

This Calendar Item No. 17  
was approved at the Commission  
No. 17  
Commission Meeting No. 2  
to 0 at its 1-25-79  
meeting.

MINUTE ITEM

1/25/79  
Cowan

17. TITLE SETTLEMENT AND EXCHANGE AGREEMENT (BLA 184).

To explain the reasons for requesting that an amendment be made to Calendar Item 17, Mr. James F. Trout, Chief, Division of Land Management and Conservation, read the following statement into the record:

"In September 1978 the Commission approved a Boundary and Exchange Agreement between Charles Sylvia and the State. Under this agreement, the State was to issue its patent on sovereign lands in a 0.4 acre parcel in the vicinity of Alviso, Santa Clara County, in exchange for an undivided 5.555% interest in Brown's Island in Contra Costa County. The dollar value of the 0.4 acre parcel was \$7,500. Mr. Sylvia is having problems in finalizing his portion of the transaction. He has agreed to the rescission of that action to allow this portion of Brown's Island to be used as selection for Calendar Item 17. The staff of the State Lands Commission therefore requests that the Commission rescind their approval of said Boundary and Exchange Agreement with the understanding that the Calendar Item and agreement will be presented at a later time when both suitable exchange lands are found, he has cleared up his problems, and the finding that the extent of the interest in the Sylvia parcel, as described in the Calendar Item, remains at \$7,500. This will allow Pickleweed Associates to acquire lands to exchange with the State and thereby conclude their Boundary and Exchange Agreement with the State. Mr. Sylvia through his attorney has agreed to this transaction."

Pursuant to the above explanation, staff recommended that Recommendations 1 through 8 be renumbered 2 through 9, and a new recommendation No. 1, as set forth below, be inserted.

Upon motion duly made and carried, the resolution in Calendar Item 17 attached, as amended, was adopted by a vote of 2-0: THE COMMISSION:

1. RESCINDS, WITHOUT PREJUDICE, ACTION OF SEPTEMBER 27, 1978 STATE LANDS COMMISSION MEETING APPROVING BOUNDARY AND EXCHANGE AGREEMENT WITH CHARLES J. SYLVIA CONCERNING PROPERTY IN THE VICINITY OF ALVISO.
2. APPROVES THE TITLE SETTLEMENT AND EXCHANGE AGREEMENT (BLA 184) AS PROPOSED, AND AUTHORIZES THE EXECUTION OF THE AGREEMENT BETWEEN THE COMMISSION AND PICKLEWEED, IN SUBSTANTIALLY THE FORM OF THE COPY OF THE AGREEMENT ON FILE WITH THE COMMISSION.

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3. FINDS THAT THE EXCHANGE OF LANDS, INTEREST IN LANDS, AND RIGHTS SET FORTH IN THE AGREEMENT REFERRED TO IN PARAGRAPH 1 ABOVE, ARE IN THE BEST INTERESTS OF THE STATE FOR AID IN RECLAMATION; THAT IT WILL NOT SUBSTANTIALLY INTERFERE WITH THE RIGHTS OF NAVIGATION AND FISHING IN THE WATERS INVOLVED IN LANDS EQUAL TO OR GREATER IN VALUE THAN ANY LANDS OR INTERESTS IN LANDS RELINQUISHED BY THE STATE PURSUANT TO SAID AGREEMENT.
4. AUTHORIZES EXECUTION OF A STATE PATENT AND QUITCLAIM DEED TO PICKLEWEED OF THE REAL PROPERTY DESCRIBED IN THE AGREEMENT.
5. ACCEPTS AND AUTHORIZES THE RECORDATION OF CONVEYANCES TO THE STATE AS PROVIDED IN THE AGREEMENT.
6. FINDS AND DECLARES THAT UPON THE DELIVERY OF THE PATENT AND THE RECORDATION THEREOF IN THE OFFICE OF THE COUNTY RECORDER OF MARIN COUNTY, THE REAL PROPERTY DESCRIBED IN SAID PATENT, EXCEPT FOR THE LAND SUBJECT TO THE RESERVATION THEREIN:
  - a. HAS BEEN CUT OFF FROM NAVIGABLE WATERS, IMPROVED, FILLED, AND RECLAIMED BY THE PRIVATE PARTY OR PREDECESSORS IN INTEREST.
  - b. HAS THEREBY BEEN SEVERED FROM THE PUBLIC CHANNELS AND WATERWAYS AND IS NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR COMMERCE, NAVIGATION, AND FISHING, AND IS NO LONGER IN FACT TIDELANDS OR SUBMERGED LANDS AND THEREFORE SHALL BE FREED FROM PUBLIC TRUST.
7. AUTHORIZES THE STATE LANDS COMMISSION'S STAFF, AND/OR THE OFFICE OF THE ATTORNEY GENERAL, TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE TRANSACTION DESCRIBED ABOVE, INCLUDING BUT NOT LIMITED TO APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.
8. FINDS THAT THE AGREEMENT IS FOR THE SETTLEMENT OF TITLE IN LIEU OF LITIGATION AND THE PROVISIONS OF CEQA ARE INAPPLICABLE, PURSUANT TO SECTION 6371 OF THE P.R.C.
9. FINDS THAT THE PROPOSED BRIDGES AUTHORIZED IN THE AGREEMENT ARE CONSISTENT WITH THE PUBLIC TRUST AND SO LONG AS THE BRIDGES REMAIN OPEN TO THE PUBLIC, AND ARE MAINTAINED IN A MANNER ACCEPTABLE TO ALL REGULATORY AGENCIES HAVING JURISDICTION, THE STATE WILL NOT EXERCISE THE PUBLIC TRUST EASEMENT OVER THE EASEMENT PARCEL FOR USES INCONSISTENT WITH THE BRIDGES AND ACCESS WAYS.

Attachment: Calendar Item 17

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CALENDAR ITEM

17.

TITLE SETTLEMENT AND EXCHANGE AGREEMENT  
(BLA 184)

1/79  
W 21858  
Cowan  
PRC 5426

A title dispute exists between the State, in its sovereign capacity, and Pickleweed Associates, a California limited partnership hereinafter referred to as PICKLEWEED, concerning certain parcels of real property totaling 9.3 acres, more or less, located in the City of Mill Valley, Marin County, California, more particularly described as SETTLEMENT PARCEL of the attached Exhibit "C" and graphically shown on Exhibit "A".

PICKLEWEED claims, as successors in interest to: the United States confirmatory patent for Rancho Corte Madera del Presidio to the heirs of John Read, recorded August 16, 1890, in Book B of Patents, page 110, Official Records of Marin County; the deed issued September 29, 1871, by the Board of Tide Land Commissioners (BTLC) to Samuel R. Throckmorton, recorded in Volume J of Deeds, page 289 Official Records of Marin County; and to either the State's swamp and overflowed land patent to Tideland Survey 31, recorded June 16, 1873 in Volume A of patents, page 357, office of the Recorder of Marin County, or in the alternative, under Board of Tide Land Commissioners Deeds of Lots 289, 290, 291, 292, 293 as described in Volume O of Deeds page 504 dated July 12, 1872, and Volume Q of Deeds, page 56, dated November 17, 1875, in the office of the Recorder of Marin County.

PICKLEWEED contends that the said patents and BTLC deeds conveyed all right, title and interest of the State within the SETTLEMENT PARCEL without any reservations, express or implied and that PICKLEWEED now holds title to said real property in fee simple absolute, free and clear of any State right, title or interest therein.

The State Lands Commission's staff has conducted a study of the evidence of title to the SETTLEMENT PARCEL and has reached the following conclusions:

1. The SETTLEMENT PARCEL in its historic state was or included tidelands and submerged lands including the Arroyo Principal del Corte de Madera del Presidio, its tributaries and Richardson's Bay, all of which were navigable tidal waterways, the exact location, depth and size of which are uncertain and in dispute.

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2. Most of the SETTLEMENT PARCEL has been reclaimed and cut off from tidal waters of Richardson's Bay and the remaining natural bed of Arroyo Principal del Corte de Madera del Presidio by reason of artificial changes.
3. Issuance of said State Patent to Tidelands Survey 31, Marin County may have been in violation of the Act of April 27, 1863, Statutes of California Chapter 397 page 591, which sets forth conditions and provisions for the sale of swamp, overflowed, marsh and tidelands.
4. The sale of the Lots by the Board of Tide Land Commissioners may have been invalid since public navigational rights in the area were not provided for after it was determined that a major portion of the subject lots conveyed were included within Rancho Corte de Madera del Presidio.
5. Although the Board of Tide Land Commissioner's deed to Throckmorton (Vol. J of Deeds, page 289) meandered the South bank of the Arroyo Principal del Corte de Madera del Presidio, an easement for navigation in the Arroyo was also granted to Throckmorton by the same deed.

The private parties have offered to resolve such title dispute by an agreement in compromise settlement of such title dispute. The State Lands Commission's staff recommends approval of the settlement in substantially the form of agreement which is now on file with the State Lands Commission

An EIR was prepared and certified by the City of Mill Valley. Although not required for Commission approval of a title settlement transaction, a staff summary of that EIR is included as attached Exhibit "D".

While the agreement sets forth all the specific terms and conditions of the settlement, for purposes of convenience, the settlement is graphically depicted on the attached Exhibit "B" showing DEED PARCELS, PATENT PARCELS, EASEMENT PARCEL and Exhibit "E" showing EXCHANGE PARCEL, a summary of some of the principal terms and conditions of the settlement is set forth below, as follows:

1. The State, in its sovereign capacity, will receive the fee simple title, including mineral rights, subject to the public trust in a 3.3 acre portion of the SETTLEMENT PARCEL as described in DEED PARCELS of Exhibit C, which is attached hereto and made a part hereof

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2. The parties agree that the ownership of the real property described as EASEMENT PARCEL of Exhibit "C" will be as follows:

- A. PICKLEWEED ownership of the underlying fee title.
- B. State ownership of the Public Trust Easement.
- C. State authorization for 2 bridges and access ways across the parcel for so long as they shall remain open to the public, and are maintained in a manner acceptable to all regulatory agencies having jurisdiction, the State will not exercise the Public Trust Easement over the EASEMENT PARCEL for uses inconsistent with the bridges and access ways.

3. The State, in its sovereign capacity, is to receive an undivided 11.481% interest in Brown's Island, EXCHANGE PARCEL of Exhibit "C", from the East Bay Regional Park District as tidelands and submerged lands, pursuant to the Land Bank Agreement between the State Lands Commission and the District (See the State Lands Commission Minute Item No. 17 of November 27, 1978), upon payment to the District of \$15,500 by the private parties. At the rate of \$226.75 per acre, this is the equivalent of about 68.36 acres of Brown's Island. Pursuant to the Land Bank Agreement, the interest in Brown's Island will be leased back to the District for management purposes.

If the proposed agreement is approved, the Commission will have authorized acceptances totaling a 95.7% undivided interest, leaving a 4.3% undivided interest to be conveyed to the State to fully complete the State's acquisition of Brown's Island.

4. PICKLEWEED will receive fee simple title, free of any State right, title, or interest in the land described as PATENT PARCEL of Exhibit "C".
5. Public access along the parcels passing to the State, (except for the triangular parcel to the southeast), is to be provided by PICKLEWEED as a condition of development as shown by "Tentative Map of Pickleweed Residential Development" (Drawing No. 7853-01 Revision A, November 1, 1978), a copy of which is on file in this matter.

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6. The proposed agreement does not purport to extinguish any rights within the bed of the Arroyo Principal del Corte de Madera del Presidio which may exist by reason of the deed to Throckmorton.
7. The State will receive, without cost: (1) a title insurance policy in the amount of \$12,500 insuring its title to the DEED PARCEL; (2) a title insurance policy in the amount of \$1,000 insuring its interest in the EASEMENT PARCEL; (3) a title insurance policy in the sum of \$15,500 insuring its title to the offsite exchange parcel when acquired; (4) such policies of insurance shall expressly provide that the State shall be defended from any and all losses, costs, expenses, including attorneys fees, resulting from any claims, demands or causes of action by third parties claiming to be the owners of any right, title or interest, of record, as successors in interest to any State or Federal conveyances.
8. The SETTLEMENT PARCEL has been appraised; the title evidence has been reviewed; and the State's claim therein has been evaluated, showing that the State's interest passing to PICKLEWEED is valued at \$28,000; the DEED PARCELS passing to State are valued at \$12,500, the staff of the State Lands Commission has determined that the value of the 11.481% undivided interest in the Brown's Island EXCHANGE PARCEL is equal to or greater than \$15,500.

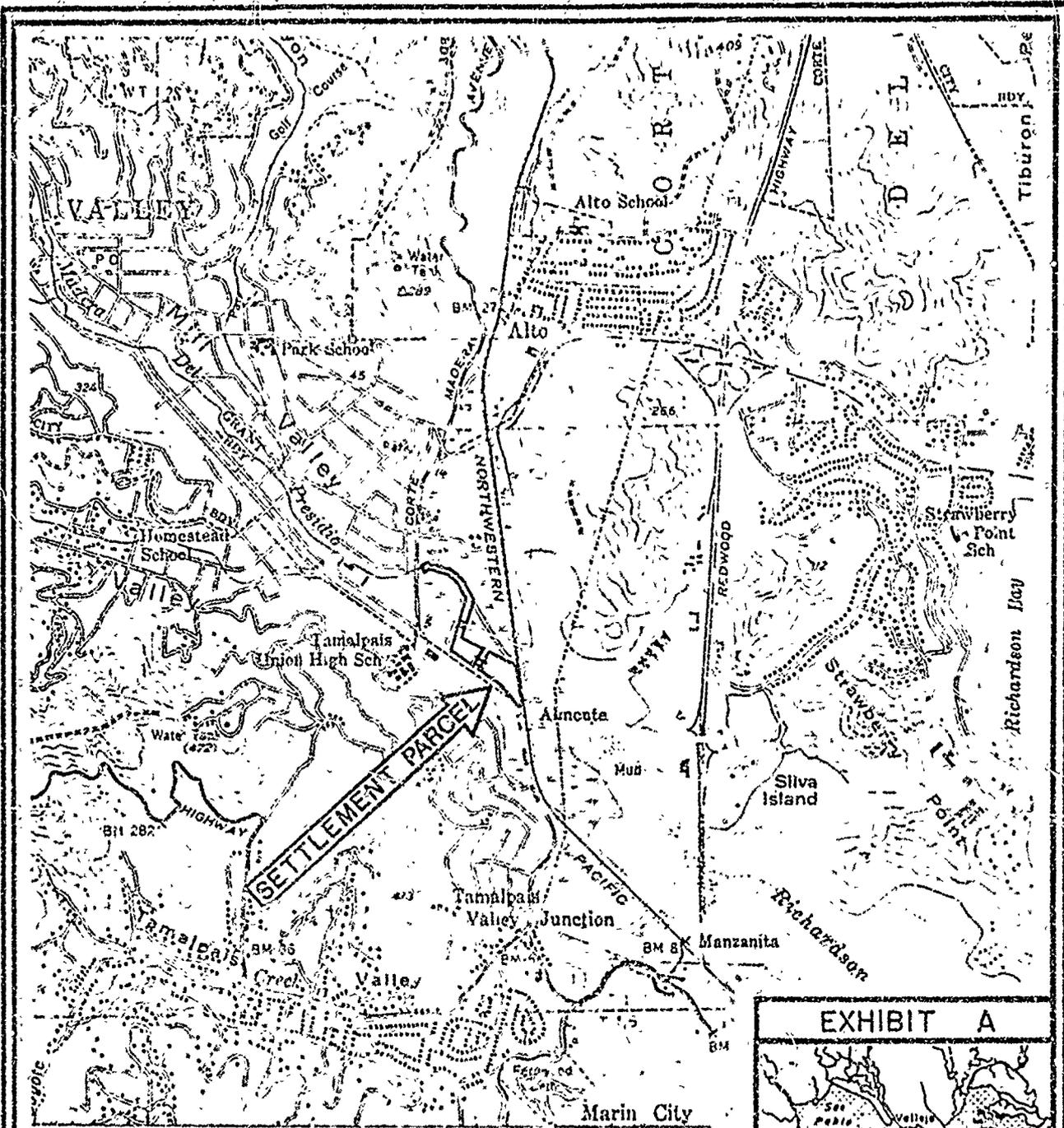
- EXHIBITS:
- A. Location Plat showing SETTLEMENT PARCEL.
  - B. Plat showing DEED PARCEL, PATENT PARCEL, EASEMENT PARCEL, and EXCHANGE PARCEL.
  - C. Description of Parcels.
  - D. Summary of EIR
  - E. Location Plat showing EXCHANGE PARCEL.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE TITLE SETTLEMENT AND EXCHANGE AGREEMENT (BLA 184) AS PROPOSED, AND AUTHORIZE THE EXECUTION OF THE AGREEMENT BETWEEN THE COMMISSION AND PICKLEWEED, IN SUBSTANTIALLY THE FORM OF THE COPY OF THE AGREEMENT ON FILE WITH THE COMMISSION.
2. FIND THAT THE EXCHANGE OF LANDS, INTEREST IN LANDS, AND RIGHTS SET FORTH IN THE AGREEMENT REFERRED TO IN PARAGRAPH 1 ABOVE, ARE IN THE BEST INTERESTS OF THE STATE FOR AID IN RECLAMATION; THAT IT WILL NOT SUBSTANTIALLY INTERFERE WITH THE RIGHTS OF NAVIGATION AND FISHING IN THE WATERS INVOLVED IN LANDS EQUAL TO OR GREATER IN VALUE THAN ANY LANDS OR INTERESTS IN LANDS RELINQUISHED BY THE STATE PURSUANT TO SAID AGREEMENT.

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3. AUTHORIZE EXECUTION OF A STATE PATENT AND QUIT CLAIM DEED TO PICKLEWEED OF THE REAL PROPERTY DESCRIBED IN THE AGREEMENT.
4. ACCEPT AND AUTHORIZE THE RECORDATION OF CONVEYANCES TO THE STATE AS PROVIDED IN THE AGREEMENT.
5. FIND AND DECLARE THAT UPON THE DELIVERY OF THE PATENT AND THE RECORDATION THEREOF IN THE OFFICE OF THE COUNTY RECORDER OF MARIN COUNTY, THE REAL PROPERTY DESCRIBED IN SAID PATENT, EXCEPT FOR THE LAND SUBJECT TO THE RESERVATION THEREIN:
  - a. HAS BEEN CUT OFF FROM NAVIGABLE WATERS, IMPROVED, FILLED, AND RECLAIMED BY THE PRIVATE PARTY OR PREDECESSORS IN INTEREST.
  - b. HAS THEREBY BEEN SEVERED FROM THE PUBLIC CHANNELS AND WATERWAYS AND IS NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR COMMERCE, NAVIGATION, AND FISHING, AND IS NO LONGER IN FACT TIDELANDS OR SUBMERGED LANDS AND THEREFORE SHALL BE FREED FROM PUBLIC TRUST.
6. AUTHORIZE THE STATE LANDS COMMISSION'S STAFF, AND/OR THE OFFICE OF THE ATTORNEY GENERAL, TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE TRANSACTION DESCRIBED ABOVE, INCLUDING BUT NOT LIMITED TO APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.
7. FIND THAT THE AGREEMENT IS FOR THE SETTLEMENT OF TITLE IN LIEU OF LITIGATION AND THE PROVISIONS OF CEQA ARE INAPPLICABLE, PURSUANT TO SECTION 6371, OF THE P.R.C.
8. FINDS THAT THE PROPOSED BRIDGES AUTHORIZED IN THE AGREEMENT ARE CONSISTENT WITH THE PUBLIC TRUST AND SO LONG AS THE BRIDGES REMAIN OPEN TO THE PUBLIC, AND ARE MAINTAINED IN A MANNER ACCEPTABLE TO ALL REGULATORY AGENCIES HAVING JURISDICTION, THE STATE WILL NOT EXERCISE THE PUBLIC TRUST EASEMENT OVER THE EASEMENT PARCEL FOR USES INCONSISTENT WITH THE BRIDGES AND ACCESS WAYS.



STATE LANDS COMMISSION  
 PORTION OF U.S.G.S. QUADRANGLES  
 SAN RAFAEL 1954  
 PHOTOREVISED 1968

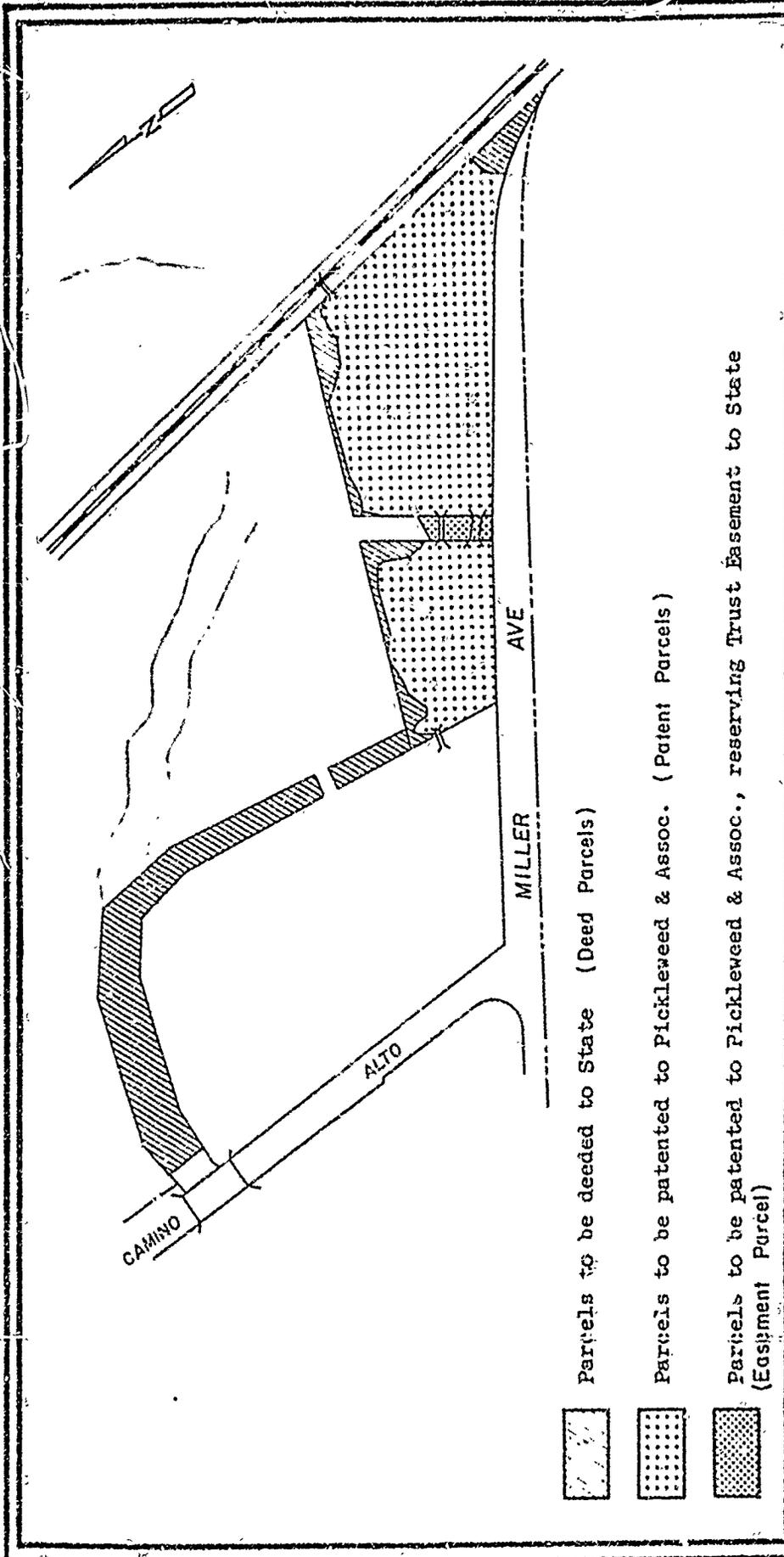
Prepared by: Alexander

Date: 8/25/78

Title Study - PICKLEWEED ASSOCIATES - MILL VALLEY W 21858



3-N 51 - E 141  
 WENDAR PAGE 100  
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-  Parcels to be deeded to State (Deed Parcels)
-  Parcels to be patented to Pickleweed & Assoc. (Patent Parcels)
-  Parcels to be patented to Pickleweed & Assoc., reserving Trust Easement to State (Equipment Parcel)

**STATE LANDS COMMISSION**

Plat showing lands to be deeded to State & lands to be patented to Pickleweed and Assoc.



Prepared by: jsf Date: 1-8-79

Title Study: Pickleweed & Assoc. W 21858

EXHIBIT B Z 3 - N 51 - E 141

DESCRIPTION:

All that certain real property situate in the City of Mill Valley, County of Marin, State of California, described as follows:

PARCEL ONE

COMMENCING at the most Northerly corner of Parcel 1, as the same is described in the Deed from the City of Mill Valley, to Herbert H. Shapiro, et ux, recorded September 12, 1957 in Book 1140 of Official Records, at page 279, Marin County Records, and running thence along the Northerly line of said parcel South 68° 03' East 424.48 feet to the Westerly line of the Northwestern Pacific Railroad right of way; thence Southerly along said Westerly line of said railroad right of way, South 7° 30' East 690 feet, more or less to a point of intersection with the Easterly terminus of the course having a radius of 668.06 feet and an arc length of 278.81 feet as said course is described in the Grant Deed and easement from Bothin Real Estate Company to San Rafael Land Title Company, recorded June 5, 1952 in Book 746 of Official Records, at page 368, Marin County Records, thence Northwesterly along the aforesaid curve having a radius of 668.06 feet to a point of intersection with the Easterly terminus of the course having a radius of 572.85 feet as said course is set forth in that certain Grant of Easement and Right of Way between San Rafael Land Title Company and the County of Marin, recorded September 12, 1957 in Book 1140 of Official Records, at page 253, Marin County Records, thence Westerly along the arc of the aforementioned curve having a radius of 572.85 feet being the Northerly line of Miller Avenue extension, to the Easterly terminus of the course South 53° 48' East 577.45 feet as set forth in the Deed to the County of Marin, abovementioned, thence continuing along the aforesaid Northerly line of Miller Avenue extension North 53° 48' West to the most Southerly corner of the parcel of land described as Exhibit "A" Street and Highway Easement between Herbert H. Shapiro, et ux, and the City of Mill Valley, recorded September 12, 1957 in Book 1140 of Official Records, at page 253, Marin County Records, and thence along the Southeasterly line of the last mentioned parcel and its North-easterly extension North 36° 11' 40" East 290 feet, more or less, to the point of commencement.

PARCEL TWO

COMMENCING at a point on the Easterly line of the parcel of land described in the Deed from Anna T. C. Rue to Bothin Real Estate Company, recorded April 3, 1923 in Book 18 of Official Records, at page 264, Marin County Records, said point of commencement being the intersection of the course in said Easterly line described as being South 8° 15' West 12.31 chains in the aforesaid Deed to Bothin Real Estate Company with the Northeasterly line of Miller Avenue Extension, as the same is described in the Deed from Bothin Real Estate Company to the County of Marin, recorded April 12, 1954 in Book 860 of Official Records, at page 335, Marin County Records; and running thence along the boundary conveyed to Bothin as first above mentioned, North 8° 15' East 741.08 feet, North 10° 14' West 133.37 feet, North 52° 30' West 130.02 feet, North 71° 00' West 277.20 feet North 88° 00' West 137.28 feet and South 64° 45' West 20 feet, more or less, to the Easterly line of

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the County Road, known as Camino Alto; thence Northerly along the aforesaid Easterly line of Camino Alto, 90 feet, more or less, to a point on the Northerly bank of the Arroyo Corte Madera del Presidio, as the same is described as Parcel One in the Deed from the First Methodist Episcopal Church of Mill Valley to the City of Mill Valley, recorded March 3, 1965 in Book 1915 of Official Records, at page 345, Marin County Records thence along said Northerly bank, North 83° 15' East 130 feet, more or less, to the Westerly extremity of the course, South 72° 00' East 319.44 feet, as the same is described under Exhibit "C" in that certain Boundary Line Agreement between the City of Mill Valley and Herbert H. Shapiro, et ux, recorded September 12, 1957 in Book 1140 of Official Records, at page 269, Marin County Records; thence continuing along the courses set forth in the above mentioned Agreement, South 72° 00' East 319.44 feet, South 50° 45' East 187.44 feet, South 6° 45' East 192.72 feet; thence along the course South 10° 00' West 642.24 feet and its Southwesterly extension as the same is described in the above mentioned Boundary Agreement 760 feet, more or less, to the Northeasterly line of Miller Avenue Extension; and thence Westerly along said Northeasterly line of Miller Avenue Extension, 40 feet, more or less, to the point of commencement.

EXCEPTING THEREFROM that portion lying within the 30 foot strip of land conveyed to the City of Mill Valley by Deed recorded March 13, 1926 in Book 91 of Official Records, at page 341, Marin County Records.

ALSO EXCEPTING THEREFROM the following described parcel of land:

That portion of the lands as conveyed to Western Title Guaranty Company, Marin County division, a corporation, by Deed from Herbert H. Shapiro, et ux, recorded in Book 2065 of Official Records, at page 526, Marin County Records, described as follows:

BEGINNING at the intersection of the Easterly line of Camino Alto with the Northerly line of the land conveyed to Bothin Real Estate Company, from Anna T. C. Rue, by Deed recorded in Book 18 of Official Records, at page 264, Marin County Records; thence along said Northerly line North 65° 00' 20" East 13.70 feet (North 64° 45' East Deed); thence South 86° 44' 40" East 51.83 feet; thence leaving said Northerly line, North 0° 02' 08" East 92.12 feet to the Northerly bank of Arroyo Corte Madera del Presidio; thence along said Northerly bank, South 84° 29' 00" West 63.67 feet to a point on the Easterly line of Camino Alto, said point being on a curve, concave Easterly having a radius of 9,970.00 feet; thence leaving said Northerly bank and running Southerly along said Easterly line, through an angle of 0° 30' 33" a distance of 88.60 feet to the point of beginning.

BEARINGS SHOWN herein are based upon the California Coordinate System, Zone 3.

### PARCEL THREE

COMMENCING at the intersection of the calls North 10° 00' East 90.0 feet and South 68° 03' East 404.16 feet, as the same are set forth in Parcel 2 of the Deed from the City of Mill Valley to Herbert H. Shapiro, et ux, recorded September 12, 1957 in Book 1140 of Official Records, at page 279, Marin County Records; and running thence South 68° 03' East 404.16 feet to the Northwesterly line of a 50 foot road; thence along the Northwesterly line of said 50 foot road, South 35° 11' 40" West 252.32 feet to the Northeasterly line of Miller Avenue Extension; thence Northwesterly along said Northeasterly line of Miller Avenue Extension, 300 feet, more or less, to a point which bears South 10° 00' West from the point of commencement; and thence North 10° 00' East 210 feet, more or less, to the point of commencement.

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PATENT PARCELS

DESCRIPTION:

All that certain real property situate in the City of Mill Valley, County of Marin, State of California, described as follows:

PARCEL ONE

COMMENCING at the most Northerly corner of Parcel 1, as the same is described in the Deed from the City of Mill Valley, to Herbert H. Shapiro, et ux, recorded September 12, 1957 in Book 1140 of Official Records, at page 279, Marin County Records, and running thence along the Northerly line of said parcel South 68° 03' East 424.48 feet to the Westerly line of the Northwestern Pacific Railroad right of way; thence Southerly along said Westerly line of said railroad right of way, South 7° 30' East 690 feet, more or less to a point of intersection with the Easterly terminus of the course having a radius of 668.06 feet and an arc length of 278.81 feet as said course is described in the Grant Deed and easement from Bothin Real Estate Company to San Rafael Land Title Company, recorded June 5, 1952 in Book 746 of Official Records, at page 368, Marin County Records, thence Northwesterly along the aforesaid curve having a radius of 668.06 feet to a point of intersection with the Easterly terminus of the course having a radius of 572.85 feet as said course is set forth in that certain Grant of Easement and Right of Way between San Rafael Land Title Company and the County of Marin, recorded September 12, 1957 in Book 1140 of Official Records, at page 253, Marin County Records; thence Westerly along the arc of the aforementioned curve having a radius of 572.85 feet being the Northerly line of Miller Avenue extension, to the Easterly terminus of the course South 53° 48' East 577.45 feet as set forth in the Deed to the County of Marin, abovementioned, thence continuing along the aforesaid Northerly line of Miller Avenue extension North 53° 48' West to the most Southerly corner of the parcel of land described as Exhibit "A" Street and Highway Easement between Herbert H. Shapiro, et ux, and the City of Mill Valley, recorded September 12, 1957 in Book 1140 of Official Records, at page 263, Marin County Records, and thence along the Southeasterly line of the last mentioned parcel and its North-easterly extension North 36° 11' 40" East 290 feet, more or less, to the point of commencement.

EXCEPTING THEREFROM the following described parcel of land:

COMMENCING at the most Northerly corner of Parcel 1, as the same is described in the Deed from the City of Mill Valley to Herbert H. Shapiro, et ux, recorded September 12, 1957, in Book 1140 of Official Records, at page 279, Marin County Records, and thence along the Southwesterly line of said parcel South 36° 11' 40" West, 62.00 feet to a point; thence leaving said Southeasterly property line, North 45° 09' 59" East, 19.24 feet, North 41° 53' 30" East, 20.10 feet; North 81° 12' 08" East, 9.91 feet; South 59° 02' 03" East, 22.58 feet; South 77° 30' 47" East, 30.41 feet; South 72° 17' 09" East, 27.07 feet; South 78° 21' 18" East, 33.54 feet; South 68° 36' 42" East, 102.01 feet; South 73° 14' 36" East, 22.09 feet; South 32° 01' 21" East, 27.20 feet; South 38° 41' 35" East, 55.07 feet; South 63° 48' 47" East, 54.15 feet; South 86° 29' 07" East, 47.43 feet; South 72° 52' 17" East, 8.10 feet; South 40° 56' 11" East 23.20 feet to a point on the Westerly line of the Northwestern

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Pacific Railroad right of way; thence Northerly along said Westerly line of said railroad right of way, North 7° 30' West, 55.00 feet to the most Easterly corner of Parcel 1; thence leaving said Westerly line running along the Northerly line of said parcel, North 68° 03' West, 414.681 feet (424.48 feet in Deed) to the point of commencement.

Containing 0.223 acre, more or less.

ALSO EXCEPTING THEREFROM the following described parcel of land:

COMMENCING at the most Northerly corner of Parcel 1, as the same is described in the Deed from the City of Mill Valley to Herbert H. Shapiro, et ux, recorded September 12, 1957, in Book 1140 of Official Records, at page 279, Marin County Records; and running thence along the Northerly line of said parcel, South 68° 03' East, 414.681 feet (424.48 in Deed), to the Westerly line of the Northwestern Pacific Railroad right of way; thence Southerly along said Westerly line of said railroad right of way, South 7° 30' East, 690.797 feet (690 feet, more or less, in Deed) to the True Point of Beginning which also is the point of intersection with the Easterly terminus of the course having a radius of 668.06 feet and an arc length of 278.81 feet, as said course is described in the Grant Deed and easement from Bothin Real Estate Company to San Rafael Land Title Company, recorded June 5, 1952, in Book 746 of Official Records, at page 368, Marin County Records; thence from said True Point of Beginning along the Westerly line of the Northwestern Railroad right of way, North 7° 30' West, 211.00 feet to a point; thence leaving said Westerly line of said railroad right of way, South 82° 30' West, 42.00 feet; South 47° 14' 47" West, 42.63 feet to a point on the curve having a radius of 572.85 feet, as said course is set forth in that certain Grant of Easement and Right of Way between San Rafael Land Title Company and the County of Marin, recorded September 12, 1957, in Book 1140 of Official Records, at page 253, Marin County Records; thence along said curve to the right, the center of which bears South 53° 10' 44" West, with a radius of 572.038 feet (572.85 feet in Deed), through a central angle of 15° 45' 32", an arc length of 159.00 feet to a point of intersection with the Westerly terminus of the course having a radius of 668.06 feet, as described in Grant Deed and easement from Bothin Real Estate Company to San Rafael Land Title Company, recorded June 5, 1952, in Book 746 of Official Records, at page 368, Marin County Records; thence along said curve to the right, the center of which bears South 54° 25' 16" West, with a radius of 668.06 feet, through a central angle of 3° 42' 27", an arc length of 43.229 feet to the True Point of Beginning.

Containing 0.191 acre, more or less.

#### PARCEL TWO

COMMENCING at a point on the Easterly line of the parcel of land described in the Deed from Anna T. C. Rue to Bothin Real Estate Company, recorded April 3, 1923 in Book 18 of Official Records, at page 264, Marin County Records, said point of commencement being the intersection of the course in said Easterly line described as being South 8° 15' West 12.31 chains in the aforesaid Deed to Bothin Real Estate Company with the Northeasterly line of Miller Avenue Extension, as the same is described in the Deed from Bothin Real Estate Company to the County of Marin,

recorded April 12, 1954 in Book 860 of Official Records, at page 335, Marin County Records; and running thence along the boundary conveyed to Bothin as first above mentioned, North 8° 15' East 741.08 feet, North 10° 14' West 133.37 feet, North 52° 30' West 130.02 feet, North 71° 00' West 277.20 feet North 88° 00' West 137.28 feet and South 64° 45' West 20 feet, more or less, to the Easterly line of the County Road, known as Camino Alto; thence Northerly along the aforesaid Easterly line of Camino Alto, 90 feet, more or less, to a point on the Northerly bank of the Arroyo Corte Madera del Presidio, as the same is described as Parcel One in the Deed from the First Methodist Episcopal Church of Mill Valley to the City of Mill Valley, recorded March 3, 1965 in Book 1915 of Official Records, at page 345, Marin County Records thence along said Northerly bank, North 83° 15' East 130 feet, more or less, to the Westerly extremity of the course, South 72° 00' East 319.44 feet, as the same is described under Exhibit "C" in that certain Boundary Line Agreement between the City of Mill Valley and Herbert H. Shapiro, et ux, recorded September 12, 1957 in Book 1140 of Official Records, at page 269, Marin County Records; thence continuing along the courses set forth in the above mentioned Agreement, South 72° 00' East 319.44 feet, South 50° 45' East 187.44 feet, South 6° 45' East 192.72 feet; thence along the course South 10° 00' West 642.24 feet and its Southwesterly extension as the same is described in the above mentioned Boundary Agreement 760 feet, more or less, to the Northeasterly line of Miller Avenue Extension; and thence Westerly along said Northeasterly line of Miller Avenue Extension, 40 feet, more or less, to the point of commencement.

EXCEPTING THEREFROM that portion lying within the 30 foot strip of land conveyed to the City of Mill Valley by Deed recorded March 13, 1926 in Book 91 of Official Records, at page 341, Marin County Records.

ALSO EXCEPTING THEREFROM the following described parcel of land:

That portion of the lands as conveyed to Western Title Guaranty Company, Marin County division, a corporation, by Deed from Herbert H. Shapiro, et ux, recorded in Book 2065 of Official Records, at page 526, Marin County Records, described as follows:

BEGINNING at the intersection of the Easterly line of Camino Alto with the Northerly line of the land conveyed to Bothin Real Estate Company, from Anna T. C. Rue, by Deed recorded in Book 18 of Official Records, at page 264, Marin County Records; thence along said Northerly line North 66° 00' 20" East 13.70 feet (North 64° 45' East Deed); thence South 86° 44' 40" East 51.83 feet; thence leaving said Northerly line, North 0° 02' 08" East 92.12 feet to the Northerly bank of Arroyo Corte Madera del Presidio; thence along said Northerly bank, South 84° 29' 00" West 63.67 feet to a point on the Easterly line of Camino Alto, said point being on a curve, concave Easterly having a radius of 9,970.00 feet; thence leaving said Northerly bank and running Southerly along said Easterly line, through an angle of 0° 30' 33" a distance of 88.60 feet to the point of beginning.

BOUNDARIES SHOWN herein are based upon the California Coordinate System, Zone 3.

ALSO EXCEPTING THEREFROM the following described parcel of land:

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COMMENCING at a point on the Easterly line of the parcel of land described in the Deed from Anna T. C. Rue to Bothin Real Estate Company, recorded April 3, 1923, in Book 18 of Official Records, at page 264, Marin County Records, said point of commencement being the intersection of the course in said Easterly line described as being South 8° 15' West, 12.31 chains in the aforesaid Deed to Bothin Real Estate Company with the Northeasterly line of Miller Avenue Extension as the same is described in the Deed from Bothin Real Estate Company to the County of Marin, recorded April 12, 1954, in Book 860 of Official Records, at page 335, Marin County Records; and running thence along the boundary conveyed to Bothin as first above mentioned, North 8° 15' East, 205.809 feet to the True Point of Beginning of the herein described parcel; thence from said True Point of Beginning North 8° 15' East, 535.271 feet; North 10° 14' West, 133.37 feet; North 52° 30' West, 130.02 feet; North 71° 00' West, 277.20 feet; North 88° 00' West, 137.28 feet; and South 64° 45' West, 20 feet, more or less to the Easterly line of the County Road, known as Camino Alto; thence Northerly along the aforesaid Easterly line of Camino Alto, 90 feet, more or less, to a point on the Northerly bank of the Arroyo Corte Madera del Presidio, as the same is described as Parcel One in the Deed from the First Methodist Episcopal Church of Mill Valley to the City of Mill Valley, recorded March 3, 1965, in Book 1915 of Official Records, at page 345, Marin County Records; thence along said Northerly bank, North 83° 15' East, 130 feet, more or less, to the Westerly extremity of the course, South 72° 00' East, 319.44 feet, as the same is described under Exhibit "C" in that certain Boundary Line Agreement between the City of Mill Valley and Herbert H. Shapiro, et ux, recorded September 12, 1957, in Book 1140 of Official Records, at page 269, Marin County Records; thence continuing along the courses set forth in the above mentioned Agreement, South 72° 00' East, 319.44 feet; South 50° 45' East, 187.44 feet; South 6° 45' East 192.72 feet; thence along the course South 10° 00' West, 552.24 feet, more or less, to the point which is the intersection of the calls North 10° 00' East, 90.0 feet, and South 68° 03' East, 404.16 feet, as the same are set forth in Parcel 2 of the Deed from the City of Mill Valley to Herbert H. Shapiro, et ux, recorded September 12, 1957, in Book 1140 of Official Records, at page 279, Marin County Records; thence North 68° 03' West, 33.018 feet to the True Point of Beginning.

PARCEL THREE

COMMENCING at the intersection of the calls North 10° 00' East 90.0 feet and South 68° 03' East 404.16 feet, as the same are set forth in Parcel 2 of the Deed from the City of Mill Valley to Herbert H. Shapiro, et ux, recorded September 12, 1957 in Book 1140 of Official Records, at page 279, Marin County Records; and running thence South 68° 03' East 404.16 feet to the Northwesterly line of a 50 foot road; thence along the Northwesterly line of said 50 foot road, South 36° 11' 40" West 252.32 feet to the Northeasterly line of Miller Avenue Extension; thence Northwesterly along said Northeasterly line of Miller Avenue Extension, 300 feet, more or less, to a point which bears South 10° 00' West from the point of commencement; and thence North 10° 00' East 210 feet, more or less, to the point of commencement.

EXCEPTING THEREFROM the following described parcel of land:

COMMENCING at the intersection of the calls North 10° 00' East, 90.0 feet and South 68° 03' East, 404.16 feet, as the same are set forth in Parcel 2 of the Deed from the City of Mill Valley to Herbert H. Shapiro, et ux, recorded September 12, 1957,

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in Book 1140 of Official Records, at page 279, Marin County Records; and running thence North 68° 03' West, 33.018 feet to the True Point of Beginning; thence from said True Point of Beginning; South 8° 25' West, 50.00 feet; North 33° 18' 12" East, 27.11 feet; North 72° 02' 34" East, 7.81 feet; South 43° 16' 35" East, 14.32 feet; South 1° 47' 53" East, 27.31 feet; South 54° 00' 49" East, 16.49 feet; North 74° 36' 01" East, 47.80 feet; South 78° 55' 30" East, 26.48 feet; South 67° 31' 14" East, 53.14 feet; thence North 68° 03' West, 177.178 feet to the True Point of Beginning.

Containing 0.103 acres, more or less.

ALSO EXCEPTING THEREFROM the following described parcel of land:

COMMENCING at the intersection of the calls North 10° 00' East, 90.0 feet and South 68° 03' East, 404.16 feet, as the same are set forth in Parcel 2 of the Deed from the City of Mill Valley to Herbert H. Shapiro, et ux, recorded September 12, 1957, in Book 1140 of Official Records at page 279, Marin County Records, and running thence South 68° 03' East, 404.16 feet to the True Point of Beginning; thence from said True Point of Beginning, North 68° 03' West, 245.00 feet; South 52° 06' 16" East, 43.68 feet; South 64° 14' 12" East, 45.10 feet; South 69° 13' 06" East, 49.01 feet; South 57° 09' 59" East, 26.48 feet; South 51° 07' 18" East, 24.04 feet; South 15° 01' 46" East, 11.22 feet; South 25° 30' 35" West, 53.94 feet; South 3° 34' 38" West, 29.68 feet; South 31° 25' 51" East, 13.38 feet to a point on the Northwesterly line of a 50 foot road; thence along the Northwesterly line of said 50 foot road, North 36° 11' 40" East, 132.00 feet to the True Point of Beginning.

Containing 0.171 acre, more or less.

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DEED PARCELS

DESCRIPTION:

All that certain real property situate in the City of Mill Valley, County of Marin, State of California, described as follows:

PARCEL A

COMMENCING at the intersection of the calls North 10° 00' East, 90.0 feet and South 68° 03' East, 404.16 feet, as the same are set forth in Parcel 2 of the Deed from the City of Mill Valley to Herbert H. Shapiro, et ux, recorded September 12, 1957, in Book 1140 of Official Records, at page 279, Marin County Records; and running thence North 68° 03' West, 33.018 feet to the True Point of Beginning, thence from said True Point of Beginning, South 8° 15' West, 50.00 feet; North 33° 18' 12" East, 27.11 feet; North 72° 08' 34" East, 7.81 feet; South 43° 16' 35" East, 14.32 feet; South 1° 47' 53" East, 27.31 feet; South 54° 00' 49" East, 16.49 feet; North 74° 36' 01" East, 47.80 feet; South 78° 55' 30" East, 26.48 feet; South 87° 51' 14" East, 53.14 feet; thence North 68° 03' West, 177.178 feet to the True Point of Beginning.

Containing 0.103 acre, more or less.

PARCEL B

COMMENCING at the intersection of the calls North 10° 00' East, 90.0 feet and South 68° 03' East, 404.16 feet, as the same are set forth in Parcel 2 of the Deed from the City of Mill Valley to Herbert H. Shapiro, et ux, recorded September 12, 1957, in Book 1140 of Official Records at page 279, Marin County Records, and running thence South 68° 03' East, 404.16 feet to the True Point of Beginning; thence from said True Point of Beginning, North 68° 03' West, 245.00 feet; South 52° 06' 16" East, 43.68 feet; South 64° 14' 12" East, 45.10 feet; South 69° 13' 06" East, 49.01 feet; South 57° 09' 59" East, 26.48 feet; South 51° 07' 18" East, 24.04 feet; South 15° 01' 46" East, 11.22 feet; South 25° 30' 35" West, 53.94 feet; South 3° 34' 38" West, 29.68 feet; South 31° 25' 51" East, 18.38 feet to a point on the Northwesterly line of a 50 foot road; thence along the Northwesterly line of said 50 foot road, North 36° 11' 40" East, 132.00 feet to the True Point of Beginning.

Containing 0.171 acre, more or less.

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PARCEL C

COMMENCING at the most Northerly corner of Parcel 1, as the same is described in the Deed from the City of Mill Valley to Herbert H. Shapiro, et ux, recorded September 12, 1957, in Book 1140 of Official Records, at page 279, Marin County Records, and thence along the Southwesterly line of said parcel South 36° 11' 40" West, 62.00 feet to a point; thence leaving said Southeasterly property line, North 45° 09' 59" East, 19.24 feet, North 41° 53' 30" East, 20.19 feet; North 81° 12' 08" East, 9.91 feet; South 59° 02' 08" East, 22.58 feet; South 77° 30' 47" East, 30.41 feet; South 72° 17' 09" East, 27.07 feet; South 78° 21' 18" East, 33.54 feet; South 68° 36' 42" East, 102.01 feet; South 73° 14' 36" East, 22.09 feet; South 32° 01' 21" East, 27.20 feet; South 38° 41' 35" East, 55.07 feet; South 63° 48' 47" East, 54.15 feet; South 86° 29' 07" East, 47.43 feet; South 72° 52' 17" East, 8.10 feet; South 40° 56' 11" East 23.20 feet to a point on the Westerly line of the Northwestern Pacific Railroad right of way; thence Northerly along said Westerly line of said railroad right of way, North 7° 30' West, 55.00 feet to the most Easterly corner of Parcel 1; thence leaving said Westerly line running along the Northerly line of said parcel, North 68° 03' West, 414.681 feet (424.48 feet in Deed) to the point of commencement.

Containing 0.223 acre, more or less.

PARCEL D

COMMENCING at the most Northerly corner of Parcel 1, as the same is described in the Deed from the City of Mill Valley to Herbert H. Shapiro, et ux, recorded September 12, 1957, in Book 1140 of Official Records, at page 279, Marin County Records; and running thence along the Northerly line of said parcel, South 68° 03' East, 414.681 feet (424.48 in Deed), to the Westerly line of the Northwestern Pacific Railroad right of way; thence Southerly along said Westerly line of said railroad right of way, South 7° 30' East, 690.797 feet (690 feet, more or less, in Deed) to the True Point of Beginning which also is the point of intersection with the Easterly terminus of the course having a radius of 668.06 feet and an arc length of 278.81 feet, as said course is described in the Grant Deed and easement from Bothin Real Estate Company to San Rafael Land Title Company, recorded June 5, 1952, in Book 746 of Official Records, at page 368, Marin County Records; thence from said True Point of Beginning along the Westerly line of the Northwestern Railroad right of way, North 7° 30' West, 211.09 feet to a point; thence leaving said Westerly line of said railroad right of way, South 82° 30' West, 42.00 feet; South 47° 14' 47" West, 42.63 feet to a point on the curve having a radius of 572.85 feet, as said course is set forth in that certain Grant of Easement and Right of Way between San Rafael Land Title Company and the County of Marin, recorded September 12, 1957, in Book 1140 of Official Records, at page 253, Marin County Records; thence along said curve to the right, the center of which bears South 53° 10' 44" West, with a radius of 572.038 feet (572.85 feet in Deed), through a central angle of 15° 45' 32", an arc length of 159.00 feet to a point of intersection with the Westerly terminus of the course having a radius of 668.06 feet, as described in Grant Deed and easement from Bothin Real Estate Company to San Rafael Land Title Company, recorded June 5, 1952, in Book 746 of Official Records, at page 368, Marin County Records; thence along said curve to the right, the center of which bears South 54° 25' 16" West, with a radius of 668.06 feet, through a central angle of 3° 42' 27", an arc length of 43.229 feet to the True Point of Beginning.

Containing 0.191 acre, more or less.

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PARCEL E

COMMENCING at a point on the Easterly line of the parcel of land described in the Deed from Anna T. C. Rue to Bothin Real Estate Company, recorded April 3, 1923, in Book 18 of Official Records, at page 264, Marin County Records, said point of commencement being the intersection of the course in said Easterly line described as being South 8° 15' West, 12.31 chains in the aforesaid Deed to Bothin Real Estate Company with the Northeasterly line of Miller Avenue Extension as the same is described in the Deed from Bothin Real Estate Company to the County of Marin, recorded April 12, 1954, in Book 860 of Official Records, at page 335, Marin County Records; and running thence along the boundary conveyed to Bothin as first above mentioned, North 8° 15' East, 205.809 feet to the True Point of Beginning of the herein described parcel; thence from said True Point of Beginning North 8° 15' East, 535.271 feet; North 10° 14' West, 133.37 feet; North 52° 30' West, 130.02 feet; North 71° 00' West, 277.20 feet; North 88° 00' West, 137.28 feet; and South 64° 45' West, 20 feet, more or less to the Easterly line of the County Road, known as Camino Alto; thence Northerly along the aforesaid Easterly line of Camino Alto, 90 feet, more or less, to a point on the Northerly bank of the Arroyo Corte Madera del Presidio, as the same is described as Parcel One in the Deed from the First Methodist Episcopal Church of Mill Valley to the City of Mill Valley, recorded March 3, 1965, in Book 1915 of Official Records, at page 345, Marin County Records; thence along said Northerly bank, North 83° 15' East, 130 feet, more or less, to the Westerly extremity of the course, South 72° 00' East, 319.44 feet, as the same is described under Exhibit "C" in that certain Boundary Line Agreement between the City of Mill Valley and Herbert H. Shapiro, et ux, recorded September 12, 1957, in Book 1140 of Official Records, at page 269, Marin County Records; thence continuing along the courses set forth in the above mentioned Agreement, South 72° 00' East, 319.44 feet; South 50° 45' East, 187.44 feet; South 6° 45' East 192.72 feet; thence along the course South 10° 00' West, 552.24 feet, more or less, to the point which is the intersection of the calls North 10° 00' East, 90.0 feet, and South 68° 03' East, 404.16 feet, as the same are set forth in Parcel 2 of the Deed from the City of Mill Valley to Herbert H. Shapiro, et ux, recorded September 12, 1957, in Book 1140 of Official Records, at page 279, Marin County Records; thence North 68° 03' West, 33.018 feet to the True Point of Beginning.

EXCEPTING THEREFROM that portion lying within the 30 foot strip of land conveyed to the City of Mill Valley by Deed recorded March 13, 1925 in Book 91 of Official Records, at page 341, Marin County Records.

ALSO EXCEPTING THEREFROM the following described parcel of land:

That portion of the lands as conveyed to Western Title Guaranty Company, Marin County division, a corporation, by Deed from Herbert H. Shapiro, et ux, recorded in Book 2065 of Official Records, at page 526, Marin County Records, described as follows:

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BEGINNING at the intersection of the Easterly line of Camino Alto with the Northerly line of the land conveyed to Bothin Real Estate Company, from Anna T. C. Rue, by Deed recorded in Book 18 of Official Records, at page 264, Marin County Records; thence along said Northerly line North 66° 00' 20" East 13.70 feet (North 64° 45' East Deed); thence South 86° 44' 40" East 51.83 feet; thence leaving said Northerly line, North 0° 02' 03" East 92.12 feet to the Northerly bank of Arroyo Corte Madera del Presidio; thence along said Northerly bank, South 84° 29' 00" West 63.67 feet to a point on the Easterly line of Camino Alto, said point being on a curve, concave Easterly having a radius of 9,970.00 feet; thence leaving said Northerly bank and running Southerly along said Easterly line, through an angle of 0° 30' 33" a distance of 88.60 feet to the point of beginning.

BEARINGS SHOWN herein are based upon the California Coordinate System, Zone 3.

Containing 2.63 acres, more or less.

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EASEMENT PARCEL

DESCRIPTION:

All that certain real property situate in the City of Mill Valley, County of Marin, State of California, described as follows:

BEGINNING at a point which point bears South 81° 45' East 165.83 feet from the intersection of the courses South 41° 15' East 210.54 feet and South 7° 45' East 321.42 feet as said courses are set forth in that certain boundary agreement between Herbert H. Shapiro, et al, and the City of Mill Valley, dated August 7, 1957 and recorded September 12, 1957 in Book 1140 of Official Records, at Page 257, Marin County Records; running thence South 36° 11' 40" West 104.04 feet to the Northeasterly line of Miller Avenue extension; thence Southeasterly along said line, South 53° 48' 20" East 50 feet; thence leaving said line, North 36° 11' 40" East 130.57 feet; thence North 81° 45' West 56.60 feet to the point of beginning.

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EXCHANGE PARCEL

The land referred to herein is situated in the State of California, County of Contra Costa, City of Pittsburg, described as follows:

Surveys Nos. 176, 177, 178, 179 and 180, Swamp and Overflowed Lands, Contra Costa County, Township 2 North, Range 1 East, Mount Diablo Base and Meridian, as particularly described in the patents from the State of California, recorded in Book 1 of Patents, pages 144, 151, 142, 146 and 161, respectively, in the office of the County Recorder of Contra Costa County, reference being hereby made to the record thereof for a complete description.

Excepting therefrom: The following described parcel, being the parcel conveyed by C. A. Hooper & Co. to City of Stockton by deed dated July 15, 1929, recorded August 6, 1929, in Book 151 of Official Records, page 271, in the office of the County Recorder of Contra Costa County, and containing, according to said deed, 100 acres, more or less, and particularly described as follows:

"All that certain real property in the County of Contra Costa, State of California, described as follows:

Sections 3, 4, 9 and 10, Township 2 North, Range 1 East, Mount Diablo Base and Meridian, as delineated in Book 23 of Deeds, page 550, Contra Costa County Records, being portions of Lots "D", "E", "F", "G", "I", "K", "L", "M", & "N", of New York Island, lying on the northerly side of New York Slough and more particularly described as follows:

Beginning at a point on the boundary line between Lots "C" and "D", 1150 feet northerly, measured along said boundary line from the low water line of New York Slough; thence from said point of beginning, continuing in a northerly direction along said boundary line and along said boundary line extended, a distance of 1300 feet; thence east 1325 feet, more or less, to the boundary line between Lots "M" and "L"; thence in a northerly direction along said boundary line between lots "M" and "L", 1925 feet, more or less, to the low water line of Suisun Bay; thence in an easterly direction, along the low water line of Suisun Bay to a point on a line parallel to and 50 feet distant from said boundary line between Lots "M" and "L";

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thence leaving the low water line of Suisun Bay in a southerly direction, along said line parallel to and 50 feet distant from said boundary line between Lots "M" and "L", 1925 feet, more or less, to a point of intersection with the above mentioned course, "East 1525 feet", extended; thence east 1250 feet, more or less, to a point on the northerly portion of the boundary line between Lots "F" and "G", extended thence in a southerly direction along said extension of boundary line and along the boundary line between Lots "F" and "G", 1675 feet, thence West 1775 feet; thence North  $69^{\circ} 22'$  West, 908.2 feet, more or less, to the point of beginning.

Also excepting therefrom the following described real property situated in the County of Contra Costa, State of California, being more particularly described as follows:

Commencing at the most southerly corner of Survey No. 180 Swamp and Overflowed Lands, Contra Costa County; thence northwesterly along the southwesterly line of said survey, North  $54^{\circ} 06'$  West, 1023.00 feet; thence North  $53^{\circ} 04'$  West, 563.64 feet; thence North  $65^{\circ} 11'$  West, 366.12 feet; thence leaving said southwesterly line North  $15^{\circ} 36' 05''$  East, 69.54 feet to the point of beginning for this description, basis of bearing for this description is the Lambert Grid, Zone 3, State of California; thence from said point of beginning South  $15^{\circ} 36' 05''$  West, 69.54 feet to a point on the aforesaid S. & O. Survey 180; thence westerly and northeasterly along said survey line North  $65^{\circ} 51'$  West, 113.70 feet; thence North  $48^{\circ} 16'$  West, 539.22 feet; thence North  $35^{\circ} 29'$  East, 107.58 feet; thence North  $81^{\circ} 54'$  East, 217.80 feet; thence South  $36^{\circ} 11'$  East, 374.22 feet; thence North  $65^{\circ} 29'$  East, 86.96 feet to a point; thence leaving said survey line South  $15^{\circ} 36' 05''$  West, 198.11 feet to the point of beginning.

Being the westerly portion of aforesaid S. & O. Survey No. 180 and situated in Section 5, Township 2 North, Range 1 East, Mount Diablo Base and Meridian, Contra Costa County, California.

Together with any and all other right, title, or interest in East Bay Regional Park District acquired by reason of that certain deed recorded August 11, 1977 in Book 8459, page 25, Official Records of Contra Costa County.

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Est. B.L.

ENVIRONMENTAL IMPACT REPORT SUMMARY

W 21858

I. Introduction

The following is a summary of an EIR prepared by the City of Mill Valley for a 96-unit residential development at Mill Valley, Marin County being proposed by Picklewood Associates.

II. Project Description

The proposed development would consist of 96 dwelling units grouped into three clusters of two and three story structures. Nineteen of the units will provide low-cost housing. Parking for 144 cars would be provided.

III. Environmental Setting

The site is a filled marsh area underlain by mud. The vegetation in the filled area consists primarily of non-native weedy shrubs and herbs and the wildlife appears to be restricted to insects and birds. On the land to the north of the site is an upper-elevation salt marsh. Its vegetation consists primarily of pickleweed and salt grass. Some of the species which probably make use of the southerly edge of the marsh include the California vole, vagrant shrew, raccoon, common egret, snowy egret, great blue heron, kingfisher, California gull, western gull, avocet, killdeer, Forster's tern, Wilson's phalarope and song sparrow. Additionally a host of aquatic species of Richardson Bay are, to a great extent, dependent upon the food produced by marsh vegetation. There are three animal and two plant species associated with salt marshes which are classed as rare or endangered, or have been proposed for such classification. The salt-marsh bird's beak and the California clapper rail, both included in this classification, have been observed in the Richardson Bay area in 1976.

Both the San Andreas fault and the Hayward fault are located a short distance from the site. The Mill Valley General Plan identifies the site as being susceptible to seismically induced ground failure by differential settlement and/or liquefaction leading to rapid subsidence.

IV. Environmental Impacts

1. Settlement, subsidence, liquefaction and seismic shaking.
2. Increased runoff from the site.
3. Temporary construction related impacts include: traffic, noise, dust and use of natural resources.
4. Automobile related odors and noise.

V. Unavoidable Adverse Environmental Impacts

1. Exposure of structures to differential settlement and lurch cracking.
2. Possible lateral spreading and formation of a mud wave.
3. Filling of the marsh land along the central drainage channel.
4. Increased traffic.
5. Obstruction of view corridors.
6. Increased demand for water, electricity and natural gas.
7. Possible erosion and sedimentation.
8. Increased load of herbicides, pesticides, oil and fertilizers in the marsh area.
9. Intrusion of domestic animals on wildlife of the marsh area.

VI. Mitigation Measures

1. Upper layers will be excavated to recompact fill.
2. Site will be drained to the north.
3. Structures will be located 15 to 20 feet from edges of fill to minimize lurch cracking hazards.
4. Structures will be constructed of light, wood frames and structurally independent.
5. Some existing fill will be removed from the central drainage area.
6. Construction and grading will be done during a single dry season.
7. Structures will be located so as to conform with the setbacks outlined in the General Plan.
8. Construction activities will be limited to normal weekday hours.

VII. Alternatives to the Proposed Project

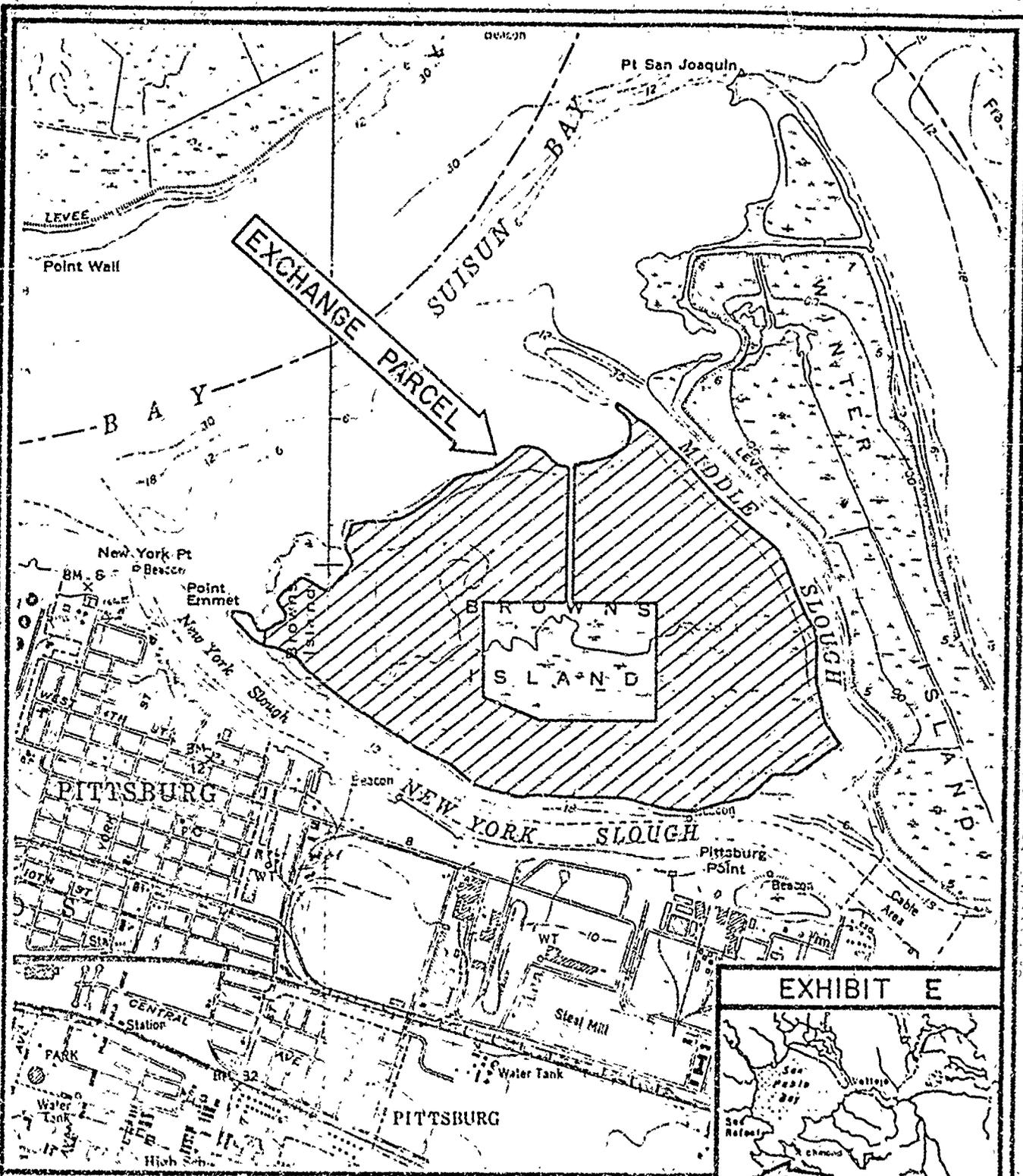
1. No project.
2. Lower density residential use.
3. Alternatives to reduce specific impacts.

*S. Martinez*  
Signature

12/21/78  
Date

|               |            |
|---------------|------------|
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| MINUTE PAGE   | <u>116</u> |

EXHIBIT D



STATE LANDS COMMISSION

**PORTION OF U.S.G.S. QUADRANGLES**  
**ANTIOCH NORTH (1953), HONKER BAY**  
**PHOTOREVISED 1968 & 1973**

Prepared by: jst                      Date: 1-25-79

Title Study: PICKLEWEED ASSOC.                      W 21858

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