

MINUTE ITEM

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CALENDAR ITEM

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07/12/84
SL 48
Grimmett
BLA 224

A 23

S 11

APPROVAL AND ACCEPTANCE OF
EASEMENT DEEDS WHICH RELOCATE, REDEFINE AND
PROVIDE A 60-FOOT WIDE RIGHT-OF-WAY FOR
ACCESS TO STATE'S "PARCEL D" AT
ALVISO, SANTA CLARA COUNTY

As part of the Guadalupe River title settlement (BLA 109), with the Santa Clara Valley Water District at Alviso, Santa Clara County, the State Lands Commission acquired title to a parcel referred to as "Parcel D" (SL 48). Later the State Lands Commission obtained non-exclusive right-of-way easements from the Santa Clara Valley Water District and Leslie Salt Company, for access to "Parcel D". These easements were recorded December 27, 1971 in Book 9643 at page 5 and in Book 9643 at page 20, respectively, in the Official Records of Santa Clara County.

The easement deed from Leslie Salt Company contains a reservation wherein Leslie has the right to relocate this easement at its sole discretion by providing comparable access elsewhere and upon such relocation the State agreed to extinguish and terminate the easement described in the deed in said Book 9643 at page 20.

Now, both the Santa Clara Valley Water District and the Leslie Salt Company want to proceed with transfers of land encumbered by the State's easements and have submitted deeds to redefine and to relocate the State's access to "Parcel D". These deeds provide a 60-foot wide non-exclusive easement for access to "Parcel D".

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The Leslie Salt Company deed retains the earlier reservation to relocate the easement at its sole discretion with comparable access and also closes the easement to public motor-driven vehicles until an appropriate entity assumes the responsibility for maintaining the traveled way. Public pedestrian use is permitted over the whole easement.

The Santa Clara Valley Water District easement deed has no restrictions or reservations.

The relocation of the State's existing access easement will cause a gap between it and an access easement negotiated as a part of the Boundary Line and Settlement Agreement (BLA 224) approved by the Commission at its August 26, 1982 meeting. Staff is presently negotiating with the Leslie Salt Company for a non-exclusive access easement connecting the two above-cited easements and to provide public motor-driven vehicle use over the relocated easement to "Parcel D" from the beginning of said easement to the access easement recited in BLA 224. There will be no escrow costs to the State.

Staff has reviewed the easement deed's legal descriptions, made an on-site inspection, believes the proposed relocation of the access easement to "Parcel D" is reasonable and therefore recommends it to the Commission on the condition that the escrow opened at the Golden State Title Company (Escrow 313541), not be completed until an easement deed is submitted by Leslie Salt Company, their successor or assigns, which connects the State's access to "Parcel D" with the access easement described in BLA 224. There will be no escrow costs to the State.

OTHER PERTINENT INFORMATION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutory exempt project. The project is exempt because it involves settlements of title and boundary problems.

Authority: P.R.C. 21080.11.

EXHIBIT:

- A. Location Map.
- B. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.
2. APPROVE AND ACCEPT THE REDEFINED AND RELOCATED ACCESS EASEMENT DEEDS TO THE STATE'S "PARCEL D" IN EXCHANGE FOR THE STATE RELEASING AND QUITCLAIMING ITS INTEREST IN THE EASEMENT DEEDS RECORDED IN BOOK 9643 AT PAGE 5 AND IN BOOK 9643 AT PAGE 20.
3. AUTHORIZE STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO COMPLETE THIS TRANSACTION AND ESCROW 313541 BY RECORDING ALL DEEDS ENTERED INTO THE ESCROW UPON RECEIPT INTO THIS ESCROW OF A NON-EXCLUSIVE EASEMENT DEED FROM LESLIE SALT COMPANY, ITS SUCCESSORS OR ASSIGNS, WHICH CONNECTS THE STATE'S ACCESS TO "PARCEL D" WITH THE ACCESS EASEMENT DESCRIBED IN BLA 224.

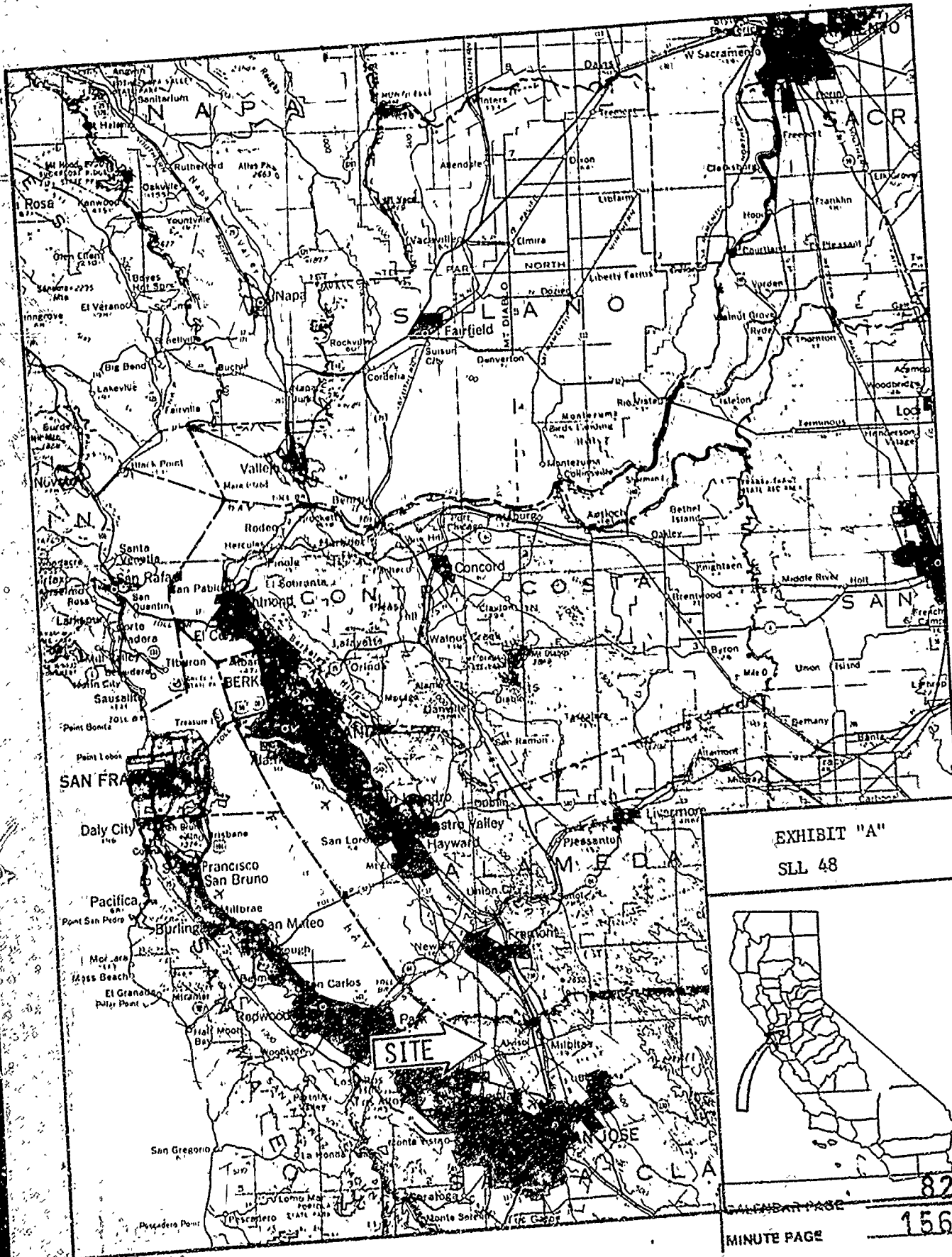


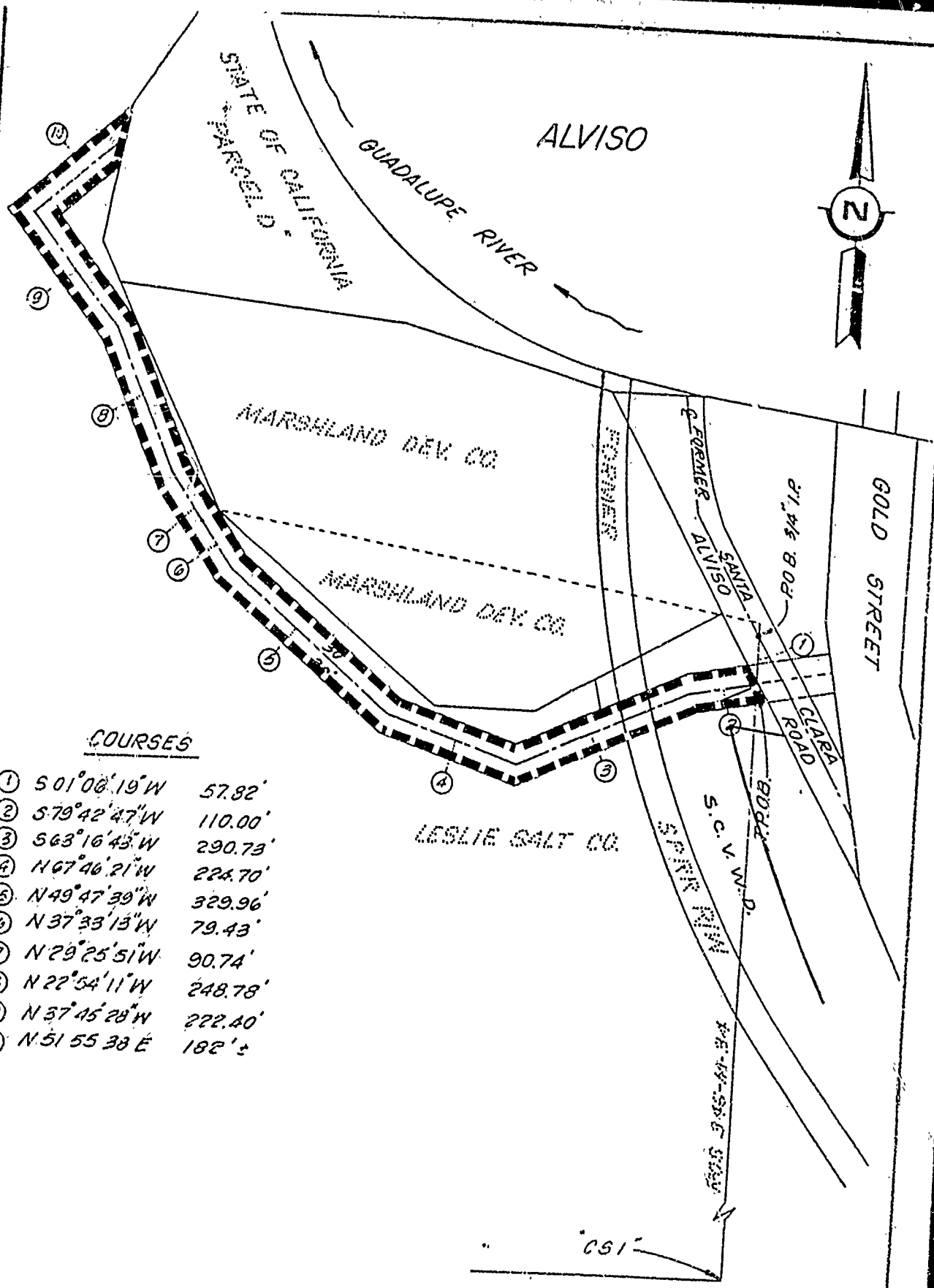
EXHIBIT "A"
SLL 48



SITE

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COURSES

- ① S 01° 08' 19" W 57.82'
- ② S 79° 42' 47" W 110.00'
- ③ S 63° 16' 43" W 290.73'
- ④ N 67° 46' 21" W 224.70'
- ⑤ N 49° 47' 39" W 329.96'
- ⑥ N 37° 33' 13" W 79.43'
- ⑦ N 29° 25' 51" W 90.74'
- ⑧ N 22° 54' 11" W 248.78'
- ⑨ N 57° 45' 28" W 222.40'
- ⑩ N 51° 55' 38" E 182' ±