

**CALENDAR ITEM
C33**

A 35
S 19

08/20/10
BLA 117
A. Scott
J. Rader

APPROVE ADDENDUM TO BOUNDARY LINE AGREEMENT BLA 117

BACKGROUND

On January 7, 1970, the Commission authorized the execution of Boundary Line Agreement (BLA 117) covering a portion of the coast line in Ventura County. At the same meeting the Commission approved a right-of-way permit, pursuant to Streets and Highways Code Section 101.5 to the Division of Highways, in consideration of Caltrans obtaining execution of the BLA. Certain modifications to the terms of the BLA were made, and on June 26, 1973 the Commission, approved and authorized the execution of a revised version of BLA 117. That agreement allowed various parties listed in the agreement to execute the agreement in counter parts within 10 years of the recordation of the original agreement. The original agreement was executed and recorded in Ventura County on August 29, 1973. Among the listed parties authorized to sign the agreement was the Department of Public Works, Division of Highways, now the California Department of Transportation (Caltrans). The private parties and the Commission executed the agreement that was recorded; however a copy reflecting Caltrans execution of the agreement has not been located. The boundary line agreement and 101.5 right-of-way permit were necessary because construction of the Ventura Freeway (US Highway 101) required filling a substantial portion of the Pacific Ocean at this location.

CURRENT SITUATION

Caltrans is currently in the process of modifying a portion of the Ventura Freeway to accommodate a High Occupancy Vehicle (HOV) lane. This HOV project requires some additional right-of-way from the Commission (which is the subject of a separate Calendar Item). In order to grant the additional right-of-way required for the HOV project, staff recommends that the Commission and Caltrans execute an Addendum to BLA 117 that will waive the provision that limited execution of the agreement to 10 years after recordation and confirm Caltrans approval of BLA 117.

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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 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.

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 CEQA review process; it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Site Map

RECOMMENDED ACTION:

CEQA FINDING:

Find that the activity is exempt from the requirements of 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 by the Commission for the land pursuant to Public Resources Code sections 6370, *et seq.*

AUTHORIZATION:

Waive the provision contained in Paragraph 3 of Boundary Line Agreement BLA 117 that limited the execution of the agreement to 10 years after recordation.

CALENDAR ITEM NO. **C33** (CONT'D)

Authorize the execution of an Addendum to Boundary Line Agreement BLA 117 by and between the California State Lands Commission and the California Department of Transportation that will constitute the acceptance, confirmation and approval of the terms and conditions of BLA 117 recorded August 29, 1973 in Book 4159 at Page 961, Official Records of Ventura County.