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CALENDAR ITEM

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W 21730 PRC 6815
Meier

APPROVAL OF A PUBLIC AGENCY LEASE TO
CITY OF MILPITAS

APPLICANT: City of Milpitas
Milpitas Community Services
4551 East Calaveras Boulevard
Milpitas, California 95035

AREA, TYPE LAND AND LOCATION:
A 1.1-acre parcel of reclaimed tideland,
located adjacent to Penitencia Creek in the
City of Milpitas, Santa Clara County.

LAND USE: Public park.

TERMS OF PROPOSED LEASE:
Initial period: 49 years beginning on date of
recording.

CONSIDERATION: The public use and benefit; with the State
reserving the right at any time to set a
monetary rental if the Commission finds such
action to be in the State's best interest and
if the Lessee's operation of the premises
should at some time result in a profit.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is owner of adjacent property.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13
B. Cal. Adm. Code: Section 15061(b)(3).

CALENDAR PAGE 170
MINUTE PAGE 853

CALENDAR ITEM NO. 40 (CONT'D)

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. The applicant plans to expand its park facilities; presently located on adjacent property, onto the subject parcel.
2. The State's title to these lands, which are legally tidelands, was established pursuant to BLA 175.
3. The only environmental effect would be landscaping of the subject parcel and perhaps a very slight increase in traffic.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from requirements of the CEQA as a categorical exempt project. The project is exempt under Class 4, Minor Alterations to Land, 14 Cal. Adm. Code Section 15304.

Authority: PRC 21084 and 14 Cal. Adm. Code 15304.

EXHIBITS: A. Land Description.
B. Location Plat.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND, 14 CAL. ADM. CODE 15304.
2. AUTHORIZE ISSUANCE TO THE CITY OF MILPITAS OF A 49-YEAR LEASE BEGINNING ON THE DATE THE LEASE IS RECORDED FOR EXPANSION OF PARK FACILITIES; IN CONSIDERATION FOR WHICH THE STATE SHALL RECEIVE THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE BEST INTEREST OF THE STATE AND IF A PROFIT IS REALIZED FROM THE PROPERTY BY THE CITY.

SEARCHED	171
SERIALIZED	854

LAND DESCRIPTION

That real property in the County of Santa Clara, State of California, described as follows:

COMMENCING at the southeasterly corner of Parcel 2 as said Parcel is shown on that certain Parcel Map recorded February 1, 1978, in Book 412 of Maps or pages 12 and 13 in the Office of the County Recorder of Santa Clara County; thence along the easterly line of said Parcel 2 N 21° 07' 13" E 279.80 feet; thence continuing along said easterly line of Parcel 2 along a tangent curve to the left having a radius of 450.00 feet, through a central angle of 8° 39' 08", for an arc distance of 67.95 feet; thence continuing along the easterly line of Parcel 2, N 37° 04' 10" W 736.06 feet; thence continuing along the easterly line of Parcel 2 N 19° 02' 28" E 109.30 feet; thence continuing along the easterly line of Parcel 2. N 85° 47' 00" E 20.25 feet to the TRUE POINT OF BEGINNING; thence continuing along the easterly line of Parcel 2 N 85° 47' 00" E 354.84 feet; thence continuing along the easterly line of Parcel 2 N 04° 13' 00" West 670.97 feet; thence leaving the easterly line of Parcel 2 S 86° 50' 21" W 2.78 feet; thence along a tangent curve to the left having a radius of 12.00 feet, through a central angle of 91° 03' 21", an arc distance of 19.07 feet; thence S 04° 13' 00" E 299.15 feet; thence along a tangent curve to the right having a radius of 278.00 feet, through a central angle of 65° 56' 49", for an arc distance of 319.98 feet; thence S 61° 43' 49" W 100.00 feet; thence along a tangent curve to the left having a radius of 222 feet, through a central angle of 27° 41' 06" an arc distance of 107.27 feet to the TRUE POINT OF BEGINNING.

Containing 1.153 acres, more or less.

Subject to an easement for flood control and/or storm water drainage purposes in, upon, over and across that certain real property more fully described below which was granted to the Santa Clara Water Control District by Alpha Land Company, a California corporation, and was recorded November 16, 1978, in Book E100, page 363, Official Records of Santa Clara County:

"Commencing at the most northerly corner of Parcel 2 as shown on that certain Parcel Map of a portion of the Rancho Rincon De Los Esteros as recorded in Book 412 of Maps, pages 12 and 13, Santa Clara County Records. Thence S 04° 13' 00" E 201.74 feet to the true point of beginning; thence continuing S 04° 13' 00" E 670.97 feet; thence S 85° 47' 00" W 14.50 feet; thence N 04° 13' 00" W 662.45 feet to a point on a curve concave to the south-east having a radius of 12 feet and a radial bearing of N 77° 37' 14" W; thence northeasterly along said curve through a central angle of 74° 27' 35", an arc distance of 15.60 feet; thence N 86° 50' 21" E 2.78 feet to the true point of beginning.

"Containing 0.223 acre of land, more or less.

DATE OF SALE	172
AMOUNT PAID	855

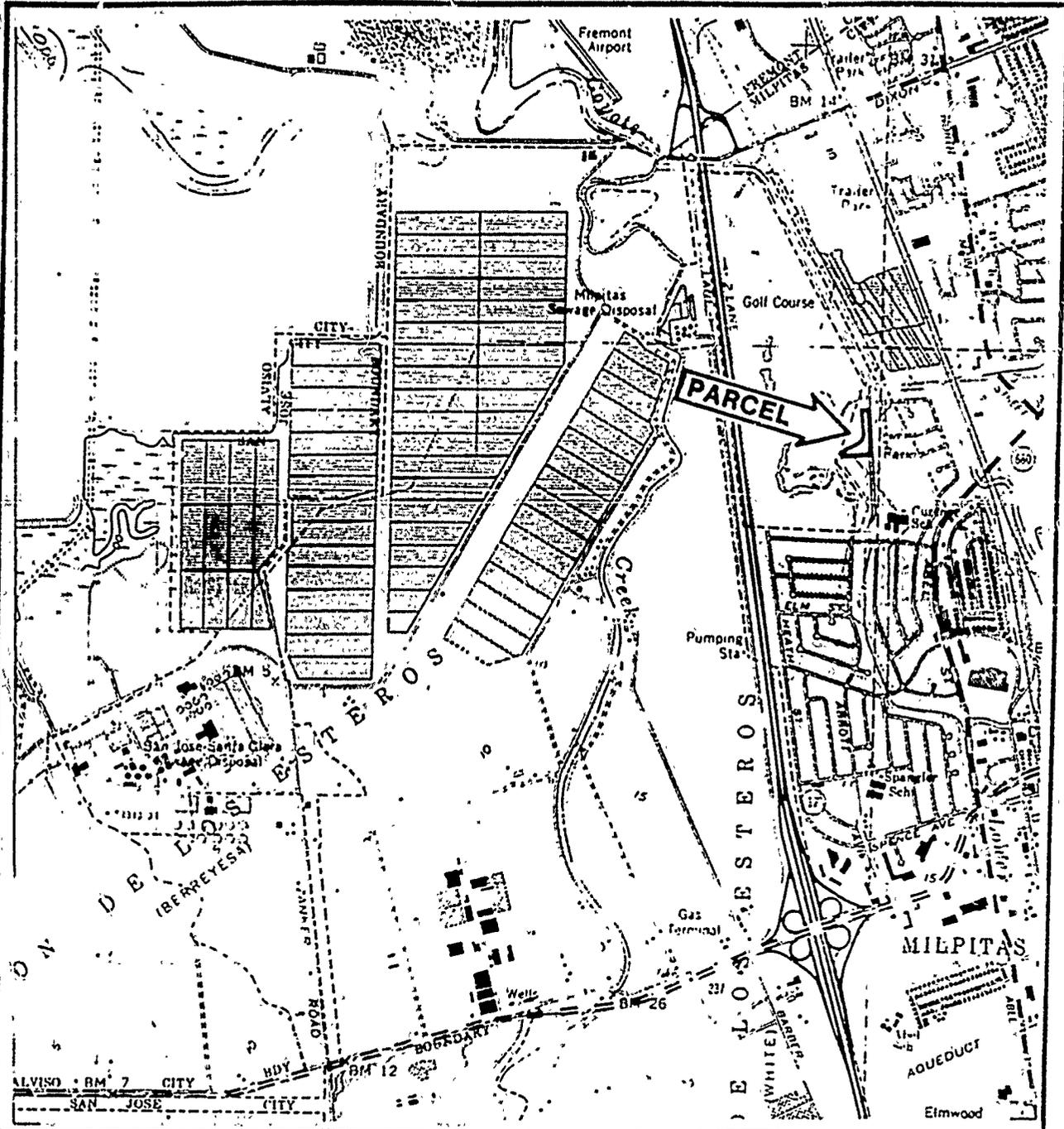
"Said easement area shall be kept clear of any type of building, fences, structure, pavement, or trees unless prior written approval is obtained from District.

"The easement shall include the right to construct, reconstruct, inspect, maintain and repair a channel, protection works and appurtenant structures, together with the right to trim or remove such trees or brush within the easement area as may constitute a hazard to persons or property or may interfere with the use of said area for the purposes granted. It also shall include the right to enter upon said land with vehicles, tools, implements and other materials, take therefrom and use, earth, rock, sand, and gravel for the construction, maintenance and repair of said channel, 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 flood control or storm drainage purposes."

END OF DESCRIPTION

REVIEWED BY BOUNDARY SERVICES UNIT, M.L. SHAFER, SUPERVISOR,
FEBRUARY 4, 1985.

FILE NO.	173
DATE	856



STATE LANDS COMMISSION

Portion of USGS Quadrangle MILPITAS 1961 (pr1980)



Prepared by: JKHering

Date: 2-4-85 A: 18 S:12

EXHIBIT B

W 21730

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