

MINUTE ITEM

This Calendar Item No. 41
was approved as Minute Item
No. 41 by the State Lands
Commission by a vote of 2
0 at its 4/28/83
meeting.

CALENDAR ITEM

- 41 -

4/28/83
W 503.642 SLL 96
W 22611
Eagan

ACCEPTANCE OF
PARCEL IN SETTLEMENT OF
DESMOND, ET AL. v. STATE OF CALIFORNIA, ET AL.,
BUTTE COUNTY, SUPERIOR COURT NO. 50579

The Commission has previously approved an agreement and stipulation for judgment in settlement of the above-referenced litigation along the Feather River near Gridley, California. The agreement provides that the private parties must grant to the State a parcel of land suitable for trust purposes with a value of not less than \$23,500. When the private parties are prepared to grant such a parcel to the State, the agreement provides that the Commission shall make certain findings concerning the filled and reclaimed parcel of land on the right bank of the river that the private parties are to receive as part of the settlement, and declare that said parcel is free of the public trust for commerce, navigation, and fisheries.

The private parties propose to offer an undivided interest in the Trust for Public Land Suisun Land Bank parcel, which is the subject of a previously approved land bank agreement between the State and the Trust for Public Land (TPL), dated April 12, 1982 (W 22611). It is recommended that this parcel be accepted in satisfaction of the subject settlement agreement. The undivided interest is valued at \$23,500 and constitutes an undivided $\frac{47}{130}$ ^{ths} interest in the land bank parcel.

AB 884: N/A.

- EXHIBITS:
- A. Description of Land Bank Parcel.
 - B. Plat.
 - C. Plat.

A 8, 4
S 4

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IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE ACCEPTANCE AND RECORDATION OF A DEED TO THE STATE IN ITS SOVEREIGN CAPACITY OF AN UNDIVIDED 47/130^{ths} INTEREST IN THE TRUST FOR PUBLIC LANDS SUISUN LAND BANK PARCEL IN SOLANO COUNTY, AS DESCRIBED IN THE ATTACHED EXHIBIT "A" AND AS DEPICTED ON THE ATTACHED EXHIBIT "B", TO BE HELD BY THE STATE AS TIDELANDS AND SUBMERGED LANDS, IN TRUST FOR PURPOSES OF COMMERCE, NAVIGATION, AND FISHERIES, AS DEFINED IN LAW.
2. FIND THAT BECAUSE THIS TRANSACTION IS IN SETTLEMENT OF A TITLE DISPUTE THE PROVISIONS OF CEQA ARE INAPPLICABLE. P.R.C. 21080.11.
3. FIND AND DECLARE THAT THE PARCEL OF LAND DESCRIBED IN EXHIBIT "A" TO THE AGREEMENT AND STIPULATION FOR JUDGMENT PREVIOUSLY APPROVED BY THE COMMISSION IN SETTLEMENT OF DESMOND, ET AL. v. STATE OF CALIFORNIA, ET AL., BUTTE COUNTY, SUPERIOR COURT NO. 50579, HAS BEEN IMPROVED, FILLED, AND RECLAIMED, AND IS NO LONGER PART OF THE BED OF THE FEATHER RIVER; THAT IT IS NO LONGER AVAILABLE FOR USEFUL, SUSCEPTIBLE OF BEING USED, FOR NAVIGATION AND FISHING; THAT IT IS NO LONGER IN FACT SUBMERGED LANDS; AND THAT IT IS THEREFORE FREE OF THE PUBLIC TRUST FOR COMMERCE, NAVIGATION, AND FISHERIES.
4. AUTHORIZE THE EXECUTIVE OFFICER OR HER DESIGNEE AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY OR APPROPRIATE TO IMPLEMENT THE TRANSACTION DESCRIBED ABOVE, INCLUDING BUT NOT LIMITED TO APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.

EXHIBIT A

DESCRIPTION OF LAND BANK PARCEL

W22611

A portion of Sections 35 and 36, Township 5 North, Range 2 West, M.D.B. & M., City of Suisun City, County of Solano, State of California, more particularly described as follows:

Commencing at the intersection of the easterly line of the Southern Pacific Railroad right-of-way and the southerly line of Cordelia Street (County Road No. 76); thence along said easterly line South $22^{\circ}21'23''$ West, 324.00 feet more or less to the TRUE POINT OF BEGINNING and continuing along said easterly line South $22^{\circ}21'23''$ West, 1625.00 feet more or less to the Northerly line of a Pacific Gas and Electric Company easement recorded July 17, 1972, in Book 1763 of Official Records, Solano County, at page 535; thence along said northerly line South $88^{\circ}49'18''$ East, 930.5 feet more or less; thence continuing along said northerly line North $80^{\circ}35'46''$ East 668.46 feet more or less; thence North $10^{\circ}32'23''$ West, 360.25 feet more or less to a tangent curve concave to the Northeast; thence along said curve having a radius of 118.00 feet and a central angle of $8^{\circ}14'51''$, a distance of 16.99 feet more or less; thence a non-tangent bearing North $11^{\circ}44'34''$ West a distance of 116.79 feet more or less; thence North $10^{\circ}10'30''$ West, 53.79 feet more or less; thence South $83^{\circ}30'27''$ East, 24.97 feet more or less, thence North $6^{\circ}38'45''$ West, 780.38 feet more or less; thence North $89^{\circ}51'00''$ West, 410.00 feet more or less; thence North $0^{\circ}09'00''$ East, 100.00 feet more or less; thence North $89^{\circ}51'00''$ West, 402.47 feet more or less to THE TRUE POINT OF BEGINNING.

Reserving therefrom, an easement for the purposes of access and maintenance over and through the following describe property:

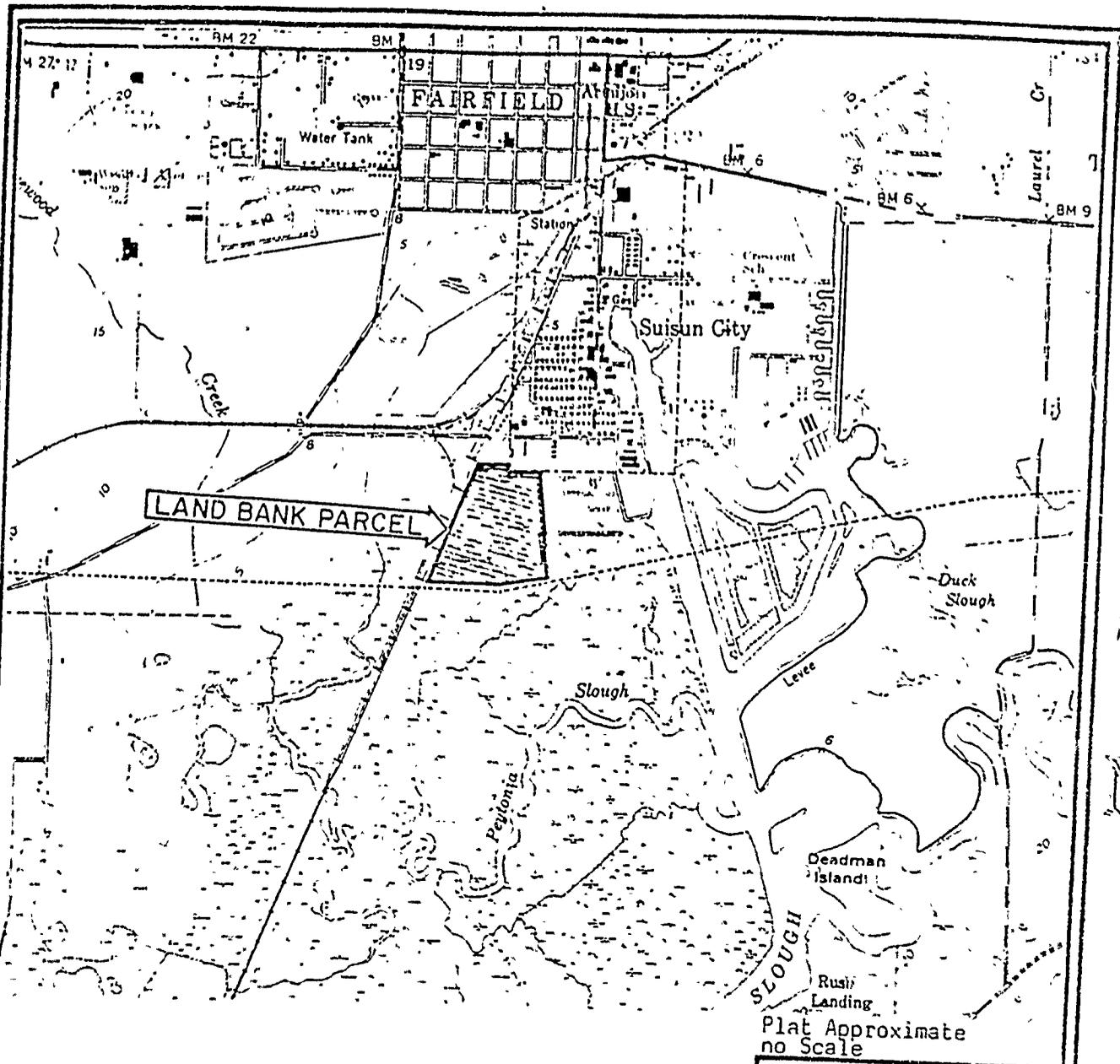
A portion of Sections 35 and 36, Township 5 North, Range 2 West, M.D.B. & M., City of Suisun City, County of Solano, State of California, more particularly described as follows:

A strip of land 50' in width, lying 25 feet each side of the following described centerline; commencing at the intersection of the easterly line of the Southern Pacific Railroad right-of-way and the southerly line of Cordelia Street; thence South $22^{\circ}21'23''$ West, 351.00 feet more or less to the TRUE POINT OF BEGINNING; thence South $89^{\circ}51'00''$ East, 388.00 feet more or less; thence South $0^{\circ}09'00''$ West, 100.00 feet more or less; thence South $89^{\circ}51'00''$ East, 410.00 feet more or less; thence South $6^{\circ}38'45''$ East, 725.00 feet more or less; thence North $83^{\circ}30'27''$ West, 25.00 feet more or less; thence South $1^{\circ}10'30''$ East, 85.00 feet more or less; thence South $11^{\circ}44'34''$ East, 163.00 feet more or less; thence South $13^{\circ}06'13''$ East, 105.00 feet more or less.

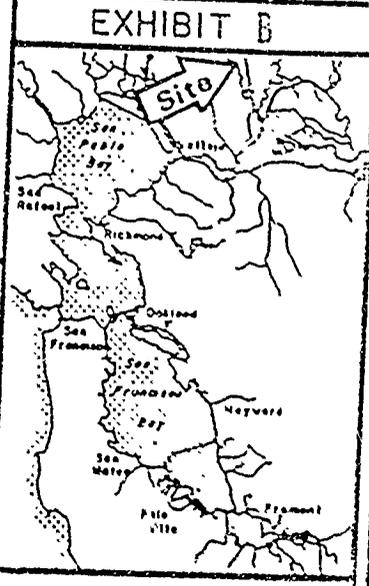
END OF DESCRIPTION

REVISED FEBRUARY 3, 1982 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR

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PLATE PAGE	866



Plat Approximate
no Scale



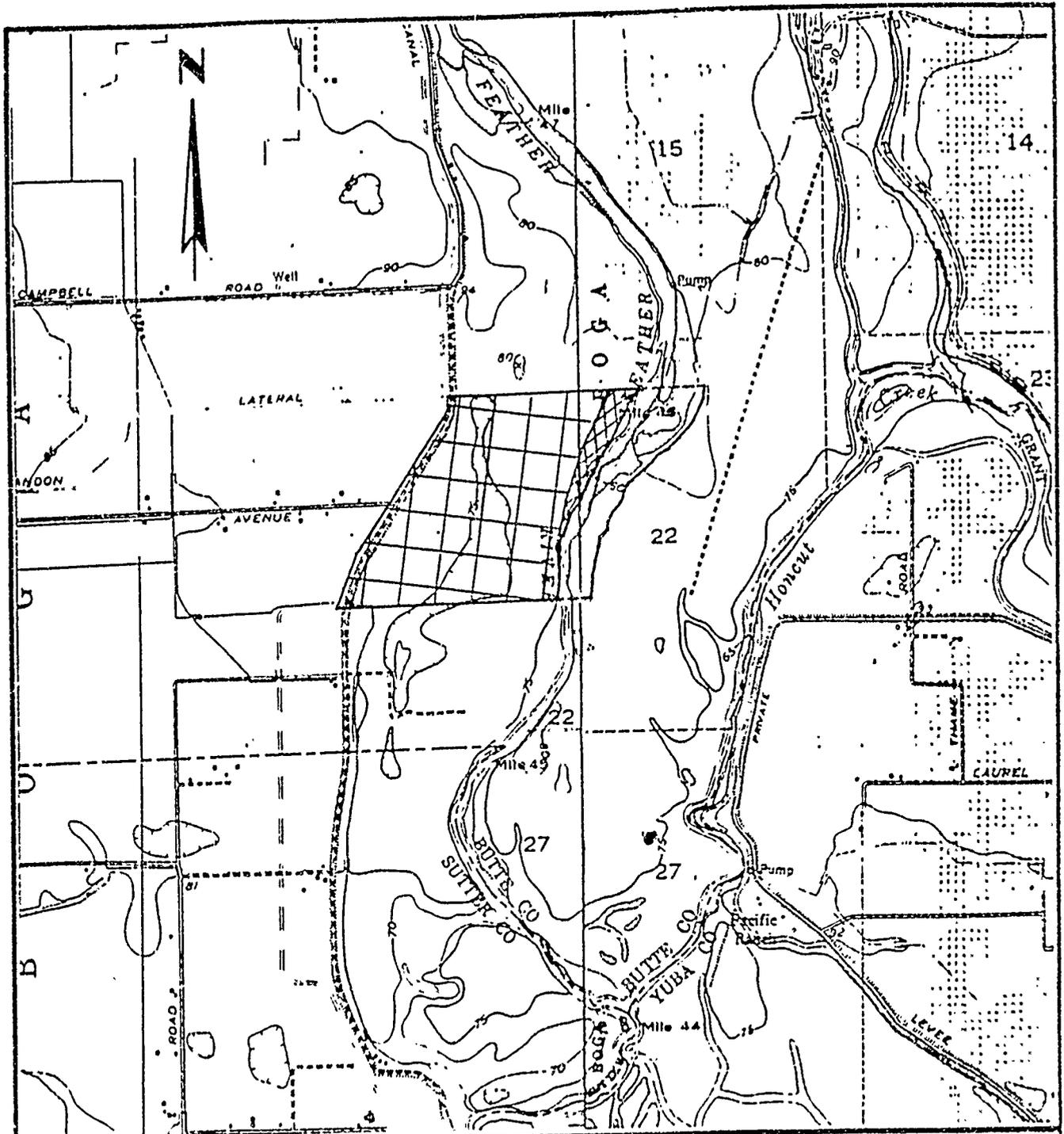
STATE LANDS COMMISSION

PLAT OF LAND BANK PARCEL

Prepared by: A.A. Shimonauuff Date: 2/9/82 A. 4 S: 4

Title Study: TPL - Suisun

W 22611 -Z-2-N21-E-183-C



STATE OF CALIFORNIA
PARCEL PLAT (QUADRANGLE)

Base Map: Portion of U.S.G.S. Quadrangle Maps-
 - Gridley, 1952 PR 1973
 - Honcut, 1952 PR 1973

(Parcel Plotting Approximate)



EXHIBIT "C"
 W503.642
 Desmond vs. State of Calif.
 - (Butte Co. Sup. Ct. No. 50579) -
 2580

Prepared by: A.A.SHIMONAUFF Date: 11/29/82 A:8 S:4