

MINUTE ITEM

This Calendar Item No. 20
was approved as Minute Item
No. 20 by the State Lands
Commission by a vote of 2
to 0 at its 12-20-79
meeting.

CALENDAR ITEM
20.

12/79
W 22121
Cook

ACCEPTANCE OF DEED TO STATE OF CALIFORNIA
"LAND BANK PARCEL"

Pursuant to Commission Minute Item No. 25, of its regular public meeting on September 26, 1979, the Commission, on behalf of the STATE OF CALIFORNIA, in its sovereign capacity and THE TRUST FOR PUBLIC LAND (TPL) have entered into a "Land Bank Option Agreement" providing an option to the State to acquire from TPL, under the terms and conditions of the agreement, about 441 ACRES of real property in Contra Costa County, consisting of marsh lands along the southerly shoreline of Suisun Bay in the vicinity of the mouth of Pacheco Creek for a purchase price of \$200,000, (being about \$453.51 per ACRE), or to acquire from time to time; undivided interests therein equal to the percentage the amount of purchase price on each option exercise bears to the total price of \$200,000.

The said real property is referred to as the LAND BANK PARCEL, is described in the attached Exhibit A, and is depicted on the attached Exhibit B.

Since 1974, TPL has been the custodian of a fund of \$30,000 under a mitigation agreement relating to the development of Mariners Island in San Mateo County for the purchase of marsh lands in the San Francisco Bay area. With accrued interest, the fund totalled \$36,470.43 on September 30, 1979. It is anticipated that the fund will continue to draw interest.

TPL, as trustee, wishes to apply said sum, together with further interest thereon, to the acquisition for the State of an undivided interest in the Land Bank Parcel according to the provisions of, and at the rate provided by the said Land Bank Option Agreement, and has requested that the Commission accept a deed, on behalf of the State in its sovereign capacity, as real property of the legal character of tidelands and submerged lands. It is expected that the sum, with interest will result in the State's acquisition of about a 20% undivided interest in the Land Bank Parcel.

Acceptance and recordation of the deed is authorized by the said agreement and the provisions of Division 6 of the Public Resources Code of the State of California.

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CALENDAR ITEM NO. 20. (CONTD)

EXHIBITS: A. Parcel Description. B. Parcel Plat.

IT IS THEREFORE RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR IS NOT REQUIRED FOR THIS ACTIVITY BECAUSE THIS AGREEMENT DOES NOT HAVE THE POTENTIAL FOR RESULTING IN PHYSICAL CHANGE IN THE ENVIRONMENT PURSUANT TO 14 CAL. ADM. CODE 15037, 14 CAL. ADM. CODE 15060.
2. APPROVE AND AUTHORIZE THE ACCEPTANCE BY THE COMMISSION ON BEHALF OF THE STATE IN ITS SOVEREIGN CAPACITY, OF A DEED TO THE STATE FROM THE TRUST FOR PUBLIC LAND, OF AN UNDIVIDED INTEREST IN THE REAL PROPERTY OF THE LEGAL CHARACTER OF TIDELANDS AND SUBMERGED LANDS, DESCRIBED IN THE ATTACHED EXHIBIT A, WHICH IS MADE A PART HEREOF. SUCH UNDIVIDED INTEREST BEING EQUAL TO THE PERCENTAGE, THE SUM OF \$36,470.43, PLUS INTEREST, TO THE CLOSE OF ESCROW, BEARS TO \$200,000, (BEING APPROXIMATELY AN UNDIVIDED 20% INTEREST).
3. AUTHORIZE THE COMMISSION STAFF AND/OR THE ATTORNEY GENERAL, HIS ASSISTANTS OR DEPUTIES, TO TAKE ALL STEPS NECESSARY OR CONVENIENT TO IMPLEMENT THIS TRANSACTION, INCLUDING, BUT NOT LIMITED TO THE EXECUTION AND ACKNOWLEDGEMENT OF A CERTIFICATE OF ACCEPTANCE OF SAID DEED, OR OTHER DOCUMENTS, AND TO MAKE APPEARANCES IN ANY LEGAL OR ADMINISTRATIVE PROCEEDING CONCERNING THIS TRANSACTION.

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EXHIBIT "A"

PARCEL ONE

All that portion of Swamp and Overflow Surveys Nos. 87, 88 and 89; that portion of Tide Land Survey No. 207, and that portion of the 976.04 acre parcel described in the deed to C. A. Hooper & Co. recorded June 1, 1932, in Book 310, page 498 of Official Records of Contra Costa County, California, all within unincorporated territory of said county and described as a whole as follows:

Commencing at the Northwesterly corner of the 273.183 acre parcel of land awarded to the United States of America in the Final Judgement in condemnation under Action No. C-69-369 in the United States District Court, entitled United States of America, plaintiff, vs. V. P. Baker et al., defendants, a certified copy of which was recorded November 19, 1973, in Book 7094, page 482, of said Official Records;

Thence South $27^{\circ} 48' 59''$ East 5930.49 feet along the Southwesterly line of said 273.183 acre parcel of land to the Southwesterly corner thereof in the Northerly line of the 200 foot wide strip of land firstly described in the deed recorded June 18, 1913 in Book 205, page 141 of deeds of said Official Records;

Thence South $70^{\circ} 25'$ West 1665.13 feet along said Northerly line to the Point of Beginning of this description;

- (1) Thence North $27^{\circ} 48' 59''$ West 6102.91 feet, parallel with the above mentioned Southwesterly line of the 273.183 acre parcel of land, to the mean high tide line of Suisun Bay;

Thence meandering along said mean high tide line the following courses:

- (2) South $5^{\circ} 14' 30''$ West 70.80 feet;
- (3) South $57^{\circ} 32'$ West 307.74 feet, and
- (4) South $62^{\circ} 59'$ East 302.68 feet;
- (5) Thence South $69^{\circ} 36'$ East 138.42 feet to the low water line of Suisun Bay;

Thence meandering along said low water line the following courses:

- (6) South $4^{\circ} 07'$ East 311 feet;
- (7) South $19^{\circ} 13'$ West 51 feet;

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- (8) South 52° 37' West 541 feet;
- (9) South 41° 46' West 650 feet;
- (10) South 26° 20' West 398 feet;
- (11) South 62° 31' West 624 feet;
- (12) South 88° 20' 15" West 1438.90 Feet to the Easterly line of the 30.00 foot wide strip of land described as Parcel One in the deed to Monsanto Chemical Company, recorded June 30, 1952, in Book 1954, page 245 of said Official Records, said point hereinafter being referred to as Point "A";
- (13) Thence South 61° 54' 15" West 652.74 feet along said low water line to the Northeasterly line of the 106.09 acre parcel described in the deed to Associated Oil Company recorded March 28, 1913, in Book 201, page 65 of Deeds, and the Northeasterly line of the tract of land described as Parcel Two in the deed to Tide Water Associated Oil Company, recorded December 17, 1941, in Book 635, page 396 of said Official Records;

Thence along said Northeasterly lines and along the Southerly line of the above mentioned Tide Land Survey No. 207 the following courses:

- (14) South 18° 15' East 1244.83 feet;
- (15) South 36° 05' East 170.93 feet;
- (16) North 22° 51' East 316.39 feet, and
- (17) North 55° 00' East 380 feet to the above mentioned Easterly line of the 30.00 foot wide strip of land to Monsanto Chemical Company, said point hereinafter being referred to as Point "B";
- (18) Thence South 51° 48' East 3934.18 feet along the Northeasterly line of said 30.00 foot wide strip of land to the above mentioned Northerly line of the 200 foot wide strip of land firstly described in the deed recorded in Book 205, page 141 of Deeds, of said Official Records;
- (19) Thence North 70° 25' East 2603.38 feet along said Northerly line to the Point of Beginning.

EXCEPTING therefrom that portion of the above mentioned 30.00 foot wide strip of land to Monsanto Chemical Company, the Easterly line being described as follows:

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Beginning at Point "A" referred to in Course (12) above;

Thence South $17^{\circ} 19' 30''$ East 1171.38 feet to Point "B" referred to in Course (17) above, the sidelines, of said 30.00 foot wide strip of land to be lengthened or shortened to terminate in Courses (13 and 17) above.

Containing 391.184 acres, more or less, after deducting area of excepted 30.00 foot wide strip of land.

PARCEL TWO

All that portion of Tide Land Survey No. 207 in unincorporated territory of the County of Contra Costa, State of California, described as follows:

Beginning at the intersection of the Northwesterly line of said Tide Land Survey No. 207 with the Easterly line of the 30 foot wide strip of land described as Parcel One in the deed to Monsanto Chemical Company recorded June 30, 1952 in Book 1954, page 245 of Official Records of said County, said point being hereinafter referred to as Point "C";

- (1) Thence North $71^{\circ} 51'$ East 103.88 feet and
- (2) North $58^{\circ} 15'$ East 1905.93 feet along said Northwesterly line;
- (3) Thence South $31^{\circ} 45'$ East 1003.90 feet, leaving said Northwesterly line, to the low water line of Suisun Bay;

Thence meandering along said low water line the following courses:

- (4) South $26^{\circ} 20'$ West 298.86 feet.
- (5) South $62^{\circ} 31'$ West 624 feet and
- (6) South $88^{\circ} 20' 15''$ West 1438.90 feet to said Easterly line of the 30 foot wide strip of land, said point being hereinafter referred to as Point "A";
- (7) Thence South $61^{\circ} 54' 15''$ West 652.74 feet along said low water line to the Northeasterly line to the 106.09 acre parcel described in the deed to Associated Oil Company recorded March 28, 1913 in Book 201, page 65 of deeds, and the Northeasterly line of the tract of land described as Parcel Two in the deed to Tide Water Associated Oil Company, recorded December 17, 1941 in Book 635, page 396 of said Official Records;

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(8) Thence North $18^{\circ} 15'$ West 500 feet along said Northeasterly lines to said Northwesternly line of Tide Land Survey No. 207.

(9) Thence North $71^{\circ} 51'$ East 655.52 feet along said Northwesternly line to the Point of Beginning.

EXCEPTING therefrom that portion of said 30 foot wide strip of land described in deed recorded in Book 1954, page 245 of Official Records, the Easterly line being described as follows:

Beginning at Point "C";

Thence South $17^{\circ} 19' 30''$ East 427.27 feet to Point "A", the sidelines of said 30 foot wide strip of land being lengthened or shortened so as to terminate in Courses (7) and (9).

Containing 50.234 acres, more or less, after deducting the area of the excepted 30 foot wide strip of land.

Subject to easements, rights-of-way and restrictions of record.

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