

MINUTE ITEM

This Calendar Item No. C17
was approved as Minute Item
No. C17 by the State Lands
Commission by a vote of 3
to 0 at its 6/11/90
meeting.

CALENDAR ITEM

A 4
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C17

06/11/90
PRC 5566
W 503.1621
Plummer

GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: Vallejo Sanitation and Flood Control District
450 Ryder Street
Vallejo, California 94590

AREA, TYPE LAND AND LOCATION
A parcel of State-owned tide and submerged land
located in White Slough, Racetrack Slough and
their tributaries, Solano County.

LAND USE: To amend the existing protective structure
permit to include existing sewer line
facilities and their maintenance.

TERMS OF ORIGINAL PERMIT:
Initial period: Forty-nine (49) years
beginning November 1, 1978.

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

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:
Applicant is grantee of easements from owners
of adjacent uplands, using those lands for the
purpose of construction, reconstruction,
repairing, maintaining, and operating a levee,
sanitary sewers and storm drains, and
appurtenances.

(ADDED pgs. 102-102.5)

-1-

CALENDAR PAGE	102
MINUTE PAGE	1077

CALENDAR ITEM NO. C 1 7 (CONT'D)

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received. Staff recommends the expense deposit be waived.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. In 1978, the Vallejo Sanitation and Flood Control District received a Protective Structure permit from the Commission for the construction and maintenance of a levee for flood control purposes. The currently permitted premises are a portion of lands which are the subject to a Quiet Title action filed on behalf of the Commission to which Vallejo Sanitation and Flood Control District is a named defendant. While preparing for litigation, staff discovered that there were existing sewer lines within the litigation parcel which were not under permit of the Commission. Approval of this proposed permit amendment from a Protective Structure permit to a Public Agency Use permit and to include the existing sewer lines and their maintenance within the amended permit will resolve title issues between the Commission and the District and will enable the District to be dismissed from the action. For this reason, staff believes that the processing expense fee should be waived.
2. As part of the permit amendment, it is proposed that the land description in the original permit be amended to conform to the descriptions in the Quiet Title action.
3. It is understood that this permit is not intended to define the boundaries of the State's lands and that this permit would be issued by the State and accepted by the

Permittee without prejudice to any claims of right, title, or interest by either party.

4. The sewer lines which are the subject of the proposed permit amendment are an existing facility which was approved and constructed prior to the enactment of the California Environment Quality Act (CEQA). Therefore, the proposed lease amendment is not subject to review under CEQA, pursuant to P.R.C. Section 21169 and CEQA Guidelines Section 15261.

APPROVALS OBTAINED:

Existing sewer line structures were installed under permit of County of Solano.

EXHIBITS:

- A. Land Description.
- B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTION IS EXEMPT FROM CEQA AS AN ONGOING PROJECT, PURSUANT TO CEQA GUIDELINES SECTION 15261.
2. FIND THAT IT IS IN THE STATE'S BEST INTEREST TO WAIVE THE PROCESSING EXPENSE FEE AS PART OF THE RESOLUTION OF A QUIET TITLE ACTION.
3. AUTHORIZE AN AMENDMENT TO THE EXISTING PROTECTIVE STRUCTURE PERMIT FOR A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE, TO VALLEJO SANITATION AND FLOOD CONTROL DISTRICT, THE EFFECTIVE DATE BEING THAT OF THE ORIGINAL PERMIT; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST FOR EXISTING FLOOD CONTROL AND SEWER FACILITIES AND THE MAINTENANCE THEREOF, WITHIN THE BEDS OF WHITE SLOUGH, RACETRACK SLOUGH AND THEIR TRIBUTARIES, AS SAID LANDS ARE DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"
LAND DESCRIPTION

PARCEL ONE

An easement for a right of way over, across, in, and under that certain parcel of land situate in or near the City of Vallejo, in Section 1, T3N, R4W, MDM, County of Solano, State of California, and more particularly described as follows:

A 75.00 foot wide strip of land, the southeast line of which lies contiguous and adjacent to the northwesterly right-of-way line of Sears Point Road (Route 37) and the southeasterly line of which is more particularly described as follows:

Commencing at the intersection of the northeasterly line of that 0.43 acre parcel conveyed from the State of California to Robert E. Kukuruzza, an unmarried man, in Director's Deed recorded October 30, 1975 Official Records of Solano County, Instrument number 48100 - 48102 and the northwesterly right-of-way line of Sears Point Road (State Highway Route 37); thence S 41° 31' 49" W along said southeasterly line of said 75 foot wide drainage easement and said northwesterly right-of-way line, 150.00 feet; containing 11,250 square feet, more or less. The sidelines of said 75.00 foot wide strip shall be prolonged or shortened as necessary to terminate at the northerly and southerly line of said 0.43 acre parcel.

Excepting from the above described parcel that portion lying above the ordinary high water mark of any sloughs as they last existed in a state of nature.

PARCEL TWO

An easement for a right of way over, across, in, and under that certain parcel of land situate in or near the City of Vallejo, in Section 1, T3N, R4W, MDM, County of Solano, State of California, and more particularly described as follows:

A 75.00 foot wide strip of land, the southeast line of which lies contiguous and adjacent to the northwesterly right-of-way line of Sears Point Road (Route 37) and the southeasterly line of which is more particularly described as follows:

Commencing at the intersection of the southerly line of that 1.16 acre parcel conveyed from the State of California to Carl H. Kreh, Post No. 1123 of the Veterans of Foreign Wars of the United States, Vallejo, California, in Director's Deed recorded March 6, 1974 in the Official Records of Solano County, instrument number 8882-8885 and the northwesterly right-of-way line of Sears

MINUTE PAGE	102.3
MINUTE PAGE	1080

Point Road (State Highway Route 37); thence N 41° 31' 49" E along said southerly line of said 75 foot wide drainage easement and said northwesterly right-of-way line, 200.00 feet; containing 15,000 square feet, more or less. The sideline of said 75.00 foot wide strip shall be prolonged or shortened as necessary to terminate at the southerly line of said 1.16 acre parcel.

Excepting from the above described parcel that portion lying above the ordinary high water line of any sloughs as they last existed in a state of nature.

PARCEL THREE

An easement for sanitary sewer purposes situated in Section 1, T3N, R4W, MDM, Solano County, California and more particularly described as follows:

A strip of land ten (10) feet in width, lying five feet on each side of the following described center-line:

Beginning at a point on the southeastern boundary line of that certain 14.25 acre parcel of real property described in Deed from Clara J. Hayden et. al. to Carl H. Kreh Post No. 1123 of the Veterans of Foreign Wars of the United States of America, filed in the Office of the Recorder, Solano County, California, February 6, 1942, and now appearing of record in Book 432 at Page 387, Official Records of said Solano County, said point being distant along said southeastern boundary line, S 41° 25' E, 121.77 feet from the most eastern corner of said 14.25 acre parcel; thence N 0° 34' E, 88.65 feet to a point on the northern boundary line of said 14.25 acre parcel, distant thereon, S 86° 05' W, 79.72 feet from the most eastern corner thereof.

Excepting from the above described parcel that portion lying above the ordinary high water line of any sloughs as they last existed in a state of nature.

END OF DESCRIPTION

PREPARED MAY 29, 1990 BY BIU 4, RAND LAFORCE, SUPERVISOR

PAGE	102
PAGE	108

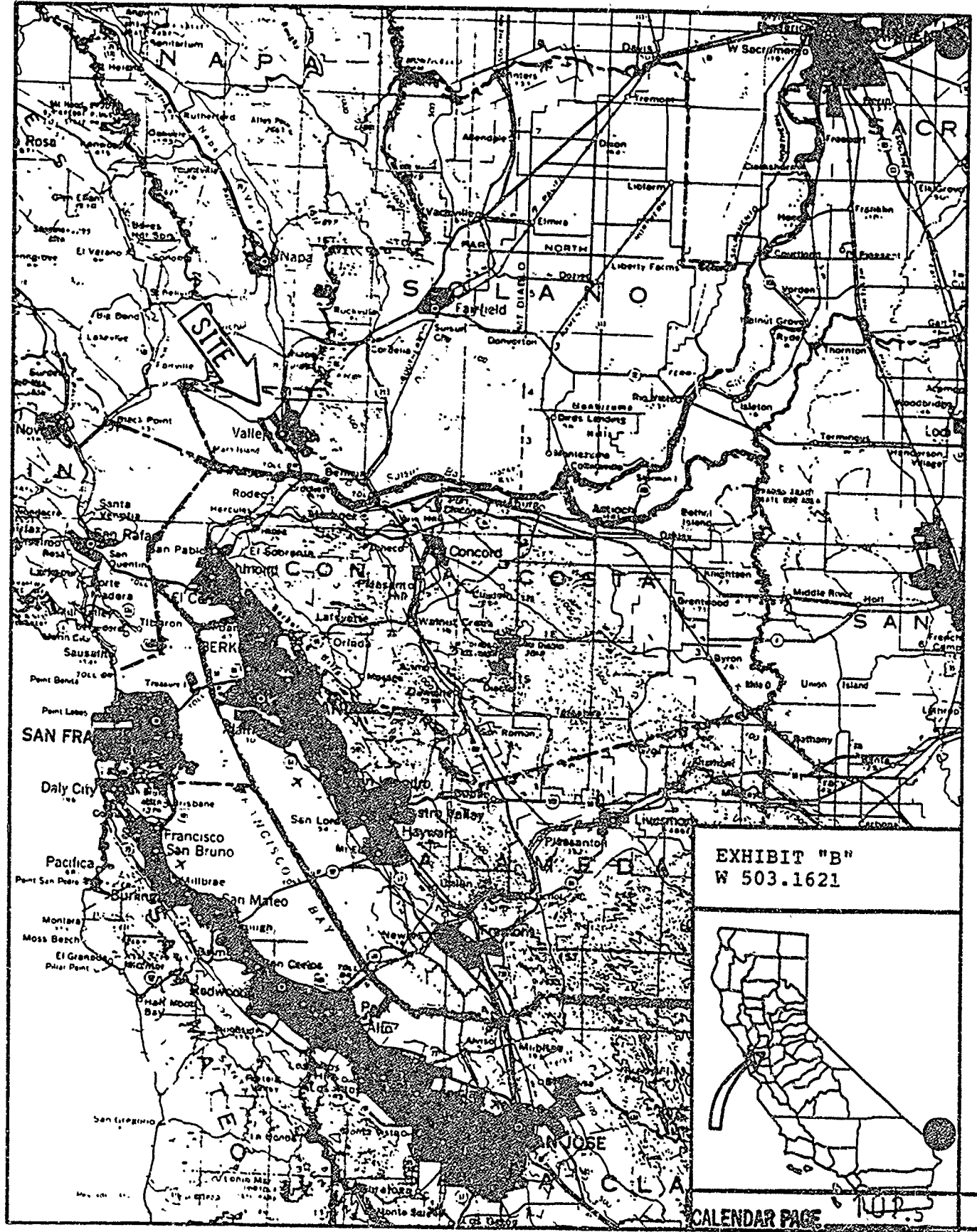


EXHIBIT "B"
W 503.1621



CALENDAR PAGE 102.5
MINUTE PAGE 1087