

MINUTE ITEM

This Calendar Item No. 47  
was approved as Minute Item  
No. 47 by the State Lands  
Commission by a vote of 3  
to 0 at its 10/28/82  
meeting.

MINUTE ITEM  
47

10/28/82  
W 5414.  
Valentine  
Peterson  
SLL 89

APPROVAL OF  
LANDS FOR EXCHANGE PURSUANT TO  
SETTLEMENT OF STATE OF CALIFORNIA,  
ACTING BY AND THROUGH THE STATE LANDS COMMISSION,  
AND THE CITY OF RICHMOND v.  
RICHMOND SANITARY SERVICE, ET AL.,  
CONTRA COSTA SUPERIOR COURT NO. 160686

During consideration of Calendar Item 47, attached, the Commission conditioned its approval subject to clarification, to the staff, of the condition of the legal title of the subject lands.

Upon motion duly made and carried, the recommendation in Calendar Item 47 was amended as follows, by a vote of 3-0.

THE COMMISSION:

1. APPROVES THE LANDS IDENTIFIED IN EXHIBIT "A" AND "B" AS BEING SUITABLE TO BE IMPRESSED WITH THE PUBLIC TRUST, SUBJECT TO STAFF APPROVAL OF THE CONDITION OF LEGAL TITLE, AND APPROPRIATE FOR THE EXCHANGE PROVIDED IN THE COMPROMISE SETTLEMENT AGREEMENT ENTERED IN THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, AND THE CITY OF RICHMOND V. RICHMOND SANITARY SERVICE, ET AL., CONTRA COSTA SUPERIOR COURT NO. 160686.
2. FINDS THAT THE LANDS IDENTIFIED IN EXHIBIT "A" ARE EQUAL TO OR GREATER IN VALUE THAN \$81,000, EXCLUSIVE OF EXISTING STATE INTEREST.
3. ACCEPTS AND AUTHORIZES THE RECORDATION OF A GRANT DEED TO THE STATE OF CALIFORNIA OF THE PROPERTY DESCRIBED IN EXHIBIT "A".
4. AUTHORIZES THE EXECUTIVE OFFICER AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE ABOVE TRANSACTION, INCLUDING BUT NOT LIMITED TO THE EXECUTION OF ALL DOCUMENTS AND PREPARATION OF MAPS, PLATS AND DESCRIPTIONS AND ASSISTANCE REQUIRED BY EAST BAY REGIONAL PARK DISTRICT.

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2799 A

5. AUTHORIZES THE STAFF OF THE COMMISSION TO WORK WITH THE EAST BAY REGIONAL PARK DISTRICT TO FIND APPROPRIATE LAND IN THE CITY OF RICHMOND TO BE ACQUIRED FOR PUBLIC TRUST PURPOSES AND TO APPLY LAND BANK FUNDS FOR ACQUISITION OF THE PARCEL. SUCH A PARCEL MAY EQUAL OR EXCEED IN VALUE THE \$19,000 WHICH WILL REMAIN IN THE TRUST AFTER THIS PURCHASE AND EXCHANGE CLOSES.
6. DETERMINES 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. ALM. CODE SECTION 15100 ET SEQ.

Attachment: Calendar Item 47.

CALENDAR ITEM

47

10/28/82  
W 5414  
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Valentine  
Peterson

APPROVAL OF  
LANDS FOR EXCHANGE PURSUANT TO  
SETTLEMENT OF STATE OF CALIFORNIA,  
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In February 1980, the State Lands Commission authorized settlement of the above-referenced action. The settlement agreement provided that lands claimed by Richmond Sanitary Service would have title cleared of State claims in exchange for Richmond Sanitary Service's provision to the State of lands amounting to a value of \$100,000 which are suitable for public trust purposes. In July 1980, the Commission approved an amendment to the authorized settlement agreement to provide for deposit by Richmond Sanitary Service of \$100,000 in a trust to be administered by the East Bay Regional Park District, since lands suitable for the exchange had not yet been identified. The sole purpose of the trust was location and acquisition of lands suitable for public trust purposes valued in the aggregate of \$100,000 or more to be administered as sovereign lands by the State Lands Commission. Escrow closed and the trust was established April 30, 1981.

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(Added 10/20/82)

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The Trust Agreement restricted the location of the exchange lands to the City of Richmond for six months from the date the trust was established. After October 30, 1981, the exchange lands were not restricted in location. No lands suitable for the exchange within the City of Richmond have been available since the trust was formed.

The lands identified in Exhibit "A", generally known as the Brod property, presently owned by World College West and located southerly of the Dumbarton Bridge, San Francisco Bay, are available for acquisition. The State would be acquiring the underlying fee title to these lands along the Bay shoreline, between the Bridge and the railroad tracks, consisting of approximately 100 acres of filled lands and adjacent tide flats. These lands abut the lands involved in the Westbay litigation. Staff appraisal indicates the lands identified in Exhibit "A" have a value amounting to \$81,000, exclusive of existing State interests. The trust would acquire fee title for \$81,000 leaving \$19,000 for later acquisition of exchange lands pursuant to the Trust Agreement.

Before the trustee may acquire these lands, the Trust Agreement requires that the lands be reviewed and approved by the State Lands Commission as being suitable to be impressed with the public trust and appropriate for the exchange. Because the lands are not within the City of Richmond, East Bay Regional Park District seeks cooperation of the State Lands Commission in locating a parcel within the City of Richmond to be acquired for public trust purposes and in applying land bank funds for acquisition of the parcel.

AB 884: N/A.

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

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE LANDS IDENTIFIED IN EXHIBIT "A" AND "B" AS BEING SUITABLE TO BE IMPRESSED WITH THE PUBLIC TRUST AND APPROPRIATE FOR THE EXCHANGE PROVIDED IN THE COMPROMISE SETTLEMENT AGREEMENT ENTERED IN THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, AND THE CITY OF RICHMOND V. RICHMOND SANITARY SERVICE, ET AL., CONTRA COSTA SUPERIOR COURT NO. 160686.

CALENDAR ITEM NO. 47 (CONTD)

2. FIND THAT THE LANDS IDENTIFIED IN EXHIBIT "A" ARE EQUAL TO OR GREATER IN VALUE THAN \$81,000, EXCLUSIVE OF EXISTING STATE INTEREST.
3. ACCEPT AND AUTHORIZE THE RECORDATION OF A GRANT DEED TO THE STATE OF CALIFORNIA OF THE PROPERTY DESCRIBED IN EXHIBIT "A".
4. AUTHORIZE THE EXECUTIVE OFFICER AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE ABOVE TRANSACTION, INCLUDING BUT NOT LIMITED TO THE EXECUTION OF ALL DOCUMENTS AND PREPARATION OF MAPS, PLATS AND DESCRIPTIONS AND ASSISTANCE REQUIRED BY EAST BAY REGIONAL PARK DISTRICT.
5. AUTHORIZE THE STAFF OF THE COMMISSION TO WORK WITH THE EAST BAY REGIONAL PARK DISTRICT TO FIND APPROPRIATE LAND IN THE CITY OF RICHMOND TO BE ACQUIRED FOR PUBLIC TRUST PURPOSES AND TO APPLY LAND BANK FUNDS FOR ACQUISITION OF THE PARCEL. SUCH A PARCEL MAY EQUAL OR EXCEED IN VALUE THE \$19,000 WHICH WILL REMAIN IN THE TRUST AFTER THIS PURCHASE AND EXCHANGE CLOSES.
6. 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 SECTION 15100 ET SEQ.



EXHIBIT "B"

LAND DESCRIPTION

All of that real property in the City of Merlo Park, County of San Mateo, State of California, described as follows:

PARCEL I:

Portion of Section 18, Township 5 South, Range 2 West, Mount Diablo Base and Meridian, more particularly described as follows:

BEGINNING at the center of Section 18, Township 5 South, Range 2 West, M.D.B. & M.; thence West 1185.36 feet to the West boundary of Tide Land Survey No. 61; thence along said boundary South  $14^{\circ}15'$  East 985.38 feet; thence South  $4^{\circ}45'$  East 1184.70 feet to the Westerly corner of that certain 2.391 acre parcel described as Parcel One in Grant Deed from Howard W. Brod, et ux, to Leslie Salt Co., dated October 10, 1961 and recorded October 11, 1961 in Book 4071 of Official Records at page 530 (File No. 3810-U), Records of San Mateo County, California; thence along the Northwesterly and Easterly lines of said 2.391 acre parcel, North  $55^{\circ}30'$  East 271.37 feet and South  $15^{\circ}$  East 255.88 feet to the Northwesterly line of that certain 15.67 acre tract conveyed by Deed from Wilart Realty Co., a corporation, to the City and County of San Francisco, a municipal corporation, dated June 10, 1948 and recorded July 1, 1948 in Book 1464 of Official Records at page 441, Records of San Mateo County, California; thence along said Northwesterly line, North  $55^{\circ}30'$  East 2925 feet, more or less, to the Easterly boundary of Tide Land Survey No. 87; thence along said last named boundary, North  $19^{\circ}17'$  West 607.28 feet, more or less, to the quarter section line of Section 18; thence West 1650 feet to the point of beginning.

PARCEL II:

BEGINNING at a "Circular Concrete Monument" described at the point of beginning in the description of Parcel One in the Right of Way Agreement between the Spring Valley Water Company and the Dumbarton Bridge Company, as recorded on July 29, 1925 in the office of the County Recorder of San Mateo County, State of California, in Volume 178 of Official Records at page 482; thence running South  $14^{\circ}15'$  East 467.94 feet to an angle point on the property line of the said parcel of land conveyed in part by Clyde A. Dodge, et al, to Howard W. Brod and Helen Brod, his wife, described in Deed dated December 4, 1959 and recorded in Book 3728 of Official Records at page 309, Records of San Mateo County, California; said angle point bearing 1185.36 feet West of the center of Section 18, T. 5S., R. 2W., M.D.B. & M. as described in said Deed; thence running along said property line, which is the common line between the said lands conveyed to Howard W. Brod and Helen Brod, his wife, and the lands of Leslie Salt Co., South  $14^{\circ}15'$  East 985.38 feet; thence South  $4^{\circ}45'$  East 229.56 feet; thence South  $85^{\circ}15'$  West 50.00 feet; thence North  $4^{\circ}45'$  West 221.19 feet; thence North  $14^{\circ}15'$  West 1272.72 feet; thence North  $48^{\circ}32'30''$  West 207.65 feet to a point on the centerline of the Dumbarton Bridge Company Right of Way mentioned hereinabove, thence along said centerline, North  $41^{\circ}27'30''$  East 204.04 feet, more or less, to the most Northerly point of the Property as described in Resolution No. 9187 Series of

EAST 204.04	252 D
SCALE 1/4" = 100'	
1939	2804
OF	
DATE	

the City and County of San Francisco and conveyed to Leslie Salt Co., by Deed dated November 29, 1949 and recorded in Book 1825 of Official Records at page 491, Records of San Mateo county, California; thence leaving said Northerly point and along the Easterly boundary of the last said parcel conveyed to Leslie Salt Co. South 13°30' East 106.26 feet to the point of beginning.

CONTAINING 2.391 acres, more or less.

PARCEL III:

All oil, gas and mineral rights and substances lying beneath the surface of that certain 2.391 acre parcel described as Parcel One in the Deed from Howard W. Brod, et ux, to Leslie Salt Co., dated October 10, 1961 and recorded October 11, 1961 in Book 4071 of Official Records at page 530, (File No. 3810-U), Records of San Mateo County, California.

TOGETHER WITH the right of ingress and egress for the purpose of exploring for, and removing therefrom, all such oil, gas or mineral substances, and an easement along the Westerly 10 feet of said Parcel One for utility purposes.

REVIEWED OCTOBER 21, 1982 BY TITLE SETTLEMENTS SECTION,  
LEROY WEED, SUPERVISOR

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