

MINUTE ITEM

This Calendar Item No. 14
was approved as Minute Item
No. 14 by the State Lands
Commission by a vote of 2
to 0 at its 2/23/84
meeting.

CALENDAR ITEM

14

2/23/84
W 22933
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RATIFICATION OF CONTRACT FOR
EMERGENCY LEVEE REPAIR

PARTY: State Lands Commission

APEA, TYPE LAND AND LOCATION:

Approximately 3,200 lineal feet of levee within a 38-acre parcel of land, adjacent to the Petaluma River, Sonoma County. This parcel was quieted in the State as sovereign tide and submerged land by White vs. State (1971), C.A. 3d 738.

SITUATION:

Emergency action was taken by the Executive Officer on January 12, 1984, to prevent a levee break and flooding of sovereign State land adjacent to the Petaluma River. A \$14,640 contract was let to perform emergency repair on an existing levee located within the 38-acre parcel of land quieted to the State of California in the case of White vs. State (1971) 21 C.A. 3d 738.

Exceptionally high tides occurred in January which threatened flooding and damage to the State parcel and, incidentally, to private agricultural acreage east of the river. Last year's high tides and storms caused serious flooding. Telephone calls from all of the potentially affected landowners and their legislators brought the problem

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to the attention of the staff. Staff exhausted all resources for assistance before taking action to repair the levee, and determined that an emergency contract was the only effective course of action to protect State property.

This project is exempt from CEQA because it is an action to prevent or mitigate an emergency.

Authority: 14 Cal. Adm. Code, Div. 6, Section 15269(c).

The project is situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1 and is classified in a use category "B" which authorizes Limited Use. The project does not have a significant effect upon the identified environmental values.

APPROVALS REQUIRED:

None.

EXHIBITS:

- A. Land Description.
- B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO PRC 21080(b)(5) AND 14 CAL. ADM. CODE 15269(c), SPECIFIC ACTIONS NECESSARY TO PREVENT OR MITIGATE AN EMERGENCY.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PRC 6370, ET SEQ.
3. RATIFY A \$14,640 CONTRACT FOR EMERGENCY LEVEE REPAIR ON STATE-OWNED LANDS TO PREVENT FLOODING OF STATE SOVEREIGN PROPERTY ON AND ADJACENT TO THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED.
4. DECLARE THAT IT DOES NOT COMMIT THE STATE TO AN ONGOING DUTY TO MAINTAIN THIS OR ANY OTHER LEVEE BY REPAIRING THIS LEVEE AT THIS TIME.

EXHIBIT "A"

LAND DESCRIPTION

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A parcel of tide and submerged land whether filled or unfilled situated in the bed of the Petaluma River, County of Sonoma, State of California, described as follows:

COMMENCING at the point formed by the intersection of the centerline of the slough dividing the 2,130 acre tract of land conveyed by the Rose Land Company, a corporation, to the S. K. Herzog Company, a corporation, by Deed dated September 30, 1926, of record in Volume 300 of Official Records, page 127, Sonoma County Records, from the 445.44 acre tract of land conveyed by Fannie J. Whitney Reding, et al., to Candido M. Luis, by Deed dated October 13, 1920, of record in Volume 391 of Deeds, page 158, Sonoma County Records, with the centerline of the drainage ditch that runs along the southeasterly line of lands of said Luis, said point of commencement being also S 28° 50' W 5685 feet distant from the point formed by the intersection of the southwesterly line of the County Road that runs from Petaluma past the Rose Hill School House with the western line of 380 acre tract of land conveyed by Franklin Mecham to Charles J. Silva, by Deed dated March 3, 1928, of record in Volume 195, of Official Records, page 219, Sonoma County Records; thence from said point of commencement S 52° 10' W 3297.58 feet to a 1-1/2 inch iron pipe tagged L.S. 2798, said monument being shown on that certain map entitled "RECORD OF SURVEY LYING WITHIN SECTIONS 3 AND 10, T3N, R6W, MDM, BEING THE LANDS OF OLIVER A. KULLBERG, ET UX., AS DESCRIBED IN DEEDS RECORDED IN BOOK 1353 O.R. 111 AND IN BOOK 1553, O.R. 163, S.C.R.; recorded in Book 115 of Maps, at page 28, Sonoma County Records, said monument being the TRUE POINT OF BEGINNING of the herein described parcel of land, said monument having the California Coordinate System, Zone 2 coordinates of $x = 1,852,802.85$ and $y = 170,923.32$; thence from said true point of beginning N 52° 10' E 743.57 feet to a point on the course between Stations 80 and 81 as shown on that certain map entitled "MAP OF THE ORDINARY HIGH WATER MARK ALONG THE NORTH SHORE OF SAN PABLO BAY AND THE LEFT BANK OF PETALUMA CREEK, SONOMA COUNTY, CALIFORNIA" and recorded October 18, 1960, in Book 84 of Maps, pages 3 to 3G, inclusive, Sonoma County Records; thence northwesterly along the last mentioned survey:

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EXHIBIT "A"

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N 07° 58' 53" W 241.68 feet to Station 81; thence
 N 37° 17' 53" W 256.59 feet to Station 82; thence
 N 70° 51' 19" W 103.11 feet to Station 83; thence
 N 45° 51' 21" W 253.84 feet to Station 84; thence
 N 17° 16' 30" W 410.03 feet to Station 85; thence
 N 37° 36' 30" W 271.39 feet to Station 86; thence
 N 57° 12' 36" W 155.86 feet to Station 87; thence
 N 47° 25' 55" W 210.10 feet to Station 88; thence
 N 19° 26' 45" W 230.21 feet to Station 89; thence
 N 31° 43' 15" W 161.03 feet to Station 90; thence
 N 51° 34' 25" W 96.67 feet to Station 91; thence
 N 84° 05' 29" W 95.63 feet to Station 92; thence
 S 72° 02' 31" W 185.34 feet to Station 93; thence
 S 86° 20' 35" W 116.15 feet to Station 94; thence
 N 78° 03' 21" W 278.75 feet to Station 95; thence
 N 53° 49' 34" W 100.00 feet to Station 96; thence
 N 64° 13' 03" W 296.05 feet to Station 97; thence leaving
 said State Lands Commission Survey:

S 72° 41' 49" W 118.96 feet; thence
 N 04° 44' 39" E 21.09 feet; thence
 N 48° 17' 55" W 31.14 feet; thence
 S 81° 49' 56" W 30.76 feet; thence
 S 46° 02' 23" W 46.69 feet; thence
 S 55° 11' 22" W 37.44 feet; thence
 N 84° 53' 22" W 29.65 feet; thence
 N 45° 21' 54" W 61.16 feet; thence
 N 71° 31' 02" W 36.52 feet; thence
 N 53° 41' 08" W 40.70 feet; thence
 N 16° 39' 28" E 16.76 feet; thence
 N 25° 19' 11" W 92.40 feet; thence
 N 48° 52' 33" W 101.98 feet; thence
 N 40° 29' 01" W 202.35 feet; thence
 N 48° 32' 18" W 199.64 feet; thence
 N 46° 26' 44" W 297.35 feet; thence
 N 50° 01' 59" W 201.03 feet; thence
 N 47° 25' 55" W 198.42 feet; thence
 N 54° 27' 28" W 99.80 feet; thence
 N 40° 43' 04" W 101.85 feet; thence
 N 69° 06' 03" W 103.24 feet; thence
 N 57° 26' 37" W 199.69 feet; thence
 N 55° 23' 29" W 300.20 feet; thence
 N 61° 10' 56" W 199.94 feet; thence
 N 50° 08' 29" W 200.71 feet; thence
 N 87° 53' 45" W 92.11 feet; thence
 N 54° 33' 52" W 41.91 feet to a point from which an
 old floodgate bears N 48° 35' 30" E also from the last
 mentioned point a California State Lands Commission bronze

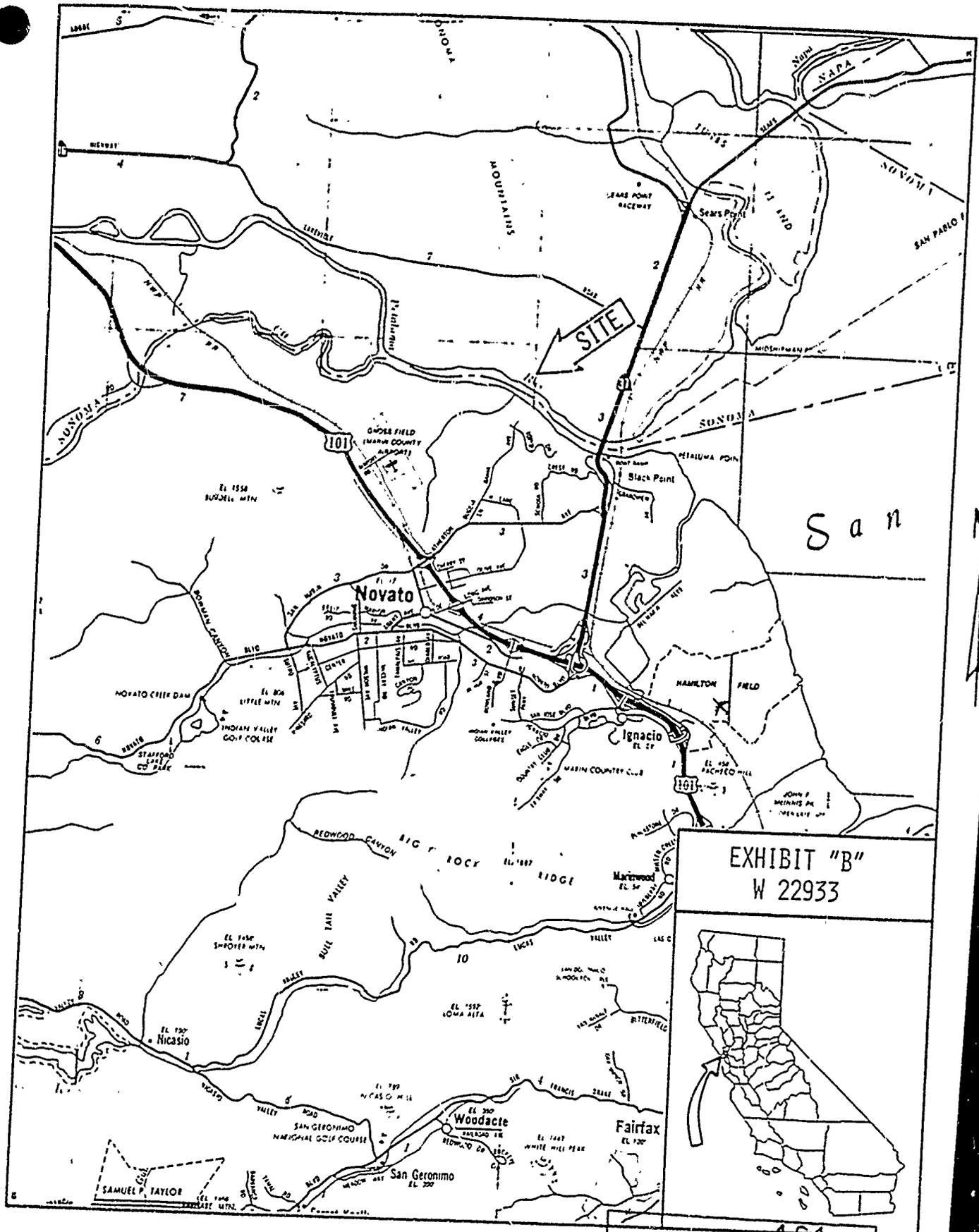
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disc monument set in concrete stamped "TONE 2 CSLC 1958" bears N 50° 56' 10" E 107.78 feet, said monument having the California Coordinate System, Zone 2 coordinates of $x = 1,848,846.16$ and $y = 175,241.12$; thence S 48° 35' 30" W to the center of Petaluma Creek; thence along the center of Petaluma Creek in a southeasterly direction to a point which is S 52° 10' W from the true point of beginning; thence N 52° 10' E to said true point of beginning.

Bearings and distances recited in the above description are based on the description contained in the complaint to quiet title, Sonoma County, Superior Court Case No. 57239, filed March 22, 1967.

END OF DESCRIPTION

REVIEWED MAY 24, 1982 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.



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EXHIBIT "B"
W 22933



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