

MINUTE ITEM

This Calendar Item No. 18
was approved as Minute Item
No. 17 by the State Lands
Commission by a vote of 3
to 0 at its 9/26/82
meeting.

CALENDAR ITEM

18

BLA 223
8/26/82
W 8424
Valentine
JTO 17

BOUNDARY LINE AGREEMENT AND EXCHANGE

American Canyon Sanitary Landfill, Inc. has applied for a United States Army Corps of Engineers permit for existing and future fill at their sanitary landfill site. The site is located along the eastern bank of the Napa River in southern Napa County. Approximately 48 acres of the site are already filled. The balance of the site, consisting of about 235 acres, has not been filled. See Calendar Exhibit "A" for a description and Exhibit "B" for depiction of the subject parcel. After many years of negotiations and research involving, among others, the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the Resources Agency, the Department of Fish and Game and State Lands Commission, a tentative agreement has been reached. A copy of the proposed agreement is on file with the Commission.

An agreement between the Resources Agency and American Canyon Sanitary Landfill, Inc. was executed on October 7, 1980. That agreement was in mitigation of the environmental effects of American Canyon's past and future landfill operations and did not purport to resolve issues of title. The staff of the State Lands Commission has come to a tentative agreement with American Canyon Sanitary Landfill, Inc. which defines the boundary line of the interests of the State and American Canyon at the site. The Agreement provides for the following:

A 8
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CALENDAR PAGE	<u>125</u>
MINUTE PAGE	<u>2040</u>

CALENDAR ITEM NO. 18 (CONTD)

1. 113 acres, 48 of which are filled, will be patented by the State to American Canyon Sanitary Landfill, Inc. for continued operation of their sanitary landfill (Parcel A on Exhibit "B").
2. The State will reserve an easement from a public road for non-motorized public access to the Napa River, to the extent American Canyon owns such access, across property adjacent to the patented property. The State will also be granted an easement 20 feet wide for non-motorized public access along the property being patented to American Canyon (Parcel A on Exhibit "B") between that parcel and the Napa River.
3. About 30 acres of wetlands will be conveyed to the State in fee by grant deed from American Canyon (Parcel D on Exhibit "B"). This land will be held subject to the public trust as sovereign lands of the State. This 30 acres is in addition to the 107 acres (Parcel C1 and C2 on Exhibit "B"), which American Canyon previously agreed to transfer to the Resources Agency as environmental mitigation.
4. American Canyon's interest, if any, in the area waterward of the patent and State parcels to the center line of the Napa River will be quitclaimed by American Canyon to the State (Parcel B on Exhibit "B"). These lands will be held as sovereign lands of the State subject to the public trust.

AB 884: N/A.

EXHIBITS: A. Land Description.
B. Plat of Subject Parcel.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGEMENT AND RECORDATION ON BEHALF OF THE COMMISSION OF THE FOLLOWING DOCUMENTS:

(Revised 8/24/82)

-2-

CALENDAR PAGE	126
MINUTE PAGE	2041

- A. THE COMPROMISE TITLE SETTLEMENT AGREEMENT IN SUBSTANTIALLY THE FORM OF THE AGREEMENT ON FILE WITH THE COMMISSION;
 - B. STATE'S PATENT OF THE PATENT PARCEL AS DESCRIBED IN ATTACHMENT A AND DEPICTED IN ATTACHMENT B;
 - C. A CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDATION OF THE DOCUMENTS CONVEYING TO THE STATE THE FLE INTEREST IN THE DEED (PARCEL D ON EXHIBIT "B") AND QUITCLAIM PARCELS (PARCEL B ON EXHIBIT "B"), DESCRIBED IN ATTACHMENT A AND DEPICTED ON ATTACHMENT B;
 - D. A TRANSFER OF CONTROL AND POSSESSION OF THE PARCEL DEEDED TO THE STATE BY AMERICAN CANYON TO THE DEPARTMENT OF FISH AND GAME.
2. AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGEMENT AND RECORDATION OF DOCUMENTS OF TITLE, CONVEYANCES, STIPULATIONS, ESCROW INSTRUCTIONS, DEEDS, AGREEMENTS, TRANSFER OF CONTROL AND POSSESSION, CERTIFICATES OF ACCEPTANCE AND CONSENTS TO RECORDATION, AND SUCH OTHER DOCUMENTS AS MAY BE REASONABLE AND CONVENIENT TO CARRY OUT THE TITLE SETTLEMENT AGREEMENT AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE AGREEMENT.
3. FIND THAT: a) THE PARTIES HAVE A GOOD FAITH AND BONA FIDE DISPUTE RESPECTING THE PRIVATE AND STATE TITLES WITHIN THE SUBJECT PARCEL; b) THE PROPOSED AGREEMENT CONSTITUTES A COMPROMISE OF THE CONTESTED ISSUES OF LAW AND EVIDENCE UPON WHICH THE DISPUTE IS BASED; c) THE AGREEMENT IS IN LIEU OF THE COSTS, DELAYS AND UNCERTAINTIES OF TITLE LITIGATION; d) THE AGREEMENT IS CONSISTENT WITH AND IS AUTHORIZED BY THE REQUIREMENTS OF LAW INCLUDING DIV. 6 OF THE P.R.C., AND SECTION 6307 THEREOF, AND IS CONSISTENT WITH THE STATE'S POWER TO RESOLVE AND SETTLE A CONTROVERSY IN LIEU OF LITIGATION; e) THE STATE, PURSUANT TO THIS EXCHANGE, WILL RECEIVE TITLE TO LANDS OF VALUE EQUAL TO OR GREATER THAN THE VALUE OF THE PARCEL BEING PATENTED BY THE STATE TO AMERICAN CANYON; f) ON THE RECORDATION OF THE AGREEMENT AND CONSISTENT WITH ITS TERMS, INCLUDING THE RESERVED PUBLIC ACCESS, THE PATENT PARCEL WILL NO LONGER BE NECESSARY OR USEFUL FOR THE PURPOSES OF THE PUBLIC TRUST AND THE PUBLIC TRUST MAY BE TERMINATED THEREON; g) THE

CALENDAR ITEM NO. 18 (CONTD)

PROPOSED AGREEMENT IS IN THE BEST INTERESTS OF THE STATE; AND h) SETTLEMENT OF THIS TITLE DISPUTE IN LIEU OF LITIGATION IS AN EXEMPT PROJECT WITHIN REQUIREMENTS OF THE CEQA.

CALENDAR PAGE	128
MINUTE PAGE	2043

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August 16, 1982

DESCRIPTION OF A PARCEL OF LAND TO BE
RETAINED AND PATENTED BY AMERICAN CANYON
SANITARY LAND FILL CO., INC.,
NAPA COUNTY, CALIFORNIA

Parcel A

Beginning at the Northeasterly corner of that 306.315± acre parcel of land shown in Book 18 of Surveys at page 71, Napa County Records; said corner being monumented by a concrete monument with a 2" brass plate stamped R.C.E. 6250; thence along the Easterly line of said parcel, South, 3237.81 feet to a concrete monument with a 2" brass plate stamped R.C.E. 6250; thence leaving said Easterly line South 78°36'00" West, 1627.68 feet to a point on the Westerly line of said parcel, said point being monumented by a concrete monument with a 2" brass plate stamped R.C.E. 6250; thence along said Westerly line, North 31°30'00" West, 397.70 feet; thence leaving said Westerly line along the following courses; North 00°21'30" East, 135.33 feet; North 04°52'30" West, 214.00 feet; North 10°03'30" West, 216.00 feet; North 23°48'30" East, 240.00 feet; North 38°14'30" East, 230.00 feet; North 04°08'30" West, 58.00 feet; North 01°06'30" East, 63.00 feet; North 10°26'30" West, 53.00 feet; North 12°55'30" West, 46.00 feet; North 40°21'30" West, 49.00 feet; North 36°15'30" East, 595.00 feet; North 21°19'30" East, 356.00 feet; North 04°11'30" East, 402.00 feet; North 16°32'30" East, 200.00 feet; North 08°37'30" East, 108.00 feet; North 00°52'30" East, 80.00

(Revised 8/25/82)

CALENDAR PAGE	129
MINUTE PAGE	2044

feet; North $10^{\circ}15'30''$ West, 328.00 feet; North $64^{\circ}36'43''$ West, 144.07 feet to the Northwesterly corner of said 306.315± acre parcel of land said corner being monumented by a concrete monument with a 2" brass plate stamped R.C.E. 6250; thence along the Northerly line of said parcel, North $88^{\circ}39'00''$ East, 1274.21 feet to the point of beginning.

Reserving therefrom an easement 25 feet in width for access purposes; The North and Westerly line of said access easement being described as follows:

Beginning at the Northeasterly corner of that 306.315± acre parcel of land shown in Book 18 of Surveys at page 71, Napa County Records; said corner being monumented by a concrete monument with a 2" brass plat stamped R.C.E. 6250; Thence South $88^{\circ}39'00''$ West, 1274.21 feet to a concrete monument with a 2" brass plate stamped R.C.E. 6250; Thence South $64^{\circ}36'43''$ East, 144.07 feet; South $10^{\circ}15'30''$ East, 328.00 feet; South $00^{\circ}32'30''$ West, 80.00 feet; South $08^{\circ}37'30''$ West, 108.00 feet; South $16^{\circ}32'30''$ West, 200.00 feet; South $04^{\circ}11'30''$ West, 402.00 feet; South $21^{\circ}19'30''$ West, 356.00 feet; South $36^{\circ}15'30''$ West 595.00 feet; South $40^{\circ}21'30''$ East, 49.00 feet; South $12^{\circ}55'30''$ East, 46.00 feet; South $10^{\circ}26'30''$ East, 53.00 feet; South $01^{\circ}06'30''$ West, 63.00 feet; South $04^{\circ}08'30''$ East, 58.00 feet; South $38^{\circ}14'30''$ West, 230.00 feet; South $23^{\circ}48'30''$ West, 240.00 feet; South $10^{\circ}03'30''$ East, 216.00 feet; South $04^{\circ}52'30''$ East, 214.00 feet; South $00^{\circ}21'30''$ West, 135.33 feet to the Westerly line of said 306.315± acre parcel of land; thence along said Westerly Line; South $31^{\circ}30'00''$ East, 397.70 feet to a concrete monument with a 2" brass plate stamped R.C.E. 6250, being the end of the herein

(Added 8/25/82)

CALENDAR PAGE	129A
MINUTE PAGE	2045

Parcel A

38166
August 16, 1982

Page 3

Described access easement.

The South and Easterly lines of said easement are to be lengthened or shortened to terminate at the boundary line of the above described parcel A, and be parallel with the north and westerly easement lines.

(Added 8/25/82)

	129 ^B
CALENDAR PAGE	
MINUTE PAGE	204b

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August 16, 1982

DESCRIPTION OF LAND TO BE QUITCLAIMED TO
THE STATE OF CALIFORNIA STATE LANDS
COMMISSION BY AMERICAN CANYON SANITARY
LAND FILL CO., INC., NAPA COUNTY, CALIFORNIA

Parcel B

Beginning at the Northwesterly corner of that 306.315± acre parcel of land shown in Book 18 of surveys at page 41, Napa County Records; said corner being monumented by a concrete monument with a 2" brass plate stamped R.C.E. 6250; thence the following courses; South 64°36'43" East, 144.07 feet; South 10°15'30" East, 328.00 feet; South 00°32'30" West, 80.00 feet; South 08°37'30" West, 108.00 feet; South 16°32'30" West, 200.00 feet; South 04°11'30" West, 402.00 feet; South 21°19'30" West, 356.00 feet; South 36°15'30" West, 595.00 feet; South 40°21'30" East, 49.00 feet; South 12°55'30" East, 46.00 feet; South 10°26'30" East, 55.00 feet; South 01°06'30" West, 63.00 feet; South 04°08'30" East, 58.00 feet; South 38°14'30" West, 230.00 feet; South 23°48'30" West, 240.00 feet; South 10°03'30" East, 216.00 feet; South 04°52'30" East, 214.00 feet; South 00°21'30" West, 135.33 feet to the Westerly line of said 306.315± acre parcel of land; thence along said Westerly line, South 31°30'00" East, 397.70 feet to a concrete monument with a 2" brass plate stamped R.C.E. 6250; thence continuing along said Westerly line South 31°30'00" East, 405.20 feet; thence leaving said Westerly line the following courses;

(Revised 8/25/82)

CALENDAR PAGE	130
MINUTE PAGE	2047

Parcel B

South 79°46'30" East, 77.57 feet; South 39°54'30" East, 161.00 feet;
 South 31°35'30" East, 111.00 feet; South 14°35'30" East, 53.00 feet;
 South 03°21'30" West, 46.00 feet; South 21°18'30" West, 115.00 feet;
 South 27°16'30" West, 167.00 feet; South 17°45'30" West, 38.00 feet;
 South 15°58'30" West, 33.00 feet; South 55°08'30" West, 52.00 feet;
 South 02°18'30" East, 101.00 feet; South 11°55'30" West, 72.00 feet;
 South 11°49'30" East, 163.00 feet; South 44°55'30" East, 23.00 feet;
 South 18°25'30" East, 168.00 feet; South 11°10'30" West, 40.00 feet;
 South 49°03'30" West, 49.00 feet; South 74°06'30" West, 50.00 feet;
 North 89°34'30" West, 214.00 feet; North 73°14'30" West, 55.00 feet;
 North 50°47'30" West, 50.00 feet; North 01°01'30" West, 153.00 feet;
 North 07°21'30" East, 107.00 feet; North 19°58'30" East, 52.00 feet;
 North 06°30'30" West, 109.40 feet to the Westerly line of said 306.315±
 acre parcel being monumented by a concrete monument with a 2" brass
 plate stamped R.C.E. 6250; thence along said Westerly line, South 49°30'00"
 West, 283.80 feet to a concrete monument with a 2" brass plate stamped
 R.C.E. 6250; thence West 463.22 feet to concrete monument with a 2" brass
 plate stamped R.C.E. 6250; thence leaving said Westerly line, the following
 courses; South 05°22'30" West, 127.02 feet; South 28°45'30" East, 58.00
 feet; South 25°22'30" East, 153.00 feet; South 43°00'30" East, 132.00
 feet; South 03°28'30" West, 172.00 feet; South 05°55'30" East, 318.00
 feet; South 00°16'30" West, 142.00 feet; South 10°26'30" West, 207.00
 feet; South 15°49'30" West, 131.00 feet; South 24°37'30" West, 69.00

(Revised 8/25/82)

CALENDAR PAGE	131
MINUTE PAGE	2048

feet; South $17^{\circ}58'30''$ West, 345.00 feet; South $06^{\circ}42'30''$ West, 201.00 feet; South $11^{\circ}35'31''$ West, 339.55 feet to a point on the Southerly line of said 306.315± acre parcel from which a concrete monument with a 2" brass plate stamped R.C.E. 6250 bears East, 125.00 feet; thence along said Southerly line and its extension West to the centerline of the Napa River; thence Northerly along said centerline to a point that bears South $88^{\circ}39'00''$ West from the Northwesterly corner of said 306.315± acre parcel; thence North $88^{\circ}39'00''$ East along the Westerly extension of the Northerly line of said 306.315± acre parcel to the point of beginning.

(Added 8/25/82)

CALENDAR PAGE	131A
MINUTE PAGE	2049

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August 16, 1982

DESCRIPTION OF LAND TO BE GRANTED TO
THE STATE OF CALIFORNIA DEPARTMENT OF FISH
AND GAME WITH THE MINERAL RIGHTS RETAINED
BY AMERICAN CANYON SANITARY LAND FILL
CO., INC., NAPA COUNTY, CALIFORNIA

Parcel C-1

Beginning at a point on the Easterly line of that 306.315± acre parcel of land shown in Book 18 of Surveys at page 71, Napa County Records, said point being monumented by a concrete monument with a 2" brass plate stamped R.C.E. 6250; and bears North, 750.00 feet from the Southeast corner of said parcel; thence along said Easterly line, North, 3204.45 feet to a concrete monument with a 2" brass plate stamped R.C.E. 6250; thence leaving Easterly line, South 78°36'00" West, 1627.68 feet to a point on the Westerly line of said parcel said point being monumented by a concrete monument with a 2" brass plate stamped R.C.E. 6250; thence along said Westerly line, South 31°30'00" East, 405.20 feet; thence leaving said Westerly line the following courses; South 79°46'30" East, 77.57 feet; South 39°54'30" East, 161.00 feet; South 31°35'30" East, 111.00 feet; South 14°35'30" East, 53.00 feet; South 03°21'30" West, 46.00 feet; South 21°18'30" West, 115.00 feet; South 27°16'30" West, 167.00 feet; South 17°45'30" West, 38.00 feet; South 15°58'30" West, 35.00 feet; South 55°08'30" West, 52.00 feet; South 02°18'30" East, 101.00 feet; South 11°55'30" West, 72.00 feet; South 11°49'30" East, 165.00 feet;

(Revised 8/25/82)

CALENDAR PAGE	132
MINUTE PAGE	2050

Page 2

South $44^{\circ}55'30''$ East, 23.00 feet; South $18^{\circ}25'30''$ East, 168.00 feet;
thence South, 1185.72 feet; thence South $65^{\circ}00'00''$ East, 650.00 feet;
thence North $80^{\circ}00'50''$ East, 645.83 feet to the point of beginning.

Parcel C-2

Beginning at the Easterly terminus of the course on the Westerly boundary of that 306.315± acre parcel of land shown in Book 18 of Surveys at page 71, Napa County Records, shown as "East 660.00 feet" said point being monumented by a concrete monument with a 2" brass plate stamped R.C.E. 6250; thence West, 463.22 feet to a concrete monument with a 2" brass plate stamped R.C.E. 6250; thence leaving said Westerly boundary, South $05^{\circ}22'30''$ West, 127.02 feet; South $28^{\circ}45'30''$ East, 58.00 feet; South $25^{\circ}22'30''$ East, 153.00 feet; South $43^{\circ}00'30''$ East, 132.00 feet; South $03^{\circ}28'30''$ West, 172.00 feet; South $05^{\circ}55'30''$ East, 318.00 feet; South $00^{\circ}16'30''$ West, 142.00 feet; South $10^{\circ}26'30''$ West, 207.00 feet; South $15^{\circ}49'30''$ West, 131.00 feet; South $24^{\circ}37'30''$ West, 69.00 feet; South $17^{\circ}58'30''$ West, 345.00 feet; South $06^{\circ}42'30''$ West, 201.00 feet; South $11^{\circ}35'31''$ West, 339.55 feet to a point on the Southerly line of said 306.315± acre parcel from which a concrete monument with a 2" brass plate stamped R.C.E. 6250 bears East, 125.00 feet; thence along said Southerly line, East, 1392.93 feet to a concrete monument with a 2" brass plate stamped R.C.E. 6250; thence leaving said Southerly line North $34^{\circ}20'02''$ West, 1105.29 feet; thence North, 1149.73 feet; thence North $01^{\circ}01'30''$ West, 153.00 feet; North $07^{\circ}21'30''$ East, 107.00 feet;

(Revised 8/25/82)

LOCAL SHDHP. PAGE	133
MINUTE PAGE	2057

North 19°58'30" East, 52.00 feet; North 06°30'30" West, 109.40 feet to a concrete monument with a 2" brass plate stamped R.C.E. 6750; and being on the Westerly line of said 306.315± acre parcel; thence along said Westerly line, South 49°30'00" West, 283.80 feet to the point of beginning.

(Added 8/25/82)

CALENDAR PAGE	133 ^a
MINUTE PAGE	2052

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August 16, 1982

DESCRIPTION OF A PARCEL OF LAND TO BE
GRANTED TO THE STATE OF CALIFORNIA STATE
LANDS COMMISSION BY AMERICAN CANYON
SANITARY LAND FILL CO., INC., NAPA COUNTY,
CALIFORNIA, INCLUDING THE MINERAL RIGHTS

Parcel D

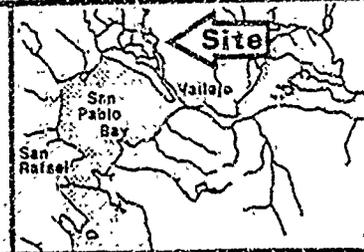
Beginning at the Southeasterly corner of that 306.315± acre parcel of land shown in Book 18 of Surveys at page 71, Napa County Records; said corner being monumented by a concrete monument with a 2" brass plate stamped R.C.E. 6250; thence along the Easterly line of said parcel, North, 750.00 feet to a concrete monument with a 2" brass plate stamped R.C.E. 6250; thence leaving said Easterly line, South 80°00'50" West, 645.83 feet; thence North 65°00'00" West, 650.00 feet; thence North, 1185.72 feet; thence South 11°10'30" West, 40.00 feet; South 49°03'30" West, 49.00 feet; South 74°06'30" West, 50.00 feet; North 89°34'30" West, 214.00 feet; North 73°14'30" West, 55.00 feet; North 50°47'30" West, 50.00 feet; thence South, 1149.73 feet; thence South 34°20'02" East, 1105.29 feet to a concrete monument with a 2" brass plate stamped R.C.E. 6250; and being on the Southerly line of said 306.315± acre parcel; thence along said Southerly line, East, 1000.00 feet to the point of beginning.

(Revised 8/25/82)

CALENDAR PAGE	134
MINUTE PAGE	2053



STATE LANDS COMMISSION
 PLAT OF PROPOSED TITLE SETTLEMENT
 PARCEL "A" - PATENT TO AMERICAN CANYON
 PARCEL "B" = QUITCLAIMED TO S L C
 PARCELS "C-1 & C-2" = GRANT DEED TO FISH & GAME
 PARCEL "D" = GRANT DEED TO S L C
 Base Map: Portion of USGS Quad, "CUTTINGS WHARF",
 1949, PR1968, PI1973



Prepared by: JK Hering Date: 7/20/82 A: 8 S: 4
 Title Settlement: Napa Dump/American Canyon W8424

EXHIBIT B
 72 -N18-E 191
 CALENDAR PAGE 135
 MINUTE PAGE 2054