

MINUTE ITEM

3. APPLICATION FOR RIGHT-OF-WAY EASEMENT ACROSS THE TUOLUMNE RIVER IN STANISLAUS COUNTY, STATE DIVISION OF HIGHWAYS - W.O. 3622, P.R.C. 2731.9.

After consideration of Calendar Item 13 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE AN AGREEMENT WITH THE STATE DIVISION OF HIGHWAYS, PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE, FOR THE USE FOR RIGHT-OF-WAY PURPOSES OF APPROXIMATELY 1.70 ACRES OF LANDS OF THE TUOLUMNE RIVER SITUATED IN SECTION 32, T. 3 S., R. 9 E., M.D.B. & M. THE PURPOSE OF THE EASEMENT IS FOR A RIGHT-OF-WAY AND FOR THE PROTECTION OF STATE HIGHWAY ROUTE X-STA-4-B, MOD. THE CONSIDERATION FOR ISSUANCE OF THE AGREEMENT IS TO BE THE PUBLIC USE AND BENEFIT.

Attachment

Calendar Item 13 (1 page)

CALENDAR ITEM

13.

APPLICATION FOR RIGHT-OF-WAY EASEMENT ACROSS THE TUOLUMNE RIVER IN STANISLAUS COUNTY, STATE DIVISION OF HIGHWAYS - W.O. 3622.

An application has been received from the State Division of Highways, pursuant to Section 101.5 of the Streets and Highways Code, for the use for right-of-way purposes of approximately 1.70 acres of Tuolumne River lands in Section 32, T. 3 S., R. 9 E., M.D.B. & M. The crossing site is about one-half mile south of the City of Modesto in Stanislaus County (see Exhibits "A" and "B". Note: extraction area shown on Exhibit "B" relates to W.O. 3895.)

There is no evidence of any present claim of private ownership to the island over which the right-of-way is to be granted, and no taxes have ever been assessed thereon. There is a sufficient probability that the island formed naturally in the bed of a navigable river to warrant claim of ownership by the State under Section 1016 of the Civil Code, which provides as follows:

"Islands and accumulations of land, formed in the beds of streams which are navigable, belong to the State, if there is no title or prescription to the contrary."

No fees or charges are to be levied, pursuant to Section 6210.3 of the Public Resources Code.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO EXECUTE AN AGREEMENT WITH THE STATE DIVISION OF HIGHWAYS, PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE, FOR THE USE FOR RIGHT-OF-WAY PURPOSES OF APPROXIMATELY 1.70 ACRES OF LANDS OF THE TUOLUMNE RIVER SITUATED IN SECTION 32, T. 3 S., R. 9 E., M.D.B. & M. THE PURPOSE OF THE EASEMENT IS FOR A RIGHT-OF-WAY AND FOR THE PROTECTION OF STATE HIGHWAY ROUTE X-STA-4-B, MOD. THE CONSIDERATION FOR ISSUANCE OF THE AGREEMENT IS TO BE THE PUBLIC USE AND BENEFIT.