

MINUTE ITEM

31. APPLICATION FOR PERMIT FOR RESERVATION OF CERTAIN PORTIONS OF SOVEREIGN LANDS IN THE NATURAL BED OF NUECES CREEK (NOW GRAYSON CREEK), CONTRA COSTA COUNTY, FOR CONSTRUCTION OF A FLOOD CONTROL CHANNEL; CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT - W.O. 4259, P.R.C. 2874.9.

After consideration of Calendar Item 15 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE A PERMIT PURSUANT TO CHAPTER 1617, STATUTES OF 1951, RESERVING TO THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT CERTAIN PORTIONS OF THE NATURAL BED OF NUECES CREEK (NOW GRAYSON CREEK), CONTRA COSTA COUNTY, AS DELINEATED ON A PLAT SUBMITTED WITH THE APPLICATION, AND BY REFERENCE HEREBY MADE A PART HEREOF, FOR THE CONSTRUCTION, MAINTENANCE AND USE OF A FLOOD CONTROL CHANNEL. THE CONSIDERATION FOR ISSUANCE OF THE PERMIT IS THE PUBLIC BENEFIT.

Attachment

Calendar Item 15 (1 page)

CALENDAR ITEM

15.

APPLICATION FOR PERMIT FOR RESERVATION OF CERTAIN PORTIONS OF SOVEREIGN LANDS IN THE NATURAL BED OF NUECES CREEK (NOW GRAYSON CREEK), CONTRA COSTA COUNTY, FOR CONSTRUCTION OF A FLOOD CONTROL CHANNEL; CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT - W.O. 4259.

The Contra Costa County Flood Control and Water Conservation District has applied for a permit reserving certain portions of the natural bed of Nueces Creek (now Grayson Creek) for the construction of a flood-control channel (see Exhibit "A"). The channel, 240 feet in width, will cross the winding stream bed in two locations. These crossings will be links in an overall flood-control project.

The request for the permit is pursuant to Chapter 1617, Statutes of 1951, wherein the Contra Costa County Flood Control and Water Conservation District was established by legislative action. Section 28 of the Chapter provides with respect to the reservation and use of State lands by the District:

"Sec. 28. There is hereby granted to the district the right of way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the district the board thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands."

The request from the Contra Costa County Flood Control and Water Conservation District is accompanied by a plat of the area included in the request.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ISSUE A PERMIT PURSUANT TO CHAPTER 1617, STATUTES OF 1951, RESERVING TO THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT CERTAIN PORTIONS OF THE NATURAL BED OF NUECES CREEK (NOW GRAYSON CREEK), CONTRA COSTA COUNTY, AS DELINEATED ON A PLAT SUBMITTED WITH THE APPLICATION, AND BY REFERENCE HEREBY MADE A PART HEREOF, FOR THE CONSTRUCTION, MAINTENANCE AND USE OF A FLOOD CONTROL CHANNEL. THE CONSIDERATION FOR ISSUANCE OF THE PERMIT IS TO BE THE PUBLIC BENEFIT.