

MINUTE ITEM

This Calendar Item No. C19  
was approved as Minute Item  
No. 19 by the State Lands  
Commission by a vote of 2  
to 0 at its 11/29/84  
meeting.

CALENDAR ITEM

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APPROVAL OF A GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT: Department of Water Resources  
1416 Ninth Street  
Sacramento, California 95802

AREA, TYPE LAND AND LOCATION:  
A 24.9 acre parcel of sovereign lands located  
in the Feather River at Oroville, Butte County.

LAND USE: Maintenance of public park facilities.

TERMS OF PROPOSED PERMIT:  
Initial period: 30 years beginning October 1,  
1984.

CONSIDERATION:  
The public use and benefit; with the Commission reserving the  
right at any time to set a monetary rental if the Commission  
finds such action to be in the State's best interest.

BASIS FOR CONSIDERATION:  
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:  
Applicant is owner of upland.

STATUTORY AND OTHER REFERENCES:  
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.  
B. Cal. Adm. Code: Title 2, Div. 3; Title 14,  
Div. 6.

AB 884: N/A.

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**OTHER PERTINENT INFORMATION:**

1. Department of Water Resources proposes to lease a 24.9 acre parcel to integrate with lands acquired through eminent domain proceedings for a public park facility (People vs. Platzek; Butte County SCC No. 70981). The State-owned parcel under SLC jurisdiction consists of contemporary submerged lands and the historical natural bed of the Feather River.

Facility development includes bike paths, jogging trails and lifeguard stations.

State Lands Commission was not named in the cited case, however, staff was involved in the discovery process. The court did clarify SLC's ownership of the involved lands. A lease agreement between SLC and DWR for those park designated lands was negotiated and staff recommends approval of such agreement. Due to the circumstances, staff recommends waive of any usual fees.

2. The annual rental value of the site is estimated to be \$7,171.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 25061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 16, public agency permit for development of parks, 2 Cal. Adm. Code 2905(g)

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public

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ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Adm. Code 2954 is not applicable.

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 CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT; CLASS 16, PUBLIC AGENCY PERMIT FOR THE DEVELOPMENT OF PARKS. 2 CAL. ADM. CODE 2 CAL. ADM. CODE 2955(g).
2. AUTHORIZE ISSUANCE TO DEPARTMENT OF WATER RESOURCES OF A 30-YEAR GENERAL PERMIT - PUBLIC AGENCY USE BEGINNING OCTOBER 1, 1984; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE COMMISSION RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; WAIVER PROCESSING EXPENSE FEES FOR MAINTENANCE OF PUBLIC PARK FACILITIES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT A

W 23437

A parcel of land being the sovereign land within the natural bed of the Feather River, City of Oroville, Butte County, State of California, located within the following described parcels:

PARCEL FRR-1

A portion of the Southwest Quarter of Section 7, Township 19 North, Range 4 East, S.D.M., described as follows:

Commencing at a point in the East line of said Southwest Quarter, said point being also the Northwest corner of Outside Lot 122, as shown on the Map of Oroville from an accurate survey by William Edmunds, recorded January 22, 1872 in the office of the Recorder of the County of Butte;

thence North  $00^{\circ} 28' 30''$  East 116.00 feet to the Southeast corner of that certain parcel of land described in Deed to the City of Oroville, recorded February 5, 1940 in Book 231 of Official Records, at page 366;

thence South  $60^{\circ} 42' 18''$  West 122.00 feet to the Southwest corner of said City parcel and a point in the North line of Marysville Road as described in Deed recorded December 5, 1939, in Book 231 of Official Records, at page 142 and the TRUE POINT OF BEGINNING for this description;

thence along said Road South  $60^{\circ} 42' 18''$  West 103.16 feet to a tangent curve concave to the Southeast having a radius of 620.13 feet;

thence along said curve through a central angle of  $01^{\circ} 55' 34''$  for a distance of 20.85 feet;

thence leave said Road North  $23^{\circ} 26' 30''$  West 402.59 feet to a point in the centerline of the Feather River;

thence North  $65^{\circ} 12'$  East 114.86 feet along the centerline of said River;

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thence South 24° 41' East 209.93 feet to the Northwest corner of said City parcel;

thence continue South 24° 41' East 182.47 feet to the TRUE POINT OF BEGINNING.

Containing 1.1 acre, more or less.

Bearings and distances are based on Grant Deed recorded April 5, 1966 in Book 1421 of Official Records, at page 185 of said County.

PARCEL FRR-2 UNIT A.

A portion of the Southwest Quarter of Section 7, and a portion of the Northwest Quarter of Section 18, all in Township 19 North, Range 4 East, M.D.M., and being described as follows:

Commencing at the Southeast corner of that certain parcel of land described in Deed to D. K. Carrell, et ux, recorded April 23, 1957 in Book 883 of Official Records, at page 103, said point being the intersection of the Southerly line of Safford Street with the westerly line of Marysville Road (80 feet wide) as described in Deed to City of Oroville, recorded December 5, 1939 in Book 231 of Official Records, at page 142;

thence North 04° 39' East 70.81 feet along said westerly line of Marysville Road to the TRUE POINT OF BEGINNING for this description and the beginning of a tangent curve concave to the Southeast having a radius of 620.13 feet;

thence along said curve through a central angle of 54° 07' 44" for a distance of 585.85 feet (the long chord bears North 31° 42' 52" East 563.39 feet);

thence leave said Marysville Road North 23° 26' 30" West 402.59 feet to the centerline of the Feather River;

thence along said River South 65° 12' West 330.50 feet;

thence leave said River South 23° 26' 30" East 469.37 feet to the Northeast corner of said Carrell parcel;

thence South 04° 39' West 280.28 feet to the TRUE POINT OF BEGINNING.

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EXCEPTING therefrom all that portion described as follows:

Commencing at the Southeast corner of that certain parcel of land described in Deed to D. K. Carrell, et ux, recorded April 23, 1957 in Book 883 of Official Records, at page 103, said point being the intersection of the Southerly line of Safford Street with the Westerly line of Marysville Road (80 feet wide) as described in Deed to City of Oroville, recorded December 5, 1939 in Book 231 of Official Records, at page 142;

thence North  $04^{\circ} 39'$  East 70.81 feet along said westerly line of Marysville Road to the TRUE POINT OF BEGINNING for the description and the beginning of a tangent curve concave the Southeast having a radius of 620.13 feet;

THENCE along said curve through a central angle of  $29^{\circ} 48' 05''$  for a distance of 322.55 feet (the long chord bears North  $19^{\circ} 33' 02''$  East 318.93 feet);

thence leaving said Marysville Road North  $60^{\circ} 18' 50''$  West 142.49 feet;

thence South  $23^{\circ} 26' 30''$  East 100.00 feet to the Northeast corner of said Carrell parcel;

thence South  $04^{\circ} 39'$  West 280.28 feet to the TRUE POINT OF BEGINNING.

Containing, after making said exception, 3.3 acres, more or less.

Bearings and distances are based on Grant Deed recorded January 27, 1966 in Book 1410 of Official Records of said County, at page 617.

PARCEL FRR-2 UNIT B

A perpetual, non-exclusive easement and right of way to construct, reconstruct, operate, maintain and use a public road, over, through, and across that portion of the Southwest Quarter of Section 7, Township 19 North, Range 4 East, M.D.M., described as follows:

Commencing at the Southeast corner of that certain parcel of land described in Deed to D. K. Carrell, et ux, recorded April 23, 1957 in Book 883 of Official Records, at page 103, said point being the intersection of the Southerly line of Safford Street with the Westerly line of Marysville Road (80 feet wide) as described in Deed to City of Oroville, recorded December 5, 1939 in Book 231 of Official Records, at page 142;

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thence along said Westerly line of Marysville Road North 04° 39' East 70.81 feet;

thence along a tangent curve concave to the Southeast, having a radius of 620.13 feet, through a central angle of 24° 15' 07" for a distance of 262.49 feet (the long chord bears North 16° 46' 33" East 260.53) to the TRUE POINT OF BEGINNING:

THENCE continuing along said curve concave to the Southeast, having a radius of 620.13 feet, through a central angle of 05° 32' 58" for a distance of 60.06 feet (the long chord bears North 31° 40' 36" East 60.04 feet) to the most Southerly corner of FRR-2 UNIT A herein;

thence leaving said Marysville Road along the Southerly line of said FRR-2 UNIT A North 60° 18' 50" West 142.49 feet;

thence South 23° 26' 30" East 100.00 feet to the Northeast corner of said Carrell parcel;

thence South 60° 18' 50" East 60.40 feet to the TRUE POINT OF BEGINNING.

Containing 0.14 acre, more or less.

Bearings and distances are based on Grant Deed recorded January 27, 1966 in Book 1410 of Official Records of said County, at page 617.

PARCEL FRR-3

That portion of the Southwest Quarter of Section 7, Township 19 North, Range 4 East, M.D.M., lying within PARCEL 1 described in the Grant Deed recorded October 14, 1968 in Book 1539, page 58, Official Records of Butte County, lying Northerly of the following described line:

COMMENCING at a point on the Easterly line of the real property conveyed by deed recorded April 30, 1959 in Book 996, Page 180, Official Records of Butte County, said point being the most Northerly point of the real property conveyed by deed recorded November 30, 1961 in Book 1151, Page 539 of said Official Records;

thence along said Easterly line North  $09^{\circ} 01' 35''$  East  
351.78 feet to a point from which a 3/4-inch iron pipe  
marked FRR-1 bears North  $72^{\circ} 15' 15''$  East and the TRUE  
POINT OF BEGINNING of the herein described line,

THENCE leaving said easterly line North  $72^{\circ} 15' 15''$  East  
30.43 feet to said monument FRR-1;

thence continuing North  $72^{\circ} 15' 15''$  East 501.21 feet to a  
3/4-inch iron pipe marked FRR-2;

thence North  $80^{\circ} 00' 00''$  East 87.00 feet, more or less, to a  
point on the Easterly line of said PARCEL F and the end of  
the herein described line.

Containing 3.4 acres, more or less.

Bearings and distances are based on said Book 996, Page 180.

#### PARCEL FRR-4

A portion of the Southwest Quarter of Section 7, and a  
portion of the Northwest Quarter of Section 18, all in Township  
19 North, Range 4 East, M.D.M., and being described as follows:

BEGINNING at a point in the Westerly prolongation of the  
Northerly line of Montgomery Street, distant South  $66^{\circ} 37'$   
West 855.93 feet from the intersection of said Northerly line  
with the Westerly line of Marysville (66' wide) Road; said  
point being also the Northwest corner of that certain parcel of  
land described in deed to Sacramento Northern Railroad, dated  
November 29, 1920, and recorded January 14, 1921 in Book 187 of  
Deeds at page 431;

THENCE North  $66^{\circ} 37'$  East 555.82 feet to the Southwest corner  
of that certain parcel of land described in deed to M. C.  
Tieck, recorded September 23, 1945, in Book 489 of Official  
Records, at page 288;

thence North  $23^{\circ} 23'$  West 262.56 feet to the Northwest corner  
of said Tieck parcel;

thence South  $66^{\circ} 33' 30''$  West 175.73 feet to the Southwest  
corner of that certain parcel of land described in deed to  
D. E. Carrell, et ux, recorded April 23, 1957, in Book 883  
of Official Records, at page 103;

thence North 04° 39' East, 351.09 feet to the Northwest corner of said Carrell parcel;

thence North 66° 33' 30" East 600.00 feet to the Northeast corner of said Carrell parcel;

thence North 23° 26' 30" West 469.37 feet to the centerline of the Feather River;

thence along said River South 75° 20' West 708.66 feet;

thence South 78° 26' West 265.18 feet to a point which bears North 14° 40' West from the point of beginning;

thence leave said River South 14° 40' East 1,218.01 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM all that portion thereof lying Easterly of the Westerly line of the land described in deed from Ethel Platzek, administratrix of the estate of Ralph R. Platzek, deceased, to the State of California dated August 25, 1958, recorded April 30, 1959, in Book 996, page 180, Official Records of Butte County, California.

Containing 1.8 acres, more or less.

Bearings and distances are based on Grant Deed recorded October 4, 1968 in Book 1539 of Official Records, at page 58 of said County.

PARCEL FRR-5 UNIT 1

A portion of the Southwest Quarter of Section 7 and a portion of the Northwest Quarter of Section 18, all in Township 19 North, Range 4 East, M.D.M. and being described as follows:

BEGINNING at the intersection of the United States Survey meander line of the Feather River with the West line of said Section 18, said point being also the Northwest corner of that certain parcel of land described in deed to the City of Oroville, dated July 19, 1920 and recorded September 29, 1920 in Book 186 of Deeds, at page 303, records of Butte County, California;

THENCE North 48° 22' East along the Northerly line of said City of Oroville parcel, a distance of 332.91 feet to the Northeast corner of said City parcel;

thence South 23° 23' East along the Easterly line of said City parcel, a distance of 837.46 feet to the Northwest corner of that certain parcel of land described in deed to Edgar R. Young, et ux, recorded March 24, 1959 under Recorder's Serial No. 17956;

thence North 66° 37' East along the North line of said Young parcel and the North line of that certain parcel of land described in deed to Irwin Hughes recorded June 11, 1946 under Recorder's Serial No. 16489, a distance of 362.12 feet to the Northeast corner of said Hughes parcel, being also a point on the Westerly line of that certain parcel of land described in Parcel 8 in deed from Northern Realty Company, a corporation, to Sutter County Land Syndicate, a corporation, dated February 17, 1919 and recorded February 24, 1919 in Book 172 of Deeds, at page 226;

thence North 23° 23' West along the Westerly line of said Sutter County Land Syndicate parcel, a distance of 462.62 feet to the Northwest corner of the Sutter County Land Syndicate parcel;

thence North 14° 40' West 1,218.01 feet to the centerline of the Feather River;

thence South 78° 26' West 418.22 feet along said River centerline to a point in the West line of said Section 7;

thence South 00° 37' West along the West line of Section 7 and 8, 1,175.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM all that portion thereof lying Easterly of the Westerly line of the land described in deed from Ethel Platzek, Administratrix of the Estate of Ralph R. Platzek, deceased, to the State of California, dated August 25, 1958 and recorded April 30, 1959 in Book 996, page 180, Official Records of Butte County, California.

#### UNIT 2

Any portion of the Southeast Quarter of Section 12, Township 19 North, Range 3 East, M.D.M., lying Southeasterly of the centerline of the Feather River which would accrete by law to the land described in Unit 1 above.

Units 1 and 2 containing 11.7 acres, more or less.

Bearings and distances are based on Legal description on page 4 of the Decree of Distribution recorded July 17, 1959 in Book 1009 of Official Records, at page 353 of said County.

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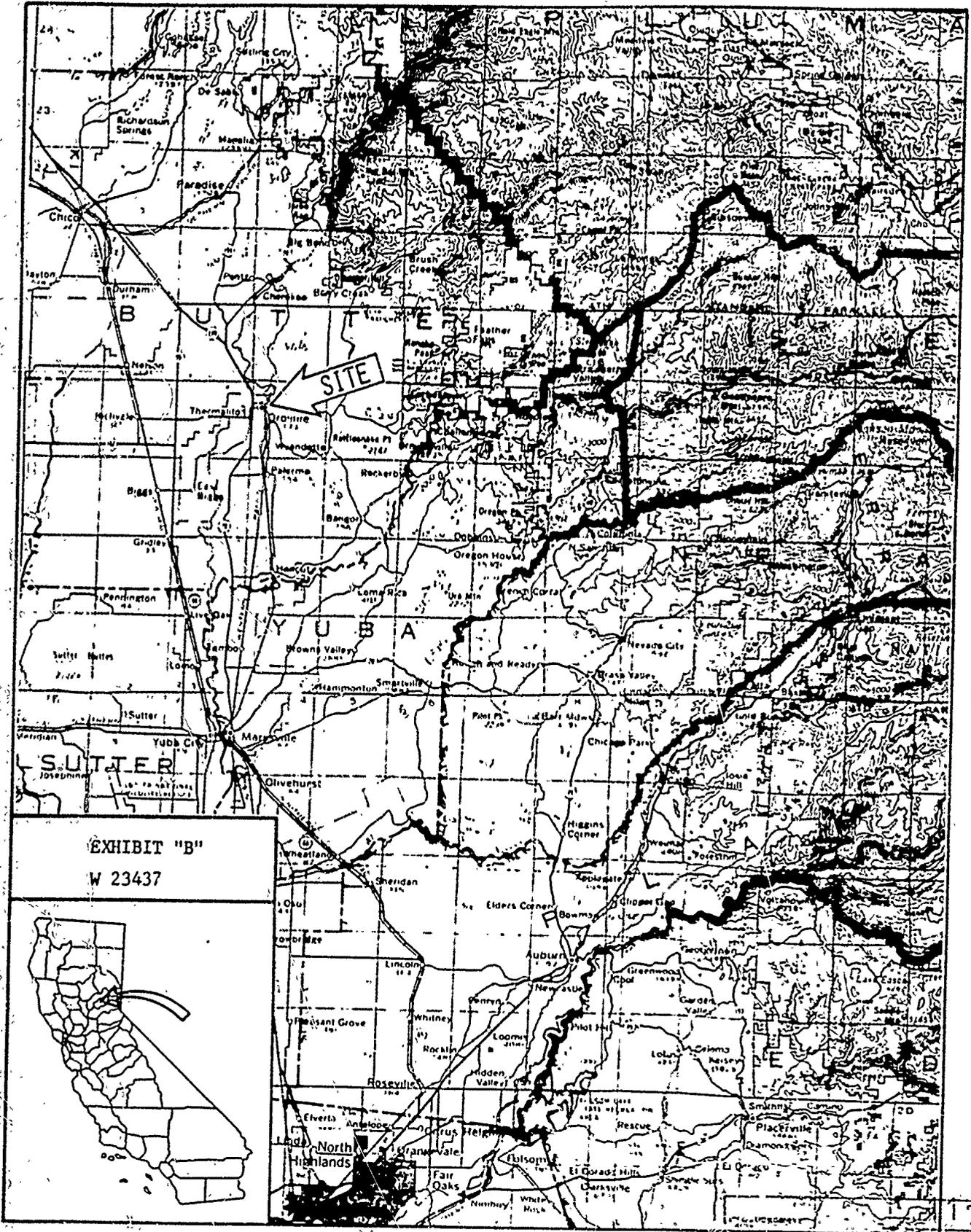


EXHIBIT "B"  
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