MINUTE ITEM
This Calendar Item No. C50 was approved as Minute Item No. 50 by the California State Lands Commission by a vote of 3 to 0 at its 11/27/00 meeting.

CALENDAR ITEM
C50

A 17

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PRC 7393.9

11/27/00
AD109
PRC 7393
E. Milstein

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

PARTIES:

Grupe Communities Inc.

Brookside Master Association

Reclamation District 2074

City of Stockton

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 Communities Inc., Reclamation District 2074, and other involved property owners.

The Commission first 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 Commission subsequently amended the Agreement by approval of Minute Item 46 at its meeting of March 1, 1995. That amendment extended portions of the easements and deleted unnecessary sections.

The land involved is located in the western portion of the city of Stockton. The specific

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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

The Agreement, as amended, between the Commission, Grupe Communities Inc., and the city of Stockton provides for public access along Fourteen Mile Slough. This access is in the form of several easements based upon proposed development plans for the upland properties at the time of the second amendment. The changes to these development plans as actually executed have required adjustments to some of these easements and have made some portions of the easements superfluous. These changes were contemplated in the previous Agreement and amendments are in conformance therewith.

Proposed changes to these easements are shown in Exhibit A and are as follows:

1. Terminate the portion of the Public Recreation Easement J-4 that extends westerly of Lot 2626 of Brookside Estates Unit 25, as it is no longer necessary. (Exhibit "A" Sheet 2).

2. Terminate the Public Access Easement J-3 in the northwest corner of Brookside as it is now isolated and no longer necessary. (Exhibit "A" Sheet 2).

3. Modify description of 8' wide Pedestrian Easement J-2 to accept the portions of the easement which extends the existing easement to the access point at Lot 2626 of Brookside Estates Unit 25 and connects that levee access point through Brookside Estates Unit 25 with the public street, Riverbrook Drive. (Exhibit "A" Sheet 1).

4. The above easements were leased to the city of Stockton via Public Agency Permit (PRC 7393.9) as part of the original Settlement Agreement. Accordingly, the Public Agency Permit will need to be amended to incorporate these new descriptions.

5. Modify the description of Pedestrian and Bike Path Easement N-2 to make

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it coterminous with Public Recreation Easement J-4 at Lot 2626 of Brookside Estates Unit 25. (Exhibit "A" Sheet 1).

6. The Agreement will have to be modified subsequently to incorporate or amend of the provisions regarding gates, signage, and hours of access along the various easements with the ultimate goal of fostering public access to Fourteen Mile Slough.

7. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project. The project is exempt because it involves settlements of title and boundary problems.

   Authority: Public Resource Code section 21080.11.

EXHIBIT:

A. Maps of Access Easements, AD109, Sheets 1, 2, & 3.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.

2. FIND THAT WITH RESPECT TO THE PROPOSED MODIFICATION:

   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.

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B. 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 A CONNECTION BETWEEN THE PEDESTRIAN PATH EASEMENT ALONG THE FOURTEEN MILE SLOUGH LEVEE AND THE PUBLIC STREET 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.

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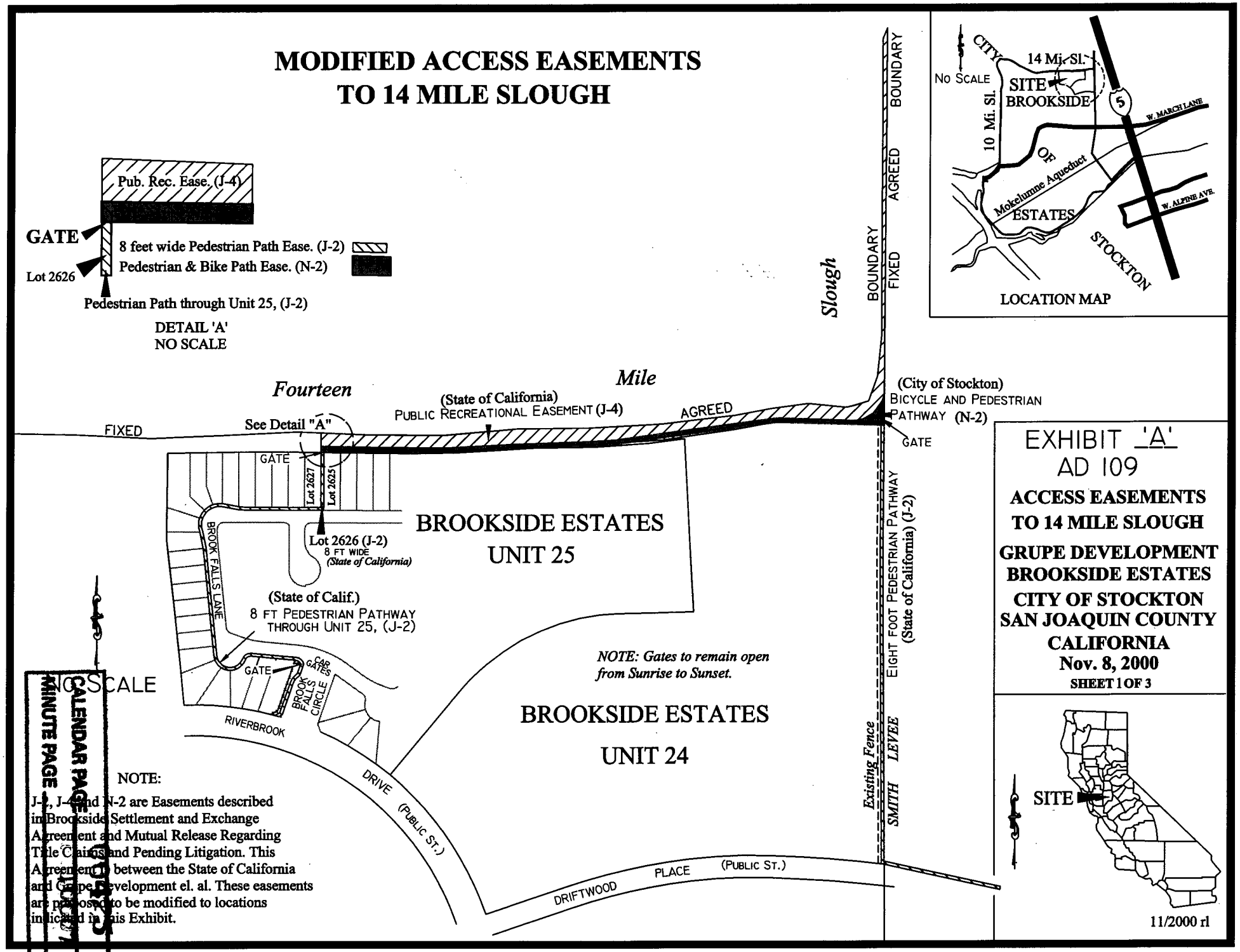
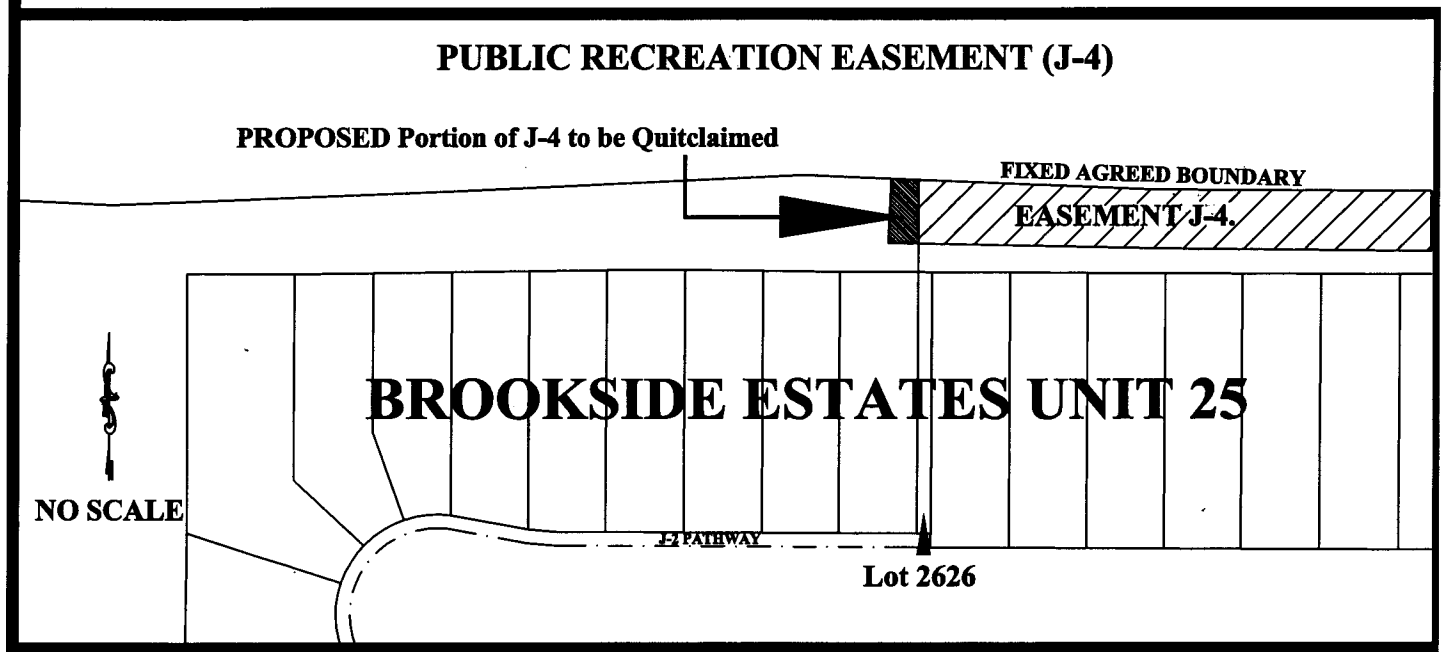
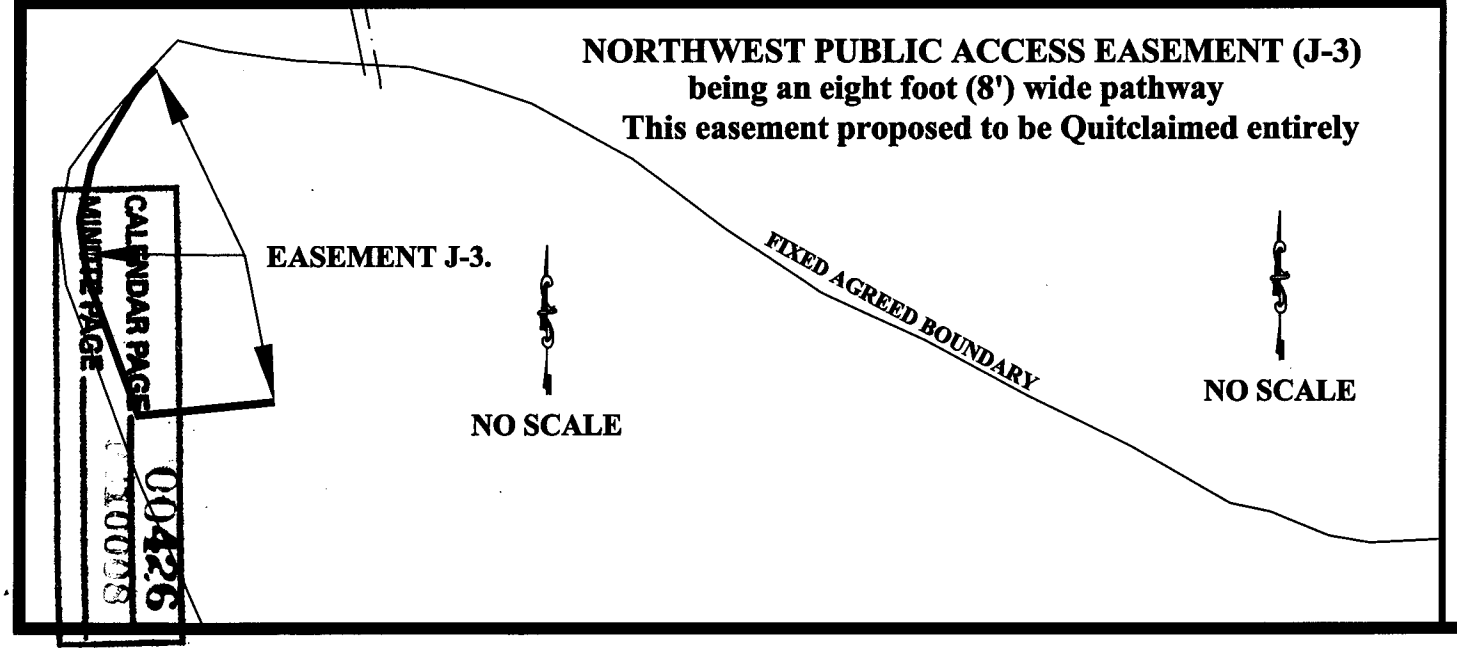
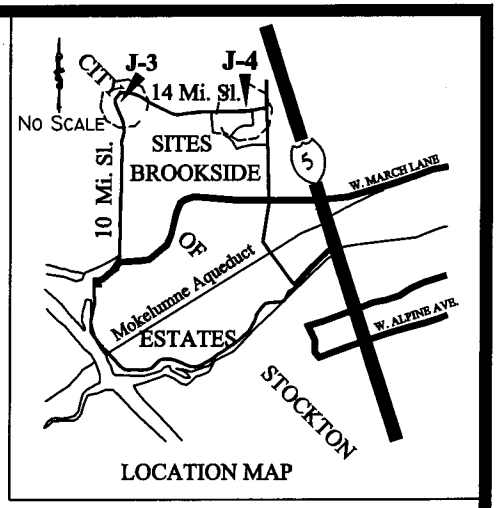
MODIFIED ACCESS EASEMENTS TO 14 MILE SLOUGH



PROPOSED QUITCLAIM OF PORTION OF WEST END OF PUBLIC RECREATIONAL EASEMENT (J-4) AND ALL OF NORTHWEST PUBLIC ACCESS EASEMENT (J-3).







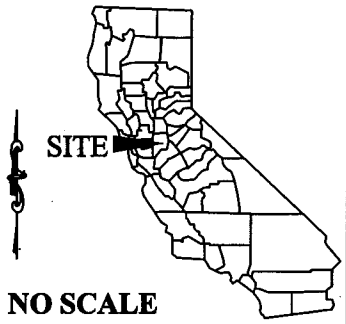
LOCATION MAP

EXHIBIT 'A'
AD 109

ACCESS EASEMENTS TO 14 MILE SLOUGH GRUPE DEVELOPMENT BROOKSIDE ESTATES CITY OF STOCKTON SAN JOAQUIN COUNTY CALIFORNIA

Nov. 8, 2000

SHEET 2 OF 3



NO SCALE

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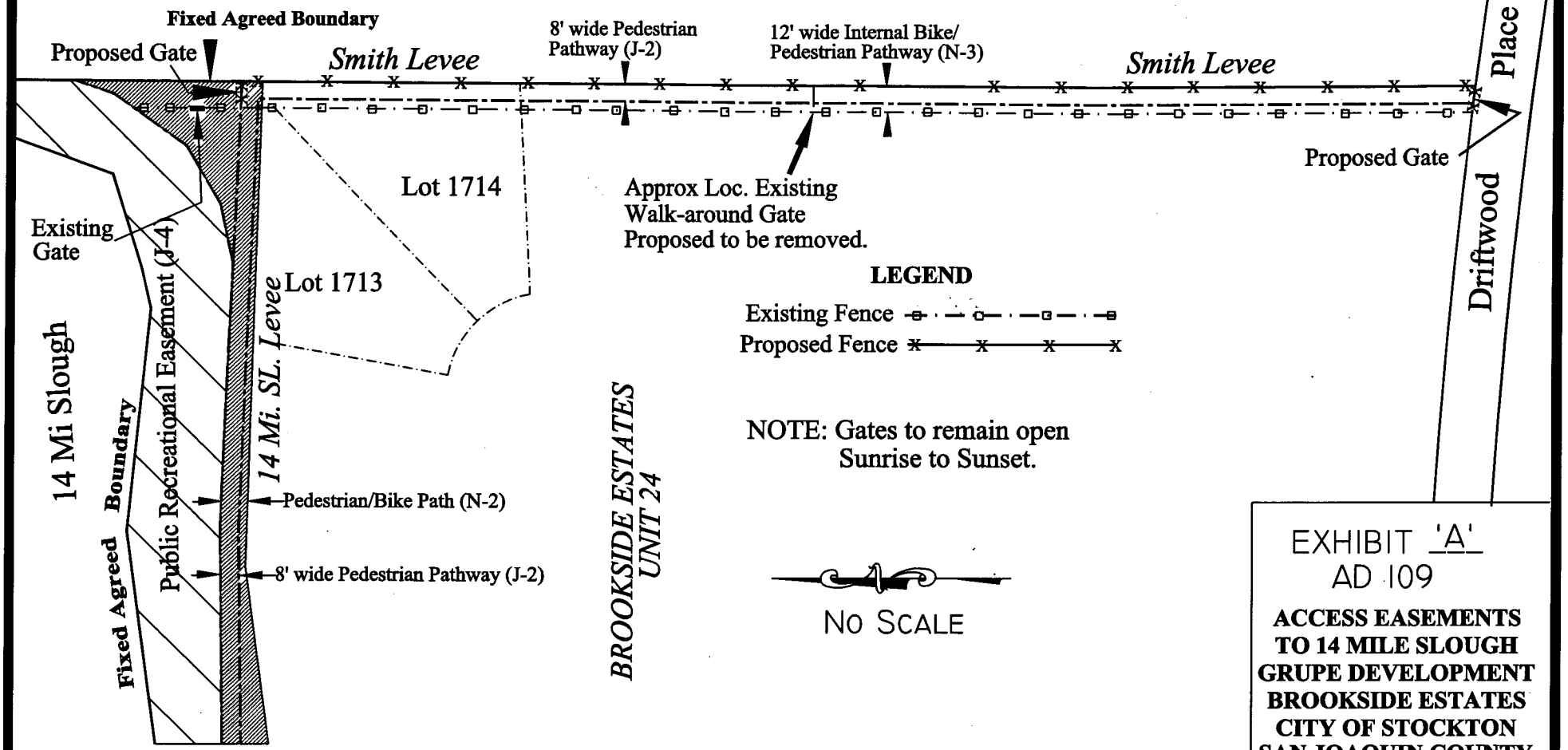

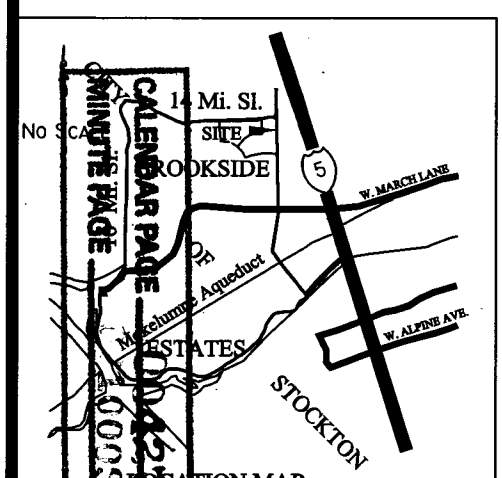

PROPOSED NEW GATES AND FENCE ON SMITH LEVEE CONTROLLING ACCESS TO 14 MILE SLOUGH LEVEE

EXHIBIT 'A'
AD 109

ACCESS EASEMENTS TO 14 MILE SLOUGH
GRUPE DEVELOPMENT
BROOKSIDE ESTATES
CITY OF STOCKTON
SAN JOAQUIN COUNTY
CALIFORNIA
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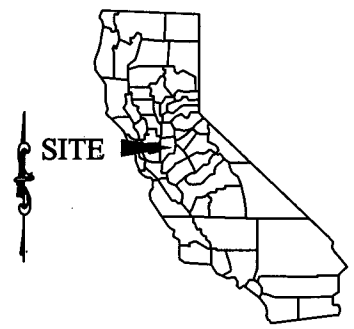

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