

MINUTE ITEM

This Calendar Item No. 76
was approved as Minute Item
No. 76 by the State Lands
Commission by a vote of 3
0 at its 6/11/90

CALENDAR ITEM

A 26
S 5

76

06/11/90
W 2400.177
Stevenson
Sanders
Greif

**APPROVE ANNEXATION OF TIDE AND SUBMERGED LANDS TO
THE CITY OF STOCKTON**

APPLICANT: Developers' Real Estate Service, Inc.
3809 Saint Nicholas Drive
Modesto, California 95356

The State Lands Commission has received a request from Developers' Real Estate Service, Inc. to review and approve the boundaries for the annexation of land to the City of Stockton. The area to be annexed includes property along and within the bed of the San Joaquin River adjoining a residential development known as River Estates. A map of the area to be annexed is attached to this calendar item as Exhibit "B" for reference purposes.

Pursuant to Government Code Section 56108, the Commission is required to review and approve or disapprove proposed boundaries of land to be annexed to cities or counties when sovereign lands are included within the areas annexed. No sovereign lands may be annexed without the approval of the Commission.

The boundary staff of the Commission has reviewed the proposed boundary description and has suggested minor changes. The City of Stockton has sent an amended description to staff which is shown in Exhibit "A", attached to this calendar item and incorporated herein by this reference. The description is adequate. However, approval of the legal description pursuant to Government Code Section 56108(c) and (d) does not constitute approval by the State as landowner of the tide and submerged lands within the area of the proposed annexation. Pursuant to

(ADDED 06/08/90)

-1-

CALENDAR PAGE	<u>513</u>
MINUTE PAGE	<u>1638</u>

Government Code Section 56108(a), the Commission must consent before land under its jurisdiction is incorporated into a city or county. Staff recommends that the Commission grant its approval as cited in the findings below.

STATUTORY AND OTHER REFERENCES:

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

AB 884: N/A.

OTHER PERTINENT INFORMATION:

- 1. A mitigated Negative Declaration was prepared and adopted for this project by the City of Stockton. The staff has reviewed such document.
- 2. The tentative subdivision map for River Estates includes public access along the San Joaquin River through the length of the subdivision.

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

IT IS RECOMMENDED THAT THE COMMISSION:

- 1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THE PROJECT BY THE CITY OF STOCKTON AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
- 2. DETERMINE THAT THE PROJECT, AS AMENDED AND APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
- 3. APPROVE THE PROPOSED BOUNDARIES INVOLVING LANDS UNDER THE COMMISSION'S JURISDICTION WITHIN THE SUBJECT PROPERTY, AS DESCRIBED IN EXHIBIT "A", PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 56108(c) and (d).
- 4. CONSENT, AS THE LANDOWNER, TO THE PROPOSED ANNEXATION OF TIDE AND SUBMERGED LANDS UNDER THE JURISDICTION OF THE STATE LANDS COMMISSION IN THE SAN JOAQUIN RIVER WITHIN THE AREA DESCRIBED IN EXHIBIT "A", PURSUANT TO GOVERNMENT CODE SECTION 56108(a).

(ADDED 06/08/90)

CALENDAR ITEM NO.: 76 (CONT'D)

5. AUTHORIZE STAFF TO GIVE THE REQUESTED NOTICE OF SAID APPROVAL TO THE DETACHMENT AND ANNEXATION TO THE APPLICANT AND TO THE SAN JOAQUIN COUNTY LAFCO, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 56108(e).

(ADDED 06/08/90)

-3-

CALENDAR PAGE	<u>513.2</u>
MINUTE PAGE	<u>1640</u>

EXHIBIT "A"

W 2400.177

LAND DESCRIPTION

All that certain real property situate lying and being in the County of San Joaquin, State of California, as follows:

All that fractional portion of Sections 16 and 21, Township 1 North, Range 6 East, Mount Diablo Base and Meridian and all that portion of Lots 12, 13, 16, 17, 20 and 21 of the Moss Garden Tract, filed for record in Volume 3 of Maps and Plats at Page 13, San Joaquin County Records, more particularly described as follows:

Commencing at the City of Stockton survey control monument (5S24) at the intersection of center lines of Eighth Street and Fresno Street; thence North $0^{\circ} 25' 03''$ East 40.00 feet to the northerly right of way line of Eighth Street; thence North $89^{\circ} 34' 57''$ West along the northerly right of way line of Eighth Street a distance of 1014.30 feet to a point 129.3 feet west of the easterly line of Lot 21 of aforesaid Moss Garden Tract, said point being on the boundary line of the City of Stockton and the True Point of Beginning of the Parcel herein Described; thence Northerly along the boundary line of the City of Stockton, said line being parallel with and 129.3 feet westerly at right angles from the easterly line of Lots 21 and 20 of said Moss Garden Tract, a distance of 1950 feet more or less to its intersection with the northerly right of way line of State Highway No. 4; thence South $71^{\circ} 52' 19''$ West along the northerly right of way line of said State Highway No. 4 a distance of 3800 feet more or less to its intersection with the west bank of the San Joaquin River; thence South $9^{\circ} 00'$ East along the west bank of the San Joaquin River a distance of 270 feet more or less; thence continuing along the west bank of the San Joaquin River South $67^{\circ} 15'$ East 165 feet to the south line of aforesaid Section 16, from which the southwest corner of said Section 16 bears West 1333.2 feet; thence Easterly along the south line of said Section 16 to its intersection with the east bank of the San Joaquin River; thence Southeasterly along the east bank of the San Joaquin River to its intersection with the northerly right of way line of Eighth Street; thence South $89^{\circ} 34' 57''$ East 2707.78 feet to the Point of Beginning and containing 104 acres more or less.

END OF DESCRIPTION

PREPARED JUNE 1, 1990 BY LLB.

CALENDAR PAGE	513
MINUTE PAGE	1641

