Official Records at page 556 and extending from the northerly boundary line of said 0.67 acre parcel of land southeasterly 440 feet, more or less, to the easterly boundary line of said 0.67 acre parcel of land.

8. A strip of land of the uniform width of 30 feet extending from the westerly boundary line of the 0.229 acre parcel of land described and designated PARCEL 2 in the deed from Southern Pacific Company to Pacific Gas and Electric Company dated December 14, 1954 and recorded in the office of said County Recorder in Book 3078 of Official Records at page 11 southeasterly 80 feet, more or less, to the southerly boundary line of said 0.229 acre parcel of land and lying contiguous to and southwesterly of the line which extends entirely across said 0.229 acre parcel of land and is distant 45 feet southwestwardly from (measured at a right angle to) the northeasterly boundary line of said 0.229 acre parcel of land.
9. A strip of land of the uniform width of 30 feet lying contiguous to and northeasterly of the southwestwardly boundary line of the 1.25 acre parcel of land described in the deed from Barbara Gordon and others to Pacific Gas and Electric Company dated November 18, 1954 and recorded in the office of said County Recorder in Book 3027 of Official Records at page 165 and extending from the westerly boundary line of said 1.25 acre parcel of land southeasterly 725 feet, more or less, to the easterly boundary line of said 1.25 acre parcel of land.
10. A strip of land of the uniform width of 30 feet lying contiguous to and northeasterly of a course in the southwestwardly boundary line of the parcel of land described in the deed from George Garnet Loyst and wife to Pacific Gas and Electric Company dated April 11, 1955 and recorded in the office of said County Recorder in Book 3143 of Official Records at page 580, which course has a bearing of north 60° 06' west and a length of 365.2 feet, and the northwesterly prolongation thereof and extending from the westerly boundary line of the parcel of land described in said deed dated April 11, 1955 southeasterly 495 feet, more or less, to the easterly boundary line of the parcel of land described in said deed dated April 11, 1955.
11. A strip of land of the uniform width of 30 feet lying contiguous to and northeasterly of the southwestwardly boundary line of the 4.627 acre parcel of land described in the deed from Fannie Williams to Pacific Gas and Electric Company dated March 21, 1955 and recorded in the office of said County Recorder in Book 3121 of Official Records at page 217 and extending from the easterly boundary line of said 4.627 acre parcel of land northwesterly 3090 feet, more or less, to the westerly boundary line and the southerly prolongation thereof of the parcel of land described and designated Parcel 1 in the deed from Southern Pacific Company to Pacific Gas and Electric Company dated December 14, 1954 and recorded in the office of said County Recorder in Book 3078 of Official Records at page 11, said westerly boundary line and said prolongation being the easterly boundary line of a state highway.
12. A strip of land of the uniform width of 30 feet lying contiguous to and northeasterly of the southwestwardly boundary line of the parcel of land described in the deed from G. D. Swain and wife to Pacific Gas and Electric Company dated June 23, 1956 and recorded in the office of said County Recorder in Book 3534 of Official Records at page 420 and extending from the westerly boundary line of the parcel of land described in said deed dated June 23, 1956 southeasterly 512 feet, more or less, to the easterly boundary line of the parcel of land described in said deed dated June 23, 1956, said easterly boundary line being the centerline of a state highway.

13. Beginning at the most southerly corner of the 0.95 acre parcel of land described in the deed from Alfred Fromm and wife to Pacific Gas and Electric Company dated February 11, 1955 and recorded in the office of said County Recorder in Book 3199 of Official Records at page 97 and running thence north 1° 12' 00" east, along the easterly boundary line of said 0.95 acre parcel of land 34.20 feet to a point distant 30 feet northeasterly from (measured at a right angle to) the southwesterly boundary line of said 0.95 acre parcel of land; thence north 60° 06' 00" west, parallel with the southwesterly boundary line of said 0.95 acre parcel of land, 538.87 feet; thence north 00° 29' 00" east 56.35 feet to a point in the northeasterly boundary line of the 0.01½ acre parcel of land described in the deed from Clinton E. Sadler and wife to Pacific Gas and Electric Company dated May 4, 1955 and recorded in the office of said County Recorder in Book 3183 of Official Records at page 550; thence northwesterly on a curve to the right, with a radius of 3859.75 feet, through a central angle of 0° 21' 03", and tangent at the southeasterly terminus thereof to a line which has a bearing of north 57° 27' 51" west, an arc distance of 23.64 feet to the most northerly corner of said 0.01½ acre parcel of land; thence along the boundary line of said 0.01½ acre parcel of land the following two courses, namely: south 00° 29' 00" west 33.90 feet, and south 89° 01' 00" east 6.40 feet to a point in the westerly boundary line of said 0.95 acre parcel of land; thence along the boundary line of said 0.95 acre parcel of land the following two courses, namely: south 7° 44' 00" west 58.10 feet, and south 60° 06' 00" east 562.40 feet, more or less, to the point of beginning.

This Grant is subject to the following covenants:

1. In the event that Pacific's use of said strips of land shall at any time or times necessitate the rearrangement, relocation, reconstruction or removal of District's facilities constructed under and by virtue of this grant and Pacific shall notify District in writing of such necessity and agree to reimburse District on demand for its costs incurred in complying with such notice, then District shall provide Pacific with plans of its proposed work and an estimate of the cost thereof and, upon approval of such plans and cost by Pacific, District shall promptly proceed to effect such rearrangement, relocation, reconstruction or removal.
2. District's exercise of the rights hereby granted shall be at its sole risk and expense.
3. Any damage which District shall do to Pacific's facilities, including roads or lanes, caused by District's use of the easement area conveyed, shall be repaired by Pacific at District's expense.

4. District shall not perform any work hereunder without first giving Pacific at least one week's notice of its desire so to do. Said notice shall be given to Pacific Gas and Electric Company, 86 South 3rd Street, San Jose, Telephone 298-3333, Attention: Division Electric Superintendent.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the parties hereto.

IN WITNESS WHEREOF Pacific has executed these presents this 26th day of October 1967.



PACIFIC GAS AND ELECTRIC COMPANY
BY E. H. Hall
Manager, Land Department
William
Secretary

San Jose
LD 840
Dwg. 208383
Dwg. 208384
Dwg. 208385
T. 8S., R. 1W.,
M. D. B. & M.
Section 5
SE $\frac{1}{4}$ of NE $\frac{1}{4}$
NW $\frac{1}{4}$ of NE $\frac{1}{4}$
NE $\frac{1}{4}$ of NW $\frac{1}{4}$
T. 7S., R. 1W.,
Section 31
NW $\frac{1}{4}$ of SE $\frac{1}{4}$
SW $\frac{1}{4}$ of NE $\frac{1}{4}$
S $\frac{1}{2}$ of NW $\frac{1}{4}$
NW $\frac{1}{4}$ of NW $\frac{1}{4}$
T. 7S., R. 2W.,
M. D. B. & M.
Section 25
SW $\frac{1}{4}$ of SE $\frac{1}{4}$
SE $\frac{1}{4}$ of SW $\frac{1}{4}$
Section 36
N $\frac{1}{2}$ of NE $\frac{1}{4}$

c1

Gene
MAB

