

4. 49-YEAR PUBLIC AGENCY PERMIT (RIGHT-OF-WAY), T&S LANDS IN PACHECO CREEK, CONTRA COSTA COUNTY, FOR FLOOD-CONTROL AND WATER-CONSERVATION CHANNEL; CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT - W.O. N-0389, P.R.C. 4215.9.

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

THE COMMISSION AUTHORIZES THE ISSUANCE TO THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT OF A 49 YEAR PUBLIC AGENCY PERMIT FOR A RIGHT-OF-WAY FROM MARCH 1, 1969, IN CONSIDERATION OF THE PUBLIC PROTECTION AND BENEFIT, FOR THE MAINTENANCE AND PROTECTION OF A CHANNEL FOR THE CONTROL OF FLOOD AND CONSERVATION WATERS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment

Calendar Item 1 (5 pages)

CALENDAR ITEM

5/69
W.O. N-0389

1.

PUBLIC AGENCY PERMIT (RIGHT-OF-WAY)

APPLICANT: Contra Costa County Flood Control and Water Conservation District.

LOCATION: Approximately 15 acres of tide and submerged land in the natural bed of Pacheco Creek, formerly known as Walnut Creek, easterly of Martinez, Contra Costa County.

LAND USE: The construction and maintenance of a channel designed to control flooding and to conserve water.

TERM: 49 years, from March 1, 1969.

CONSIDERATION: (1) No charge - the public protection and benefit.

(2) A nonmonetary consideration is justified for this permit on the basis of existent policy that, in general, free rights-of-way across State lands for flood-control and water-conservation purposes contribute to the public safety and benefit.

PREREQUISITE ITEM:

The District is acquiring property rights, where necessary, in adjacent upland.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Pt. 2, Ch. 1, Secs. 6501-6509.
- b. Administrative Code: Title 2, Div. 3, Secs. 2000-2011.
- c. Commission policy: Minute Item 18 of November 18, 1959.

OTHER PERTINENT INFORMATION:

- (1) Construction of the channel is being undertaken by the U. S. Army Corps of Engineers. The District is responsible for acquiring necessary property rights and for future operation and maintenance of the channel.
- (2) The matter of a permit to dredge the channel is being handled as a separate item.
- (3) By letter of January 2, 1969, the District reported that the waterway already had been widened and straightened as a trapezoidal earth channel, and that the levees on both sides had been raised. Commencing in July 1969, the levees will be raised again to their ultimate height, and will be gravelled for patrol and maintenance purposes. The work will be completed by August 31, 1969. The District further reports that the entire area of the Creek has been fenced along the right-of-way lines for public safety and District-liability protection.

CALENDAR ITEM 1. (CONTD.)

EXHIBITS: A. Land description. B. Location map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ISSUANCE TO THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT OF A 49-YEAR PUBLIC AGENCY PERMIT FOR A RIGHT-OF-WAY FROM MARCH 1, 1969, IN CONSIDERATION OF THE PUBLIC PROTECTION AND BENEFIT, FOR THE MAINTENANCE AND PROTECTION OF A CHANNEL FOR THE CONTROL OF FLOOD AND CONSERVATION WATERS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

All that certain tide and submerged land in the bed of Pacheco Creek, formerly known as Walnut Creek, Contra Costa County, lying within the following described parcels:

PARCEL 1: A strip of land 265 feet in width lying 115 feet southeasterly and 150 feet northwesterly of the following described line:

BEGINNING at a point from which State Lands Commission triangulation station "Over" bears S. 55° 14' 09" E. 2374.11 feet; thence from said point of beginning S. 49° 25' 14" W. 729.04 feet to point "P-1."

PARCEL 2: A strip of land 240 feet in width lying 115 feet southeasterly and 125 feet northwesterly of the following described line:

BEGINNING at point "P-1" as described in said PARCEL 1; thence S. 49° 25' 14" W. 285.49 feet; thence southwesterly 392.01 feet along a tangent curve concave to the northwest having a radius of 1,500 feet and a central angle of 14° 58' 25"; thence tangent to said curve S. 64° 23' 39" W. 641.54 feet; thence southerly 518.75 feet along a tangent curve, concave to the southeast having a radius of 400 feet and through a central angle of 74° 18' 20" to point "P-2."

PARCEL 3: A strip of land 235 feet in width lying 115 feet easterly and 120 feet westerly of the following described line:

BEGINNING at point "P-2" as described in said PARCEL 2; thence from said point "P-2," S. 9° 54' 41" E. 666.37 feet to point "P-3" from which a 1½-inch iron pipe (tagged L.S. 2469) bears S. 85° 27' 55" W. 1344.47 feet, said pipe being an angle point on the westerly line of that parcel of land described in deed to the Martinez Gun Club, a corporation, recorded February 21, 1964, in Book 4558 at page 329 of Official Records of Contra Costa County and lying S. 33° 13' 36" E. 205.16 feet (record S. 33° 25' E. 205.00 feet) from a 1½-inch iron pipe monument (tagged L.S. 2469) at the northwesterly corner of said Martinez Gun Club parcel.

PARCEL 4: A strip of land 230 feet in width lying 115 feet on each side of the following described center line:

BEGINNING at point "P-3" as described in said PARCEL 3; thence from said point "P-3" S. 9° 54' 41" E. 363.14 feet; thence southerly 473.10 feet along a tangent curve, concave to the east having a radius of 1150 feet and a central angle of 23° 34' 15"; thence, tangent to said curve, S. 33° 28' 56" E. 296.49 feet to a point "P-4."

PARCEL 5: A strip of land 225 feet in width lying 115 feet easterly and 110 feet westerly of the following described line:

BEGINNING at point "P-4" as described in said PARCEL 4; thence from said point "P-4" S. $33^{\circ} 28' 56''$ E. 300.95 feet; thence southerly 302.26 feet along a tangent curve concave to the west having a radius of 300 feet and a central angle of $57^{\circ} 43' 40''$; thence, tangent to said curve, S. $24^{\circ} 14' 44''$ W. 457.61 feet; thence southwesterly 293.59 feet along a tangent curve concave to the northwest having a radius of 1500 feet and a central angle of $11^{\circ} 12' 51''$ to point "P-5."

PARCEL 6: A strip of land 330 feet in width lying 115 feet southeasterly and 215 feet northwesterly of the following described line:

BEGINNING at point "P-5" as described in said PARCEL 5; thence from said point "P-5" continuing southwesterly along the curve with a radius of 1500 feet as described in said PARCEL 5, through a central angle of $2^{\circ} 12' 56''$ a distance of 58.00 feet to point "P-6."

PARCEL 7: A strip of land 225 feet in width lying 115 feet southeasterly and 110 feet northwesterly of the following described line:

BEGINNING at point "P-6" as described in said PARCEL 6; thence from said point "P-6," continuing southwesterly along the curve with a radius of 1500 feet as described in said PARCELS 5 and 6 through a central angle of $0^{\circ} 15' 28''$ a distance of 6.75 feet; thence tangent to said curve S. $37^{\circ} 55' 59''$ W. 13.25 feet to point "P-7."

PARCEL 8: A strip of land 155 feet in width lying 115 feet southeasterly and 40 feet northwesterly of the following described line:

BEGINNING at point "P-7" as described in PARCEL 7 thence from said point "P-7" S. $37^{\circ} 55' 59''$ W. 598.12 feet to point "P-8."

PARCEL 9: A strip of land 80 feet in width, the southeasterly line of said strip being described as follows:

BEGINNING at point "P-9" being the most southerly corner of PARCEL 8; thence from a tangent of S. $37^{\circ} 55' 59''$ W. southerly 262.74 feet along a curve concave to the east having a radius of 475 feet and a central angle of $31^{\circ} 41' 32''$ to point "P-10."

PARCEL 10: A strip of land 100 feet in width lying 20 feet easterly and 80 feet westerly of the following described line:

BEGINNING at point "P-10" as described in PARCEL 9; thence from said point "P-10" continuing southerly along the said curve with a radius of 475 feet, as described in said PARCEL 9, through a central angle of $6^{\circ} 16' 33''$ a distance of 52.03 feet; thence tangent to said curve S. $0^{\circ} 02' 06''$ E. 57.97 feet to point "P-11."

PARCEL 11: A strip of land 80 feet in width, the easterly line of said strip being described as follows:

BEGINNING at point "P-11" as described in PARCEL 10; thence from said point "P-11" S. 0° 02' 06" E. 169.91 feet to a point "P-12" from which a 1-inch iron pipe monument tagged L.S. 2469 at the most easterly corner of that parcel of land described as PARCEL TWO in deed to Harry O. Henry and Marcia Taber Henry, his wife, recorded July 1, 1964, in Book 4650 at page 115 of Official Records of Contra Costa County bears N. 3° 59' 11" E. 1610.63 feet.

EXCEPTING any land lying above or landward of the ordinary high water mark of Pacheco or Walnut Creek.