MINUTE ITEM
This Calendar Item No. C46
was approved as Minute Item
No. 46 by the State Lands
Commission by a vote of 3
to 0 at its 03/1/95
meeting.

CALENDAR ITEM
C46

A 26

S 5

03/01/95
AD 109
PRC 7393.9
RUMP

CONSIDER MODIFICATION OF AGREEMENT AND AMENDMENT OF PUBLIC AGENCY PERMIT CONCERNING ACCESS POINTS ON FOURTEEN MILE SLOUGH, BROOKSIDE ESTATES, CITY OF STOCKTON, SAN JOAQUIN COUNTY

PARTIES:

City of Stockton
c/o Steven R. Meyers
Meyers, Nave, Riback & Silver
777 Davis St #300
San Leandro CA 94577-6921

Grupe Development Associates
c/o Michael D. Hakeem
Hakeem, Ellis & Simonelli
2800 W. March Lane, Suite 200
Stockton CA 95219-8218

State Lands Commission

BACKGROUND

This calendar item recommends modifying certain provisions of a Litigation and Title Settlement Agreement (Agreement) approved by the Commission at its meeting of March 27, 1990 and entered into between the State of California (acting by and through the State Lands Commission), the City of Stockton, Grupe Development Company, Reclamation District 2074, and other involved property owners.

The Commission subsequently amended the initial Agreement by approval of Minute Item 56, at its meeting of May 5, 1992. This first amendment extended the period of time for pathway construction along the Calaveras and San Joaquin Rivers to no later than March 31, 1993.

The land involved is located in the western portion of the City of Stockton. The specific area was historically known as the Sargent Barnhart Tract, and more recently, as "Brookside." The area is shown on Exhibit A and is bounded on the north by Fourteen Mile Slough (formerly Twelve Mile Slough), on the northwest by the Ten Mile Slough levee (formerly Connection Slough), on the southwest by the San Joaquin River, on the south

by the Calaveras River and on the east by the Smith Levee and earlier development.

PROPOSED MODIFICATIONS
Grupe Development Associates has applied with the City of Stockton for a tentative map consisting of 86 residential lots located in the most northern area of Brookside (see Exhibit B for location map) adjacent to the Fourteen Mile Slough waterway. According to the Agreement, public access must be provided along Fourteen Mile Slough as follows (see Exhibit "C"):

1. Bicycle path and Public Recreational Easement for 1,000 feet along Fourteen Mile Slough levee west of Smith Levee. This easement is a dead end easement with access from the east end only.

2. Two T-shaped Public Recreational Easements connecting the nearest Brookside roadway to the Fourteen Mile Slough levee. The T-shaped easements are 8 feet wide from the roadway to the levee and 15 feet wide on the levee. The accesses would be used by the public for viewing, fishing and the launching of small non-motorized boats.

3. An 8 feet wide Public Access Easement located in the most northwesterly corner of Brookside. The easement connects the future Brookside street to the Fourteen Mile Slough levee via the Ten Mile Slough levee. This easement shall only be accessible by the public if a Public Access Easement is acquired on the lands west of Brookside.

One of the T-shaped Public Recreational Easements falls within the currently proposed 86 lot subdivision. The subdivisions to be located adjacent to these easements are all planned to be security gated with private streets. Due to the complexity of providing access through these private areas to the easements, Grupe Development Associates proposes to modify the Agreement as follows (see Exhibit D):

#1. Extend to 1,300' from 1,000' the bicycle path and Public Recreational Easement along the northeastern section of the Fourteen Mile Slough levee. This would provide 300 additional lineal feet of public access along the waterway.

#2. Provide public pedestrian access to the western end of the 1,300' Fourteen Mile Slough easement through the future subdivision located south of the termination point of the 1,300' easement. Public access will be allowed during daylight hours thus providing a circuitous route of ingress and egress to the levee.

#3. Construct a 12' wide bicycle path and provide a Public Access Easement from the intersection of Brookview Drive and Riverbrook Drive westerly through the PG&E easement to the Ten Mile Slough levee for future connection to lands west of Brookside.

#4. Delete the two T-shaped Public Recreational Easements on Fourteen Mile Slough and the 8' wide Public Access Easement located in the northwestern corner of Brookside.

The City of Stockton is in support of the elimination of the T-shaped Public Recreational Easements and the northwestern Public Access Easement in exchange for items #1 and #2 as detailed above. As an additional incentive, Grupe Development Associates is also offering #3 in exchange for the modification request. The easement in #1 above will be conveyed to the State in exchange for the easements to be eliminated as described in #4 above.

AB 884:

N/A.

EXHIBIT:

A. Area Map
B. Location Map
C. Existing Access Dedication Map
D. Proposed Access Dedication Map

RECOMMENDED FINDINGS, DECLARATIONS, APPROVALS AND AUTHORIZATIONS

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 UNDER THE STATUTORY EXEMPTION FOR SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS, PURSUANT TO P.R.C. 21080.11.

2. FIND THAT WITH RESPECT TO THE PROPOSED MODIFICATION, INCLUDING THE EXCHANGE (PURSUANT TO PUBLIC RESOURCES CODE 6307) OF THE STATE'S SOVEREIGN AND PUBLIC TRUST INTERESTS IN THE TWO "T" SHAPED ACCESSWAYS AND THE EIGHT FOOT ACCESS ALONG TEN MILE SLOUGH FOR THE ADDITION OF 300 FEET OF ACCESS ALONG FOURTEEN MILE SLOUGH TO BE CONVEYED TO THE STATE TO BE HELD SUBJECT TO THE PUBLIC TRUST:

   A. THE AGREEMENT IS IN THE BEST INTERESTS OF THE STATE FOR THE BENEFIT OF PUBLIC TRUST USES AND PURPOSES WHICH INCLUDE NAVIGATION, FLOOD CONTROL PROTECTION, AND THE IMPROVEMENT AND PROTECTION OF THE ENVIRONMENT FOR FISHERIES, RECREATION, SCIENTIFIC STUDY, OPEN SPACE, AND ECOLOGICAL PRESERVATION OF THE TIDELANDS AND SUBMERGED LANDS AND PUBLIC ACCESS THERETO, PURSUANT TO THE PUBLIC TRUST.

   B. THAT THE INTERESTS IN LAND RECEIVED BY THE STATE ARE OF A VALUE EQUAL TO OR GREATER THAN THE VALUE OF THE PROPERTY INTERESTS TO BE RELINQUISHED BY THE STATE.

   C. THAT THE PROPERTY TO BE CONVEYED BY THE STATE HAS BEEN FILLED AND RECLAIMED, HAS BEEN EXCLUDED FROM THE PUBLIC CHANNELS, AND IS NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR NAVIGATION OR FISHERIES AND IS NO LONGER IN FACT TIDELAND OR SUBMERGED LAND.

   D. THAT THE PROPERTY INTERESTS TO BE CONFIRMED TO THE PROPERTY OWNERS OF RECORD WILL NOT SUBSTANTIALLY INTERFERE WITH PUBLIC TRUST NEEDS OR USES OVER THE PROPERTY AND THAT THE COMMISSION RETAINS THE PUBLIC'S RIGHTS AND AUTHORITY OVER THE PUBLIC TRUST EASEMENT WITHIN THAT AREA.

   E. THAT UPON RECORDATION OF THIS AGREEMENT AND CONSISTENT WITH ITS TERMS, THE STATE LANDS COMMISSION FINDS THE PROPERTY TO BE CONVEYED BY THE STATE WILL NO LONGER BE NECESSARY OR USEFUL FOR THE PURPOSES OF THE PUBLIC TRUST AND THEREFORE IN FURTHERANCE OF A REASONABLE MODIFICATION OF THE PRIOR SETTLEMENT, THE PUBLIC TRUST RIGHTS AND INTERESTS MAY BE TERMINATED.

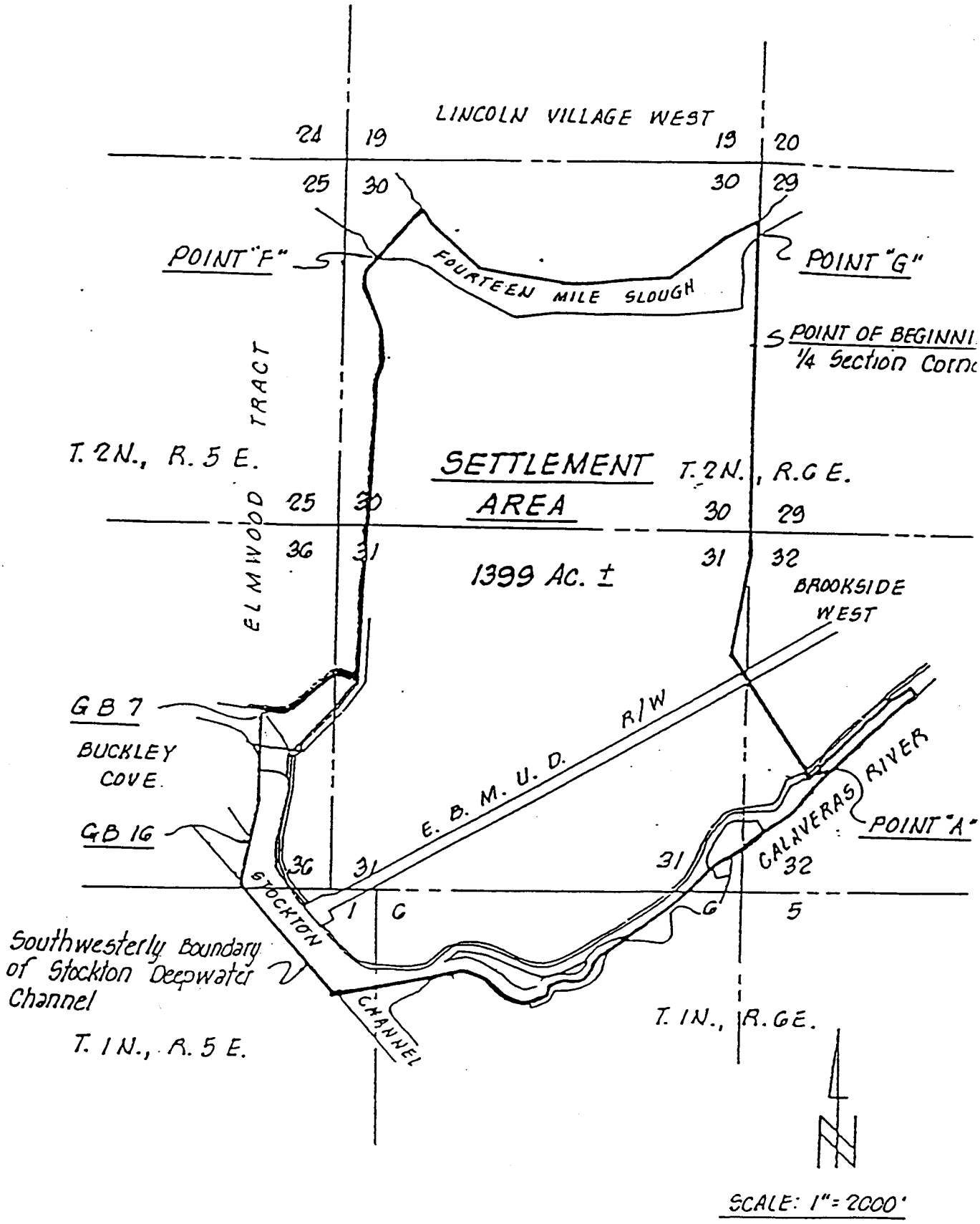
3. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGEMENT, AND RECORDATION OF THE PROPOSED MODIFICATION, SUBSTANTIALLY IN THE FORM AS DESCRIBED HEREIN.

4. ACCEPT THE PUBLIC ACCESS EASEMENT WHICH PROVIDES FOR AN EXTENSION OF 300 FEET OF RECREATIONAL PUBLIC ACCESS TO AND ALONG FOURTEEN MILE SLOUGH ON BEHALF OF THE STATE OF CALIFORNIA AS SOVEREIGN LANDS OF THE CHARACTER OF TIDE AND SUBMERGED PUBLIC TRUST LANDS:

5. FIND THAT THE MODIFICATION DESCRIBED HEREIN IS NECESSARY, CONSTITUTES THE MOST APPROPRIATE MEANS OF RESOLVING THE SITUATION AND IS IN THE BEST INTERESTS OF THE STATE.

6. AUTHORIZE THE AMENDMENT OF THE PUBLIC AGENCY PERMIT TO THE CITY OF STOCKTON FOR THE OPERATION AND MAINTENANCE OF THE MODIFIED PUBLIC ACCESS EASEMENTS TO INCLUDE THAT AREA TO BE ACCEPTED BY THE STATE.

7. AUTHORIZE THE STAFF OF THE COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ANY AND ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE FOREGOING TRANSACTION, INCLUDING BUT NOT LIMITED TO THE EXECUTION OF DOCUMENTS AND APPEARANCE IN ANY LEGAL PROCEEDINGS.



SCALE: 1" = 2000'

EXHIBIT "A"

5-31-90

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DEVELOPMENT PLAN
BROOKSIDE ESTATES

STOCKTON , CALIFORNIA
AUGUST, 1994
SIEGFRIED ENGINEERING, INC.
CONSULTING CIVIL ENGINEERS

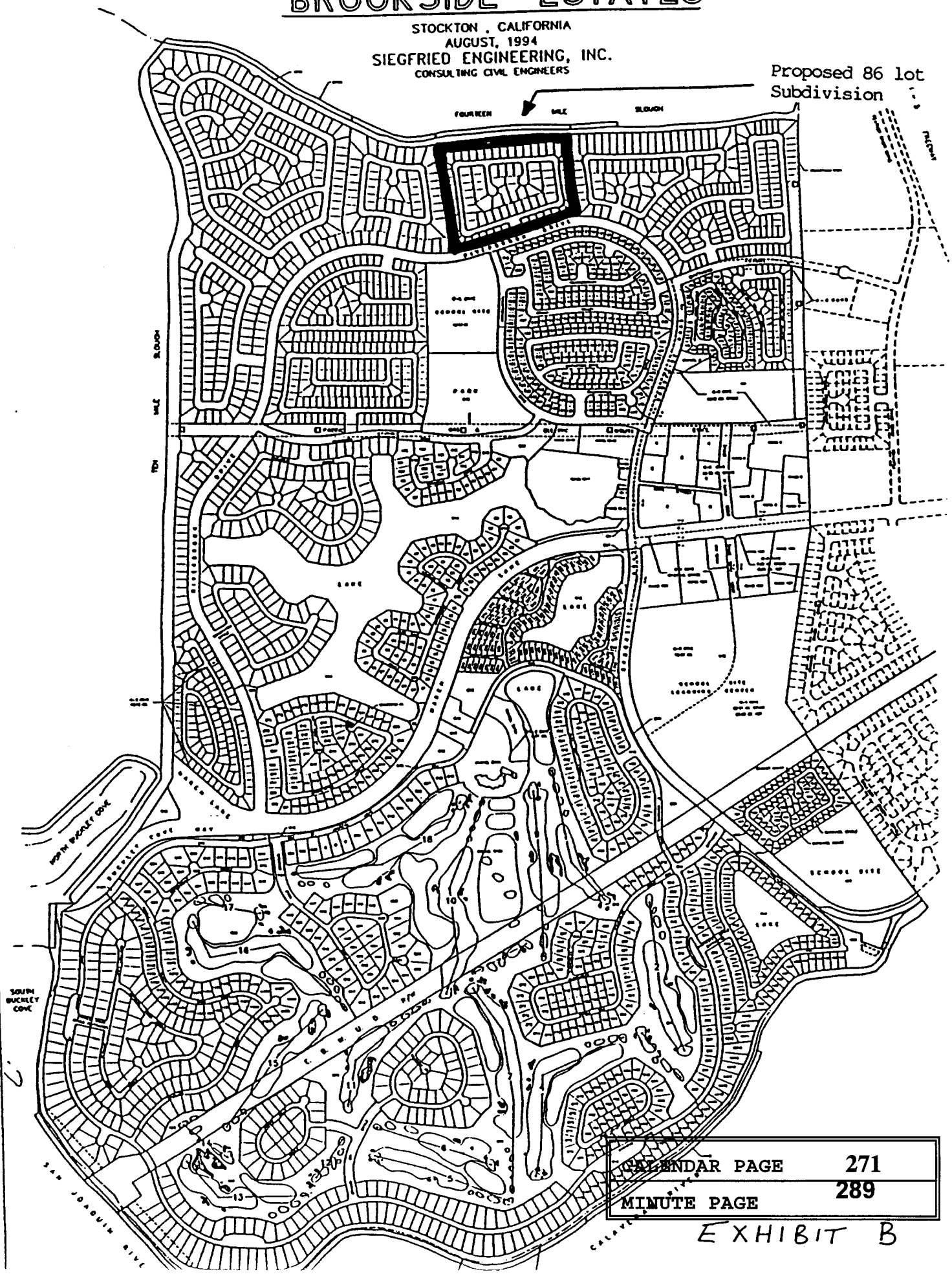

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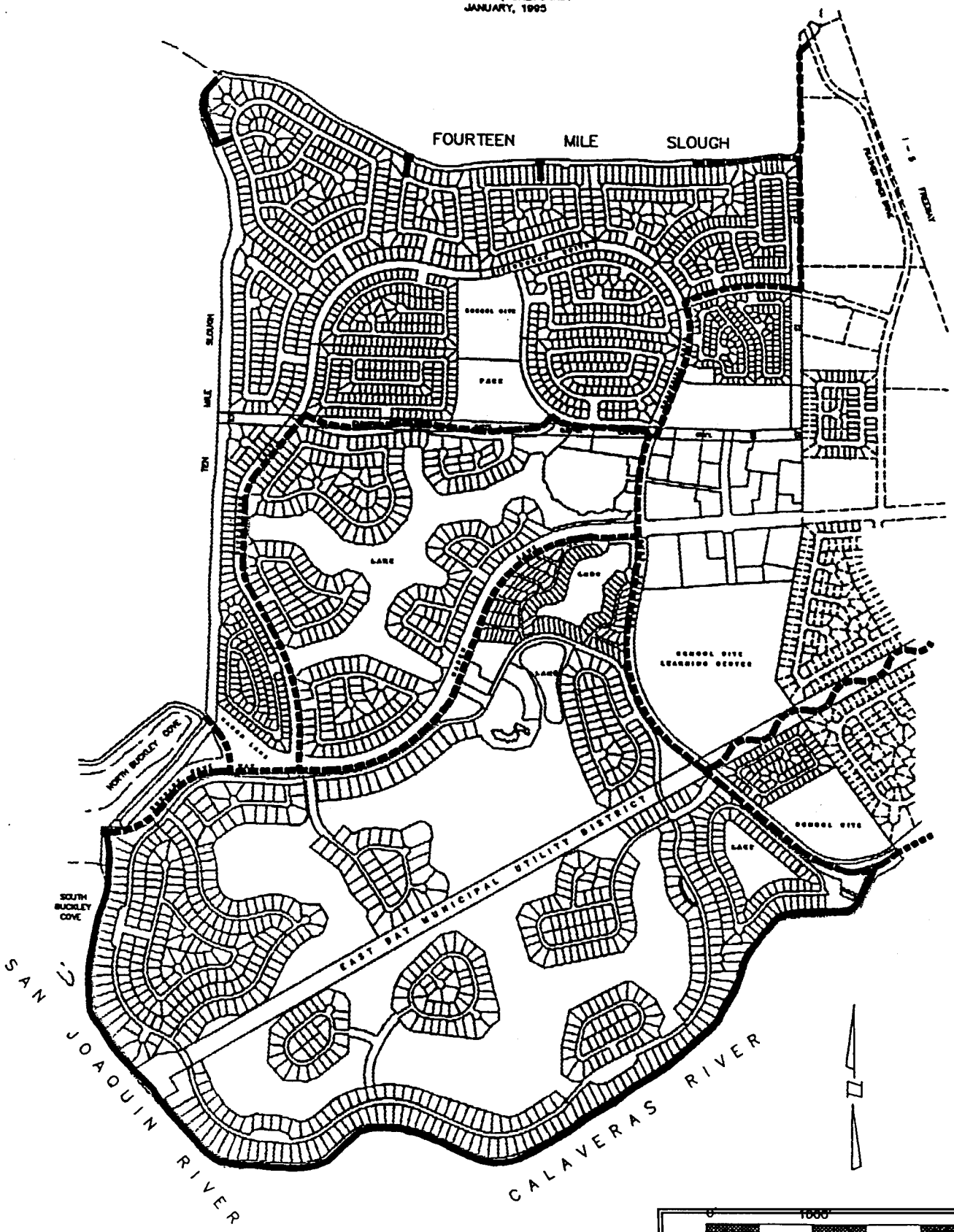
EXHIBIT B

EXISTING
BIKE/PEDESTRIAN ROUTES
BROOKSIDE ESTATES

STOCKTON , CALIFORNIA
JANUARY, 1995



LEGEND

BIKE/PEDESTRIAN PATH

PEDESTRIAN PATH

0 1000 2500

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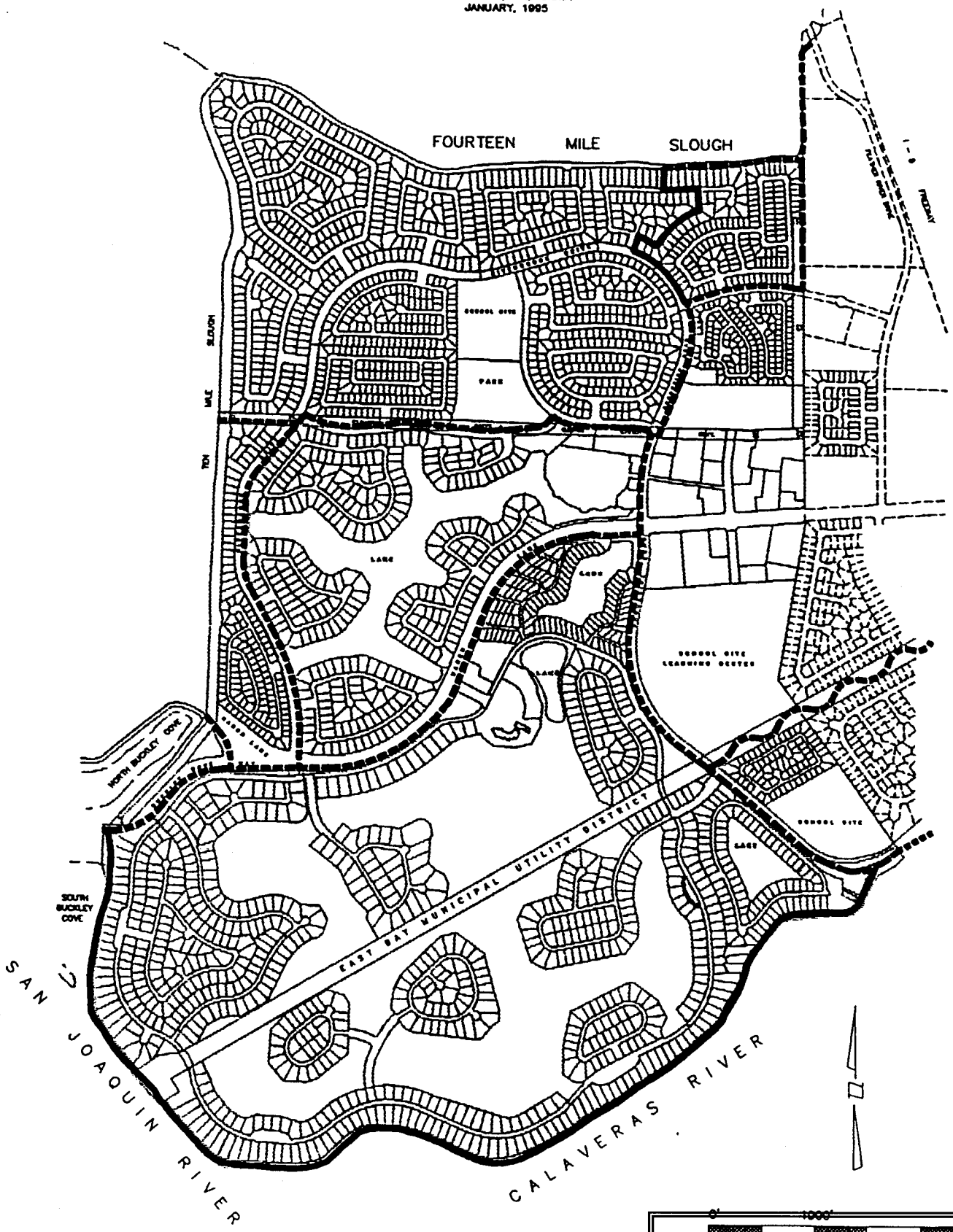
MINUTE PAGE EXHIBIT "C" 290

#94827-15 PEDBIKE.DWG 2-026

PROPOSED
BIKE/PEDESTRIAN ROUTES
BROOKSIDE ESTATES

STOCKTON , CALIFORNIA
JANUARY, 1995



LEGEND

BIKE/PEDESTRIAN PATH

PEDESTRIAN PATH

0' 1000' 2000'

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EXHIBIT "D"

#94827-15 PEDBIKE.DWG 2-926