

MINUTE ITEM:

This Calendar Item No. C-23  
was approved as Minute Item  
No. 23 of the State Lands  
Commission by a vote of 2-2  
to 0 at its 6-5-79  
meeting.

CALENDAR ITEM

23.

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ACCEPTANCE OF DEED AND  
AMENDMENT OF LEASE PRC 5426

Authorize acceptance as State sovereign lands of deed to a 2/135ths undivided interest in Brown's Island, Contra Costa County, to meet the environmental mitigation requirements of the California Department of Fish and Game relating to a proposed project in the City of Benicia, and authorize a lease of said parcel to the East Bay Regional Park District (EBRPD).

The City of Benicia, County of Sonoma has applied for a permit (Public Notice No. 12498-10), to extend a storm drain to replace a stream segment, and to place 3 manholes at 719 West "I" Street. The California Department of Fish and Game objected because of the loss of wetlands habitat. The California Department of Fish and Game has agreed to withdraw its objection upon conveyance to the State Lands Commission of an undivided interest in Brown's Island, Contra Costa County, having a fair market value of \$2,000 or more.

The applicant has agreed to acquire from the EBRPD for the benefit of the State Lands Commission a 2/135ths undivided interest in Brown's Island. This undivided interest has a fair market value of \$2,000 and if partitioned, would consist of about 8.81 acres.

The State Lands Commission previously authorized the acquisition of undivided interests in Brown's Island by approval of the Land Bank Option and Lease Back Agreement with EBRPD (approved December 19, 1977, Minute Item No. 21).

The transaction proposed by this Calendar Item differs from the prior State acquisitions in that they were based on title exchanges and the proposed transaction is based on environmental mitigation requirements of the California Department of Fish and Game. It will permit the private activity to be completed, and will establish further undisputed State sovereign titles within Brown's Island.

Pursuant to the Land Bank Agreement, the State Lands Commission has agreed to lease (PRC 5426) to the EBRPD, for management and protection, the undivided interests in Brown's Island which the State receives from time to time under the Agreement.

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CALENDAR PAGE	98
MINUTE PAGE	893

CALENDAR ITEM NO. 23. (CONTD)

The staff believes the proposal is in the best interests of the State.

EXHIBITS:           A. Description of Brown's Island.  
                      B. Exhibit Plat of Brown's Island.  
                      C. Site Map of Mitigation Area.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE ACCEPTANCE AND RECORDATION OF A DEED TO THE STATE OF AN UNDIVIDED 2/135THS INTEREST IN THE BROWN'S ISLAND PARCEL IN CONTRA COSTA COUNTY AS DESCRIBED IN THE ATTACHED EXHIBIT "A" AND AS DEPICTED ON EXHIBIT "B".
2. AUTHORIZE THE AMENDMENT OF LEASE PRC 5426 TO THE EBRPD TO INCLUDE THE 2/135THS UNDIVIDED INTEREST IN BROWN'S ISLAND CONSISTENT WITH THE LAND BANK OPTION AND LEASE BACK AGREEMENT APPROVED BY THE COMMISSION ON DECEMBER 19, 1977, MINUTE ITEM NO. 21.
3. AUTHORIZE THE STATE LANDS COMMISSION'S STAFF AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS WHICH MAY BE REASONABLY NECESSARY AND CONVENIENT TO IMPLEMENT THE TRANSACTION DESCRIBED ABOVE, INCLUDING, BUT NOT LIMITED TO EXECUTION OF DOCUMENTS OF TITLE, RECORDATION, ESCROW INSTRUCTIONS AND APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.
4. FIND THAT THE TRANSACTION IS CATEGORICALLY EXEMPT UNDER CAL. ADM. CODE TITLE 2, DIV. 3, ART. 10, SECTION 2907, CLASS 7.

DESCRIPTION OF BROWN'S ISLAND

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 191 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", "H", "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 1355 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";

JUN 10 1978

CALENDAR PAGE  
EXHIBIT A  
MINUTE PAGE

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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 1325 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° 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° 06' West, 1023.00 feet; thence North 53° 04' West, 563.64 feet; thence North 65° 51' West, 366.12 feet; thence leaving said southwesterly line North 15° 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° 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° 51' West, 113.70 feet; thence North 48° 16' West, 539.22 feet; thence North 35° 29' East, 107.58 feet; thence North 81° 54' East, 217.80 feet; thence South 36° 11' East, 374.22 feet; thence North 65° 29' East, 86.96 feet to a point; thence leaving said survey line South 15° 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 8, Township 2 North, Range 1 East, Mount Diablo Base and Meridian, Contra Costa County, California.

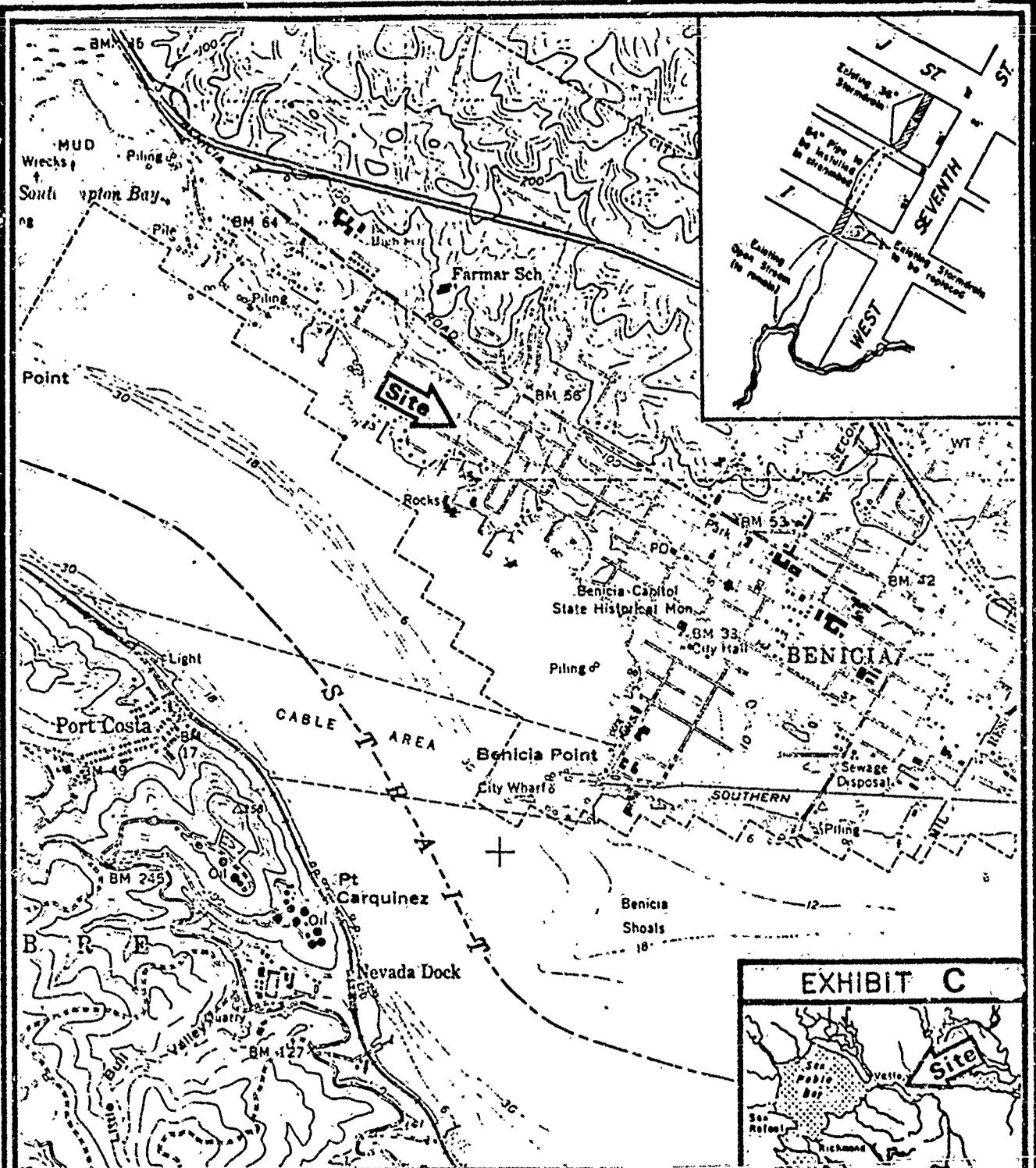
Together with any and all other right, title, or interest of East Bay Regional Park District acquired by reason of that certain deed recorded August 11, 1977 in Book #459, page 25, Official Records of Contra Costa County.

CALENDAR PAGE	101
MINUTE PAGE	896

JUN 10 1978

EXHIBIT A

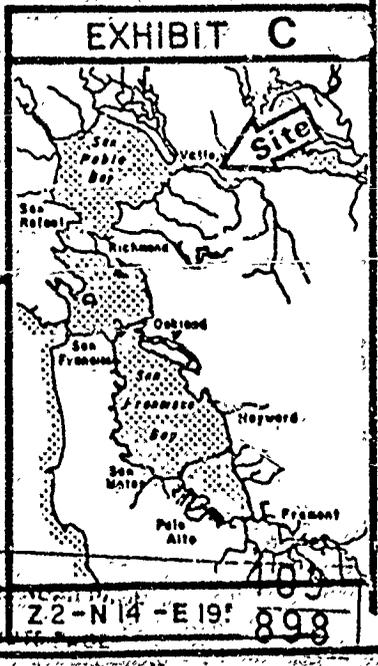




STATE LANDS COMMISSION  
 PORTION OF U.S.G.S. QUADRANGLE  
 BENICIA (1959)  
 PHOTOREVISED 1968

Prepared by: jsf  
 Date: 5-7-79

Title Study: Mitigation Site



SD 78-12-11 22-N14-E19: 898