

MINUTE ITEM
This Calendar Item No. C05
was approved as Minute Item
No. 05 by the State Lands
Commission by a vote of 3
to 0 at its 9-9-93
meeting.

CALENDAR ITEM

C05

A 20
S 10

09/09/93
WP 7541 PRC 7541
Burks

TERMINATION OF RIGHT OF ENTRY PRC 7541 AND
ISSUANCE OF A GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT:

California Department of Transportation
Attn: Harry T. Yahata
Deputy District Director
P. O. Box 7310
San Francisco, California 94120-7310

LESSEE:

Santa Clara County Traffic Authority
Attn: Donna Harrison
1762 Technology Drive, Suite 122
San Jose, California 95110

AREA, TYPE LAND AND LOCATION:

A 0.787-acre parcel of sovereign land, at Highway 237,
Guadalupe River crossing, Alviso District, San Jose, Santa
Clara County.

LAND USE:

Highway purposes pursuant to Section 101.5 of the Streets
and Highways Code, specifically for use and occupation of
lands underlying Highway 237, Guadalupe River crossing,
Alviso District, San Jose.

TERMS OF ORIGINAL LEASE:

Beginning May 23, 1991 until replaced by a permit provided
for in Section 101.5 of the Streets and Highways Code.

TERMS OF PROPOSED PERMIT:

Indefinite period from date the permit is executed on behalf
of the State Lands Commission.

CONSIDERATION:

As set forth by Section 101.5, Streets and Highways Code and
the public use and benefit.

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BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Processing Costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.
- C. Section 101.5 of the Streets and Highways Code.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

- 1. PRC 7541 was issued to Santa Clara County Traffic Authority for right of entry to widen Highway 237 to eight lanes for improved traffic flow. Santa Clara County Traffic Authority has completed the construction for the California Department of Transportation (DOT). Thus, under Section 101.5 of the Streets and Highways Code, a SLC permit for continuous use of the site for highway purposes is required.
- 2. An Environmental Impact Report/Statement (SCH 89012409) was prepared and adopted for this project by the Federal Highway Administration and the California Department of Transportation. The State Lands Commission's staff has reviewed such document.

APPROVALS OBTAINED:

N/A

FURTHER APPROVALS REQUIRED:

State Lands Commission

EXHIBITS:

- A. Land Description (DOT map filed pursuant to S+H Code Section 101.5.
- B. Location Map

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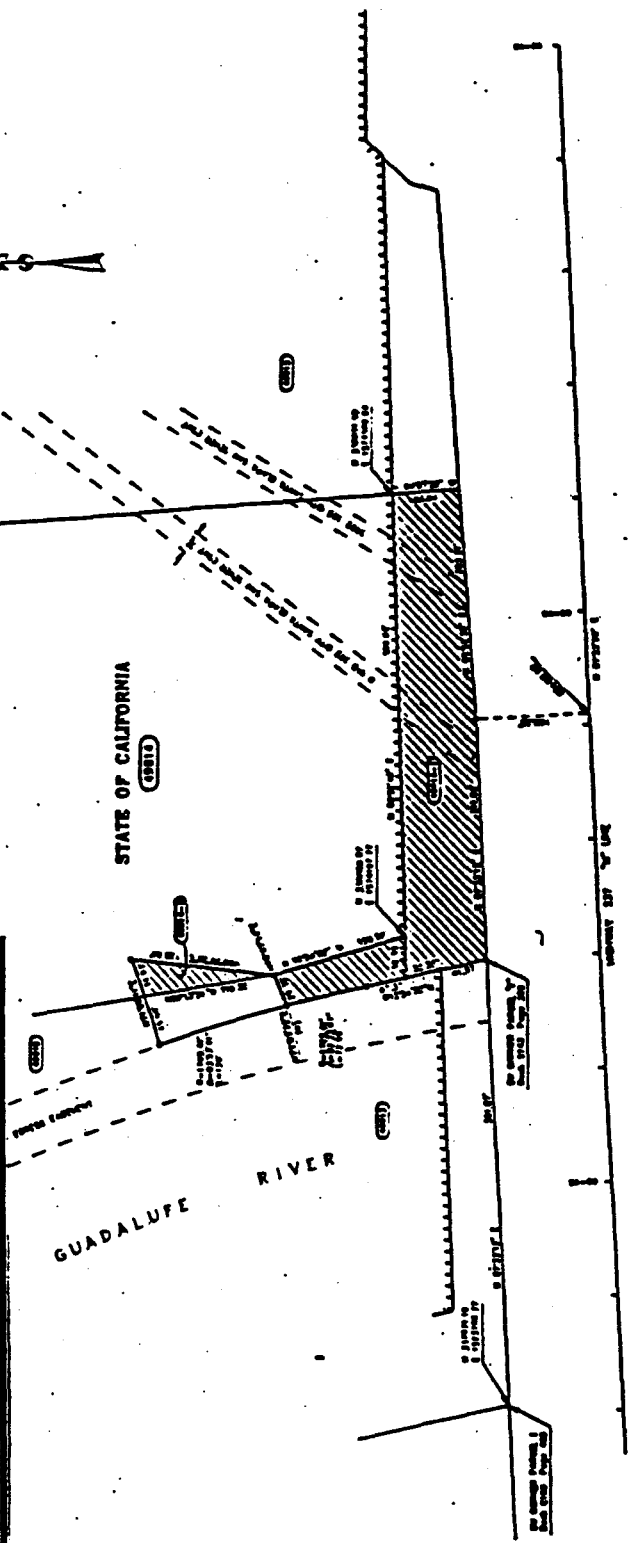
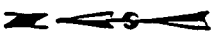
CALENDAR ITEM NO. C05 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A JOINT EIR/EIS WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE FEDERAL HIGHWAY ADMINISTRATION AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, SCH 89012409, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE FINDINGS AND THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH SECTION 15096(h) OF THE STATE CEQA GUIDELINES, WHICH ARE ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION AND INCORPORATED HEREIN BY THIS REFERENCE.
3. APPROVE THE MAP FILED BY CALIFORNIA DEPARTMENT OF TRANSPORTATION PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE, AS SHOWN ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
4. AUTHORIZE ISSUANCE TO CALIFORNIA DEPARTMENT OF TRANSPORTATION OF A PUBLIC AGENCY PERMIT FOR AN INDEFINITE PERIOD FROM THE DATE THE PERMIT IS EXECUTED ON BEHALF OF THE STATE LANDS COMMISSION FOR HIGHWAY PURPOSES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.
5. TERMINATE LEASE PRC 7541 FOR A RIGHT OF ENTRY ISSUED TO SANTA CLARA COUNTY TRAFFIC AUTHORITY EFFECTIVE FROM THE DATE THE PERMIT TO CALIFORNIA DEPARTMENT OF TRANSPORTATION IS EXECUTED ON BEHALF OF THE STATE LANDS COMMISSION.

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EXHIBIT "A"
 Land Description; Exhibit
 WP 7541
 Highway 237 &
 Guadalupe River
 SANTA CLARA COUNTY



NOTE:
 THIS EXHIBIT IS NOT A SURVEY, NOR
 DOES ANY LINE APPEARING HEREON
 REPRESENT A BOUNDARY LINE.

STATE OF CALIFORNIA
 BUSINESS AND TRANSPORTATION AGENCY
 DEPARTMENT OF TRANSPORTATION
 THE ABOVE DESCRIBED LAND IS SUBJECT TO THE
 STATE RIGHT OF WAY ACT, CHAPTER 239, TITLE 65
 OF THE CALIFORNIA GOVERNMENT CODE.
 REGISTER & POWER



REGISTERED INSTRUMENT
 No. 1859
 11/11/93

LEGEND
 - - - - - EASEMENT LINE



STATE OF CALIFORNIA
 STATE LANDS COMMISSION
 THE ABOVE DESCRIBED LAND IS SUBJECT TO THE
 STATE RIGHT OF WAY ACT, CHAPTER 239, TITLE 65
 OF THE CALIFORNIA GOVERNMENT CODE.
 LAND DESCRIPTION AND INSTRUMENT

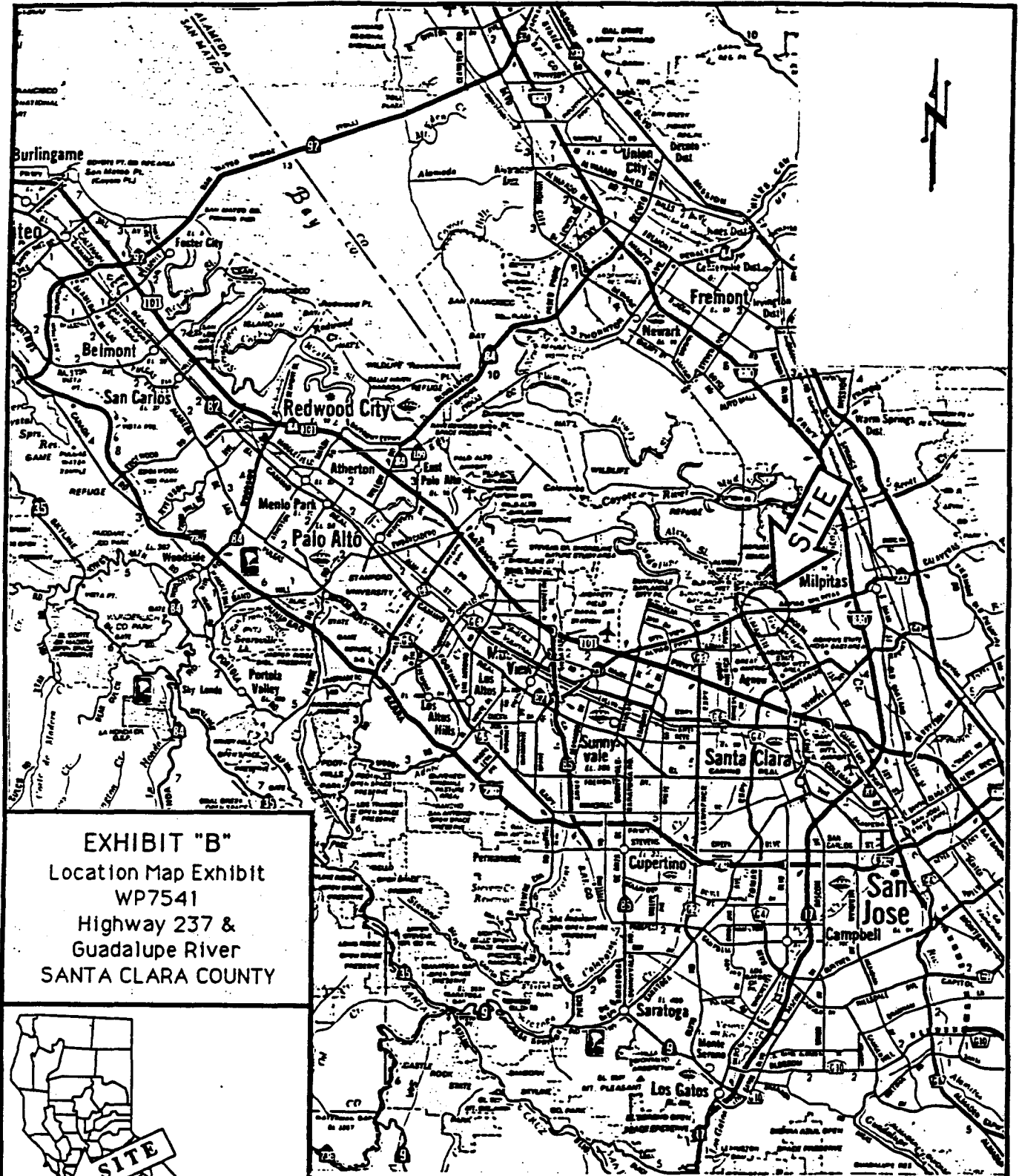


EXHIBIT "B"
 Location Map Exhibit
 WP7541
 Highway 237 &
 Guadalupe River
 SANTA CLARA COUNTY



NOTE:
 THIS EXHIBIT IS NOT A SURVEY, NOR
 DOES ANY LINE APPEARING HEREON
 REPRESENT A BOUNDARY LINE.

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