

52. PROPOSED LAND EXCHANGE PURSUANT TO PROVISIONS OF CH. 1391, STATS OF 1967, MARIN COUNTY - S.W.O. 8310, S.L.L. 42.

After consideration of Calendar Item 30 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION, PURSUANT TO THE PROVISIONS OF CH. 1391/1967:

1. FINDS THAT THE AREA OF THE LANDS TO BE CONVEYED BY THE STATE AND BY THE COUNTY OF MARIN, DESCRIBED AS PARCELS 2, 3 AND 4 OF CH. 1391/1957, CONTAINING 27,429 SQUARE FEET, IS APPROXIMATELY EQUAL TO THE AREA OF THE LAND TO BE ACQUIRED BY THE COUNTY OF MARIN, CONTAINING 27,325 SQUARE FEET. ADDITIONALLY, THE COUNTY OF MARIN WILL RECEIVE 3,900 SQUARE FEET IN COYOTE STREET.
2. FINDS THAT THE LANDS DESCRIBED AS PARCELS 2, 3 AND 4 ON EXHIBIT "A" ATTACHED AND PARCEL 1 ON EXHIBIT "B" ATTACHED, AUTHORIZED TO BE EXCHANGED BY CH. 1391/1967, ARE OF THE SAME CHARACTER.
3. AUTHORIZES THE ACCEPTANCE OF A DEED OR DEEDS (INCLUDING THE AREA IN COYOTE STREET CONTAINING 3,900 SQUARE FEET) AS DESCRIBED ON EXHIBIT "B", BEING PARCEL 1 OF CH. 1391/1967, FROM PAUL J. AND ORA SMITH, AS OWNERS OF PROPERTY ABUTTING THE STATE AND COUNTY LANDS REFERRED TO IN SAID CHAPTER 1391.
4. AUTHORIZES THE EXECUTIVE OFFICER TO EXECUTE ALL DOCUMENTS AND ESCROW INSTRUCTIONS AND TO DO ALL ACTS NECESSARY AND CONVENIENT TO CAUSE PATENT TO BE ISSUED TO PAUL J. AND ORA SMITH EMBRACING THE LANDS IN EXHIBIT "A" AND TO COMPLETE SUCH EXCHANGE.
5. THIS AUTHORIZATION SHALL BE EFFECTIVE ON MAY 1, 1968, AND SHALL TAKE EFFECT ONLY IN THE EVENT THE EXECUTIVE OFFICER SHALL CERTIFY AND SUCH CERTIFICATION IS FILED IN THE OFFICIAL RECORDS OF THE STATE LANDS COMMISSION, THAT NO PROTESTS OR REQUESTS FOR HEARING, AS PROVIDED BY SAID CH. 1391/1967 MADE PRIOR TO THE END OF THE THIRTY-DAY PUBLICATION PERIOD, HAVE BEEN RECEIVED BY THE STATE LANDS DIVISION PRIOR TO MAY 1, 1968; AND, SHOULD THE EXECUTIVE OFFICER NOT SO CERTIFY, THE WITHIN AUTHORIZATION SHALL BE NULL AND VOID AND OF NO FORCE AND EFFECT.

Attachment

Calendar Item 30 (6 pages)

CONSIDERATION OF PROPOSED EXCHANGE PURSUANT TO PROVISIONS OF CH. 1391, STATS. OF 1967, MARIN COUNTY - S.W.C. 8310, S.L.L. 42.

Ch. 1391/1967 authorizes the Commission and the County of Marin to convey certain lands described therein as Parcels 2, 3 and 4 (granted to the County of Marin by Ch. 497/1959, subject, among other conditions, to a reservation of all minerals in favor of the State) to the owners of property abutting said lands, in exchange for and upon there being conveyed to the County of Marin, as trustee for the State of California, by said owners, all right, title and interest in and to other lands lying in the same general vicinity and described as Parcel 1 in said Chapter 1391. The lands involved are identified on Exhibit "C" attached hereto. The Act further provides that the exchange shall be made only if the Commission finds:

1. That the acreage of the lands to be conveyed by the State and by the County is approximately equal to the acreage of the land to be acquired by the County of Marin; and
2. That said lands are of the same character.

Section 4 of said Chapter 1391 provides that, before making any exchange authorized therein, the Commission shall publish notice of intention to make the exchange in a newspaper of general circulation published in the County of Marin, with the proviso that within thirty days after such publication any affected city or county may request in writing to the Commission that a hearing be held with respect thereto. Upon receipt of any such request, the Commission shall hold a hearing and shall give not less than ten days written notice thereof to each city or county making such request. Pursuant thereto, publication of notice was made once (March 25, 1968) in the San Rafael Independent, a daily publication in Marin County.

Because of the indicated urgency attached to the consummation of the exchange transaction, the matter is submitted to the Commission for consideration during its regular meeting of April 25, 1968, the day following expiration of the thirty-day publication period referred to above. To provide for proper consideration of any protests or requests from any cities or counties for a hearing, as authorized by the statute, that may have been dated and deposited in the United States mail as of or immediately prior to the close of the thirty-day publication, but not received in due time for referral to and consideration by the Commission at this meeting, an appropriate provision has been included in the recommendation hereinafter to the effect that if the Commission favorably considers and approves the transaction as recommended herein and as required by the statute, the effective date of such approval shall be May 1, 1968, provided no protests or requests for a hearing, as provided by Ch. 1391/1967, made prior to the end of the thirty-day publication period, have been received by the State Lands Division prior to May 1, 1968.

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It has been established by the staff, through title evidence and prior inspections of the lands involved, that:

1. The area to be conveyed by the State and by the County (27,429 square feet) is approximately equal to the area of land to be acquired by the County of Marin (27,325 square feet). In addition, the County will receive an area in Coyote Street comprising an additional 3900 square feet.
2. The lands authorized to be exchanged by and described in said statute are of the same general character.
3. Paul J. and Ora Smith are owners of property abutting the State and County lands referred to in said statute.

Additionally, the statute provides that the lands acquired by the County of Marin, as trustee for the State of California, shall be held by the County, in trust, for the same uses and purposes and subject to the same restrictions as specified in Ch. 497/1959, and subject also to the additional conditions set forth therein, which consist of the usual provisions imposed by the Legislature on grantees of State sovereign lands.

The documents proposed to be executed to accomplish the exchange transaction have been reviewed and approved by the legal staff of the State Lands Division.

IT IS RECOMMENDED THAT THE COMMISSION, PURSUANT TO THE PROVISIONS OF CH. 1391/1967:

1. FIND THAT THE AREA OF THE LANDS TO BE CONVEYED BY THE STATE AND BY THE COUNTY OF MARIN, DESCRIBED AS PARCELS 2, 3 AND 4 OF CH. 1391/1957, CONTAINING 27,429 SQUARE FEET, IS APPROXIMATELY EQUAL TO THE AREA OF THE LAND TO BE ACQUIRED BY THE COUNTY OF MARIN, CONTAINING 27,325 SQUARE FEET. ADDITIONALLY, THE COUNTY OF MARIN WILL RECEIVE 3,900 SQUARE FEET IN COYOTE STREET.
2. FIND THAT THE LANDS DESCRIBED AS PARCELS 2, 3 AND 4 ON EXHIBIT "A" ATTACHED AND PARCEL 1 ON EXHIBIT "B" ATTACHED, AUTHORIZED TO BE EXCHANGED BY CH. 1391/1967, ARE OF THE SAME CHARACTER.
3. AUTHORIZE THE ACCEPTANCE OF A DEED OR DEEDS (INCLUDING THE AREA IN COYOTE STREET CONTAINING 3,900 SQUARE FEET) AS DESCRIBED ON EXHIBIT "B", BEING PARCEL 1 OF CH. 1391/1967, FROM PAUL J. AND ORA SMITH, AS OWNERS OF PROPERTY ABUTTING THE STATE AND COUNTY LANDS REFERRED TO IN SAID CHAPTER 1391.
4. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE ALL DOCUMENTS AND ESCROW INSTRUCTIONS AND TO DO ALL ACTS NECESSARY AND CONVENIENT TO CAUSE PATENT TO BE ISSUED TO PAUL J. AND ORA SMITH EMBRACING THE LANDS IN EXHIBIT "A" AND TO COMPLETE SUCH EXCHANGE.
5. THIS AUTHORIZATION SHALL BE EFFECTIVE ON MAY 1, 1968, AND SHALL TAKE EFFECT ONLY IN THE EVENT THE EXECUTIVE OFFICER SHALL CERTIFY AND SUCH CERTIFICATION IS FILED IN THE OFFICIAL RECORDS OF THE STATE LANDS COMMISSION, THAT

CALENDAR ITEM 30. (CONTD.)

NO PROTESTS OR REQUESTS FOR HEARING, AS PROVIDED BY SAID CH. 1391/1957 MADE PRIOR TO THE END OF THE THIRTY-DAY PUBLICATION PERIOD, HAVE BEEN RECEIVED BY THE STATE LANDS DIVISION PRIOR TO MAY 1, 1968; AND, SHOULD THE EXECUTIVE OFFICER NOT SO CERTIFY, THE WITHIN AUTHORIZATION SHALL BE NULL AND VOID AND OF NO FORCE AND EFFECT.

Attachments: Exhibits "A" and "B"

EXHIBIT "A"

DESCRIPTION

All that certain real property situate in the County of Marin, State of California, more particularly described as follows:

PARCEL TWO

A strip of land, the uniform width of 34.5 feet lying Northwesterly of, and contiguous to the following described line:

BEGINNING at the most Northerly corner of Parcel Two as contained in the Deed from Paul J. Smith, et ux., to the State of California, recorded September 16, 1955 in Liber 971 of Official Records, at page 511, Marin County Records, said point being the intersection of the Northeasterly line of the above referred to Parcel Two with the Northwesterly line of Block 193, as shown upon that certain map entitled, "Map No. 1 of Salt Marsh and Tide Lands, in the County of Marin, State of California 1870", filed in Can "F" in the office of the recorder, County of Marin, said point also being on the Southeasterly line of Canal Street, as said street is shown on the Tide Land Map referred to above; thence Northeasterly along said Southeasterly line of Canal Street and its extension thereof 440.13 feet to a point on the Northwesterly line of Block 194 as shown upon the Tide Land Map referred to above.

Being a portion of Canal Street as shown upon that certain Tide Land Map herein above referred to.

PARCEL THREE

Beginning at the intersection of the Southeasterly line of Canal Street with the Southwesterly line of Tomales Street, said point being the most Northerly corner of Block 193 as said streets and Block are shown upon that certain map entitled "Map No. 1 of the Salt Marsh and Tide Lands in the County of Marin, State of California 1870" filed in Can "F" in the office of the recorder, County of Marin, thence from said point of beginning, Southeasterly along the Southwesterly line of Tomales Street 176 feet more or less to the intersection of said street line with the Northerly boundary of the Rancho Sausalito as contained in that certain Patent from the United States of America to Guillermo Antonio Richardson, recorded June 21, 1879 in "A" of Patents, at page 429, Marin County Records, thence Easterly along said Rancho line and crossing said Tomales Street 67 feet more or less to a point on the Southwesterly line of Block 194, Tide Land map above referred to, said point also being on the North-easterly line of Tomales Street, thence Northwesterly along said Northeasterly line of Tomales Street 204 feet more or less to the intersection of the North-easterly line of Tomales Street and the Southeasterly line of Canal Street, said point being the most Westerly corner of Block 194, as said streets and Block are shown upon the Tide Land map above referred to, thence Southwesterly across the extension of Canal Street 60 feet to the point of beginning.

EXHIBIT "A" (CONTD.)

Being that portion of Tomales Street as shown upon that certain Tide Land map referred to above, lying between Blocks 193, 194 and Canal Street and the Rancho Sausalito Boundary as shown on said map.

PARCEL FOUR

Beginning at the most Southerly corner of Block 194, said point being the intersection of the Northeasterly line of Tomales Street with the Northwesterly line of Coyote Street, as said Block and Streets are shown upon that certain map entitled "Official Map of Sausalito Land and Ferry Company" filed for record April 26, 1869 in Rack 1 of Maps, at Pull 9, Marin County Records, thence from said point of beginning Northeasterly along the Northwesterly line of Coyote Street 159.84 feet to a point on the Southwesterly line of that certain 60 foot Right of Way conveyed from the Sausalito Land and Ferry Company to North Pacific Coast Railroad Extension Company, by deed recorded February 13, 1883 in Liber "Y" of Deeds, at page 127, Marin County Records, thence leaving said street line and running Southeasterly along the Southwesterly line of said Right of Way 60 feet more or less to the Southeasterly line of Coyote Street, said point also being on the Northwesterly line of Block 186, as shown upon the map above referred to, thence leaving said Right of Way line and running Southwesterly along the Northwesterly line of said Block 186 and the Southeasterly line of said Coyote Street, 167 feet more or less to the most Westerly corner of said Block 186, said point being the intersection of the Northeasterly line of Tomales Street with the Southeasterly line of Coyote Street, thence leaving Block 186 and running Northwesterly across Coyote Street, 60 feet more or less to the point of beginning.

Excepting therefrom all that portion of Coyote Street lying within the boundaries of the official map of Sausalito Land and Ferry Company above described, lying within the boundaries of the Sausalito Rancho.

Also excepting therefrom a strip of land with a uniform width of 65 feet, lying Southwesterly of and contiguous to a line described as follows:

Beginning at the intersection of the Northwesterly line of Coyote Street, as shown upon that certain map entitled "Map No. 1 of Salt Marsh and Tide Lands, in the County of Marin, State of California 1870" filed in Can "F" in the office of the recorder, County of Marin, and the Southwesterly line of that 60 foot Right of Way conveyed from the Sausalito Land and Ferry Company to the North Pacific Coast Railroad Extension Company, recorded June 29, 1928 in Liber 148 of Official Records, at page 268, Marin County Records, said point also being on the Southeasterly line of Block 194, Tide Land map above referred to, thence from said point of beginning, Southeasterly along the Southwesterly line of said Right of Way 60 feet more or less to a point on the Northwesterly line of Block 186, as shown upon the official map of Sausalito Land and Ferry Company herein above referred to, said point being the intersection of the Southwesterly line of said Right of Way with the Southeasterly line of Coyote Street.

Being a portion of Coyote Street as shown upon that certain Tide Land Map referred to above.

EXHIBIT "B"

DESCRIPTION

All that certain real property situate in the County of Marin, State of California, more particularly described as follows:

PARCEL ONE

A strip of land, the uniform width of 65 feet, lying Southwesterly of and contiguous to the following described line:

BEGINNING at a point on the Southwesterly line of that 60 foot Right of Way conveyed from Sausalito Land and Ferry Company to the North Pacific Coast Railroad Extension Company, recorded February 13, 1883 in Liber "Y" of Deeds, at page 127, Marin County Records, said point being the intersection of the Southwesterly line of the Right of Way with the Southeasterly line of Parcel Two conveyed from Sausalito Land and Ferry Company to the State of California by Deed recorded January 5, 1931 in Liber 208 of Official Records, at page 17, Marin County Records, running thence from said Point of Beginning, Northwesterly along the Southwesterly line of the Railroad Right of Way (and its Extension thereof, as contained in the Deed from Edwin B. Robinson to the Northwestern Pacific Railroad Company, recorded June 29, 1928 in Liber 148 of Official Records, at page 268, Marin County Records) 545 feet more or less to a point on the Northwesterly line of Block 194 as shown upon that certain map entitled, "Map No. 1 of Salt Marsh and Tide Lands, in the County of Marin, State of California 1870", filed in Can "F" in the office of the County Recorder, County of Marin, said point being the intersection of the Northwesterly line of said Block 194 with the Southwesterly line of said Right of Way.

BEING a portion of Block 186 and Coyote Street, as shown upon that certain map entitled, "Official Map of Sausalito Land and Ferry Company", filed for record April 26, 1869 in Rack 1 of Maps, Pull 9, Marin County Records, and also being a portion of Block 194 and Coyote Street as shown upon that certain Tide Lands Map hereinabove referred to.

EXCEPTING THEREFROM "Parcel Two" as contained in the Deed from Sausalito Land and Ferry Company to the State of California, recorded January 5, 1931 in Liber 208 of Official Records, at page 17, Marin County Records.