

MINUTE ITEM

This Calendar Item No. 38
as approved as Minute Item
38 by the State Lands
Commission by a vote of 2
to 0 at its 8/25/83
meeting.

CALENDAR ITEM

38 -1

8/25/83
W 5414
W 22884
Valentine
SLL 106

SETTLEMENT AGREEMENT FOR
STATE OF CALIFORNIA v. RICHMOND SANITARY SERVICE
CONTRA COSTA SUPERIOR COURT

In February 1980 the Commission authorized settlement of State of California v. Richmond Sanitary Service (Contra Costa Superior Court No. 160686). The settlement agreement provided that lands claimed by Richmond Sanitary Service would be cleared of State claims in exchange for lands valued at \$100,000 and suitable for public trust purposes. In July 1980 the Commission approved an amendment to the settlement agreement allowing the \$100,000 to be deposited into a trust fund administered by East Bay Regional Park District. The purpose of the trust fund was location and acquisition on behalf of the State Lands Commission of lands suitable for sovereign public trust purposes. The \$100,000 has been in the trust fund since April 1981.

In October 1982 the Commission authorized acquisition of those lands described in Exhibit "A" and depicted on Exhibit "B", using the funds from the Richmond Sanitary settlement. The purchase price was approved at \$81,000 for the 100 acres of tideflats and filled lands owned by World College West. Upon securing a preliminary title report for the property to be acquired, staff discovered that it was encumbered by a reservation to Leslie Salt Company of mineral rights to the parcel including the right to remove earth and gravel from a substantial portion of the parcel. In addition,

A 21

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SEARCHED	INDEXED
SERIALIZED	FILED
AUG 25 1983	
FBI - OAKLAND	

CALENDAR ITEM NO. 38 (CONTD)

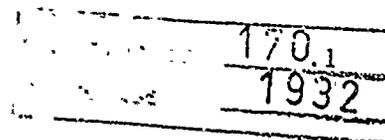
two strips, along the southerly and westerly boundaries of the parcel, and consisting of a total of approximately 16 acres, are burdened by an easement owned by Leslie Salt Company for pipelines, roads and utilities. Leslie Salt Company has agreed to quitclaim to the State Lands Commission its mineral rights, including the right to remove earth and gravel, in the parcel to be acquired. Leslie retains its easement for pipelines, roads and utilities over the 16 acres. See the attached Exhibit "C" for a description of the easement parcel and Exhibit "D" for a plat of the quitclaim parcels. Leslie has declined to terminate this easement.

World College West has proposed that the Commission accept conveyance of the parcel with the 16 acres encumbered by the easement for pipelines, roads and utilities. Purchase price for these 16 acres, if the Commission approves their acquisition subject to the easements, would be \$400 per acre, one-half the amount approved for payment for the balance of the parcel, reducing the previously approved purchase price from \$81,000 to \$74,600.

- EXHIBITS:
- A. Description of Acquisition Parcels.
 - B. Plat of Acquisition Parcels.
 - C. Description of Quitclaim Parcels.
 - D. Plat of Quitclaim Parcels.
 - E. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE LANDS, IDENTIFIED IN EXHIBIT "A" AS ENCUMBERED BY THE EASEMENT DESCRIBED IN EXHIBIT "C" 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.
2. AUTHORIZE ACCEPTANCE AND RECORDATION OF A GRANT DEED TO THE STATE OF CALIFORNIA OF THE PROPERTY DESCRIBED IN EXHIBIT "A", RESERVING TO LESLIE SALT COMPANY AN EASEMENT FOR PIPELINES, ROADS AND UTILITIES OVER THE SOUTHERLY 14 ACRES AND WESTERLY TWO ACRES AS DESCRIBED IN EXHIBIT "C".
3. FIND THAT THE LANDS IDENTIFIED IN EXHIBIT "A", AS ENCUMBERED BY AN EASEMENT OVER THOSE LANDS DESCRIBED IN EXHIBIT "C", ARE EQUAL TO OR GREATER IN VALUE THAN \$74,600, EXCLUSIVE OF EXISTING STATE INTEREST.



CALENDAR ITEM NO. 33 (CONTD)

4. ACCEPT AND AUTHORIZE THE RECORDATION OF A GRANT DEED TO THE STATE OF CALIFORNIA OF THE PROPERTY DESCRIBED IN EXHIBIT "A" AND DEPICTED ON EXHIBIT "B".
5. ACCEPT AND AUTHORIZE THE RECORDATION OF A QUITCLAIM DEED TO THE MINERAL RIGHTS, INCLUDING THE RIGHT TO REMOVE EARTH AND GRAVEL, TO THE PARCELS DESCRIBED IN EXHIBIT "C" AND DEPICTED IN EXHIBIT "D".
6. 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.
7. FIND THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH A DOCUMENT IS NOT REQUIRED. CAL. ADM. CODE 15060; P.R.C. 21080.11.

170.2
1933

WORLD COLLEGE WEST TO STATE OF CALIFORNIA

EXHIBIT "A"

LAND DESCRIPTION

W 5414

W22884

All of that real property in the City of Menlo Park, County of San Mateo, State of California, and being a portion of Section 18, T5S, R2W, MDM, more particularly described as follows:

PARCEL I:

BEGINNING at the center of Section 18, T5S, R2W, MDM; thence West 1185.36 feet to the West boundary of Tide Land Survey No. 61; thence along said boundary S 14° 15' E 985.38 feet; thence S 4° 45' E 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, N 55° 30' E 271.37 feet and S 15° E 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, N 55° 30' E 2925 feet, more or less, to the Easterly boundary of Tide Land Survey No. 87, thence along said last named boundary, N 19° 17' W 607.28 feet, more or less, to the quarter section line of Section 18; thence along said quarter section line, West 1650 feet, more or less, to the point of beginning.

PARCEL II:

BEGINNING at a "Circular Concrete Monument" described as 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 S 14° 15' E 467.94 feet to an angle point on the boundary 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, T5S, R2W, MDM as described in said Deed; thence along said boundary line, S 14° 15' E 985.38 feet; thence S 4° 45' E 229.56 feet; thence S 85° 15' W 50.00 feet; thence N 4° 45' W 221.19 feet; thence N 14° 15' W 1272.72 feet; thence N 48° 32' 30" W 207.65 feet to a point on the centerline of the Dumbarton Bridge Company Right of Way mentioned hereinabove; thence along said centerline N 41° 27' 30" E 204.64 feet, more or less, to the most Northerly point of the Parcel One of Property as described in Resolution No. 9187 Series of 1939, of 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. S 17° 30' E 106.26 feet to the point of beginning.

170.3
1934

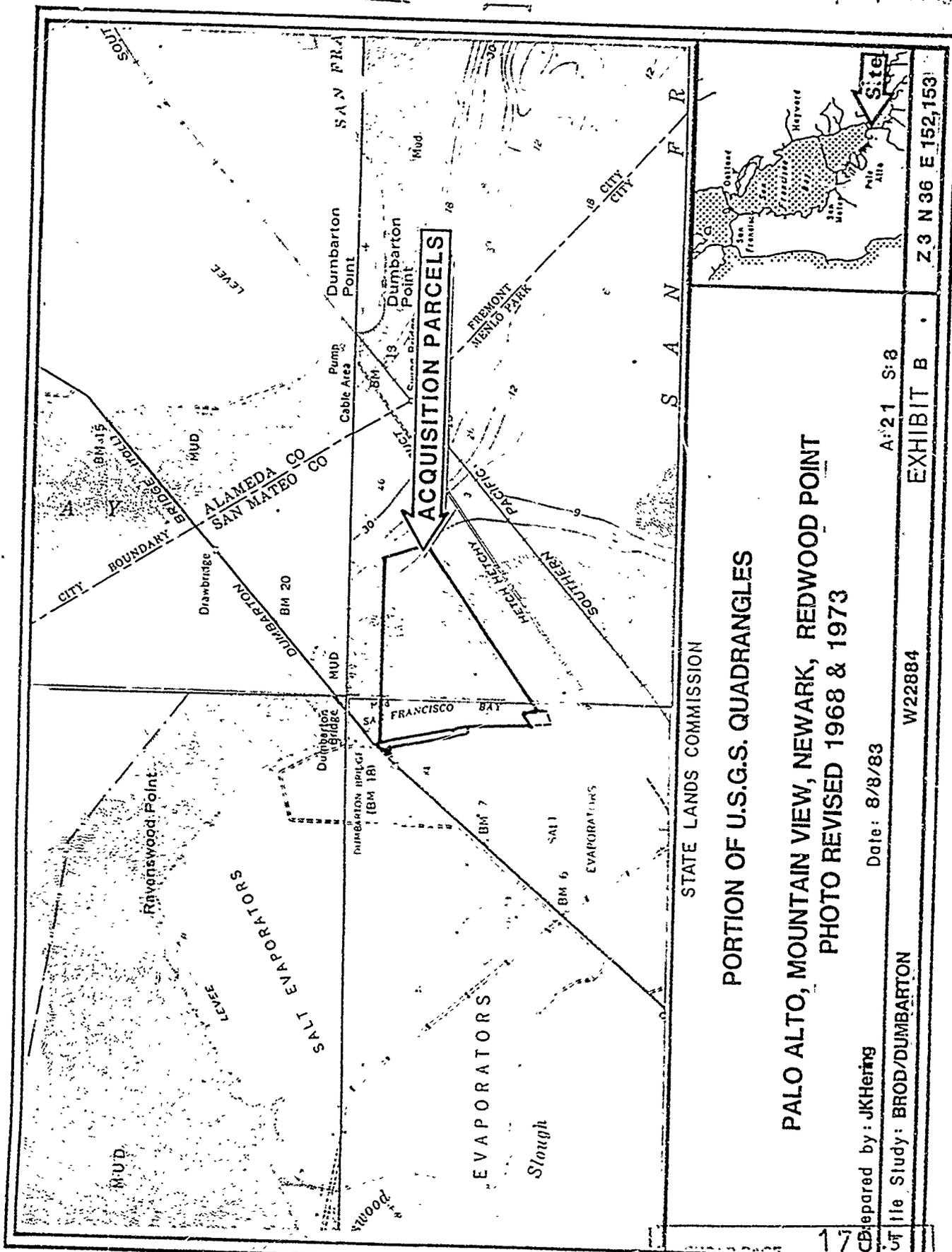
PARCEL III:

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.

REVISED AUGUST 9, 1983 BY BOUNDARY AND TITLE UNIT, LEROY NEED, SUPERVISOR.

ACRES	170.4
MINUTE PAGE	1935



STATE LANDS COMMISSION
 PORTION OF U.S.G.S. QUADRANGLES

PALO ALTO, MOUNTAIN VIEW, NEWARK, REDWOOD POINT
 PHOTO REVISED 1968 & 1973

Prepared by: JKHering

Date: 8/8/83

File Study: BROD/DUMBARTON

W22884

A:21 S:8

EXHIBIT B

Z 3 N 36 E 152,153

LESLIE SALT TO THE STATE OF CALIFORNIA

EXHIBIT "C"
DESCRIPTION

W 5414
W 22884

Two parcels of land in the City of Menlo Park, County of San Mateo, State of California, and being a portion of Section 18, T5S, R2W, MDM, more particularly described as follows:

PARCEL I

BEGINNING at the center of Section 18, T5S, R2W, MDM; thence West 1185.36 feet to the West boundary of Tide Land Survey No. 61; thence along said boundary S 14° 15' E 985.38 feet; thence S 4° 45' E 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 ex, 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 boundary lines of said 2.391 acre parcel. N 55° 30' E 271.37 feet and S 15° E 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 boundary line, N 55° 30' E 2925 feet, more or less, to the Easterly boundary of Tide Land Survey No. 87; thence along said last named boundary, N 19° 17' W 607.28 feet, more or less, to the quarter section line of Section 18; thence along said quarter section line West 1650 feet to the point of beginning.

RESERVING THEREFROM a non-exclusive easement and right-of-way over and across the real property described below for navigation and water borne traffic of any kind, and for the transportation of material by pipe line over the following described portion of the above described Parcel I.

COMMENCING at a "Circular Concrete Monument" described as 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 Book 178 of Official Records at page 482; thence S 14° 15' E 467.94, more or less, to an angle point on the property line of the said parcel of land conveyed to Howard W. Brod, et ux; thence along the boundary line common to the lands of said Howard W. Brod, et ux, and the lands of Leslie Salt Co., S 14° 15' E 985.38 feet; thence S 4° 45' E 1184.70 feet, thence S 20° 15' E 443.30 feet, thence N 48° 45' E 240.00 feet, thence N 15° W 170.00 feet; to the TRUE POINT OF BEGINNING; thence N 55° 30' E 2925 feet; thence N 19° 17' W 607.27 feet, thence S 55° 30' W 2908.50 feet; thence S 15° E 212.21 feet, more or less, to the point of beginning.

170.6
1937

PARCEL II

BEGINNING at a "Circular Concrete Monument" described as 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 Book 178 of Official Records at page 482; thence S 14° 15' E 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, T5S, R2W, MDM as described in said Deed; thence along said property line, which is the common boundary line between the said lands conveyed to Howard W. Brod and Helen Brod, his wife, and the lands of Leslie Salt Co., S 14° 15' E 985.38 feet; thence S 4° 45' E 229.56 feet; thence S 85° 15' W 50.00 feet; thence N 4° 45' W 221.19 feet; thence N 14° 15' W 1272.72 feet; thence N 48° 32' 30" W 207.65 feet to a point on the center line of the Dumbarton Bridge Company Right-of-Way mentioned hereinabove; thence along said centerline N 41° 27' 30" E 204.64 feet, more or less, to the most Northerly point of the Parcel One of the property described in Resolution No. 9187 Series of 1939, of 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. S 13° 30' E 106.26 feet to the point of beginning.

RESERVING THEREFROM a non-exclusive easement to Leslie Salt:

- 1) The right to use in conjunction with the State of California, their successors and assigns, any and all roads, roadways and power lines that may be constructed on or across said real property;
- 2) A right-of-way over, under and across said real property for the maintenance and use of the existing pipe line of Leslie Salt, at its present location and for the construction, maintenance and use of such other power lines, pipe lines and roads as Leslie Salt deems necessary;
- 3) The right to maintain, repair, inspect and reconstruct the existing levee on said real property for so long as the land of Leslie Salt lying westerly of and adjacent to said real property and bounded on the north by the Dumbarton Road and on the south by a strip of land owned by the City and County of San Francisco is used by Leslie Salt, its successors and assigns, for the production of salt by solar evaporation;
- 4) The right to receive in full any condemnation award in or any amount paid in settlement of that certain action in the Superior Court of the State of California in and for the County of San Mateo entitled, "The People of the State of California, acting by and through the Department of Public Works. Plaintiff, vs. Leslie Salt Co., a corporation, et al.. Defendants", and numbered 91361 in the files of said court; provided,

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1938

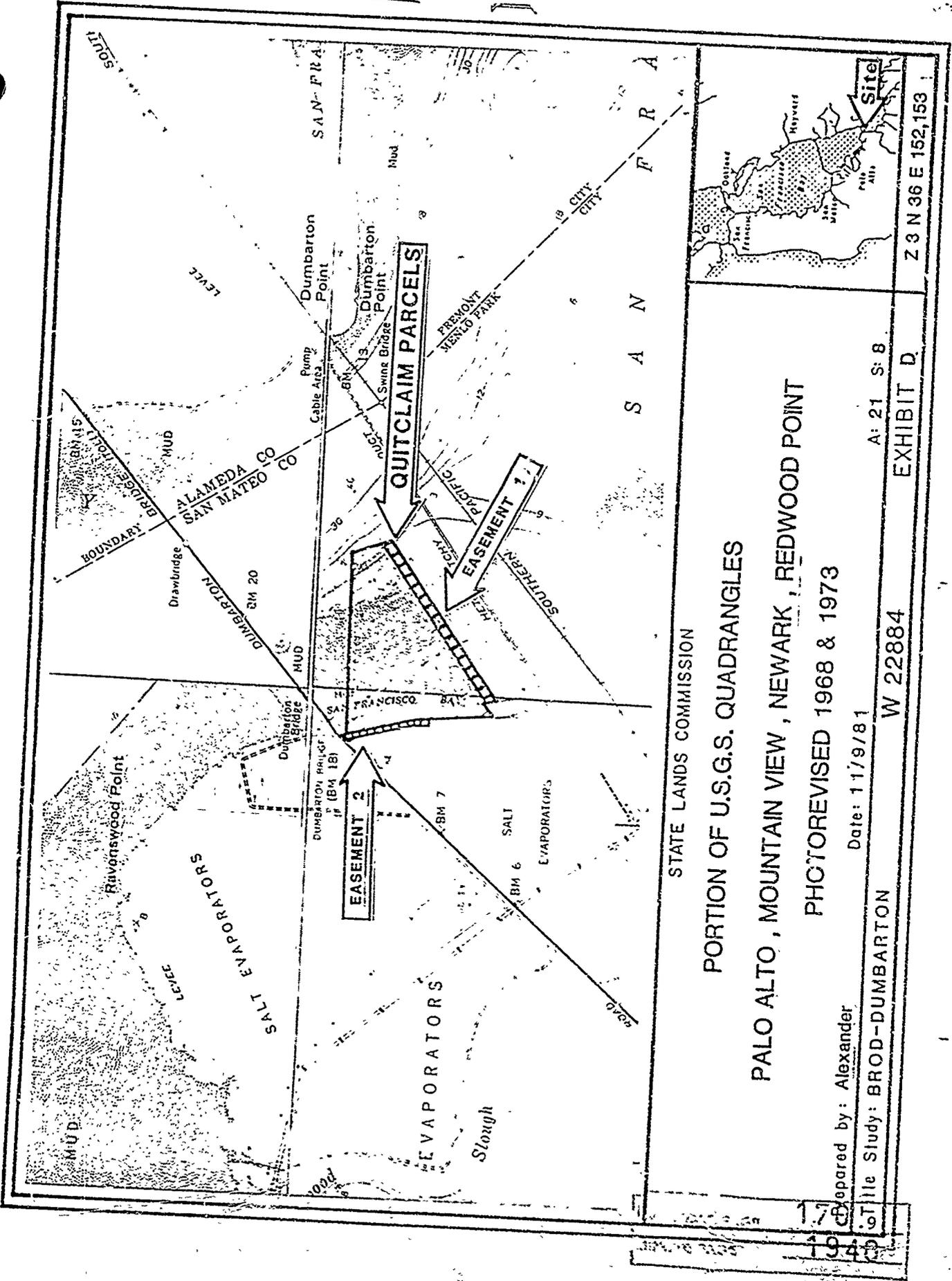
however, that all of the aforesaid rights reserved by Leslie Salt shall be subject to the restriction that same shall not be used in such a way as to unreasonably interfere with the present or future use of the surface of said real property by the State of California, their successors and assigns.

It is agreed that Leslie Salt shall have no liability for any damage resulting from the effect of wind action or wave action, or a combination thereof, upon the levee situated on said real property as it now exists or as it may be modified in the future.

This conveyance is subject to all easements, liens, encumbrances, restrictions and other matters of record affecting said real property including, but not limited to, that certain right-of-way agreement dated July 21, 1925, between Spring Valley Water Company and Dumbarton Bridge Company, recorded in Book 178 of Official Records of San Mateo County at page 482, but not including the lien of that certain Indenture between Leslie Salt and Crocker-Anglo National Bank, dated February 1, 1957, and recorded March 11, 1957, in Book 3186 of Official Records of San Mateo County at page 434, as supplemented by Supplemental Indentures dated February 1, 1959 and August 1, 1960.

REVISED AUGUST 11, 1983 BY THE BOUNDARY AND TITLE SECTION, LEROY WÉED, SUPERVISOR.

170.8
1939



STATE LANDS COMMISSION

PORTION OF U.S.G.S. QUADRANGLES

PALO ALTO, MOUNTAIN VIEW, NEWARK, REDWOOD POINT

PHOTOREVISED 1968 & 1973

Prepared by: Alexander

Date: 11/9/81

Title Study: BROD-DUMBARTON

W 22884

A: 21 S: 8

EXHIBIT D

Z 3 N 36 E 152,153

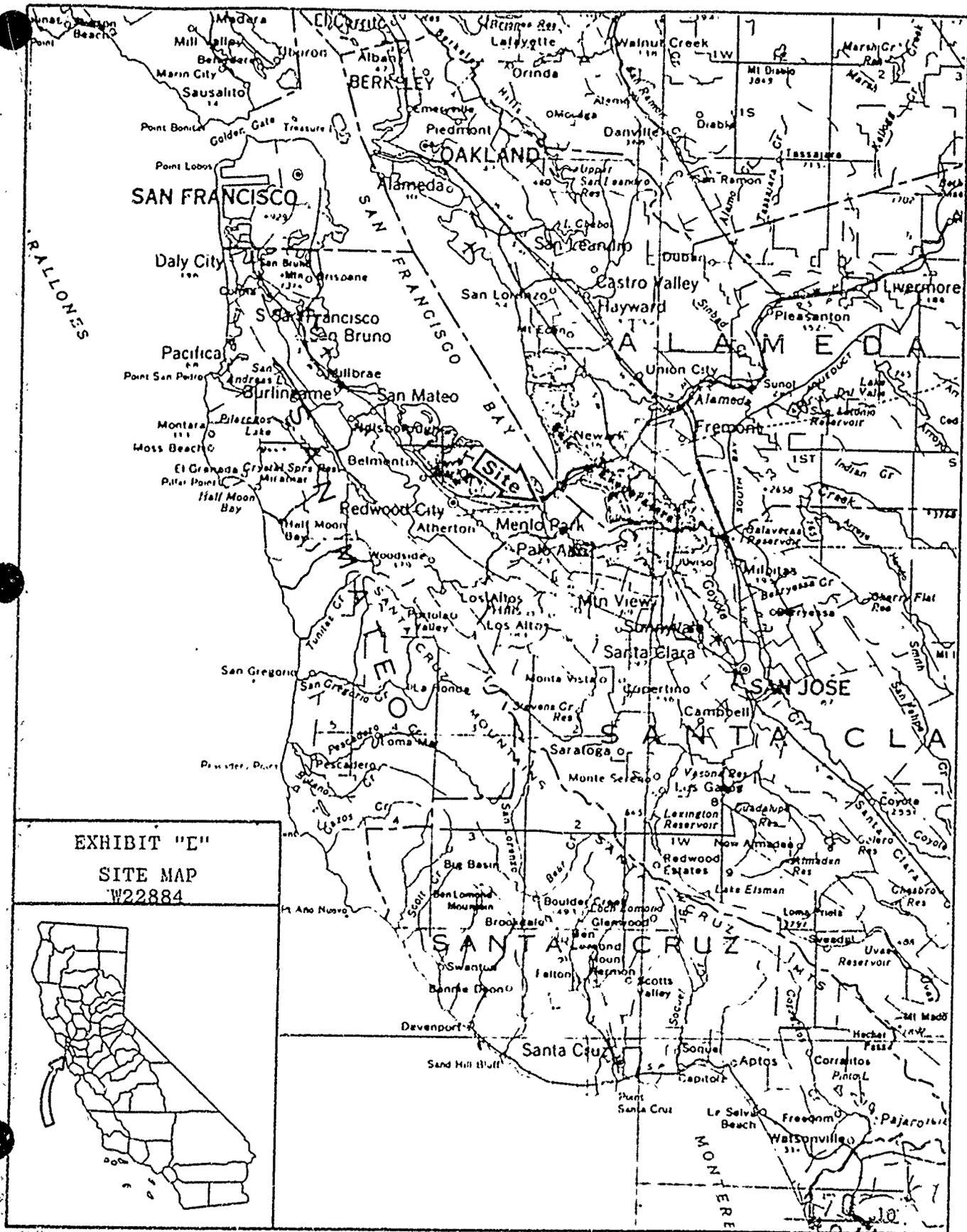


EXHIBIT "E"
 SITE MAP
 W22884

