MINUTE ITEM

This Calendar Item No. 45
was approved as Minute Item
No. 45 by the State Lands
Commission by a vote of 3
to 0 at its 9/25/84
meeting.

CALENDAR ITEM

45

A 21

S 8

09/25/84
W 22884
Valentine
PRC 6738
AD 2

AUTHORIZATION TO PURCHASE WITH LAND BANK TRUST
FUNDS A PARCEL OF LAND IN SAN MATEO COUNTY

In August 1983 the Commission authorized purchase of 100 acres of land in San Mateo County as depicted on the attached Exhibit "A" and described in Exhibit "B". The funds which were authorized to be spent in this acquisition were to come from the settlement of State of California vs. Richmond Sanitary Services (Contra Costa Superior Court Number 160686). The purchase price at that time was $74,600 to be paid to the then owner of the property, World College West.

Since the prior authorization staff has discovered that a substantial portion of the parcel is burdened by easements for pipelines, roads and utilities, including the right to dredge for these purposes. It was originally contemplated that the holder of these easements, Leslie Salt Company, would relinquish any mineral rights in the parcel including the right to remove earth and gravel to the State Lands Commission. Leslie Salt Company has since declined to quitclaim these rights, despite substantial efforts by staff to acquire these subsurface rights.

Staff has determined that the property remains appropriate for acquisition and preservation in its natural state although at a price somewhat reduced from that formerly authorized by the Commission. The parcel is presently owned by Peninsula Open Space Trust which has made it available for acquisition for the sum of $65,000. The present character of the property is tidelands with a dike and a small amount of uplands along the landward end of the parcel. Staff has considered this proposal, has reviewed the property for suitability for acquisition with Land Bank Trust funds and has provided the notice of potential acquisition to other agencies and parties required by P.R.C.

(NON-SUBSTANTIVE REVISON 03/27/85)

Section 8622. Staff has concluded that this parcel is useful for the public trust purposes of public access to the Bay, recreation, open space, wildlife habitat and as an ecological unit to be preserved for scientific study. The Mid-Peninsula Open Space District has expressed interest in leasing and managing the property for these purposes.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutory exempt project. The project is exempt because it involves an action taken pursuant to the Kapiloff Land Bank Act, P.R.C. 8600 et seq.

   Authority: P.R.C. 8631.

EXHIBITS:

A. Description of Land Bank Parcel.
B. Plat of Land Bank Acquisition Parcel.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 8631, AN ACTION TAKEN PURSUANT TO THE KAPILOFF LAND BANK ACT, P.R.C. 8600, ET SEQ.

2. APPROVE THE LANDS IDENTIFIED IN EXHIBITS "A" AND "B" AS BEING SUITABLE FOR ACQUISITION WITH $65,000 IN LAND BANK TRUST FUNDS, SAID LANDS TO BE HELD AS SOVEREIGN LANDS OF THE STATE.

3. AUTHORIZE ACCEPTANCE AND RECORDATION OF A GRANT DEED TO THE STATE OF CALIFORNIA OF THE PROPERTY IDENTIFIED IN EXHIBITS "A" AND "B" RESERVING ALL EASEMENTS OF RECORD ON THE DATE OF DELIVERY OF THE GRANT DEED.

4. FIND THAT THE LANDS IDENTIFIED IN EXHIBITS "A" AND "B" ARE EQUAL TO OR GREATER IN VALUE THAN $65,000, EXCLUSIVE OF ANY EXISTING STATE INTEREST.

5. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION TO ISSUE A PUBLIC AGENCY LEASE FOR A TERM OF 49 YEARS TO EITHER THE MID-PENINSULA OPEN SPACE DISTRICT OR THE STATE DEPARTMENT OF FISH AND GAME, OR BOTH AS CO-LESSEES, TO MANAGE THE PROPERTY IDENTIFIED IN EXHIBITS "A" AND "B" FOR THE PURPOSE OF PUBLIC ACCESS AND RECREATION, OPEN SPACE, WILDLIFE HABITAT AND AS AN ECOLOGICAL UNIT TO BE PRESERVED FOR SCIENTIFIC STUDY.

6. AUTHORIZE THE STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT ACQUISITION OF THE PROPERTY, INCLUDING BUT NOT LIMITED TO THE EXECUTION OF ALL DOCUMENTS AND PREPARATION OF MAPS, PLATS AND DESCRIPTIONS.

7. FIND THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH A DOCUMENT IS NOT REQUIRED. CAL. ADM. CODE SECTION 15060; P.R.C. 21080.11.

8. FIND THAT ALTHOUGH THE STATE IS NOT ACQUIRING ALL SUBSURFACE RIGHTS IN THE LAND BANK PARCEL:

   1. A REASONABLE ATTEMPT HAS BEEN MADE TO ACQUIRE THE SUBSURFACE RIGHTS WITHOUT SUCCESS.
   2. IT IS UNLIKELY THAT THE SUBSURFACE RIGHTS CAN BE ACQUIRED WITHIN THE PROVISIONS OF THE KAPILOFF LAND BANK AGREEMENT.
   3. THE OUTSTANDING SUBSURFACE RIGHTS ARE NOT LIKELY TO UNREASONABLY DAMAGE OR INTERFERE WITH THE CONTEMPLATED PUBLIC TRUST USES FOR THE PARCEL.
   4. THE PUBLIC BENEFITS TO BE DERIVED FROM ACQUISITION ARE SO SUBSTANTIAL THAT ACQUISITION OF THE PARCEL WITHOUT THE SUBSURFACE RIGHTS IS IN THE BEST INTERESTS OF THE STATE.

EXHIBIT "A"

LAND DESCRIPTION

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 quar[illegible] section line, West 1650 feet, more or less, to the point of beginning.

PARCEL II:

BEGINNING at a "Circula 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 b[illegible]ing 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 207.63 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 13° 30' E 106.26 feet to the point of beginning.

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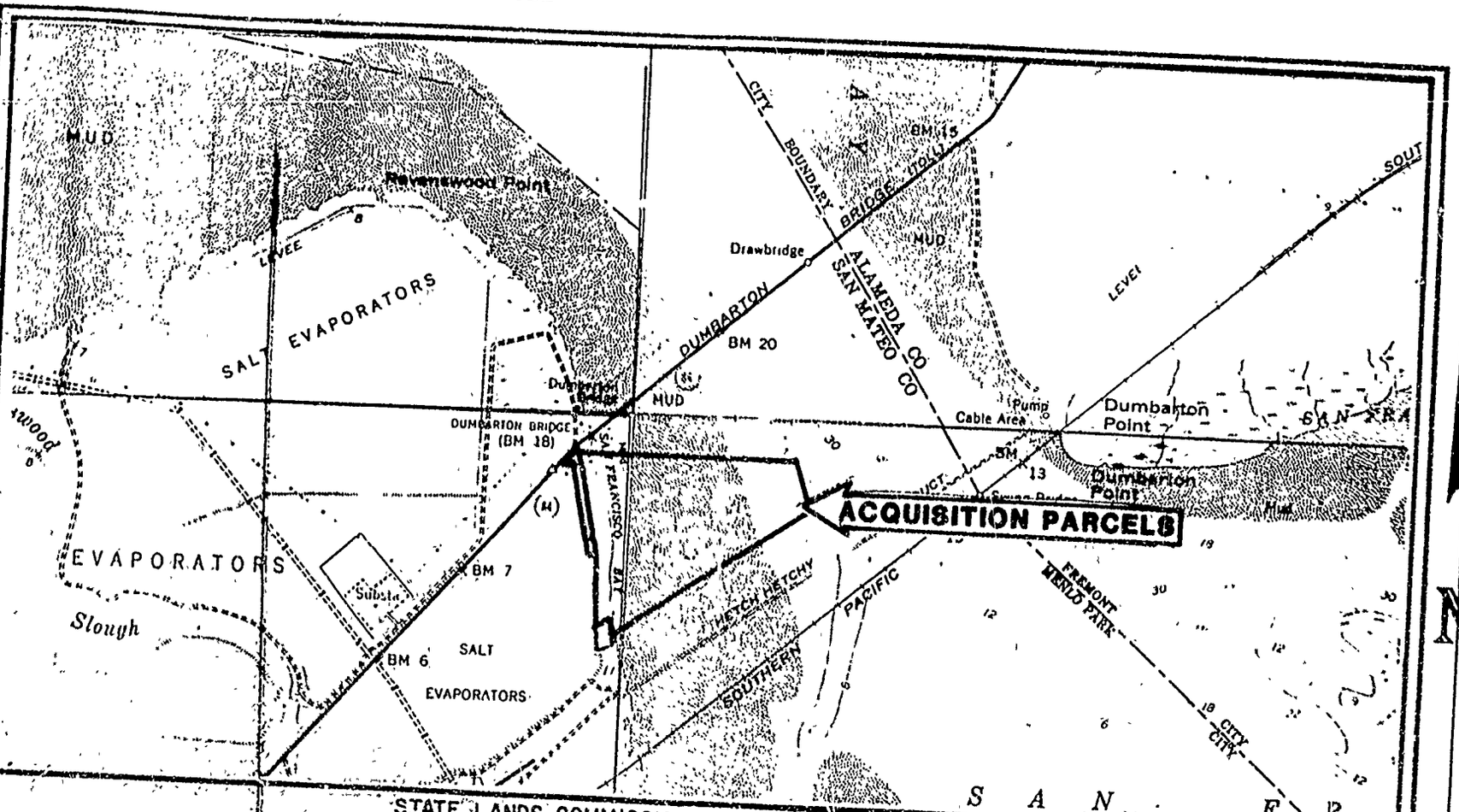
PARCEL III:

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 WEED, SUPERVISOR.

PLAT OF POTENTIAL LAND BANK PARCEL



STATE LANDS COMMISSION

PORTION OF U.S.G.S. QUADRANGLES

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

Prepared by: JKHering

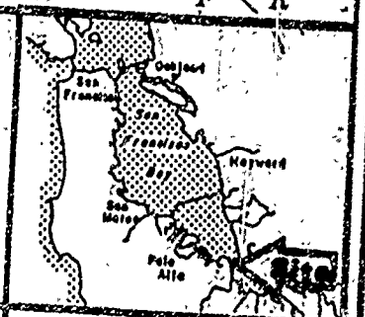
Date: 8/8/83

Title Study: BROD/DUMBARTON

W22884

A: 21 S: 8

EXHIBIT B



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