

**STAFF REPORT
C88**

A 25

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SLL 53

BLA 224

AD 391

D. Tutov

J. Frey

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**CONSIDER REQUEST FOR AUTHORIZATION TO RELOCATE AN ACCESS
EASEMENT AND ENLARGE ANOTHER EASEMENT LOCATED IN THE VICINITY
OF THE GUADALUPE RIVER IN ALVISO, SANTA CLARA COUNTY**

PARTIES:

Silicon Valley Club L.L.C.

State of California, acting by and through the State Lands Commission

LOCATION:

Right-of-way easements for access purposes over Assessor's Parcel Numbers 015-45-013 and -024 near the Guadalupe River in Alviso, Santa Clara County.

BACKGROUND AND PROPOSAL:

The Silicon Valley Club L.L.C. (Silicon Valley) requested the Commission authorize the relocation of an access easement and the enlargement of another access easement on a parcel of land bounded by American Center Drive near the Guadalupe River in Alviso, Santa Clara County where it flows into San Francisco Bay (the Subject Property).

In 1982, the Commission entered into a Boundary Line and Settlement Agreement (State Lands File No. BLA 224) with Marshland Developments, Inc., resolving a dispute over the nature and extent of the State's ownership in property bordering the Guadalupe River in Alviso, San Jose, Santa Clara County ([Item 17, August 26, 1982](#)). As part of that Settlement Agreement the State received a 25-foot-wide easement for a public right-of-way along the northern edge of the Subject Property near the bank of the Guadalupe River (the shoreline easement) and a second 25-foot-wide easement, along the eastern side of the Subject Property, connecting the first to a public street or way (the connecting easement). The two easements provide access to the nearby Bay Trail and the Don Edwards National Wildlife Refuge. The connecting easement is relocatable at the grantor's sole discretion and is accomplished through an exchange of deeds.

STAFF REPORT NO. C88 (CONT'D)

In 2002, the State acquired a 60-foot-wide easement along the eastern and northern sides of the adjacent parcels, owned by American Center Maintenance Association and US ER American Center 4 LLC, to be used for purposes of pedestrian and vehicular access. A small portion of this easement is also located on the Subject Property. Again, in 2002, the Commission completed an exchange of the relocatable connecting access easement with Lincoln 237 Associates LP, a successor-in-interest to Marshland, as authorized by the Commission on April 24, 2001 ([Item C60, April 24, 2001](#)). These three original easements are described in Exhibit A and shown on Exhibit B.

On December 21, 2016, the Commission received a notice from Silicon Valley, successor-in-interest to WCSJ L.L.C., in turn the successor-in-interest to Lincoln 237 Associates, L.P., that it desired to exercise its right to relocate the connecting easement linking the shoreline easement to the public street by moving it from the perimeter of the southeast edge of Subject Property to a slightly more westerly location, thereby enabling Silicon Valley to use the lands for parking for its proposed development. As part of this relocation, Silicon Valley proposes to dedicate four parking spaces for use by Bay Trail hikers. Additionally, Silicon Valley proposes to enlarge the shoreline easement to encompass lands held back from development under its San Francisco Bay Conservation and Development Commission permit. Finally, Silicon Valley proposes to eliminate a portion of the 60-foot-wide easement where it intersects the connecting easement. This will enable a more usable interface between the connecting easement and parking space in the Subject Property. The proposed relocated easements are described in Exhibit C and shown on Exhibit D and are referred to as the Public Trust Easement Lands.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6106, 6107, 6216, 6301, 6307, and 6341.

Public Trust Termination and State's Best Interests Analysis:

The Commission accepted the original easements as sovereign in character and therefore subject to the common law Public Trust Doctrine. Staff proposes to terminate the Public Trust over three parcels of land (Trust Termination Lands) comprising a portion of the connecting easement because they will no longer be part of the connecting easement and, because of the termination of the easement, the State will have no real property interest in them. These lands are described in Exhibit E and shown on Exhibit F. In exchange, the Commission will acquire the Public Trust Easement Lands.

STAFF REPORT NO. **C88** (CONT'D)

Public Resources Code section 6307 permits the termination of the Public Trust when the Commission makes the following findings:

1. The relocation/exchange of easements is being made pursuant to a boundary and title settlement agreement authorized by the Commission on August 26, 1982.
2. The Public Trust Easement Lands will be a significant benefit to the Public Trust in that the exchange will enlarge the public access area; continue public access to sovereign lands on the bank of the Guadalupe River; and will provide four dedicated parking spaces for users of the access easement.
3. The exchange does not substantially interfere with public rights of navigation and fishing. The Trust Termination Lands are filled and reclaimed and have no direct water access to the Guadalupe River and San Francisco Bay.
4. The Public Trust Easement Lands have an equal or greater value than the Trust Termination Lands. Staff conducted a comparative valuation analysis of the Trust Termination Lands and the Public Trust Easement Lands. Staff determined that the Public Trust Easement Lands have a greater value than the Trust Termination Lands.
5. The Trust Termination Lands are cut off from water access and are no longer in fact tidelands or submerged lands or navigable waterways, by virtue of having been filled and reclaimed, and are relatively useless for Public Trust purposes.
6. The exchange is in the best interests of the State because the State has a legal obligation, assumed under the original boundary settlement agreement, to allow the other party to relocate the easements at its discretion. The best interests of the State will be further served by the net effect of the relocation of the easements and the trust termination which is to: 1) hold a new comparable connecting easement that will parallel the Subject Property's eastern boundary, but be offset from it; 2) expand the shoreline easement from approximately 35,791 square feet to approximately 47,933 square feet; and 3) add four dedicated parking spaces to the easement area. Staff believes the utility of Public Trust Easement Lands is equal to or greater than what the Commission currently has.

The Office of the Attorney General has reviewed the proposed agreement for the relocation of the connecting easement, enlargement of the shoreline easement and addition of the dedicated parking spaces and concurs with staff's recommendation.

STAFF REPORT NO. **C88** (CONT'D)

OTHER PERTINENT INFORMATION:

1. The proposed action is consistent with Strategy 1.3 of the Commission's Strategic Plan to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
2. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a statutorily exempt project. The project is exempt because it involves settlement of title and boundary problems and an exchange in connection with the settlement.

Authority: Public Resources Code section 21080.11.

3. An Environmental Impact Report (EIR), State Clearinghouse No. 1999082004, was prepared by the City of San Jose and certified on February 15, 2000, and an Addendum was approved on March 22, 2016. Staff has reviewed these documents and found that the access easement was included as part of the project described in the Addendum and analyzed in the Land Use section. The Addendum found the impact of the access easement to be less than significant. As a result, no mitigation measures were required and, therefore, no Findings pursuant to the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096) were required for this impact.

EXHIBITS:

- A. Land Description of Original Access Easements on the Subject Property
- B. Plat of Original Access Easements on the Subject Property
- C. Land Description of Relocated Access Easements on the Subject Property
- D. Plat of Relocated Access Easements on the Subject Property
- E. Land Description of Trust Termination Lands
- F. Plat of Trust Termination Lands

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Public Resources Code section 21080.11, settlement of title and boundary problems.

Find that an EIR, State Clearinghouse No. 1999082004, was prepared for this project by the City of San Jose and certified on February 15, 2000,

STAFF REPORT NO. **C88** (CONT'D)

and an Addendum was approved on March 22, 2016; that the Commission reviewed and considered the information contained therein; that in the Commission's independent judgement, the scope of the access easement under this authorization has been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore, no additional CEQA analysis is required.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed relocation and enlargement of the easements will not substantially interfere with the Public Trust needs and values at this location and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the Executive Officer or her designee to take all necessary or appropriate action on behalf of the State Lands Commission, to execute, acknowledge, accept, and record that certain "Amendment to Boundary Line and Settlement Agreement between the State Lands Commission and Marshland Developments, Inc. and Modification of Easement Granted by the Easement Grant Deed from WCSJ L.L.C. to the State acting through the State Lands Commission Regarding Property Located in Alviso, California" wherein the Commission will: 1) quitclaim its existing access easements over the Subject Property to Silicon Valley Club L.L.C.; and 2) accept from Silicon Valley Club L.L.C. a grant of new access easements sovereign in character and impressed with the Public Trust, over the Subject Property, all as more particularly described in the Amendment Agreement substantially in the form on file in the records of the Commission.
2. Terminate the Public Trust over those portions of the original access easements that are not part of the relocated access easements as described in Exhibit E and shown on Exhibit F based on the following findings:
 - a. The relocation/exchange of easements is being made pursuant to a boundary and title settlement agreement authorized by the Commission on August 26, 1982.
 - b. The Public Trust Easement Lands are a significant benefit to the Public Trust in that the exchange will enlarge the public access area; continue public access to sovereign lands on the bank of the Guadalupe River; and will provide four dedicated parking spaces for users of the access easement.

STAFF REPORT NO. **C88** (CONT'D)

- c. The exchange does not substantially interfere with public rights of navigation and fishing. The Trust Termination Lands have no direct water access to the Guadalupe River and San Francisco Bay.
 - d. The Public Trust Easement Lands have an equal or greater value than Trust Termination Lands.
 - e. The Trust Termination Lands are cut off from water access and are no longer in fact tidelands or submerged lands or navigable waterways, by virtue of having been filled and reclaimed, and are relatively useless for Public Trust purposes.
 - f. The exchange is in the best interests of the State because the State has a legal obligation, assumed under the original boundary settlement agreement, to allow the other party to relocate the easements at its discretion. Additionally, the State is receiving additional lands and four dedicated parking spaces as part of the new relocated easements.
3. The Public Trust termination shall not be effective until the Amendment to the Agreement has been executed by all of the Parties and the Governor of the State of California and has been filed in the Official Records for Santa Clara County.
 4. Authorize the Executive Officer or her designee to take all other necessary or appropriate action on behalf of the State Lands Commission, including the execution, acknowledgment, acceptance, and recordation of all other documents necessary or convenient to carry out the relocation of existing access easements.

EXHIBIT A
LAND DESCRIPTION
Original Access Easements

The lands described hereafter are identical to those described in Exhibits B and D and as depicted on Exhibits C and E of the Amendment to Boundary Line and Settlement Agreement referenced to Boundary Line Agreement 224 and to Sovereign Land Location 53 (BLA 224 & SLL 53 as filed in the records of the California State Lands Commission) as said Amended Agreement is attached to the California State Lands Commission Calendar Item for this matter on its Calendar Agenda of February 27, 2018.

A parcel of land described as Parcel 1 in Exhibit D of the description in the Boundary Line Settlement Agreement recorded February 16, 1989 in Book K850 at Page 1676, Official Records of Santa Clara County, California more properly described as follows:

That portion of the Rancho Ulistac, In the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at the most easterly corner of Parcel 2 as shown on that record of survey map filed October 28, 1977, in Book 406, Page 37, of Maps in the office of the Recorder of said County, said point of beginning being the southeasterly corner of that parcel described in the corporation grant deed from Bay Shell Company, a Corporation, to Marshland Development, Inc., a California Corporation, dated October 12, 1979, recorded October 16, 1979, in Book E869, Page 317, of Official Records of said County; thence from said point of beginning, along the southerly line of said Parcel 2, S 61° 25' 51" W, 32.50 feet; thence leaving said southerly line, N 9° 54' 57" W, 142.75 feet to the beginning of a tangent curve concave to the southeast; thence northeasterly 53.07 feet along said curve with a radius of 28.00 feet, through a central angle of 108° 35' 33"; thence S 81° 19' 24" E, 13.54 feet to the beginning of a tangent curve concave to the northwest; thence northeasterly 26.22 feet along said curve with a radius of 14.00 feet, through a central angle of 107° 18' 18"; thence N 8° 37' 42" W, 65.45 feet; thence N 3° 37' 41" W, 47.08 feet; thence S 81° 20' 04" E, 19.19 feet to a point in the easterly line of Parcel 5 as shown on the above mentioned map, said point being distant 69.50 feet southerly along said easterly line from the northerly terminus of the course, on said map, having a bearing of N 3° 13' 57" W; thence along said easterly line, S 2° 17' 38" E, 19.72 feet; thence S 7° 01' 53" E, 107.08 feet to the beginning of a tangent curve concave easterly; thence southerly 38.40 feet along said curve with a radius of 1,949.91 feet, through a central angle of 1° 07' 42" to the southeasterly corner of said Parcel 5, thence on a non-tangent line along the southerly line of said Parcel 5, N 80° 03' 41" W, 55.78 feet to the northeasterly corner of Parcel 2, as shown on the above mentioned map, said corner being on a non-tangent curve concave easterly, a radial to said corner bears S 82° 41' 49" W; thence southerly along the easterly line

of said Parcel 2, 127.78 feet along said curve with a radius of 1457.00 feet, through a central angle of 5° 01' 29" to the **POINT OF BEGINNING**.

Said parcel being **INCLUSIVE OF** the portion previously relinquished by the Easement Quitclaim Deed filed as Document No. 16390107, Official Records of Santa Clara County, California, as described on Pages 7 and 8, and depicted on Page 9 of said Easement Quitclaim Deed.

TOGETHER WITH a parcel of land described as Parcel 2 in Exhibit D of the description in the Boundary Line Settlement Agreement recorded February 16, 1989 in Book K850 at Page 1676, Official Records of Santa Clara County, California more properly described as follows:

That portion of the Rancho Ulistac, In the City of San Jose, County of Santa, Clara, State of California, described as follows:

COMMENCING at the northeasterly corner of Parcel 3 as shown on that record of survey map filed October 28, 1977, in Book 406, Page 37, of Maps in the office of the Recorder of said County, said point of commencement being the northwesterly corner of that parcel described in the corporation grant deed from Bay Shell Company, a Corporation, to Marshland Development, Inc., a California Corporation, dated October 12, 1979, recorded October 16, 1979, in Book E869, Page 317, of Official Records of said County: thence from said point of commencement, along the easterly line of said Parcel 3, S 0° 02' 32" W, 46.09 feet to the **POINT OF BEGINNING**; thence continuing along said easterly line, S 0° 02' 32" W, 15.91 feet to the northwesterly corner of Parcel 5 as shown on the above mentioned map; thence along the northerly line of said Parcel 5, S 73° 19' 36" E, 46.94 feet to the northeasterly corner of Parcel 5; thence along the easterly line of Parcels, S 2° 17' 38" E, 69.50 feet; thence, leaving said easterly line, N 81° 20' 04" W, 19.19 feet; thence N 70° 57' 12" W, 15.34 feet; thence N 49° 03' 43" W, 29.77 feet; thence N 34° 38' 20" W, 57.14 feet, thence N 47° 27' 56" W, 21.04 feet to the beginning of a tangent curve concave to the southwest, thence northwesterly 29.05 feet along said curve with a radius of 65.00 feet, through a central angle of 25° 36' 32"; thence N 73° 04' 27" W, 13.21 feet; thence S 85° 09' 07" E, 94.20 feet to the **POINT OF BEGINNING**.

Bearings and distances in the above description are based on the California Coordinate System, Zone 3. On that basis, the bearing S 68° 49' 28" E of the line having as its easterly terminus Station SBDA3, as shown on that record of survey map filed September 24, 1974, in Book 346, Page 34, of Maps in the office of the Recorder of Santa Clara County, was taken as the basis of bearings for this description. The bearings as shown on the record of survey map filed in Book 406, Page 37, of Maps were rotated clockwise through an angle of 0° 56' 19" for this description.

Said parcel being **INCLUSIVE OF** the portion previously relinquished by the Easement Quitclaim Deed filed as Document No. 16390107, Official Records of Santa Clara County, California, as described on Pages 10 and 11, and depicted on Page 12 of said Easement Quitclaim Deed.

TOGETHER WITH a parcel of land described in Exhibit D of the description in the Boundary Line Settlement Agreement recorded February 16, 1989 in Book K850 at Page 1676, Official Records of Santa Clara County, California more properly described as follows:

That portion of the Rancho Ulistac, in the City of San Jose, County of Santa Clara, State of California, described as follows:

A strip of land 25 feet in width, the northerly line of said strip being described as follows:

COMMENCING at the northwesterly corner of Parcel 1 as shown on that record of survey map filed October 28, 1977, in Book 406, Page 37, of Maps in the office of the Recorder of said County, said point of commencement being the northwesterly corner of that parcel described in the corporation grant deed from Bay Shell Company, a Corporation, to Marshland Development, Inc., a California Corporation, dated October 12, 1979, recorded October 16, 1979, in Book E869, Page 317, of Official Records of said County; thence from said point of commencement along the northerly line of said Parcel 1, S 82° 19' 11" E, 68.50 feet to the **POINT OF BEGINNING**; thence, leaving said line, the following ten (10) courses:

1. S 54° 14' 26" E, 27.00 feet;
2. S 70° 37' 53" E, 49.81 feet;
3. S 73° 22' 08" E, 59.48 feet;
4. S 81° 34' 36" E, 75.31 feet;
5. S 82° 57' 34" E, 98.24 feet;
6. S 79° 22' 52" E, 70.70 feet;
7. S 74° 38' 33" E, 32.14 feet;
8. S 70° 24' 43" E, 64.21 feet;
9. S 73° 04' 25" E, 137.50 feet; and
10. S 85° 09' 11" E, 89.45 feet to a point in the easterly line of Parcel 3 as shown on the above mentioned map, said point being distant 21.00 feet southerly along said easterly line from the Northeasterly corner of said Parcel 3, and the **END OF SAID NORTHERLY LINE.**

The southerly line of said strip to be shortened or lengthened to terminate at the easterly and westerly lines of the lands described in the above mentioned deed from Bay Shell Company to Marshland Development, Inc.

Bearings and distances in the above description are based on the California Coordinate System, Zone 3. On that basis, the bearing S 68° 49' 28" E of the line having as its easterly terminus Station SBDA3, as shown on that record of survey map filed September 24, 1974, in Book 346,

Page 34, of Maps in the office of the Recorder, of Santa Clara County, was taken as the basis of bearings for this description. The bearings as shown on the record of survey map filed in Book 406, Page 37, of Maps were rotated clockwise through an angle of 0° 56' 19" for this description.

The preceding description, was taken directly from said Boundary Line Settlement & Agreement, Document No. K850-1676, verbatim.

TOGETHER WITH a parcel of land, being the fourth of five parcels described in the Easement Grant Deed recorded July 30, 2002 as Document No. 16390108, Official Records of Santa Clara County, California more properly described as follows:

All that real property situate in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel B, as said parcel is described in that certain grant deed filed for record on June 21, 2000 as Document No. 15287778, Santa Clara County Records, and a portion of Parcel 2, 3, and 5, as said parcels are described in that certain grant deed filed for record on October 11, 2000 as Document No. 15419129, Santa Clara Records and being more particularly described as follows:

BEGINNING at the northeasterly corner of said Parcel 3, said corner being the beginning of a non-tangent curve to the left from which point a radial line bears North 82°04'25" East; thence along said curve, having a radius of 1407.00 feet, through a central angle of 4°43'07", an arc length of 115.87 feet; thence South 79°35'00" West, a distance of 17.12 feet; thence North 8°17'47" West, a distance of 120.71 feet to the most northerly line of said parcel; thence along said line, South 80°03'41" East, a distance of 13.78 feet to the POINT OF BEGINNING and containing an area of 1,690 square feet, more or less.

The preceding description, was taken directly from said Easement Grant Deed, Document No. 16390108, verbatim.

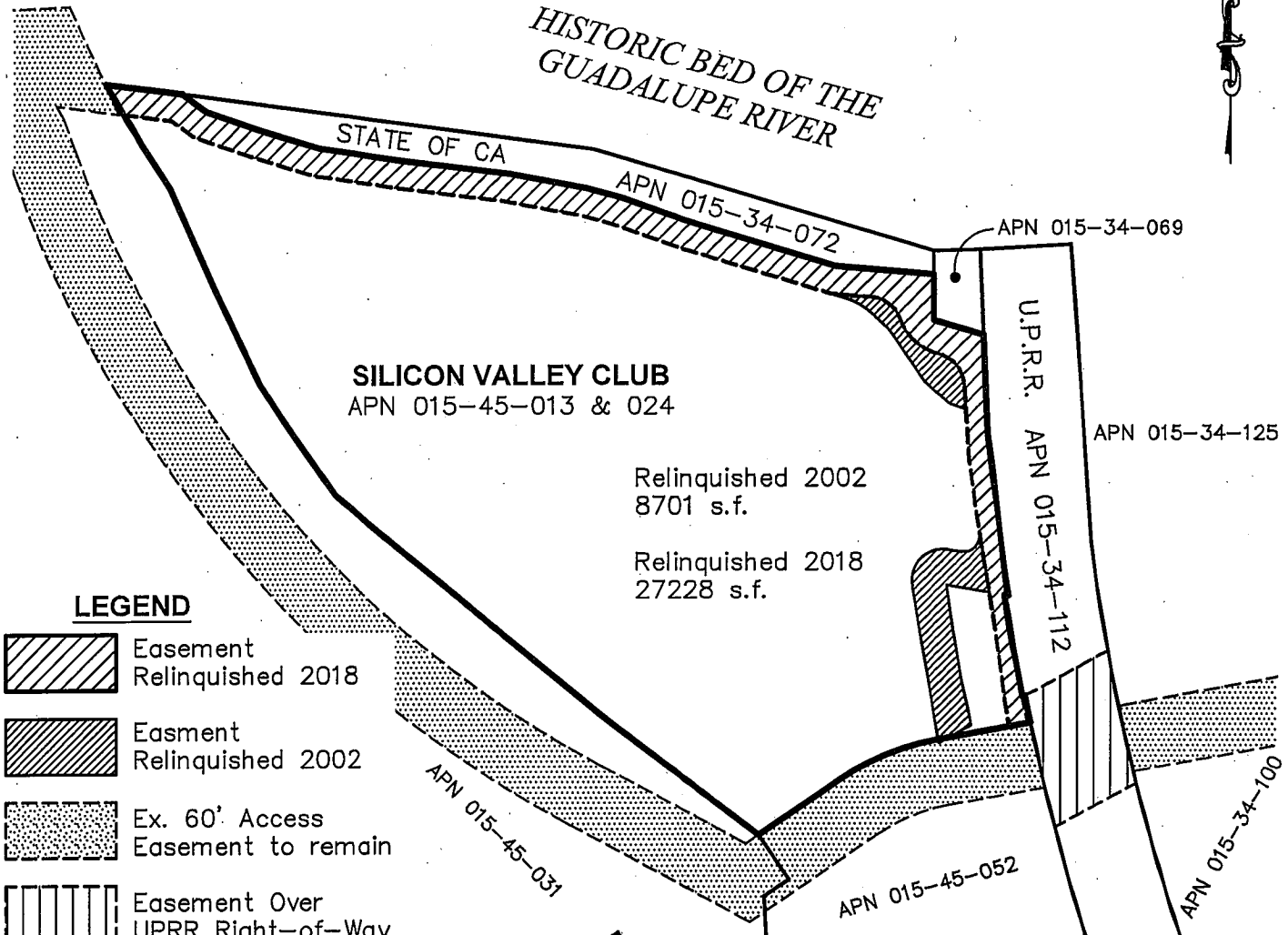
END DESCRIPTION

MAR 16 2018

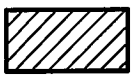
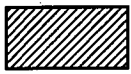


NO SCALE

SITE

HISTORIC BED OF THE GUADALUPE RIVER



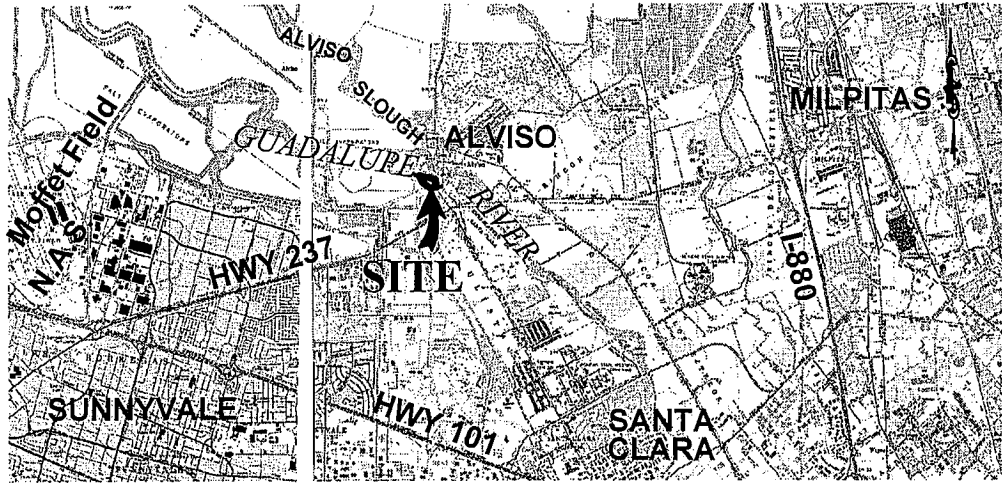
LEGEND

-  Easement Relinquished 2018
-  Easment Relinquished 2002
-  Ex. 60' Access Easement to remain
-  Easement Over UPRR Right-of-Way

ORIGINAL ACCESS EASEMENTS

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

SLL 53
 SILICON VALLEY CLUB
 EASEMENT EXCHANGE
 PUBLIC USE
 SANTA CLARA COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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 C**LAND DESCRIPTION****Grant of Public Right-Of-Way**

A parcel of land being a portion of the parcel of land described as Parcel B in the Grant Deed recorded June 21, 2000 as Instrument No. 15287778, Official Records of Santa Clara County, California, also being the parcel of land described as Parcel 3 in the Grant Deed recorded October 11, 2000 as Instrument No. 15419129, Official Records of Santa Clara County, California, and also being the parcel of land described as Adjusted Parcel 3 in the Grant Deed recorded September 12, 2002 as Instrument No. 16475412, Official Records of Santa Clara County, California, more properly described as follows:

BEGINNING at the most westerly corner of said Parcel B, and said Parcel 3 and said Adjusted Parcel 3, herein after known as Parcel B;

THENCE easterly along the northerly line of said parcels, the following twelve (12) courses:

1. South 82° 20' 07" East, 68.50 feet;
2. South 54° 15' 22" East, 27.00 feet;
3. South 70° 38' 49" East, 49.81 feet;
4. South 73° 23' 04" East, 59.48 feet;
5. South 81° 35' 32" East, 75.31 feet;
6. South 82° 58' 30" East, 98.24 feet;
7. South 79° 23' 48" East, 70.70 feet;
8. South 74° 39' 29" East, 32.14 feet;
9. South 70° 25' 39" East, 64.21 feet;
10. South 73° 05' 21" East, 137.50 feet;
11. South 85° 10' 07" East, 89.45 feet;
12. South 00° 01' 36" West, 41.00 feet;

THENCE, leaving said northerly line and running the following seven (7) courses:

1. South 73° 20' 32" East, 23.40 feet;
2. South 02° 18' 33" East, 97.59 feet;

3. South 07° 02' 50" East, 19.28 feet to the beginning of a tangent curve to the left having a radius of 5.00 feet; thence through a central angle of 090°00'00, an arc distance thereon of 7.85 feet;
4. North 82° 57' 10" East, 12.00 feet;
5. South 07° 02' 50" East, 34.00 feet;
6. South 82° 57' 10" West, 17.00 feet;
7. South 07° 02' 50" East, 49.98 feet to the beginning of a curve to the left having a radius of 1971.91 feet; thence through a central angle of 004°30'08, an arc distance thereon of 154.95 feet to a point which lies South 79° 35' 00" West, 22.00 feet from the most easterly corner of said Parcel B;

THENCE South 79° 35' 00" West, along the southerly line of said Parcel B, 32.08 feet to the beginning of a nontangent curve to the left having a radius of 30.00 feet and to which point a radial line bears South 66° 24' 41" East;

THENCE leaving said southerly line and running the following fourteen (14) courses:

1. Along said curve through a central angle of 015°25'50", an arc distance of 8.08 feet to the beginning of a curve to the left having a radius of 15.00 feet;
2. Along said curve through a central angle of 013°57'56", an arc distance of 3.66 feet thereon;
3. North 05° 51' 07" West, 91.67 feet;
4. North 07° 27' 15" West, 110.20 feet;
5. North 13° 51' 40" West, 42.14 feet;
6. North 07° 02' 50" West, 29.12 feet to the beginning of a curve to the left having a radius of 112.00 feet;
7. Along said curve through a central angle of 079°14'33", an arc distance of 154.90 feet thereon;
8. North 86° 17' 23" West, 97.26 feet to the beginning of a curve to the right having a radius of 246.00 feet;
9. Along said curve through a central angle of 026°25'30", an arc distance of 113.46 feet thereon to the beginning of a curve to the left having a radius of 395.00 feet;
10. Along said curve through a central angle of 020°56'34", an arc distance of 144.38 feet thereon;
11. North 80° 48' 27" West, 151.53 feet to the beginning of a curve to the right having a radius of 152.44 feet;

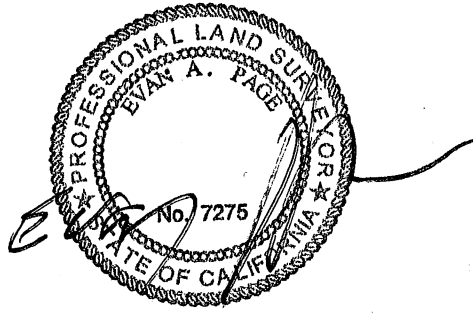
12. Along said curve through a central angle of $037^{\circ}38'27''$, an arc distance of 100.14 feet thereon;

13. North $43^{\circ}13'37''$ West, 21.26 feet;

14. North $82^{\circ}20'06''$ West, 34.55 feet to a point on the westerly line of said Parcel B which lies South $30^{\circ}20'08''$ East, 31.57 feet from the **POINT OF BEGINNING**;

THENCE North $30^{\circ}20'08''$ West, 31.57 feet to the **POINT OF BEGINNING**.

Said parcel contains 47,933 Square Feet (1.10 acres).

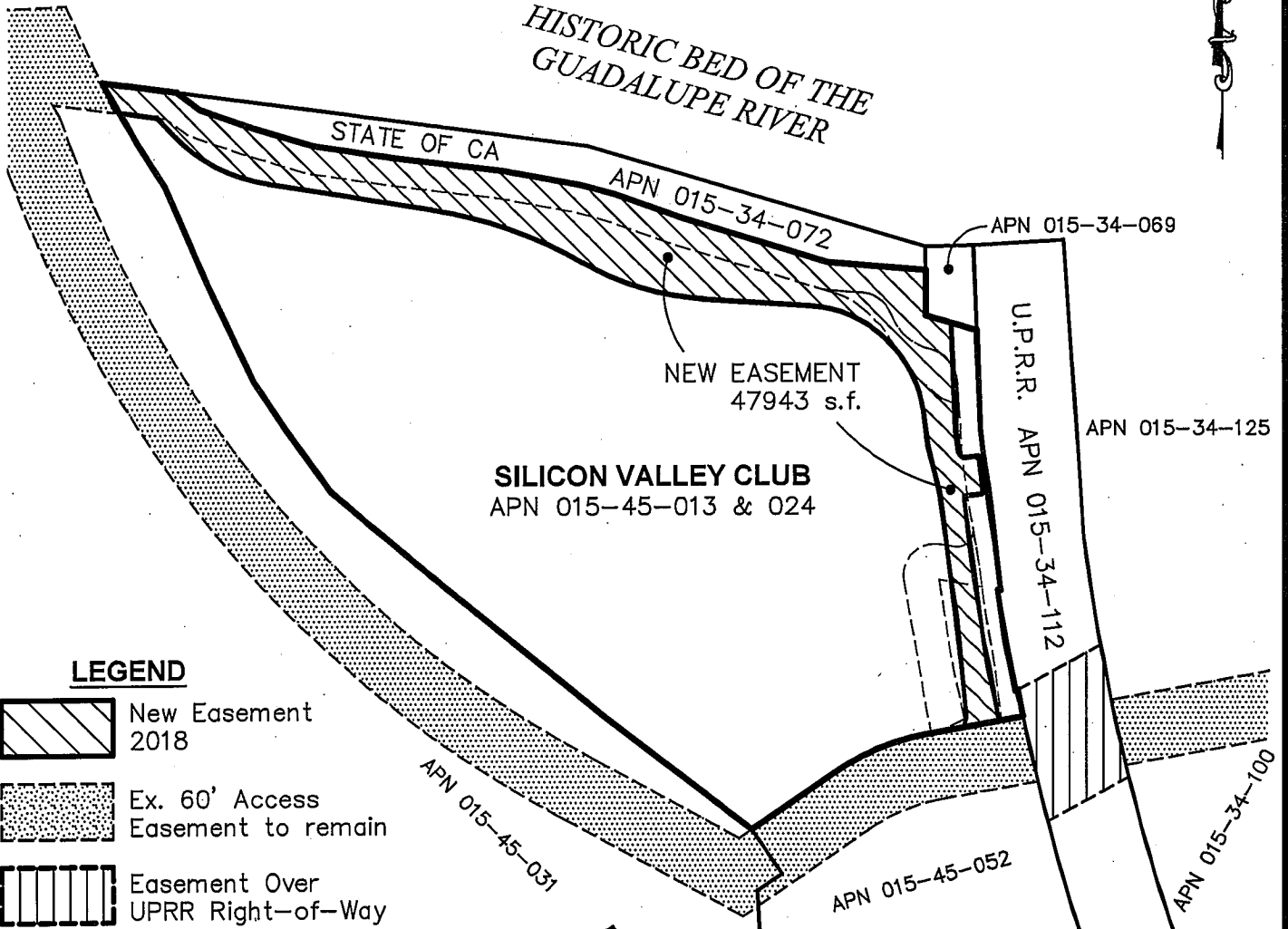


FEB 02 2018




NO SCALE

SITE

HISTORIC BED OF THE
GUADALUPE RIVER



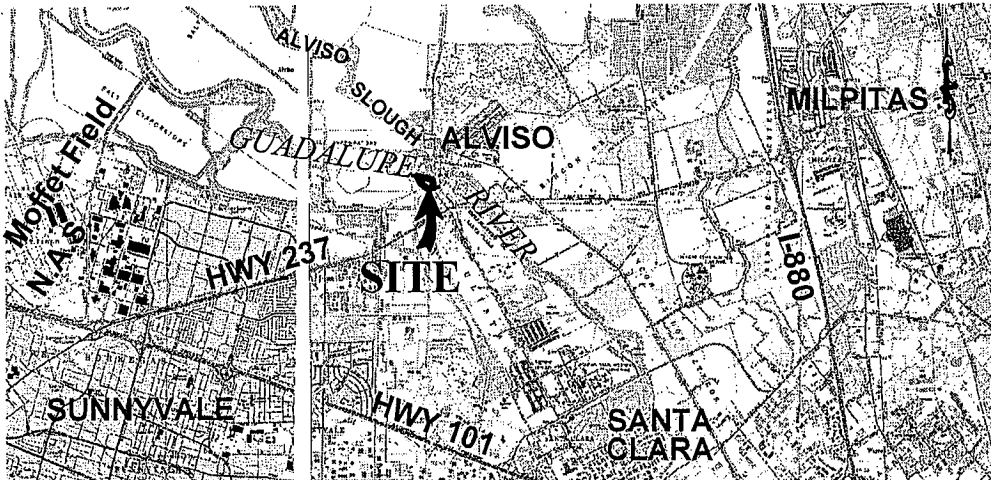
LEGEND

-  New Easement 2018
-  Ex. 60' Access Easement to remain
-  Easement Over UPRR Right-of-Way

RELOCATED ACCESS EASEMENT / NEW TRUST LANDS

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit D

SLL 53
 SILICON VALLEY CLUB
 EASEMENT EXCHANGE
 PUBLIC USE
 SANTA CLARA COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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 E
LAND DESCRIPTION
TRUST TERMINATION LANDS

PARCEL 1

A parcel of land described in the Easement Grant Deed recorded July 30, 2002 as Document No. 16390108, Official Records of Santa Clara County, California more properly described as follows:

All that real property situate in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel B, as said parcel is described in that certain grant deed filed for record on June 21, 2000 as Document No. 15287778, Santa Clara County Records, and a portion of Parcel 2, 3, and 5, as said parcels are described in that certain grant deed filed for record on October 11, 2000 as Document No. 15419129, Santa Clara Records and being more particularly described as follows:

BEGINNING at the northeasterly corner of said Parcel 3, said corner being the beginning of a non-tangent curve to the left from which point a radial line bears North 82°04'25" East; thence along said curve, having a radius of 1407.00 feet, through a central angle of 4°43'07", an arc length of 115.87 feet; thence South 79°35'00" West, a distance of 17.12 feet; thence North 8°17'47" West, a distance of 120.71 feet to the most northerly line of said parcel; thence along said line, South 80°03'41" East, a distance of 13.78 feet to the **POINT OF BEGINNING** and containing an area of 1,690 square feet, more or less.

TOGETHER WITH

Two parcels of land as described in Exhibit E of the description in the Boundary Line Settlement Agreement recorded February 16, 1989 in Book K850 at Page 1676, Official Records of Santa Clara County, California more properly described as follows:

That portion of the Rancho Ulistac, In the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at the most easterly corner of Parcel 2 as shown on that record of survey map filed October 28, 1977, in Book 406, Page 37, of Maps in the office of the Recorder of said County, said point of beginning being the southeasterly corner of that parcel described in the corporation grant deed from Bay Shell Company, a Corporation, to Marshland Development, Inc., a California Corporation, dated October 12, 1979, recorded October 16, 1979, in Book E869, Page 317, of Official Records of said County; thence from said point of beginning, along

the southerly line of said Parcel 2, S 61° 25' 51" W, 32.50 feet; thence leaving said southerly line, N 9° 54' 57" W, 142.75 feet to the beginning of a tangent curve concave to the southeast; thence northeasterly 53.07 feet along said curve with a radius of 28.00 feet, through a central angle of 108° 35' 33"; thence S 81° 19' 24" E, 13.54 feet to the beginning of a tangent curve concave to the northwest; thence northeasterly 26.22 feet along said curve with a radius of 14.00 feet, through a central angle of 107° 18' 18"; thence N 8° 37' 42" W, 65.45 feet; thence N 3° 37' 41" W, 47.08 feet; thence S 81° 20' 04" E, 19.19 feet to a point in the easterly line of Parcel 5 as shown on the above mentioned map, said point being distant 69.50 feet southerly along said easterly line from the northerly terminus of the course, on said map, having a bearing of N 3° 13' 57" W; thence along said easterly line, S 2° 17' 38" E, 19.72 feet; thence S 7° 01' 53" E, 107.08 feet to the beginning of a tangent curve concave easterly; thence southerly 38.40 feet along said curve with a radius of 1,949.91 feet, through a central angle of 1° 07' 42" to the southeasterly corner of said Parcel 5, thence on a non-tangent line along the southerly line of said Parcel 5, N 80° 03' 41" W, 55.78 feet to the northeasterly corner of Parcel 2, as shown on the above mentioned map, said corner being on a non-tangent curve concave easterly, a radial to said corner bears S 82° 41' 49" W; thence southerly along the easterly line of said Parcel 2, 127.78 feet along said curve with a radius of 1457.00 feet, through a central angle of 5° 01' 29" to the **POINT OF BEGINNING**.

That portion of the Rancho Ulistac, In the City of San Jose, County of Santa, Clara, State of California, described as follows:

COMMENCING at the northeasterly corner of Parcel 3 as shown on that record of survey map filed October 28, 1977, in Book 406, Page 37, of Maps in the office of the Recorder of said County, said point of commencement being the northwesterly corner of that parcel described in the corporation grant deed from Bay Shell Company, a Corporation, to Marshland Development, Inc., a California Corporation, dated October 12, 1979, recorded October 16, 1979, in Book E869, Page 317, of Official Records of said County: thence from said point of commencement, along the easterly line of said Parcel 3, S 0° 02' 32" W, 46.09 feet to the **POINT OF BEGINNING**; thence continuing along said easterly line, S 0° 02' 32" W, 15.91 feet to the northwesterly corner of Parcel 5 as shown on the above mentioned map; thence along the northerly line of said Parcel 5, S 73° 19' 36" E, 46.94 feet to the northeasterly corner of Parcel 5; thence along the easterly line of Parcels, S 2° 17' 38" E, 69.50 feet; thence, leaving said easterly line, N 81° 20' 04" W, 19.19 feet; thence N 70° 57' 12" W, 15.34 feet; thence N 49° 03' 43" W, 29.77 feet; thence N 34° 38' 20" W, 57.14 feet, thence N 47° 27' 56" W, 21.04 feet to the beginning of a tangent curve concave to the southwest, thence northwesterly 29.05 feet along said curve with a radius of 65.00 feet, through a central angle of 25° 36' 32"; thence N 73° 04' 27" W, 13.21 feet; thence S 85° 09' 07" E, 94.20 feet to the **POINT OF BEGINNING**.

EXCEPTING THEREFROM any portions lying westerly of the following described line:

COMMENCING at the northeasterly corner of Parcel 3 as described in the Grant Deed recorded October 11, 2000 as Instrument No. 15419129, Official Records of Santa Clara County, California, and also being the parcel of land described as Adjusted Parcel 3 in the Grant Deed recorded September 12, 2002 as Instrument No. 16475412, Official Records of Santa Clara County, California, thence along the easterly and northerly boundary of said Parcel 3 the following two (2) courses:

1. South 00° 01' 36" West, 41.00 feet; and
2. South 73° 20' 32" East, 23.40 feet; to the **POINT OF BEGINNING**.

Thence, leaving said northerly line and running the following eight (8) courses:

1. South 02° 18' 33" East, 97.59 feet,
2. South 07° 02' 50" East, 19.28 feet to the beginning of a tangent curve to the left,
3. Along said curve, having a radius of 5.00 feet, through a central angle of 090°00'00, an arc distance of 7.85 feet,
4. North 82° 57' 10" East, 12.00 feet,
5. South 07° 02' 50" East, 34.00 feet,
6. South 82° 57' 10" West, 17.00 feet,
7. South 07° 02' 50" East, 49.98 feet to the beginning of a curve to the left,
8. Along said curve; having a radius of 1971.91 feet, through a central angle of 004°30'08, an arc distance of 154.95 feet to a point which lies South 79° 35' 00" West, 22.00 feet from the most easterly corner of said Parcel 3,

Said point being the **POINT OF TERMINATION** of this line.

Parcel 2

A parcel of land as described in Exhibit E of the description in the Boundary Line Settlement Agreement recorded February 16, 1989 in Book K850 at Page 1676, Official Records of Santa Clara County, California more properly described as follows:

That portion of the Rancho Ulistac, In the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at the most easterly corner of Parcel 2 as shown on that record of survey map filed October 28, 1977, in Book 406, Page 37, of Maps in the office of the Recorder of said County, said point of beginning being the southeasterly corner of that parcel described in the corporation grant deed from Bay Shell Company, a Corporation, to Marshland Development,

Inc., a California Corporation, dated October 12, 1979, recorded October 16, 1979, in Book E869, Page 317, of Official Records of said County; thence from said point of beginning, along the southerly line of said Parcel 2, S 61° 25' 51" W, 32.50 feet; thence leaving said southerly line, N 9° 54' 57" W, 142.75 feet to the beginning of a tangent curve concave to the southeast; thence northeasterly 53.07 feet along said curve with a radius of 28.00 feet, through a central angle of 108° 35' 33"; thence S 81° 19' 24" E, 13.54 feet to the beginning of a tangent curve concave to the northwest; thence northeasterly 26.22 feet along said curve with a radius of 14.00 feet, through a central angle of 107° 18' 18"; thence N 8° 37' 42" W, 65.45 feet; thence N 3° 37' 41" W, 47.08 feet; thence S 81° 20' 04" E, 19.19 feet to a point in the easterly line of Parcel 5 as shown on the above mentioned map, said point being distant 69.50 feet southerly along said easterly line from the northerly terminus of the course, on said map, having a bearing of N 3° 13' 57" W; thence along said easterly line, S 2° 17' 38" E, 19.72 feet; thence S 7° 01' 53" E, 107.08 feet to the beginning of a tangent curve concave easterly; thence southerly 38.40 feet along said curve with a radius of 1,949.91 feet, through a central angle of 1° 07' 42" to the southeasterly corner of said Parcel 5, thence on a non-tangent line along the southerly line of said Parcel 5, N 80° 03' 41" W, 55.78 feet to the northeasterly corner of Parcel 2, as shown on the above mentioned map, said corner being on a non-tangent curve concave easterly, a radial to said corner bears S 82° 41' 49" W; thence southerly along the easterly line of said Parcel 2, 127.78 feet along said curve with a radius of 1457.00 feet, through a central angle of 5° 01' 29" to the **POINT OF BEGINNING**.

EXCEPTING THEREFROM any portions lying easterly of the following described line:

COMMENCING at the southeasterly corner of Parcel 3 as described in the Grant Deed recorded October 11, 2000 as Instrument No. 15419129, Official Records of Santa Clara County, California, and also being the parcel of land described as Adjusted Parcel 3 in the Grant Deed recorded September 12, 2002 as Instrument No. 16475412, Official Records of Santa Clara County, California,

Thence South 79° 35' 00" West, along the southerly line of said Parcel 3, 32.08 feet to the beginning of a non-tangent curve to the left having a radius of 30.00 feet and to which point a radial line bears South 66° 24' 41" East; Said point being the **POINT OF BEGINNING** of this line;

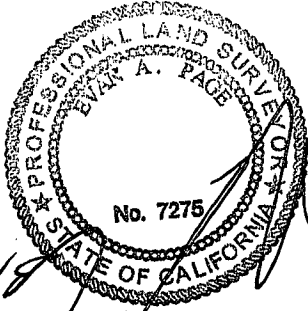
Thence leaving said southerly line and running the following fourteen (14) courses:

1. Along said curve through a central angle of 015°25'50", an arc distance of 8.08 feet to the beginning of a curve to the left having a radius of 15.00 feet,
2. Along said curve through a central angle of 013°57'56", an arc distance of 3.66 feet,
3. North 05° 51' 07" West, 91.67 feet,
4. North 07° 27' 15" West, 110.20 feet,
5. North 13° 51' 40" West, 42.14 feet,

6. North 07° 02' 50" West, 29.12 feet to the beginning of a curve to the left having a radius of 112.00 feet,
7. Along said curve through a central angle of 079°14'33", an arc distance of 154.90 feet,
8. North 86° 17' 23" West, 97.26 feet to the beginning of a curve to the right having a radius of 246.00 feet,
9. Along said curve through a central angle of 026°25'30", an arc distance of 113.46 feet to the beginning of a curve to the left having a radius of 395.00 feet,
10. Along said curve through a central angle of 020°56'34", an arc distance of 144.38 feet,
11. North 80° 48' 27" West, 151.53 feet to the beginning of a curve to the right having a radius of 152.44 feet,
12. Along said curve through a central angle of 037°38'27", an arc distance of 100.14 feet,
13. North 43° 13' 37" West, 21.26 feet, and
14. North 82° 20' 06" West, 34.55 feet to a point on the westerly line of said Parcel 3 which lies South 30° 20'08" East, 31.57 feet from the **POINT OF BEGINNING**;

Said point being the **POINT OF TERMINATION** of this line.

END DESCRIPTION


EAP
MAR 16 2018

NO SCALE

SITE

HISTORIC BED OF THE
GUADALUPE RIVER

STATE OF CA

APN 015-34-072

APN 015-34-069

SILICON VALLEY CLUB
APN 015-45-013 & 024

PARCEL 1
5687 s.f.

PARCEL 2
5198 s.f.

APN 015-34-125

U.P.R.R. APN 015-34-112

APN 015-45-031

APN 015-45-052

APN 015-34-100

LEGEND



New Easement
2018



Ex. 60' Access
Easement to remain



Easement Over
UPRR Right-of-Way

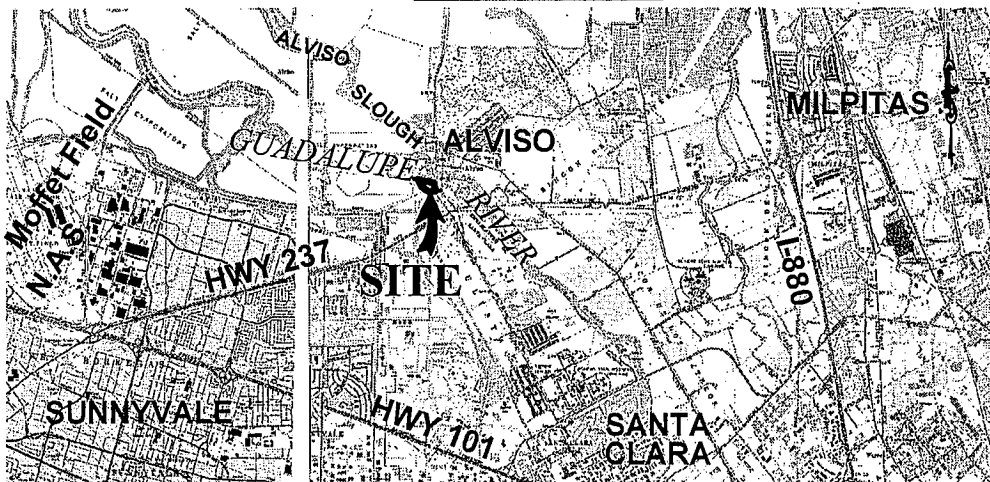


Trust Termination
Parcels

TRUST TERMINATION PARCELS

NO SCALE

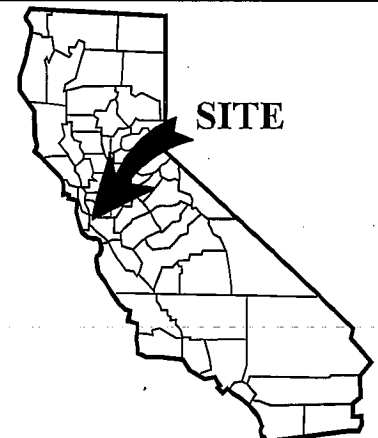
LOCATION



MAP SOURCE: USGS QUAD

Exhibit F

SLL 53
SILICON VALLEY CLUB
EASEMENT EXCHANGE
PUBLIC USE
SANTA CLARA COUNTY



SITE

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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.