

MINUTE ITEM

This Calendar Item No. C60 was approved as Minute Item No. 60 by the California State Lands Commission by a vote of 3 to 0 at its 4-24-01 meeting.

**CALENDAR ITEM
C60**

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S 10

04/24/01
AD 391 SLL 53
D. Plummer

CONSIDER REQUEST FOR APPROVAL OF AN EXCHANGE OF EASEMENTS BETWEEN LINCOLN 237 ASSOCIATES LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, AND THE STATE LANDS COMMISSION TO RELOCATE ACCESS EASEMENTS IN THE VICINITY OF THE GUADALUPE RIVER, ALVISO, SANTA CLARA COUNTY

APPLICANT:

Lincoln 237 Associates Limited Partnership,
a California limited partnership
Attn: Tom Jodry
4000 E. Third Avenue, Suite 600
Foster City, California 94404-4810

LOCATION:

A right of way easement for access purposes at the Guadalupe River, in Alviso, Santa Clara County.

BACKGROUND:

This calendar item seeks authorization by the State Lands Commission to enter into an exchange of certain portions of existing easements held by the State, appurtenant to a state-owned parcel of land lying within and adjacent to the Guadalupe River. In brief, flooding and related flood-control work have rendered portions of the easements, which the State acquired in 1971, useless for their intended purposes.

In March of 1971, the Commission authorized an exchange of lands with the Santa Clara County Flood Control and Water District. The District during the preceding years had been straightening and realigning the Guadalupe River for flood control, and the resulting realignment had rendered certain state-owned parcels useless for trust purposes. The 1971 exchange resulted in the State acquiring a parcel of land within and adjacent to the River in fee simple, and as well a pattern of access easements to the fee-owned land, all following then-existing roads. In particular, one substantial segment of the access easement

CALENDAR PAGE	000416
MINUTE PAGE	0000954

CALENDAR ITEM NO. C60(CONT'D)

followed the then-existing road leading to the highway crossing of the Guadalupe River into Alviso.

Subsequent flooding of the Guadalupe River destroyed the rail and highway bridges into Alviso from the south. The rail bridge was rebuilt near the site of the former highway bridge, and a new highway bridge, the Gold Street Bridge, was rebuilt to the east of the former location. The River was further channelized and realigned.

The result today is that the State's access easements in many areas make no sense. The proposed exchange provides useful access for the State, and at the same time would lift from privately owned lands the burden of paper easements of little or no utility to the State. Moreover, the State will have the additional access provided by the newly aligned Gold Street, and the Gold Street Bridge. Exhibit A shows the existing configuration of the easements, superimposed on present-day topography. Exhibit B shows the proposed reconfiguration of the easements atop current topography, and shows Gold Street as well.

OTHER PERTINENT INFORMATION:

1. 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.
2. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Plat of Current Easements
- B. Plat of Proposed Easements

CALENDAR PAGE	000417
MINUTE PAGE	0000955

CALENDAR ITEM NO. C60(CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO EXECUTE A DEED OR DEEDS TO THE EASEMENTS TO BE RELEASED AND TO ACCEPT A GRANT OF THE RELOCATED EASEMENTS ON BEHALF OF THE STATE.

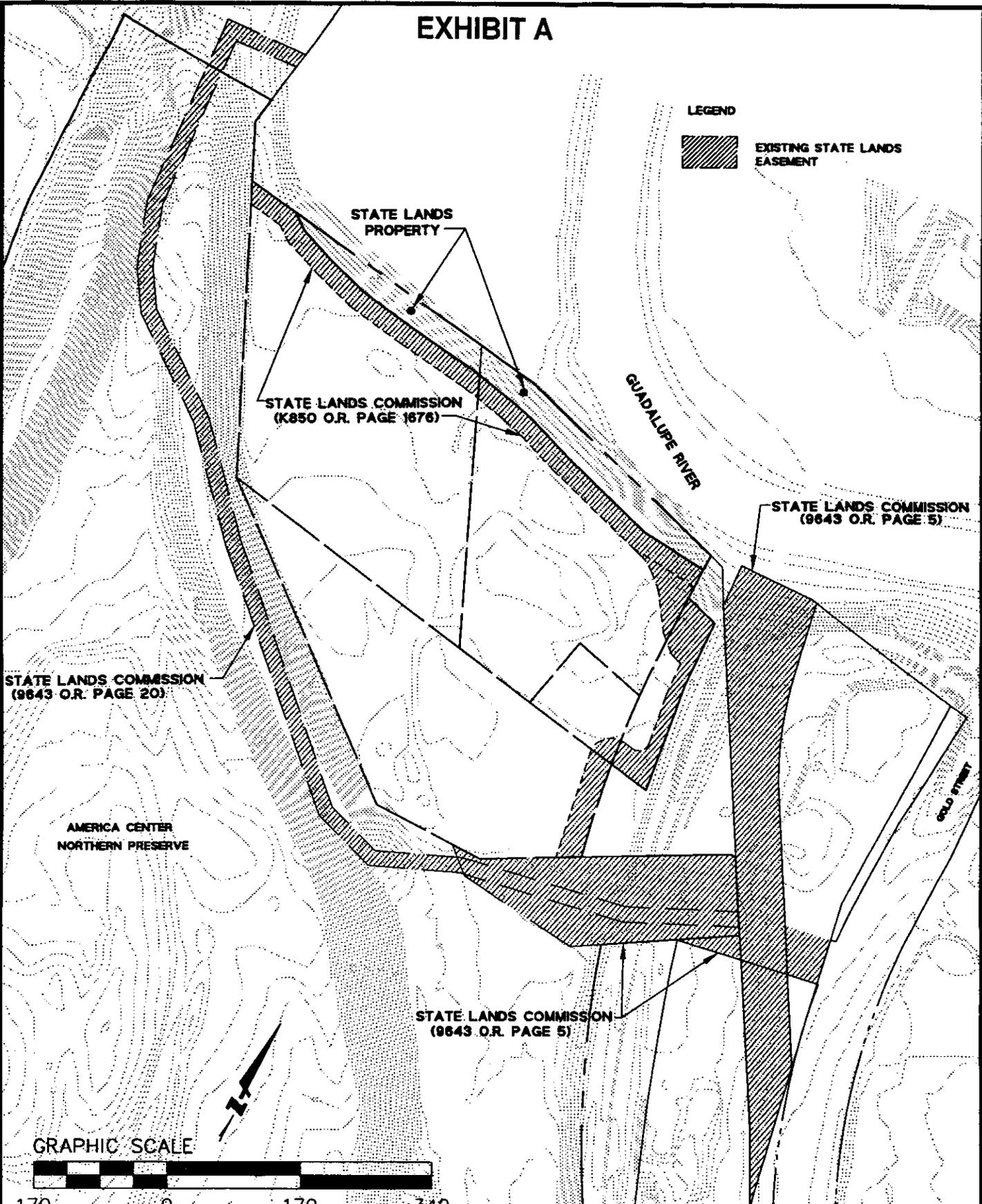
AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION AND /OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGMENT, ACCEPTANCE, AND RECORDATION OF ALL DOCUMENTS AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE RELOCATION OF THE EXISTING EASEMENTS, INCLUDING ESCROW INSTRUCTIONS; AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE RELOCATION.

EXHIBIT A

LEGEND



EXISTING STATE LANDS EASEMENT



STATE LANDS PROPERTY

STATE LANDS COMMISSION
(K850 O.R. PAGE 1876)

GUADALUPE RIVER

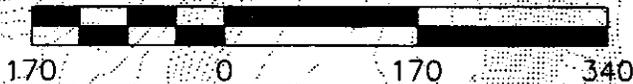
STATE LANDS COMMISSION
(9643 O.R. PAGE 5)

STATE LANDS COMMISSION
(9643 O.R. PAGE 20)

AMERICA CENTER
NORTHERN PRESERVE

STATE LANDS COMMISSION
(9643 O.R. PAGE 5)

GRAPHIC SCALE



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PLOT DATE: 03-29-01 PLOTTED BY: lrlgho

Brian Kangas Foulk

Engineers • Surveyors • Planners

540 Price Avenue Redwood City, CA 94063
(650) 482-6300 Fax (650) 482-6399

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CALIFORNIA STATE CALENDAR PAGE COMMISSION
EXISTING EASEMENT MINUTE PAGE EXHIBIT

Drawn LVO
Job No. 990039LDD

Checked DG
Date 3/29/01

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EXHIBIT B

PROPOSED INGRESS/EGRESS EASEMENT

STATE LANDS PROPERTY

GUADALUPE RIVER

PROPOSED 60' INGRESS/EGRESS EASEMENT

PROPOSED INGRESS/EGRESS EASEMENT

AMERICA CENTER NORTHERN PRESERVE



GRAPHIC SCALE



LEGEND



PROPOSED STATE LANDS EASEMENT RELOCATION

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PLOT DATE: 03-29-01 PLOTTED BY: lrlgho

Brian Kangas Foulk

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540 Price Avenue Redwood City, CA 94063
(650) 482-6300 Fax (650) 482-6399

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PROPOSED EASEMENT RELOCATION EXHIBIT

Drawn LVO Checked DC Approved JA
Job No. 990039LDD Date 3/29/01

CALENDAR PAGE 000429
MINUTE PAGE 000958