MINUTE ITEM

This Calendar Item No. 22 was approved as Minute Item No. 22 by the State Lands Commission by a vote of 3 to 0 at its 10/30/81 meeting.

CALENDAR ITEM

22

10/30/81
W 22798
Valentine
PRC 6076

AUTHORIZATION TO LEASE

At its September 29, 1981 meeting in Calendar Item No. 32 the Commission approved acquisition of a 77.7-acre parcel in the City of Hayward through title settlements with third parties. This land bank parcel is described in the attached Exhibit A and depicted on Exhibit B. Staff is in the process of acquiring the land bank as individual title settlements are approved by the Commission.

East Bay Regional Park District has expressed interest in leasing the land bank for a period of fifty years for purposes of marsh restoration and preservation, management as a public park, plant and wildlife habitat and environmental study. The consideration for the lease is the general public benefit from lessee's management of the leased premises.

An EIR is not required. This transaction is within the purview of 14 Cal. Adm. Code, Division 6, Section 15125 which exempts transfers of ownership of interests in land to preserve open space.

AB 884: N/A.

EXHIBITS: A. Land Description.
B. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT IT IS IN THE BEST INTEREST OF THE STATE AND FOR A GENERAL STATEWIDE PUBLIC PURPOSE AND BENEFIT THAT THE COMMISSION APPROVE AND AUTHORIZE THE EXECUTION BY STAFF ON BEHALF OF THE COMMISSION OF A LEASE TO EAST BAY REGIONAL PARK DISTRICT OF ABOUT 77.7 ACRES OF REAL PROPERTY IN HAYWARD, ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED IN ATTACHMENTS A AND B, FOR A TERM OF FIFTY YEARS AND SUBSTANTIALLY ON THE TERMS AND CONDITIONS OF THE FORM OF LEASE NOW ON FILE WITH THE COMMISSION.

2. AUTHORIZE EXECUTION OF A FIFTY-YEAR LEASE OF THE HAYWARD LAND BANK, OR UNDIVIDED PERCENTAGE INTERESTS THEREIN, TO EAST BAY REGIONAL PARK DISTRICT FOR PURPOSES OF MARSH RESTORATION, PRESERVATION AND MANAGEMENT.

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3. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION 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 THE EXECUTION OF DOCUMENTS OF TITLE, RECORDATION, ESCROW INSTRUCTIONS AND APPEARANCES IN ANY LEGAL, ADMINISTRATIVE OR OTHER PROCEEDINGS CONCERNING THIS TRANSACTION.

4. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21084, AND 14 CAL. ADM. CODE 15100 ET SEQ.

5. AUTHORIZE RESTORATION AND MAINTENANCE OF THE SUBJECT PREMISES TO MARSH CONDITIONS BY BREACHING DIKES AND/OR LEVEES, DIGGING DRAINAGE DITCHES AND DOING ASSOCIATED WORK DESIGNED TO RENDER THE PROPERTY SUBJECT TO THE DAILY TIDES OF SAN FRANCISCO BAY.

EXHIBIT "A"

LAND DESCRIPTION

All that certain real property in the Township of Eden, County of Alameda, State of California, described as follows:

A portion of the land conveyed to the City of Hayward by deed dated June 19, 1978 and recorded August 3, 1978 in Reel 5516 of Official Records of Alameda County, Image 237, (78-148844), described as follows:

COMMENCING at the most northern corner of said land, being the most eastern corner of the 235 acre, more or less, parcel of land conveyed to the City of Hayward by Deed dated May 21, 1965 and recorded September 24, 1965 in Reel 1604 of Official Records of Alameda County, Image 694, (AX 132369), said corner being marked by a bolt shown on Record of Survey No. 508, filed in Book 3 of Record of Surveys at Page 32, in the Office of the Alameda County Recorder; run thence southeasterly along the general eastern line of said land, (78-148844), 914.22 feet to an angle point therein marked by a "Found Concrete Monument per R/S - 3/32" shown on said Record of Survey No. 508, said point being the POINT OF BEGINNING of this description; and running thence southwesterly parallel with the southeastern line of said 235 acre parcel of land S 66° 16' 58" W 993.54 feet, to the northern line of the southeast 1/4 of the northeast 1/4 of Section 36, Township 3 South, Range 3 West, Mount Diablo Meridian; thence West along last said line 350.00 feet, to the western line of said southeast 1/4, being the western line of said land (78-148844); thence South along last said line 2640.00 feet to the southern line of said land; thence East along last said line 800.00 feet; thence N 45° E 650.00 feet to a line drawn South from the actual point of beginning; thence North 2580.00 feet to the point of beginning.

Containing 77.7 acres, more or less.

END OF DESCRIPTION

PREPARED SEPTEMBER 11, 1981 BY GARRY A. WELDON L.S. 3752

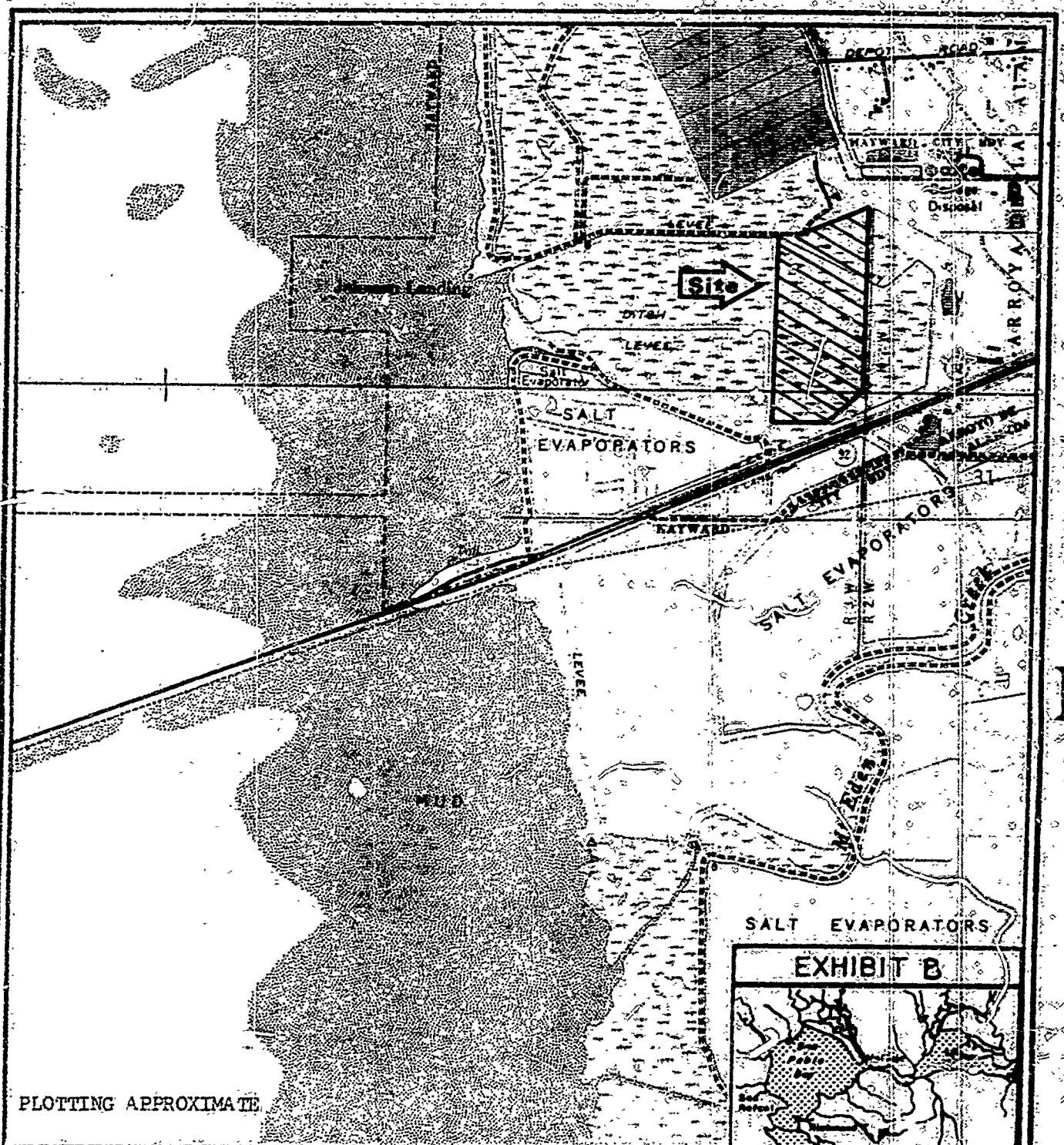

EXHIBIT B

STATE LANDS COMMISSION

PORTION OF U.S.G.S. QUADRANGLES SAN LEANDRO, REVISED 1980 & REDWOOD POINT, REVISED 1980

Prepared by: R.L. BELL Date: 7-29-81 A:15 S:8

Title Study: HAYWARD LAND BANK W 22798

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