

MINUTE ITEM

8/26/70
CRK.

3. 49-YEAR PUBLIC AGENCY PERMIT, FILLED LAND IN CITY OF SAN JOSE, COUNTY OF SANTA CLARA; SANTA CLARA FLOOD CONTROL & WATER DISTRICT - W-7337, P.R.C. 4491.9.

After consideration of Calendar Item 10 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE ISSUANCE TO THE SANTA CLARA FLOOD CONTROL & WATER DISTRICT OF A 49-YEAR PUBLIC AGENCY PERMIT FROM MARCH 1, 1970, WITH THE STATE RESERVING THE RIGHT TO SET A MONETARY RENTAL AT ANY TIME IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST, FOR MAINTENANCE OF A PUBLIC THOROUGHFARE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; AND PROVIDING THAT THE PERMITTEE IS AUTHORIZED AT ITS DISCRETION TO TRANSFER OR ASSIGN THE AGREEMENT TO ANY GOVERNMENTAL AGENCY.

Attachment:

Calendar Item 10 (2 pages)

CALENDAR ITEM

8/70
W-7337
CRK

10.

PUBLIC AGENCY PERMIT

APPLICANT: Santa Clara Flood Control & Water District.

LOCATION: An 80-x 250-foot parcel of filled land in the City of San Jose, County of Santa Clara.

LAND USE: A public thoroughfare.

TERMS: Initial period: 49 years, from March 1, 1970.

CONSIDERATION: The public use and benefit, with the State reserving the right to set a monetary rental at any time if the Commission finds such action to be in the State's best interest.

STATUTORY AND OTHER REFERENCE:

- a. Public Resources Code: Div. 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Div. 3, Articles 1 & 2 as amended effective May 10, 1969.

OTHER PERTINENT INFORMATION:

- 1. The annual rental value of the site is estimated to be \$300.00.
- 2. The site is now a portion of Gold Street, located in the former bed of Guadalupe River, which the District is now using for a bridge to cross the realigned channel of said river.
- 3. The permit will authorize assignment to any governmental agency in anticipation of the City assuming jurisdiction of the street and bridge.
- 4. A rent-free permit is justified by governmental responsibility to provide public thoroughfares.

EXHIBITS: A. Land description. B. Location map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ISSUANCE TO THE SANTA CLARA FLOOD CONTROL & WATER DISTRICT OF A 49-YEAR PUBLIC AGENCY PERMIT FROM MARCH 1, 1970, WITH THE STATE RESERVING THE RIGHT TO SET A MONETARY RENTAL AT ANY TIME IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST, FOR MAINTENANCE OF A PUBLIC THOROUGHFARE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; AND PROVIDING THAT THE PERMITTEE IS AUTHORIZED AT ITS DISCRETION TO TRANSFER OR ASSIGN THE AGREEMENT TO ANY GOVERNMENTAL AGENCY.

Attachment: Exhibit "A"

EXHIBIT "A"

A parcel of land situate in the City of San Jose, formerly the City of Alviso, County of Santa Clara, State of California, said parcel being a strip of land 80 feet in width, lying 40 feet on each side of the following described centerline:

BEGINNING at the point of intersection of the centerlines of Gold Street and Moffat Street in said City of San Jose; thence southerly along the centerline of said Gold Street S. 00° 53' 19" W., 250 feet, more or less, and the end of the herein described centerline.

EXCLUDING from the above-described parcel any portion thereof which lies southerly of the northerly line of the Santa Clara Flood Control and Water Conservation District Flood Control Channel, west of the west right-of-way line of Gold Street, east of the east right-of-way line of Gold Street and landward of the northerly ordinary high water mark of the tide and submerged land in the natural bed of the Guadalupe River.