

**CALENDAR ITEM
C42**

A	20	06/24/08 BLA 141 AD 23
S	11	N. Smith D. Plummer

**CONSIDER APPROVAL OF AMENDMENT TO A TITLE AND BOUNDARY
SETTLEMENT AGREEMENT FOR PURPOSES OF RELOCATING EXISTING
EASEMENTS IN SAN MATEO COUNTY**

PARTIES:

Keech Properties LLC
1060 Twin Dolphin Drive, Suite 500
Redwood City, California 94065

California State Lands Commission

BACKGROUND:

The California State Lands Commission (Commission) and Mobil Oil Estates (Mobil) entered into the Phelps Slough Boundary and Exchange Agreement BLA 141 (Agreement) in December 1973. The Agreement provided for certain lands to be granted to the State along with two easements; a 55-foot wide easement to provide roadway access to the lands the State received, and a 20-foot wide non-vehicular access easement. The 55-foot wide easement for roadway access was intended to be located along roads that were proposed to be built as part of the development of a subdivision by Mobil. The 20-foot wide non-vehicular access easement was located along the top of a then existing levee.

In December, 1985, the Commission entered into a Title and Boundary Settlement with Westbay Community Associates (WCA) regarding certain lands in San Mateo County. Pursuant to that settlement, WCA deeded to the State certain real property. One of the parcels the State received included a 40-foot easement for roadway purposes across Mobil property. As a result of the deed to the State, the State acquired the rights of WCA to the 40-foot wide easement.

The easements granted by Mobil provided that Mobil, at its sole discretion, could relocate the easements from time to time to a different location to provide for the same use. The easement acquired from the WCA Agreement also provided for relocation. Improvements for the purpose of the easements were never

CALENDAR ITEM NO. **C42** (CONT'D)

constructed. At this time the proposed easements extend across undeveloped property that consists, in part, of wetland habitat. Keech Properties LLC (Keech), the successor in interest to Mobil, has proposed to restore a portion of its property to tidal wetlands for mitigation purposes. The restoration project will necessitate the relocation of the easements. Keech has proposed to relocate and combine the easements into one 55-foot wide roadway and non-vehicular easement that will be constructed on a new levee landward of the proposed wetlands project. Staff has reviewed the proposal to relocate the easements and is of the opinion that the relocation and combining of the easements will provide the same use, type and extent of access as the former easements and facilitate the wetlands restoration. Staff recommends that the Commission approve the relocation of the easements and execution of a quitclaim deed to Keech Properties of all right title and interest in the relocatable easements.

OTHER PERTINENT INFORMATION:

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 Resources Code section 21080.11 and Title 14, California Code of Regulations, section 15061.

EXHIBITS:

- A. Location/Site Map
- B. Quitclaim Legal Description
- C. New Easement Legal Description

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 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.

AUTHORIZATION:

AUTHORIZE THE QUITCLAIM TO KEECH PROPERTIES LLC OF ALL RIGHT TITLE AND INTEREST IN THE RELOCATABLE EASEMENTS DESCRIBED IN EXHIBIT B ATTACHED HERETO AND ACCEPT THE RELOCATED

CALENDAR ITEM NO. **C42** (CONT'D)

EASEMENT DESCRIBED IN EXHIBIT C IN EXCHANGE AND AUTHORIZE STAFF TO TAKE ALL NECESSARY STEPS TO ACCOMPLISH THIS RELOCATION OF EASEMENTS INCLUDING, BUT NOT LIMITED TO, THE EXECUTION, ACCEPTANCE AND RECORDATION OF ALL DOCUMENTS.