

MINUTE ITEM
This Calendar Item No. C77
was approved as Minute Item
No. 77 by the State Lands
Commission by a vote of 3
to 0 at its 02/12/97
meeting.

CALENDAR ITEM
C77

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02/12/97
SLL 126
Stevenson
Plummer

**REQUEST FOR AUTHORIZATION TO RELOCATE STATE ACCESS EASEMENT
TO PETALUMA RIVER; WALTER F. AND ANNE H. KIECKHEFER;
CITY OF PETALUMA, SONOMA COUNTY**

APPLICANTS:

Walter F. And Anne H. Kieckhefer
336 Ignacio Boulevard
Novato, California 94949-6037

At its meeting of April 24, 1986, the State Lands Commission approved a title settlement agreement involving land in the record ownership of Walter F. And Anne H. Kieckhefer ("the Private Parties") in the City of Petaluma, Sonoma County. The property which was the subject of that Agreement is shown for reference purposes on the plat which is Exhibit "A" to this calendar item (attached and incorporated by reference). The Agreement which the State Lands Commission authorized was executed and recorded in the Official Records of Sonoma County on August 12, 1986, as Recorder's Document No. 86061411.

The recorded Agreement provided that the Private Parties would deed a public access easement to the State extending from Petaluma Boulevard South to the Petaluma River. This was done through a deed of easement recorded simultaneously with the Agreement as Recorder's Document No. 86061414. The Agreement stated that this access easement, referred to in this calendar item as the "Existing Easement," could be relocated upon mutual agreement of the Private Parties and the State. The City of Petaluma has approved a tentative map for the larger property through which the Existing Easement extends. With construction in accord with the approved tentative map, the Existing Easement will be isolated behind the backyard fence line of homes. Authority is requested to relocate the Existing Easement to follow the sidewalk through the development, on through a park which will be dedicated to the city of Petaluma, and leading to a public access way along the Petaluma River. The course of the new easement ("the Relocated Public Access Easement") is shown on Exhibit A. The relocation will be completed through deeds between the State and the Private Parties

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conveying the State's rights in the Existing Easement, upon the simultaneous granting of an easement in the Relocated Public Access Easement. Escrow instructions to implement this transaction will require that title insurance be issued showing State title in the new easement, subject only to those exceptions to title acceptable to the State.

STATUTORY AND OTHER REFERENCES:

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

PERMIT STREAMLINING ACT DEADLINE:

N/A

OTHER PERTINENT INFORMATION:

- 1. 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 under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment. The staff has also determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project because it involves a settlement of title and boundary problems.

Authority: Title 14, Cal. Code Regs section 15061 (b) (3) and Public Resources Code section 21080.11.

EXHIBITS:

- A. Location Map of the Subject Parcel

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 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (B) (3)) AND FIND THAT THE ACTIVITY IS STATUTORILY EXEMPT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.

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2. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO EXECUTE A DEED CONVEYING THE EXISTING EASEMENT, AND TO ACCEPT A GRANT OF AN EASEMENT ON BEHALF OF THE STATE IN THE RELOCATED PUBLIC ACCESS EASEMENT.

3. AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGMENT, ACCEPTANCE, AND RECORDATION OF ALL DOCUMENTS AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE RELOCATION OF THE EXISTING EASEMENT TO THE RELOCATED PUBLIC ACCESS EASEMENT; AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE RELOCATION.

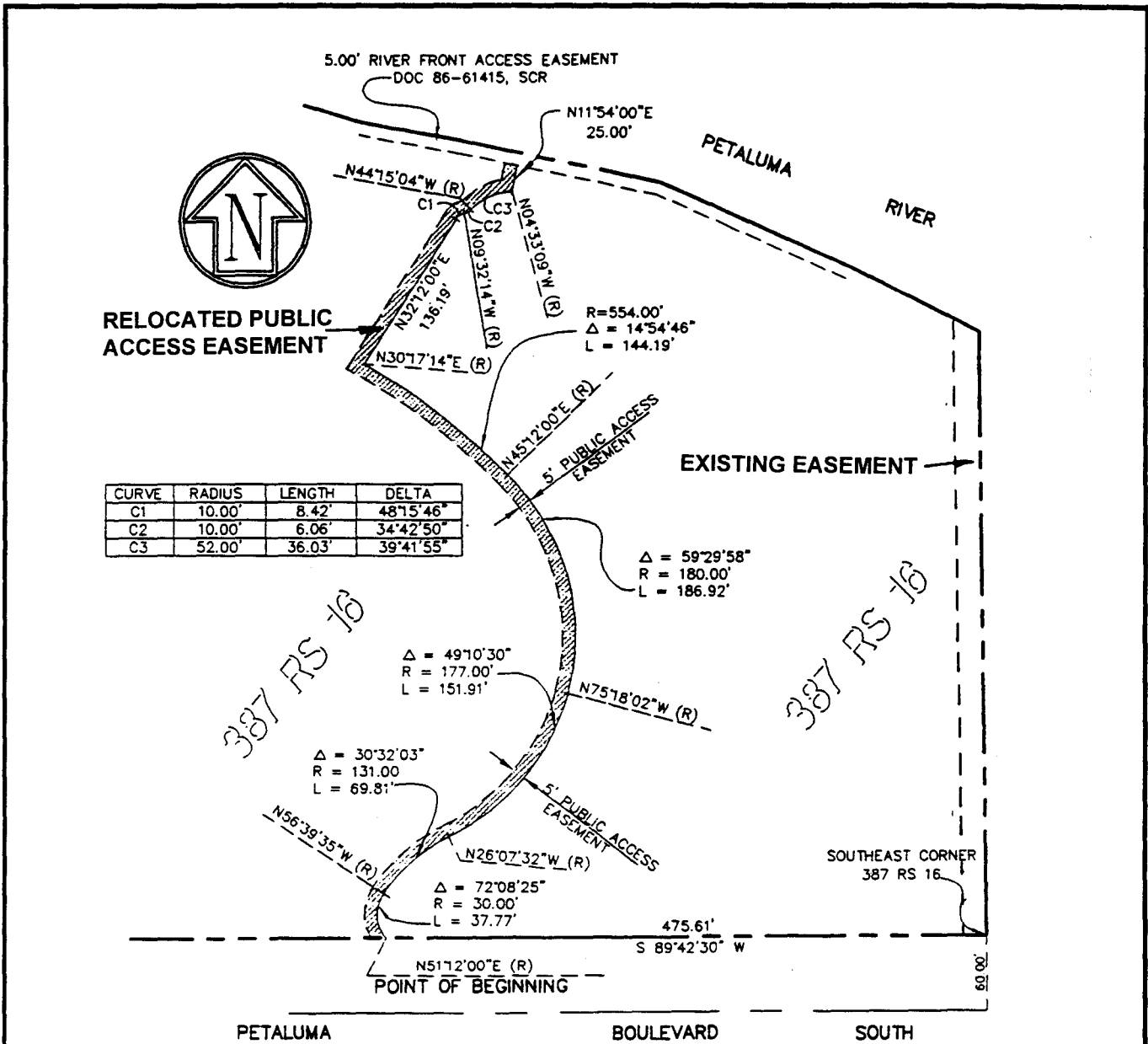
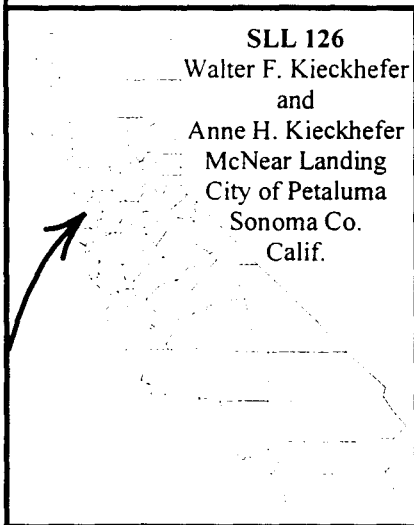


EXHIBIT "A"
Site Map



This Exhibit is solely for the purpose of generally defining the exchange area, and is not intended to be, nor shall it be construed as a waiver or limitation of any State interest in the subject or any other property.