

**CALENDAR ITEM
C08**

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12/14/06
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.

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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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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

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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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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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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.

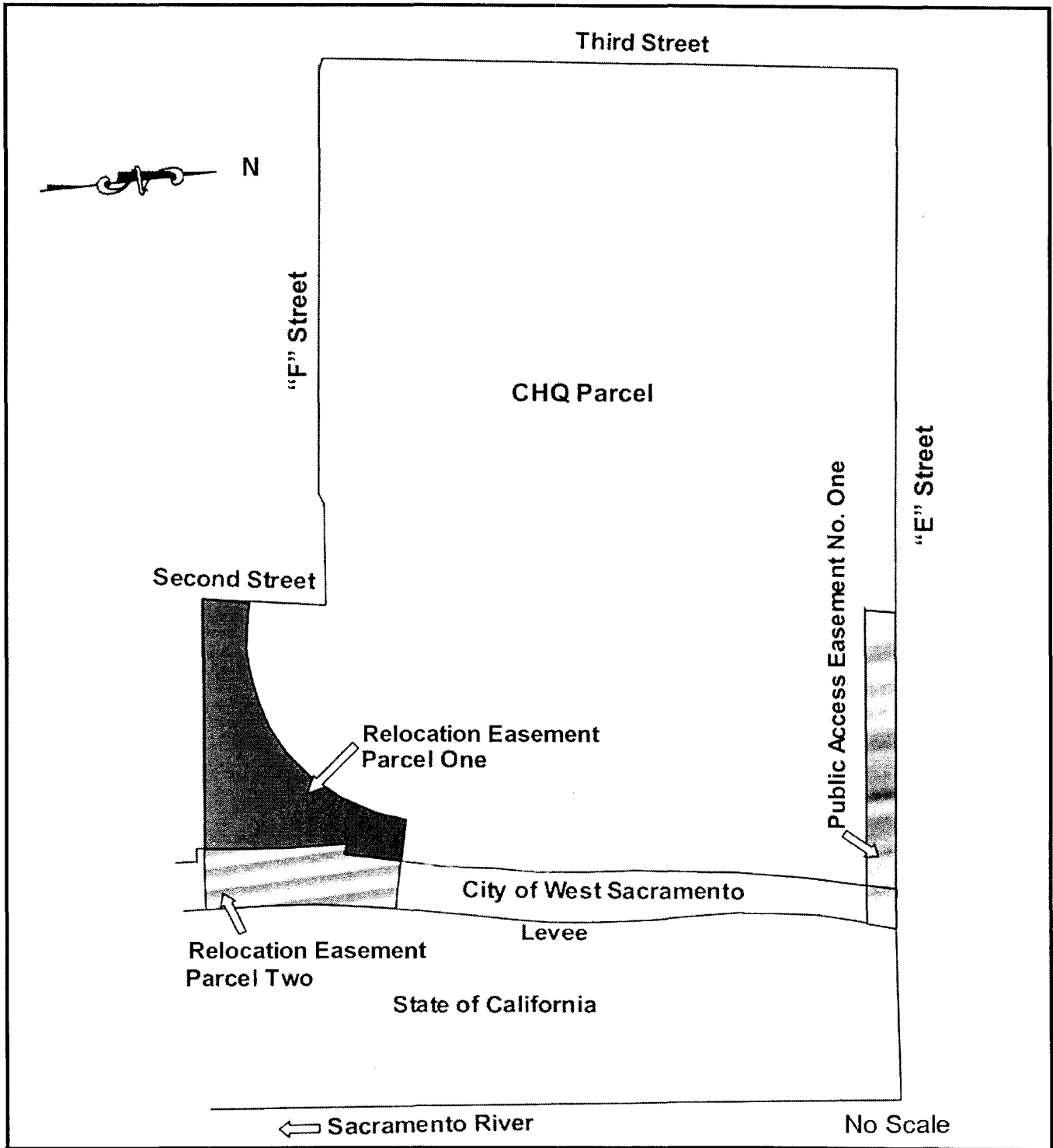
5. AUTHORIZE QUITCLAIM TO CHQ, LLC OF PUBLIC ACCESS EASEMENT NO. ONE, AN EXISTING EASEMENT FOR NON-MOTORIZED ACCESS EASEMENT FOR USE BY THE GENERAL PUBLIC SAID EASEMENT EXISTING OVER LANDS OWNED BY CHQ, LLC AND DESIGNATED FOR USE BY CHQ, LLC AS AN OFFICE BUILDING.
6. AUTHORIZE EXECUTION OF A DOCUMENT 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.

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No Scale

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.

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