

MINUTE ITEM

6/28/73
EWC

2. 49-YEAR PUBLIC AGENCY PERMIT, SUBMERGED LAND IN COYOTE CREEK AT MILPITAS, SANTA CLARA COUNTY; MILPITAS SANITARY DISTRICT - W 20328, PRC 4772.9.

After consideration of Calendar Item 1 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. FINDS THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 106 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, A PUBLIC AGENCY PERMIT AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.
2. AUTHORIZES THE ISSUANCE TO MILPITAS SANITARY DISTRICT OF A 49-YEAR PUBLIC AGENCY PERMIT FROM JULY 1, 1973; IN CONSIDERATION OF THE PUBLIC HEALTH, WITH 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 THE CONSTRUCTION AND MAINTENANCE OF A 36-INCH WASTE-WATER PIPELINE ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 1 (3 pages)

CALENDAR ITEM

6/73
EWC
W 20328

1.

PUBLIC AGENCY PERMIT

APPLICANT: Milpitas Sanitary District.

LOCATION: A 0.14-acre parcel of submerged land in Coyote Creek at Milpitas, Santa Clara County.

LAND USE: The construction and maintenance of a 36-inch wastewater transmission line.

TERMS OF ORIGINAL LEASE:

Special: This lease shall not become effective until the lessee has obtained a U.S. Army Corps of Engineers permit for the construction of the pipeline crossing of Coyote Creek and provided the lessor with a copy thereof.

TERMS OF PROPOSED LEASE:

Initial period: 49 years, from July 1, 1973.

CONSIDERATION: The public health, 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.

PREREQUISITE TERMS:

U.S. Army Corps of Engineers permit applied for.

Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Division 6, Parts 1 and 2.
- b. Administrative Code: Title 2, Division 3, Articles 1 and 2.

OTHER PERTINENT INFORMATION:

1. The annual rental value of the site is estimated to be \$25.
2. An environmental impact report has been circulated to agencies with jurisdiction and expertise. No adverse comments have been received.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT, IN ACCORDANCE WITH ENVIRONMENTAL IMPACT REPORT NO. 106 ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE

CALENDAR ITEM NO. 1. (CONTD)

A PART HEREOF, A PUBLIC AGENCY PERMIT AS RECOMMENDED HEREIN WILL NOT HAVE A SIGNIFICANT DETRIMENTAL ENVIRONMENTAL EFFECT.

2. AUTHORIZE THE ISSUANCE TO MILPITAS SANITARY DISTRICT OF A 49-YEAR PUBLIC AGENCY PERMIT FROM JULY 1, 1973; IN CONSIDERATION OF THE PUBLIC HEALTH, WITH 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 THE CONSTRUCTION AND MAINTENANCE OF A 36-INCH WASTE-WATER PIPELINE ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 20328

A strip of tide and submerged land 50 feet in width, lying within Coyote Creek, 2 miles northwesterly of the City of Milpitas, Santa Clara County, State of California, being 25 feet on each side of the following described centerline:

COMMENCING at the southeast corner of that certain 9.16-acre parcel of land described as Parcel No. 2 in The Final Judgment of Condemnation recorded on March 12, 1954, in Book 2832 of Official Records at page 234, Santa Clara County Records; thence along the easterly boundary of that 9.16-acre parcel N 8° 05' 10" W, 1000.00 feet to the northeast corner of said Parcel No. 2; thence S 81° 54' 50" W, 83.70 feet to the northwesterly corner of said Parcel No. 2; thence southerly along the westerly boundary of said Parcel No. 2, the following 4 courses:

1. S 29° 46' W 412.40 feet;
2. S 17° 25' 40" W 175.22 feet;
3. S 27° 37' 10" W 113.06 feet;
4. S 33° 35' 20" W 82.34 feet to the TRUE POINT OF

BEGINNING; thence N 78° 05' 10" W, 120 feet across Coyote Creek to the end of the herein-described centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

END OF DESCRIPTION