

MINUTE ITEM

This Calendar Item No. 56
was approved as Minute Item
No. 56 by the State Lands
Commission by a vote of 3
0 at its 5/5/92
meeting.

CALENDAR ITEM

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**EXTENSION OF TIME PERIOD FOR CONSTRUCTION OF
PEDESTRIAN TRAIL, BROOKSIDE PROJECT, STOCKTON
SAN JOAQUIN COUNTY**

PARTIES:

Grupe Development Associates
2291 W. March Lane, Suite 102B
Stockton, California 95267

Reclamation District 2074
PO Box 7576
Stockton, California 95207

City of Stockton
City Hall
425 N. El Dorado Street
Stockton, California 95202

At its March 27, 1990 meeting, the Commission approved a litigation and Title Settlement Agreement (Agreement) concerning the Brookside project within the City of Stockton. Numerous public access easements were deeded to the State pursuant to the Agreement.

Among the easements, Grupe Development Associates, Reclamation District 2074, and the other property owners conveyed an eight-foot-wide public pedestrian trail along the Calaveras and San Joaquin rivers. Grupe also subsequently obtained for the State the connecting portion of the trail as it crosses the East Bay Municipal Utility District right-of-way. Pursuant to the Agreement, Grupe has prepared a Supplemental Environmental Impact Report for the construction of a "bench cut" on the waterward side of the levee to accommodate the pedestrian trail.

Provisions of the settlement Agreement mandates the opening of the pedestrian trail within two years from the close of the Stage I Escrow. Although all parties have proceeded in good faith in trying to achieve the construction and opening of the trail, the finalizing of the environmental document, bidding procedure, and construction of the trail will not currently meet the timetable stated in the Agreement. Therefore, staff recommends that, in light of this good faith progress and unanticipated delay, the effective date for construction and availability for use be amended to be no later than March 31, 1993.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. AMEND THE BROOKSIDE SETTLEMENT AND EXCHANGE AGREEMENT TO EXTEND THE PATHWAY CONSTRUCTION TIME PERIOD TO NO LATER THAN MARCH 31, 1993.
3. AUTHORIZE STAFF TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THIS AMENDMENT.