

**MINUTE ITEM**  
This Calendar Item No. C64 was approved as  
Minute Item No. 64 by the California State Lands  
Commission by a vote of 3 to 0 at its  
09-13-07 meeting.

**CALENDAR ITEM**  
**C64**

A 8

09/13/07

W 26167

D. Jones

S 5

J. Frey

**SUBSTITUTION OF PARTY TO AN AMENDMENT TO "AGREEMENT BETWEEN THE STATE LANDS COMMISSION AND THOMAS P. RALEY TO ESTABLISH A BOUNDARY LINE BETWEEN PRIVATE PROPERTY AND PUBLIC SOVEREIGN PROPERTY IN THE SACRAMENTO RIVER, YOLO COUNTY" RECORDED ON MAY 26, 1989 FOR THE PURPOSE OF RELOCATING AN EXISTING ACCESS EASEMENT HELD BY THE STATE OVER LANDS TO BE DEVELOPED BY CALIFORNIA STATE TEACHERS' SYSTEM, A PUBLIC ENTITY, AS SUCCESSOR IN INTEREST TO THOMAS P. RALEY AND ACCEPTANCE OF A GRANT OF EASEMENT FROM THE CITY OF WEST SACRAMENTO FOR PUBLIC ACCESS TO LANDS HELD BY THE STATE ALONG THE RIGHT BANK OF THE SACRAMENTO RIVER WITHIN THE CITY OF WEST SACRAMENTO**

**PARTIES:**

California State Teachers' Retirement System, a Public Entity  
7667 Folsom Boulevard  
Sacramento, California 95826

City of West Sacramento  
Redevelopment Agency  
1110 West Capitol Avenue  
West Sacramento, California 95691

State of California  
State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, California 95825-8202

**AREA, LAND TYPE, AND LOCATION:**

The northerly 20 feet of Yolo County Assessor's Parcel No. 010-473-25, located in the city of West Sacramento, Yolo County as shown on Exhibit A.

CALENDAR ITEM NO. C64 (CONT'D)

**AUTHORIZED USE:**

An easement for public pedestrian access to the State-owned land along the right bank of the Sacramento River.

**TERM:**

Into perpetuity.

**PROPOSED AMENDMENT:**

**The substitution of the California State Teachers' Retirement System, a Public entity for CHQ, LLC., in the execution of the amendment to a agreement between the State Lands Commission and Thomas P. Raley. All other terms and conditions of the original amendment will remain the same as will the grant of easement from the city of West Sacramento.**

**BACKGROUND:**

In 1989, the Commission and Thomas P. Raley entered into a Boundary Line Agreement defining the property interests of Raley and the State in lands along the Sacramento River in West Sacramento, Yolo County. As a part of that Agreement, Raley granted a public access easement to the State over the northerly 20 feet of property thereby allowing public access from city streets to State lands on the right bank of the Sacramento River. CalSTRS is now the owner of the Raley property.

On December 14, 2006, the Commission approved an amendment to this Agreement wherein the Commission agreed to modify the Agreement to allow for the relocation of the public access easement from the north side of the CALSTRS property to the southern edge of it. This will be accomplished by a State quitclaim to CalSTRS and a grant of easement from CalSTRS to the State. Concurrently with this, the city of West Sacramento has agreed to grant the State an access agreement over City lands located between the CalSTRS property and the State property thereby giving the public continuous access to State lands from a public street.

CalSTRS originally held the subject parcel in a limited liability company known as CHQ, LLC. Recently, CHQ, LLC deeded the parcel to CalSTRS. Since the property has been deeded to CalSTRS, the prior amendment needs to be amended to reflect the change in ownership. Documents have not yet been executed by the parties due to survey work that has just been completed. It is anticipated that CalSTRS and the city of West Sacramento will be in a position to execute the required documents shortly after this Commission meeting. All terms

CALENDAR ITEM NO. C64 (CONT'D)

and conditions of the original amendment will remain the same as will the grant of easement from the city of West Sacramento.

**OTHER PERTINENT INFORMATION:**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

2. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**EXHIBITS:**

- A. Plat of Easements
- B. Calendar Item 08, December 14, 2006

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

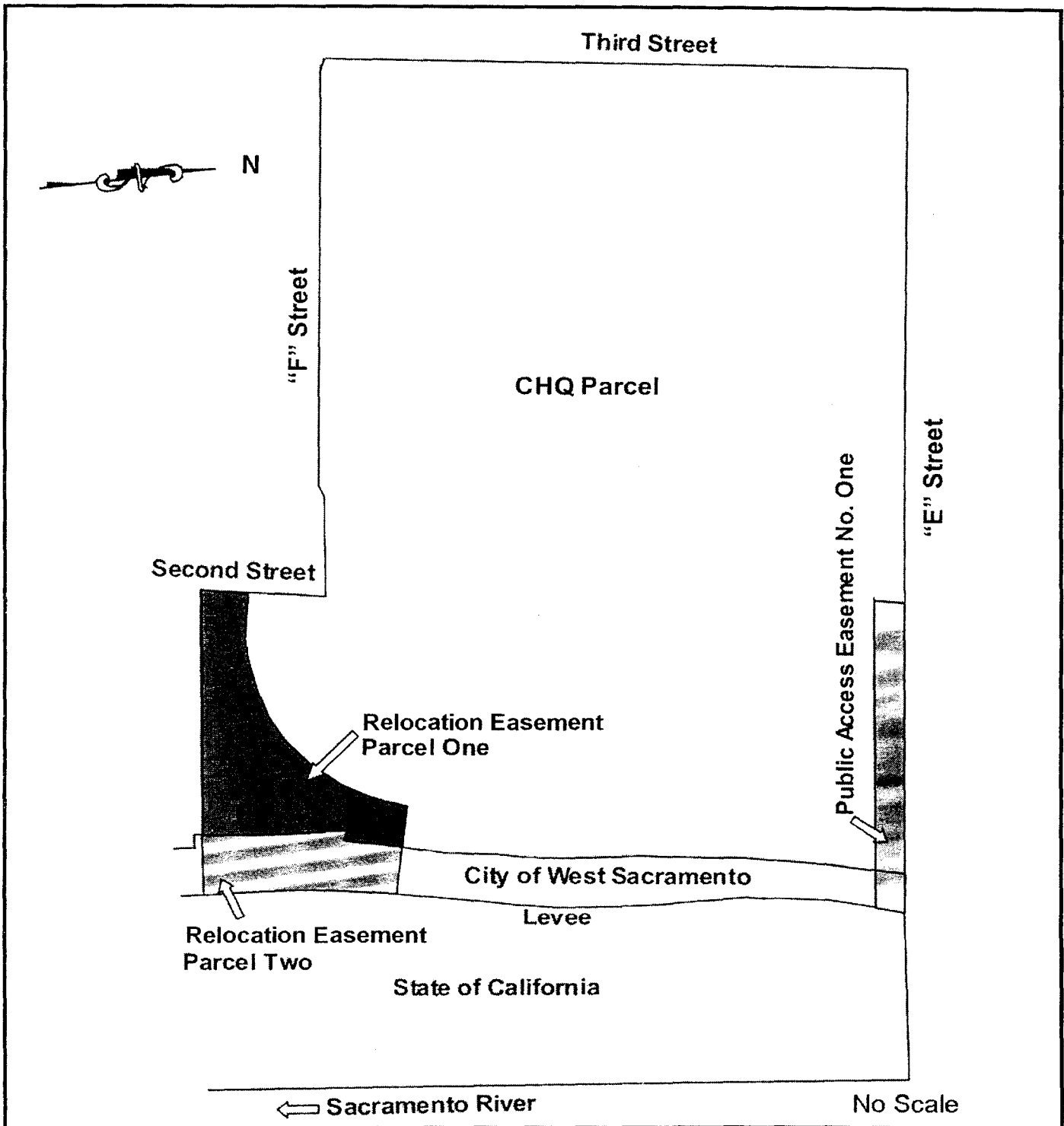
**SIGNIFICANT LANDS INVENTORY FINDING:**

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

CALENDAR ITEM NO. C64 (CONT'D)

**AUTHORIZATION:**

1. APPROVE THE SUBSTITUTION OF THE CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM, A PUBLIC ENTITY, FOR CHQ, LLC IN THE EXECUTION OF THAT CERTAIN DOCUMENT ENTITLED "AMENDMENT TO AGREEMENT BETWEEN THE STATE LANDS COMMISSION AND THOMAS P. RALEY TO ESTABLISH A BOUNDARY LINE BETWEEN PRIVATE PROPERTY AND PUBLIC SOVEREIGN PROPERTY IN THE SACRAMENTO RIVER, YOLO COUNTY" AND RELATED DOCUMENTS TO ALLOW FOR THE RELOCATION OF AN EXISTING ACCESS EASEMENT OVER AND ACROSS LANDS FORMERLY HELD BY CHQ, LLC AND NOW OWNED BY CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM, A PUBLIC ENTITY, SAID LANDS BEING ADJACENT TO LANDS OWNED BY THE STATE ALONG THE RIGHT BANK OF THE SACRAMENTO RIVER IN WEST SACRAMENTO, YOLO COUNTY.
  
2. RATIFY THE COMMISSION'S ACTION CONTAINED IN MINUTE ITEM 08, APPROVED ON DECEMBER 14, 2006, PROVIDING FOR THE EXECUTION OF THE ABOVE REFERENCED AMENDMENT INVOLVING TITLE, THE SATISFACTION OF PUBLIC RESOURCES CODE SECTION 6307 REQUIREMENTS AND APPROVE: THE QUITCLAIM OF THE COMMISSION'S EXISTING EASEMENT OVER THE SUBJECT PROPERTY TO THE CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM, A PUBLIC ENTITY, AND THE ACCEPTANCE OF A GRANT OF EASEMENT FROM EACH OF THE CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM, A PUBLIC ENTITY, AND THE CITY OF WEST SACRAMENTO AND FINDING THAT THE NEW EASEMENTS GRANTED BY CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM, A PUBLIC ENTITY, AND THE CITY OF WEST SACRAMENTO ARE OF THE SAME UTILITY AS THE ORIGINAL EASEMENT AND THAT THE CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM, A PUBLIC ENTITY, HAS AGREED TO PROVIDE THE COMMISSION WITH A POLICY OF TITLE INSURANCE FOR THE NEW EASEMENTS.



**Exhibit A**

**W 26167  
Plat of Easements**

This Exhibit is solely for purposes of generally defining the parcels and is based on unverified information 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.



EXHIBIT B

CALENDAR ITEM  
**C08**

A 8

12/14/06

S 5

W 26167

C. Connor

J. Frey

**AMENDMENT TO "AN AGREEMENT BETWEEN THE STATE LANDS COMMISSION AND THOMAS P. RALEY TO ESTABLISH A BOUNDARY LINE BETWEEN PRIVATE PROPERTY AND PUBLIC SOVEREIGN PROPERTY IN THE SACRAMENTO RIVER, YOLO COUNTY" RECORDED ON MAY 26, 1989 FOR THE PURPOSE OF RELOCATING AN EXISTING ACCESS EASEMENT HELD BY THE STATE OVER LANDS TO BE DEVELOPED BY CHQ, LLC AS SUCCESSOR IN INTEREST TO THOMAS P. RALEY AND ACCEPTANCE OF A GRANT OF EASEMENT FROM THE CITY OF WEST SACRAMENTO FOR PUBLIC ACCESS TO LANDS HELD BY THE STATE ALONG THE RIGHT BANK OF THE SACRAMENTO RIVER WITHIN THE CITY OF WEST SACRAMENTO**

**PARTIES:**

California State Teachers Retirement System  
7667 Folsom Boulevard  
Sacramento, California 95826

City of West Sacramento  
Redevelopment Agency  
1110 West Capitol Avenue  
West Sacramento, California 95691

State of California  
State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, California 95825-8202

**AREA, LAND TYPE, AND LOCATION:**

An existing non-motorized access easement across the northerly 20 feet of the Yolo County Assessor's Parcel No. 010-473-25, located in the City of West Sacramento, Yolo County and shown on Exhibit A.

Revised 12/08/06

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CALENDAR ITEM NO. C08 (CONT'D)

**AUTHORIZED USE:**

An easement for public pedestrian access to the State-owned land along the right bank of the Sacramento River.

**TERM:**

Into perpetuity.

**PROPOSED AMENDMENT:**

Relocate the existing public pedestrian access easement (referred to as "Public Access Easement No. One" hereafter) to a location one city block to the south, as shown on Exhibit A. Expand the relocated public pedestrian access easement (referred to as Relocation Easement No. One hereafter) to include a portion of Yolo County Assessor's Parcel No. 010-473-29, (referred to as Relocation Easement No. Two hereafter), as shown on Exhibit A. All other terms of the agreement will remain in effect without amendment.

Acceptance of a grant of a perpetual non-exclusive easement necessary or desirable for emergency vehicle, pedestrian and non-motorized vehicle access for use by the general public on, over and across lands owned by the City of West Sacramento adjacent to lands owned by the State along the right bank of the Sacramento River.

**BACKGROUND:**

The State acquired a public pedestrian access easement ("Public Access Easement No. One") over the northerly 20 feet of the Yolo County Assessor's Parcel No. 010-473-25 through that certain boundary line agreement entitled "An Agreement Between the State Lands Commission and Thomas P. Raley to Establish a Boundary Line Between Private Property and Public Sovereign Property in the Sacramento River, Yolo County" (hereafter "Boundary Line Agreement") recorded on May 26, 1989 in the Official Records of Yolo County at Book 2028, Page 152. Said easement provides continuous public access from public streets in the City of West Sacramento to sovereign lands on the right bank of the Sacramento River. The Boundary Line Agreement provides for the relocation of this easement if the State is granted an easement of comparable utility to the public and the State is provided a policy of title insurance for the new easement.

CalSTRS acquired the property (Yolo County Assessor's Parcel No. 010-473-25), subject to the easement, in July 2006 and plans to develop the property with a new headquarters office project.

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CALENDAR ITEM NO. C08 (CONT'D)

The City of West Sacramento is the owner of Yolo County Assessor's Parcel No. 010-473-29 (hereafter "City Parcel"). This parcel runs along the top of the levee between the CalSTRS property and the State-owned land along the west bank of the Sacramento River.

CalSTRS intends to develop the CalSTRS Parcel in such a manner that Public Access Easement No. One would be substantially impaired and has proposed that State exchange it for another easement ("Relocation Easement No. One") located one city block to the south. The existing Public Access Easement No. One currently provides continuous public access from public streets in the City of West Sacramento to sovereign lands on the right bank of the Sacramento River. Relocation Easement No. One does not provide such continuous access because of the intervening presence of the City Parcel.

Although the City was not a party to the previous Boundary Line Agreement, in order to facilitate the development of the CalSTRS Parcel, the City agrees to grant to the State an easement ("Relocation Easement Two") over a portion of the City Parcel as shown on Exhibit C, thereby allowing the State to have the same continuous access to its sovereign lands.

**OTHER PERTINENT INFORMATION:**

1. Public Resources Code Section 6307 determinations: Staff believes that the proposed exchange will enhance public access to the Sacramento River and that the easement acquired will provide a significant benefit to the public trust by providing permanent access across lands not otherwise available to the general public. The exchange will not substantially interfere with public rights of navigation and fishing in that the exchange involves filled tide and submerged lands. Staff has done an appraisal of the parcels involved and has determined that the exchange parcel is of equal or greater value than that to be relinquished. The lands given in exchange have been cut off from water access and no longer are in fact tidelands or submerged lands or navigable waterways by virtue of having been filled or reclaimed and are relatively useless for public trust purposes because of development of the servient tenement. Lastly, Staff believes that the exchange is in the best interests of the State in that the State will receive a comparable interest for one that will be substantially impaired by development of the servient tenement.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the



CALENDAR ITEM NO. C08 (CONT'D)

staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**EXHIBIT:**

- A. Plat of Easements

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

**SIGNIFICANT LANDS INVENTORY FINDING:**

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

1. APPROVE THE EXECUTION OF THAT CERTAIN DOCUMENT ENTITLED "AMENDMENT TO AGREEMENT BETWEEN THE STATE LANDS COMMISSION AND THOMAS P. RALEY TO ESTABLISH A BOUNDARY LINE BETWEEN PRIVATE PROPERTY AND PUBLIC SOVEREIGN PROPERTY IN THE SACRAMENTO RIVER, YOLO COUNTY TO ALLOW FOR THE RELOCATION OF AN EXISTING ACCESS EASEMENT OVER

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CALENDAR ITEM NO. C08 (CONT'D)

AND ACROSS LANDS OWNED BY CHQ, LLC SAID LANDS BEING ADJACENT TO LANDS OWNED BY STATE ALONG THE RIGHT BANK OF THE SACRAMENTO RIVER.

2. FIND THAT THE NEW EASEMENT GRANTED BY CHQ, LLC IS OF THE SAME UTILITY AS THE ORIGINAL EASEMENT AND THAT CHQ, LLC HAS AGREED TO PROVIDE A POLICY OF TITLE INSURANCE FOR THE NEW EASEMENT.
3. FIND THAT THE PROPOSED EXCHANGE WILL ENHANCE PUBLIC ACCESS TO THE SACRAMENTO RIVER; THAT THE EASEMENT ACQUIRED WILL PROVIDE A SIGNIFICANT BENEFIT TO THE PUBLIC TRUST BY PROVIDING PERMANENT ACCESS ACROSS LANDS NOT OTHERWISE AVAILABLE TO THE GENERAL PUBLIC; THAT THE EXCHANGE WILL NOT SUBSTANTIALLY INTERFERE WITH PUBLIC RIGHTS OF NAVIGATION AND FISHING IN THAT THE EXCHANGE INVOLVES FILLED TIDE AND SUBMERGED LANDS; THAT AN APPRAISAL OF THE PARCELS INVOLVED HAS DETERMINED THAT THE EXCHANGE PARCEL IS OF EQUAL OR GREATER VALUE THAN THAT TO BE RELINQUISHED; THAT THE LANDS GIVEN IN EXCHANGE HAVE BEEN CUT OFF FROM WATER ACCESS AND NO LONGER ARE IN FACT TIDELANDS OR SUBMERGED LANDS OR NAVIGABLE WATERWAYS BY VIRTUE OF HAVING BEEN FILLED OR RECLAIMED AND ARE RELATIVELY USELESS FOR PUBLIC TRUST PURPOSES BECAUSE OF THE DEVELOPMENT OF THE SERVIENT TENEMENT; THAT THE EXCHANGE IS IN THE BEST INTERESTS OF THE STATE IN THAT THE STATE WILL RECEIVE A COMPARABLE INTEREST FOR ONE THAT WILL BE SUBSTANTIALLY IMPAIRED BY DEVELOPMENT OF THE SERVIENT TENEMENT.
4. AUTHORIZE ACCEPTANCE OF GRANT OF EASEMENT BY CHQ, LLC OF A PERPETUAL NON-EXCLUSIVE EASEMENT NECESSARY OR DESIRABLE FOR EMERGENCY VEHICLE, PEDESTRIAN AND NON-MOTORIZED VEHICLE ACCESS FOR USE BY THE GENERAL PUBLIC ON, OVER AND ACROSS LANDS OWNED BY CHQ, LLC SAID LANDS BEING ADJACENT TO LANDS OWNED BY STATE ALONG THE RIGHT BANK OF

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CALENDAR ITEM NO. C08 (CONT'D)

THE SACRAMENTO RIVER WITHIN THE CITY OF WEST SACRAMENTO AND THE FILING OF STATE ACCEPTANCE AND CONSENT TO RECORDING IN THE OFFICE OF THE YOLO COUNTY RECORDER.

5. AUTHORIZE QUITCLAIM TO CHQ, LLC OF PUBLIC ACCESS EASEMENT NO. ONE, AN EXISTING EASEMENT FOR NON-MOTORIZED ACCESS EASEMENT FOR USE BY THE GENERAL PUBLIC SAID EASEMENT EXISTING OVER LANDS OWNED BY CHQ, LLC AND DESIGNATED FOR USE BY CHQ, LLC AS AN OFFICE BUILDING.
6. AUTHORIZE EXECUTION OF A DOCUMENT ENTITLED "EASEMENT GRANT AND AGREEMENT BY AND BETWEEN THE CALIFORNIA STATE LANDS COMMISSION AND THE CITY OF WEST SACRAMENTO" PROVIDING FOR A GRANT OF EASEMENT TO THE CALIFORNIA STATE LANDS COMMISSION OF A PERPETUAL EASEMENT ("RELOCATION EASEMENT TWO") FOR THE PURPOSE OF PEDESTRIAN AND NON-MOTORIZED VEHICULAR PUBLIC INGRESS AND EGRESS AND PUBLIC USE ON, OVER AND ACROSS A CITY PARCEL IN THE LOCATION SHOWN ON EXHIBIT A SAID PARCEL BEING LOCATED ADJACENT TO LANDS LOCATED ON THE RIGHT BANK OF THE SACRAMENTO RIVER WITHIN THE CITY OF WEST SACRAMENTO AND OWNED BY THE CALIFORNIA STATE LANDS COMMISSION.
7. AUTHORIZE ACCEPTANCE OF GRANT BY THE CITY OF WEST SACRAMENTO TO THE CALIFORNIA STATE LANDS COMMISSION OF A PERPETUAL EASEMENT ("RELOCATION EASEMENT TWO") FOR THE PURPOSE OF PEDESTRIAN AND NON-MOTORIZED VEHICULAR PUBLIC INGRESS AND EGRESS AND PUBLIC USE ON, OVER AND ACROSS A CITY PARCEL IN THE LOCATION SHOWN ON EXHIBIT A HERETO SAID LAND BEING ADJACENT TO LANDS OWNED BY CALIFORNIA STATE LANDS COMMISSION ALONG THE RIGHT BANK OF THE SACRAMENTO RIVER WITHIN THE CITY OF WEST SACRAMENTO AND THE FILING OF STATE ACCEPTANCE AND CONSENT TO RECORDING IN THE OFFICE OF THE YOLO COUNTY RECORDER.