

MINUTE ITEM

This Calendar Item No. 54
was approved as Minute Item
No. 54 by the State Lands
Commission by a vote of 3
to 0 at its 1-21-88
meeting.

CALENDAR ITEM

A 9
S 2

54

01/21/88
W 21870 SLL 126
J. Sekelsky

PROPOSED QUITCLAIM OF DRAINAGE EASEMENT
RESERVED TO STATE IN 1986 COMPROMISE
TITLE SETTLEMENT AGREEMENT

APPLICANTS: Walter F. and Anne H. Kieckhefer
472 Ignacio Boulevard
Novato, CA 94947

By Minute Item 37, April 24, 1986, the Commission approved a compromise title settlement with Walter and Anne Kieckhefer regarding a parcel of real property along the Petaluma River in the City of Petaluma, Sonoma County. The Settlement Agreement became effective on June 20, 1986.

As part of that Settlement Agreement, the Commission quitclaimed to the Kieckhefers its interest in a defined parcel in exchange for public access across the parcel to and along the Petaluma River, the Kieckhefer's claims waterward of the parcel, and a payment of \$11,000 into the Kapiloff Land Bank Fund, reserving to the State a drainage easement crossing the quitclaimed parcel. This reserved drainage easement had been granted in 1940, by a predecessor in interest to the Kieckhefers, to the California Department of Transportation in connection with the old State highway from Santa Rosa to San Rafael. The drainage easement was reserved in the 1986 settlement agreement because it appeared of record on a preliminary title report, and due to time constraints, it was agreed that the settlement agreement should proceed subject to the easement until such time as staff could determine the current need for the easement.

Staff has since learned that on February 25, 1957, Caltrans relinquished to Sonoma County the old State highway and all easements appurtenant thereto, including the subject drainage easement. The City of Petaluma subsequently annexed the area

CALENDAR ITEM NO. 54 (CONT'D)

and thereby acquired the drainage rights in the subject parcel. City staff has indicated that the City will require separate drainage as a condition of development of the parcel, and therefore has no objection to our release of the drainage easement reserved in the 1986 Settlement Agreement.

The Kieckhefers have asked that we quitclaim to them the drainage easement reserved in our 1986 settlement agreement in order that they may have clear title to their property. Because neither Caltrans nor Sonoma County requires the easement, staff recommends that the Commission approve the requested quitclaim.

AB 884: N/A

OTHER PERTINENT INFORMATION:

Staff has determined that this activity is not a project as defined by the California Environmental Quality Act, Public Resources Code, Section 21065, and CEQA Guidelines Section 15378.

EXHIBITS:

- A. Description of Drainage Easement.
- B. Plat of Parcel over which Drainage Easement Exists.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA BECAUSE IT IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND CEQA GUIDELINES SECTION 15378.
2. APPROVE AND AUTHORIZE THE EXECUTION AND RECORDATION ON BEHALF OF THE COMMISSION OF A QUITCLAIM TO WALTER F. AND ANNE H. KIECKHEFER OF THAT DRAINAGE EASEMENT, DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, THAT WAS RESERVED TO THE STATE IN THAT SETTLEMENT AGREEMENT APPROVED BY THE COMMISSION BY MINUTE ITEM 37, APRIL 24, 1986.

EXHIBIT "A"

LAND DESCRIPTION

DRAINAGE EASEMENT

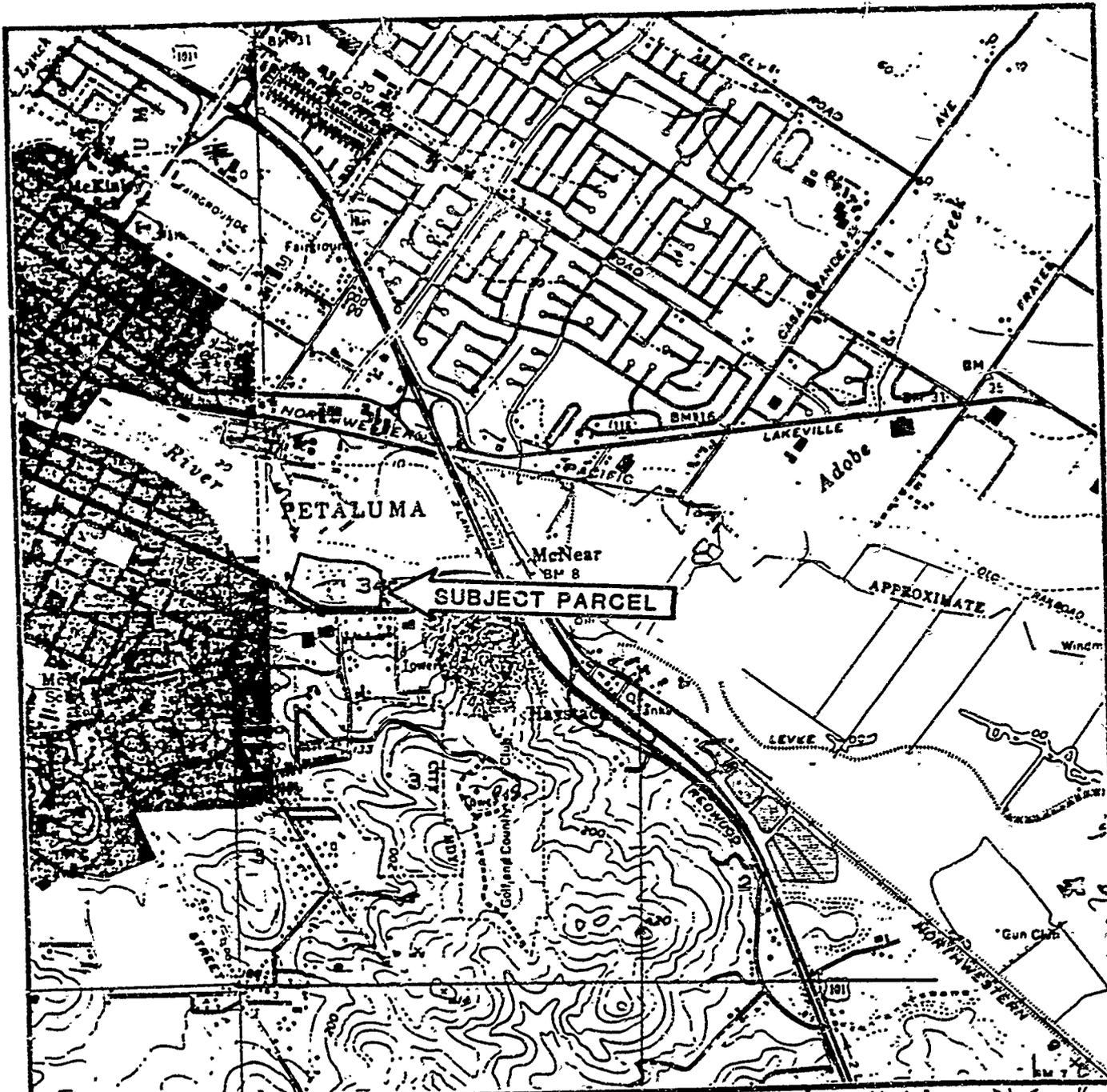
A ten foot parcel of land in the City of Petaluma, Sonoma County, California, described in Book 490, page 389, of Official Records of Sonoma County, recorded on December 19, 1940, Serial No. B 26683.

END OF DESCRIPTION

PREPARED BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR
4/17/86.

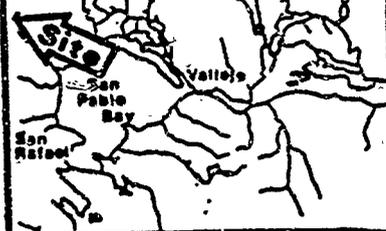
(REVISED 04/22/86)

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STATE LANDS COMMISSION

**SUBJECT PARCEL
PLAT**



Prepared by: B. W. Lee
Title Study: KIECKHEFER

Date: 2-7-86 A:9 S:2
W 21870

EXHIBIT B

Z 2 -N20 -E 182

(REVISED 04/22/86)

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