

41. PROPOSED LAND EXCHANGE AND BOUNDARY AGREEMENT WITH SANTA CLARA COUNTY FLOOD CONTROL AND WATER DISTRICT; SANTA CLARA COUNTY - W.O. N-0298, B.L.A. 109.

After consideration of Calendar Item 29 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT THE EXCHANGE OF LANDS, SET FORTH IN THE AGREEMENT REFERRED TO IN PARAGRAPH 2 BELOW, IS IN THE BEST INTERESTS OF THE STATE FOR THE IMPROVEMENT OF NAVIGATION, FLOOD CONTROL PROTECTION, AND TO ENHANCE THE CONFIGURATION OF THE SHORELINE OF THE GUADALUPE RIVER FOR THE IMPROVEMENT OF THE WATERS THEREOF AND OF THE UPLANDS.
2. AUTHORIZES THE EXECUTION OF THE AGREEMENT BETWEEN THE SANTA CLARA COUNTY FLOOD CONTROL AND WATER DISTRICT ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.
3. AUTHORIZES THE EXECUTION OF PATENTS WITHOUT THE RESERVATION OF MINERAL INTERESTS TO SAID DISTRICT OF PARCELS "A", "B", AND "C" DESCRIBED IN THE AGREEMENT REFERRED TO IN PARAGRAPH 2 ABOVE, PURSUANT TO THE TERMS OF SAID AGREEMENT.
4. AUTHORIZES THE ACCEPTANCE OF CONVEYANCES FROM SAID DISTRICT TO THE STATE OF PARCELS "D", "E", AND "F" DESCRIBED IN THE AGREEMENT REFERRED TO IN PARAGRAPH 2 ABOVE, PURSUANT TO THE TERMS OF SAID AGREEMENT.
5. AUTHORIZES THE EXECUTION OF THE BOUNDARY AGREEMENT DESIGNATED AS B.L.A. NO. 109, WHICH IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE IS MADE A PART HEREOF, BETWEEN THE STATE, SAID DISTRICT AND OTHER PARTIES SET FORTH THEREIN.
6. FINDS THAT UPON THE DELIVERY OF THE PATENTS TO THE DISTRICT, AS SET FORTH IN PARAGRAPHS 2 AND 3 ABOVE, PARCELS "A", "B", AND "C" HAVE BEEN IMPROVED, FILLED, AND RECLAIMED BY THE DISTRICT AND HAVE THEREBY BEEN EXCLUDED FROM THE PUBLIC CHANNELS AND ARE NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR NAVIGATION AND FISHING, AND ARE NO LONGER IN FACT TIDE-LANDS OR SUBMERGED LANDS AND THEREFORE SHALL THEN BE FREED FROM THE PUBLIC TRUST FOR NAVIGATION AND FISHING.

Attachment

Calendar Item 29 (2 pages)

29.

## PROPOSED LAND EXCHANGE AND BOUNDARY AGREEMENT WITH SANTA CLARA COUNTY FLOOD CONTROL AND WATER DISTRICT; SANTA CLARA COUNTY - W.C. N-0298, E.L.A. 109.

For the past several years, the Santa Clara County Flood Control and Water District has been straightening and deepening the Guadalupe River for flood-control protection. At the May 23, 1968, meeting of the Commission, a 49-year life-of-structure permit to the District was approved, giving the District the right to use those portions of State lands within the realigned river channel.

Current work on this project requires the District to obtain title from the State Lands Commission to parcels of the river cut off from the new channel for a county road required to be relocated as a result of the realignment, for access to property cut off by the new river channel, and for an exchange of lands to provide a new railroad bridge over the river. The District has proposed exchanging District lands together with lands which it will acquire abutting the realigned river channel for certain of the State's cut-off portions of the river bed. The over-all effect of the proposed exchange will be to consolidate the State's ownership into two large usable parcels abutting the realigned river. To equalize the exchange, the State also will receive an additional small parcel abutting the new channel. The State lands to be exchanged have been cut off from the river, do not abut the present channel, and are of such a narrow configuration that little use can be made of them. The District has agreed to pay the cost of all title work and to fill at District expense Parcel "D" (to be received by the State) as well as the portion of the Guadalupe River surrounding said parcel, which will be cut off with the completion of the District's project. The proposed agreement between the District and the Commission, setting forth the details of this exchange, is on file in the office of the State Lands Commission and by reference is made a part hereof.

Prior to accomplishment of said exchange, it will be necessary to enter into a boundary line agreement fixing the respective ownerships of the State, of the District and of private parties in a portion of the old bed of the Guadalupe River that has been cut off by the river's realignment. This is necessary to establish the basis for the exchange and to define the State's ownership. A copy of the proposed boundary line agreement, designated as B.L.A. 109, is on file in the office of the State Lands Commission and by reference is made a part hereof.

An appraisal has been made by the staff, which indicates that the State will receive equal or greater value as a result of the exchange.

This entire matter has been reviewed and approved by the Attorney General.

The State will acquire rights to the minerals in the lands it is to receive; therefore, pursuant to Section 6307 of the Public Resources Code, no mineral interests will be retained in State lands to be exchanged to the District.

CALENDAR ITEM 29. (CONTD.)

IT IS RECOMMENDED THAT THE COMMISSION:

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6. FIND THAT UPON THE DELIVERY OF THE PATENTS TO THE DISTRICT, AS SET FORTH IN PARAGRAPHS 2 AND 3 ABOVE, PARCELS "A", "B", AND "C" HAVE BEEN IMPROVED, FILLED, AND RECLAIMED BY THE DISTRICT AND HAVE THEREBY BEEN EXCLUDED FROM THE PUBLIC CHANNELS AND ARE NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR NAVIGATION AND FISHING, AND ARE NO LONGER IN FACT TIDE-LANDS OR SUBMERGED LANDS AND THEREFORE SHALL THEN BE FREED FROM THE PUBLIC TRUST FOR NAVIGATION AND FISHING.