

MINUTE ITEM

Title Calendar Item No. 31
 was approved as Minute Item
 No 31 by the State Lands
 Commission by a vote of 2
 to 0 at its 9/26/85
 meeting.

CALENDAR ITEM

A 7, 11

31

09/26/85
 W 503.1189
 AD 34
 Sekelsky, J.
 Flushman

S 5, 7

AUTHORIZATION TO STIPULATE TO FINAL JUDGMENT IN
 UNITED STATES OF AMERICA V. 75.45 ACRES OF LAND, MORE OR
 LESS, SITUATE IN THE COUNTY OF CONTRA COSTA, STATE OF
 CALIFORNIA, ET AL., UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF CALIFORNIA, CIVIL NO. C-80-1903 WWS

This condemnation involves filled and unfilled state-owned tidelands and submerged lands in the Carquinez Straits which are occupied by an existing wharf used for off-loading jet fuel. These lands are described on Exhibit "A" and shown on Site Map, Exhibit "B", attached hereto. These lands were leased by the Commission to the Holly Corporation under PRC 2408. That lease expired on May 27, 1979 and Holly remained in holdover status until May, 1980. At that time, the federal government took control of the facility pursuant to this condemnation.

Staff of the Commission and the Attorney General's office have been negotiating with representatives of the United States Attorney and the Army Corps of Engineers in an attempt to resolve issues concerning the State's interest in this condemnation. As a result of these negotiations, a Stipulation for Final Judgment has been drafted which embodies the following settlement proposal.

- (1) The United States will take, via the condemnation, a fee interest in the subject lands, subject to a reversion to the State should the United States transfer or convey the wharf facilities to a third party. This taking will also be subject to the conditions that the property will not be used for non-federal purposes or commercial concessions, other than marine terminal uses, without the prior written consent of the Commission. The United States does not anticipate commercial use at this time.

CALENDAR ITEM NO. 31 (CONT'D)

- (2) In lieu of receiving monetary compensation for this taking, the State will receive fee title to property in Calaveras County, the value of which will be equal to the value of the State's interests taken in the condemnation. These lands are described on Exhibit "C" and shown on Site Map Exhibit "D" attached hereto.

A copy of this proposed Stipulation for Final Judgment is on file in the offices of the Commission.

The approval of this Settlement does not have any potential for resulting in a physical change in the environment and therefore is not a project as defined by the CEQA.

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 because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

EXHIBITS:

- A. Description, Condemnation Parcels, Contra Costa County.
- B. Site Map, Condemnation Parcels.
- C. Description, Compensation Parcels, Calaveras County.
- D. Site Map, Compensation Parcels.

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 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. FIND THAT IT IS IN THE BEST INTERESTS OF THE STATE TO ENTER INTO THE STIPULATION FOR FINAL JUDGMENT ON FILE IN THE OFFICES OF THE STATE LANDS COMMISSION AND THAT THIS SETTLEMENT WILL AVOID THE COSTS, DELAYS, AND UNCERTAINTIES OF LITIGATION

CALENDAR ITEM NO. 31 (CONT'D)

3. FIND THAT THE SETTLEMENT EMBODIED IN THE STIPULATION FOR FINAL JUDGMENT ON FILE IN THE OFFICES OF THE STATE LANDS COMMISSION IS CONSISTENT WITH THE REQUIREMENTS OF LAW AND PROVIDES COMPENSATION FOR THE TAKING OF STATE-OWNED TIDELANDS AND SUBMERGED LANDS EQUAL TO THE VALUE OF THOSE LANDS.
4. AUTHORIZE THE ATTORNEY GENERAL TO EXECUTE THE STIPULATION FOR FINAL JUDGMENT SUBSTANTIALLY IN THE FORM ON FILE IN THE OFFICES OF THE STATE LANDS COMMISSION, AND MAKE NECESSARY APPEARANCES ON BEHALF OF THE STATE LANDS COMMISSION, IN THE CASE OF UNITED STATES OF AMERICA V. 75.45 ACRES OF LAND, MORE OR LESS, SITUATE IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, ET AL., UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, CIVIL NO. C-08-19 WWS.
5. AUTHORIZE THE EXECUTIVE OFFICER OR HER DESIGNEE TO ACCEPT ALL CONVEYANCES, TO EXECUTE A CERTIFICATION OF ACCEPTANCE AND A CONSENT TO RECORD, AND TAKE ALL OTHER STEPS NECESSARY TO CONSUMMATE THE SETTLEMENT EMBODIED IN THE STIPULATION FOR FINAL JUDGMENT ON FILE IN THE OFFICES OF THE STATE LANDS COMMISSION.

EXHIBIT "A"

TRACT NO. 1001

Parcel 1

The land referred to herein is situated in the State of California, County of Contra Costa, unincorporated, described as follows:

Commencing at a concrete monument set at an angle point on the line of high tide as said line of high tide is shown upon "Map of Resurvey of Tideland Survey, No. 32, Contra Costa County, California, made under the provisions of Chapter 430, Statutes of 1915, to correct errors in original survey" dated January 1927, State Lands Commission File No. 14-6-5 and-6 (said concrete monument being opposite approximate Southern Pacific Railroad Station 2620+82; running thence along said line of high tide as shown on the aforesaid map the following courses and distances:

- (1) South $30^{\circ} 45'$ East 329.3 feet,
- (2) South $62^{\circ} 15'$ East 1130.0 feet,
- (3) South $42^{\circ} 00'$ East 235.1 feet,
- (4) South $59^{\circ} 02' 30''$ East 525.69 feet; thence, leaving said line of high tide and running North $30^{\circ} 57' 30''$ East 304.50 feet to a line of low tide as shown on map above referred to and the true point of beginning of the parcel of land to be described; thence North $65^{\circ} 30'$ West along said line of low tide 85.54 feet; thence South $30^{\circ} 57' 30''$ West 182.00 feet, more or less, to the northerly right of way line of the Southern Pacific Railroad; thence South $59^{\circ} 02' 30''$ East along the said northeasterly right of way line, 140.00 feet, more or less, to the southwesterly prolongation of the southeasterly line of that certain 8.118-acre parcel of land described by unrecorded Lease No. 2408.1 Public Resources Code Series, dated June 22, 1959, by and between the State of California and Chandler Lloyd, Trustee, and described as Tract III in Instrument recorded December 2, 1974 in Book 7378 at page 462 Official Record; said southeasterly line having a bearing of South $30^{\circ} 57' 30''$ West and a distance of 494.77 feet measured from an angle point therein; thence North $30^{\circ} 57' 30''$ East 110.00 feet, more or less, along said southwesterly prolongation to a line of low tide as shown on the map referred to herein; thence North 65°

1 30' West along said line of low tide 55.35 feet to the true point of beginning.

2 TRACT NO. 100L

3 Parcel 2

4 Commencing at a concrete monument set at an angle point on the line
5 of high tide as said line of high tide is shown upon "Map of Resurvey of Tide-
6 land Survey No. 32, Contra Costa County, California, made under the provisions
7 of Chapter 430, Statutes of 1915, to correct errors in original survey" dated
8 January 1927, State Lands Commission File No. 14-6-5 and 6 (said concrete
9 monument being opposite approximate Southern Pacific Railroad Station 2620+82'
10 running thence along said line of high tide as shown on the aforesaid map the
11 following courses and distances:

12 (1) South $38^{\circ} 45'$ East 329.3 feet,
13 (2) South $62^{\circ} 15'$ East 1130.0 feet,
14 (3) South $42^{\circ} 00'$ East 235.1 feet,
15 (4) South $59^{\circ} 02' 30''$ East 525.89 feet thence, leaving said line of
16 high tide and running North $30^{\circ} 57' 30''$ East 304.50 feet to a line of low tide
17 as shown on map above referred to and the true point of beginning of the parcel
18 of land to be described; thence North $65^{\circ} 30'$ West along said line of low tide
19 85.54 feet; thence North $30^{\circ} 57' 30''$ East 111.62 feet; thence North $59^{\circ} 02' 30''$
20 West 61 feet; thence North $30^{\circ} 57' 30''$ East 122 feet; thence South $59^{\circ} 02' 30''$
21 East 91 feet; thence North $30^{\circ} 57' 30''$ East 277 feet; thence North $59^{\circ} 02' 30''$
22 West 470 feet; thence North $30^{\circ} 57' 30''$ East 300 feet; thence South $59^{\circ} 02' 30''$
23 East 95 feet; thence South $30^{\circ} 57' 30''$ West 300 feet; thence North $59^{\circ} 02' 30''$
24 West 420 feet; thence South $30^{\circ} 57' 30''$ West 494.77 feet to said line of low
25 tide; thence North $65^{\circ} 30'$ West along said line of low tide 55.35 feet to the
26 true point of beginning.

27 TRACT 101L

28 The land referred to herein is situated in the State of California,
29 County of Contra Costa, unincorporated, described as follows:

30 Commencing at a concrete monument set at an angle point on the line
31 of high tide as said line of high tide is shown upon "Map of Resurvey of
32 Tideland Survey No. 32, Contra Costa County, California, made under the

CALENDAR PAGE 177
MINUTE PAGE 2833

1 provisions of Chapter 430, Statutes of 1915, to correct errors in original
2 survey" dated January 1927, State Lands Commission File No. 14-6-5 and 6, said
3 concrete monument being opposite approximate Southern Pacific Railroad Station
4 2620+82; running thence along said line of high tide as shown on the aforesaid
5 map the following courses and distances:

6 (1) South $38^{\circ} 45'$ East 329.3 feet.

7 (2) South $62^{\circ} 15'$ East 1130.0 feet.

8 (3) South $42^{\circ} 00'$ East 235.1 feet.

9 (4) South $59^{\circ} 02' 30''$ East 525.89 feet; thence, leaving said line
10 of high tide and running North $30^{\circ} 57' 30''$ East 304.50 feet to a line of low
11 tide as shown on map above referred to; thence North $65^{\circ} 30'$ West along said
12 line of low tide 85.54 feet; thence South $30^{\circ} 57' 30''$ West 182.00 feet, more
13 or less, to the northeasterly right of way line of the Southern Pacific
14 Railroad to the true point of beginning; thence continuing South $30^{\circ} 57' 30''$
15 West 100.00 feet to the southwesterly right of way line of the Southern Pacific
16 Railroad; thence South $59^{\circ} 02' 30''$ East along the said southwesterly right of
17 way line 140.00 feet, more or less to the southwesterly prolongation of the
18 southeasterly line of that certain 8.136-acre parcel of land described by
19 unrecorded lease No. 2408.1 Public Resources Code Series, dated June 22, 1959,
20 by and between the State of California and Chandler Lloyd, Trustee, and
21 described as Tract III in Instrument recorded December 2, 1974 in Book 777^o at
22 page 2 of Official Records, said southeasterly line having a bearing of South
23 $30^{\circ} 57' 30''$ West and a distance of 494.77 feet measured from an angle point
24 therein; thence North $30^{\circ} 57' 30''$ East 100.00 feet along said southwesterly
25 prolongation to the northeasterly right of way line of the Southern Pacific
26 Railroad; thence North $59^{\circ} 02' 30''$ West 140.00 feet, more or less, to the true
27 point of beginning.

28 TRACT NO. 102

29 Parcel 1

30 The land referred to herein is situated in the State of California
31 County of Contra Costa, unincorporated, described as follows:

32 Portion of the Rancho Canada Del Hambre (northern part), described

1 is follows:

2 Beginning at a concrete monument on the northerly line of the right
3 of way of the county highway leading from Port Costa to Martinez, which
4 monument bears North $56^{\circ} 01'$ East, 30 feet from Station 720 plus 12.00 P.C. of
5 said county highway survey, and from which monument the center of a curve to
6 the right with a radius of 190 feet bears South $56^{\circ} 01'$ West; thence following
7 the northerly line of the right of way of the county highway, southerly along
8 said curve, a distance of 312.32 feet; thence, tangent to said curve South 60°
9 $12'$ West, 31.54 feet; thence South $29^{\circ} 48'$ East, 45 feet to a point, from
10 which point the center of a curve to the left with a radius of 35 feet bears
11 South $29^{\circ} 48'$ East; thence southerly along said curve, a distance of 51.15
12 feet; thence tangent to said curve, South $23^{\circ} 32'$ East, 20.76 feet; thence
13 South $66^{\circ} 78'$ West, 35 feet to a point, from which point the center of a curve
14 to the right, with a radius of 150 feet, bears South $66^{\circ} 28'$ West; thence
15 southerly along said curve, a distance of 158.21 feet; thence tangent to said
16 curve, South $36^{\circ} 54'$ West, 164.53 feet to the point of curve of a curve to the
17 left with a radius of 90 feet; thence southerly along said curve, a distance
18 of 78.71 feet; thence, tangent to said curve, South $13^{\circ} 12-1/2'$ East, 30.37
19 feet to the point of curve of a curve to the right with a radius of 340 feet;
20 thence southerly along said curve, a distance of 241.67 feet, thence, tangent
21 to said curve, South $27^{\circ} 31'$ West, 196.30 feet to the point of curve of a curve
22 to the left with a radius of 30 feet; thence westerly along said curve, a
23 distance of 80.42 feet; thence tangent to said curve, North $53^{\circ} 55'$ East,
24 207.34 feet to the point of curve of a curve to the left with a radius of
25 560 feet; thence northeasterly along said curve, a distance of 241.74 feet;
26 thence tangent to said curve, North $20^{\circ} 11'$ East, 203.69 feet to a point;
27 thence South $60^{\circ} 49'$ East 10 feet to a point, from which point the center of a
28 curve to the right with a radius of 330 feet bears South $60^{\circ} 49'$ East, thence
29 northeasterly along said curve, a distance of 112.31 feet; thence tangent to
30 said curve, North $48^{\circ} 41'$ East, 58.53 feet to the point of curve of a curve to
31 the right with a radius of 280 feet; thence northeasterly along said curve, a
32 distance of 91.30 feet; thence tangent to said curve, North $67^{\circ} 22'$ East,

1 266.42 feet to a concrete monument on the northerly side of the right of way
2 of the county highway; from which Monument Station 747 plus 35.24 P.C. of said
3 county highway survey bears South 22° 38' East, a distance of 30 feet; thence
4 northeasterly along a tangent curve to the right, with a radius of 150 feet, a
5 distance of 19 feet; thence leaving the northerly line of the right of way of
6 the county highway, North 15° 20' East, 193.02 feet; thence North 31° 02' East,
7 148.98 feet to a point on the southerly line of the right of way of the
8 Southern Pacific Railroad Company; thence along said right of way line, North
9 58° 58' West, 754.10 feet to a point; thence leaving said right of way line of
10 the Southern Pacific Railroad Company, South 31° 02' West, 215.74 feet to a
11 point on the northerly line of the right of way of the county highway; thence
12 along said right of way line, South 33° 59' East, 57.62 feet to the point of
13 beginning.

14 Parcel 2

15 The land referred to herein is situated in the State of California,
16 County of Contra Costa, unincorporated, described as follows:

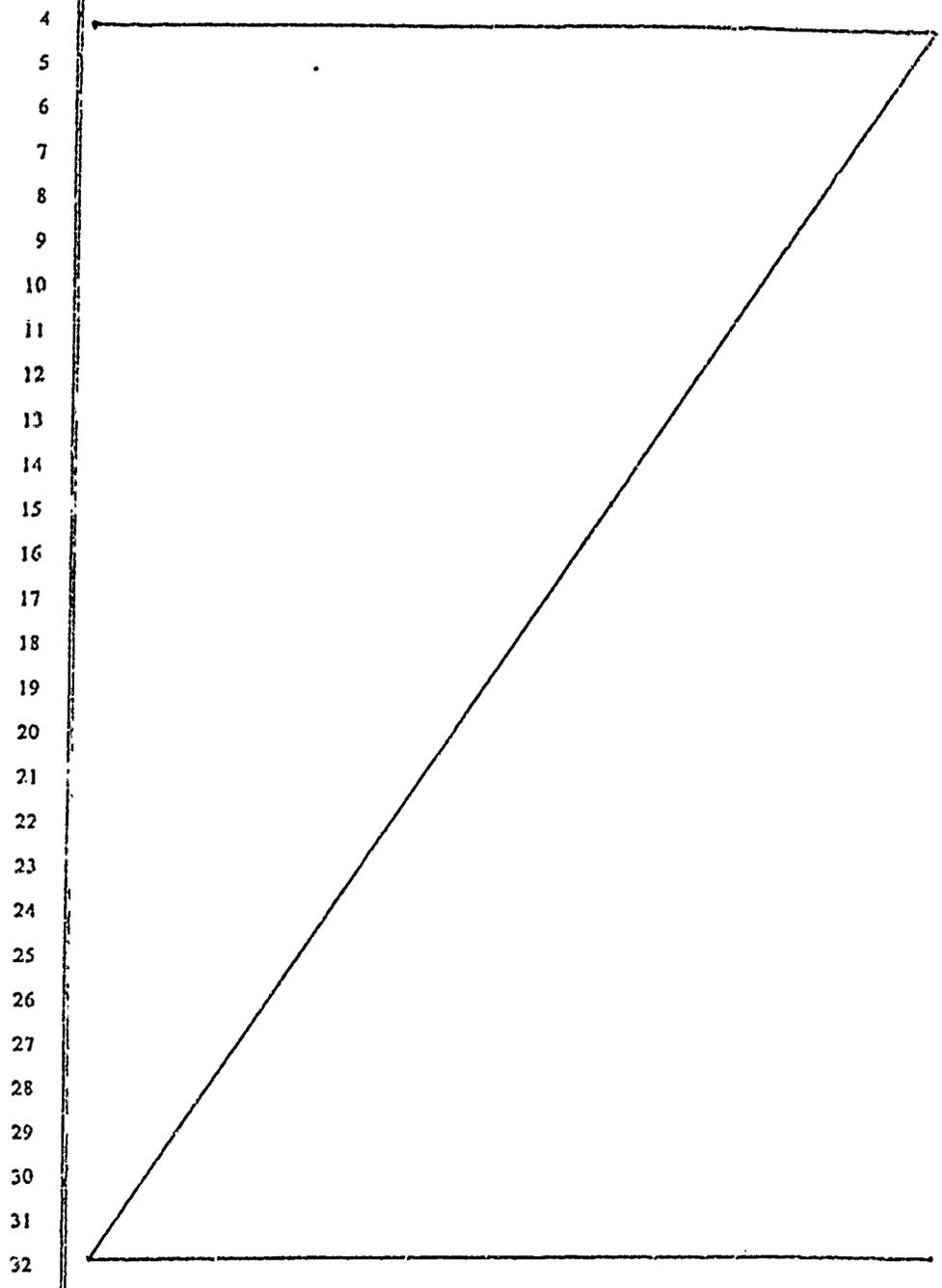
17 Portion of the Rancho Canada Del Hambre (northern part), described
18 as follows:

19 Commencing at Station "B" as referred to in the deed from G. W.
20 McNear Inc., to John A DeMartini, recorded June 10, 1953, in Book 2139 of
21 Official Records, page 119; thence from said point of commencement North 52°
22 49' 53" East along the exterior line of the 508.4-acre parcel described in
23 said deed to DeMartini, a distance of 122.13 feet to the westerly line of the
24 county road leading from Martinez to Crockett, from which point the center of
25 a curve to the right bears North 76° 30' 49" East, 100 feet; thence northerly,
26 along said curve, an arc distance of 71.20 feet to the true point of beginning
27 of the parcel of land herein described; thence from said true point of
28 beginning along said county road, as follows: North 27° 18' 30" East, 196.30
29 feet; northerly along the arc of a tangent curve to the left having a radius
30 of 270 feet, an arc distance of 191.912 feet; North 13° 25' West, 30.37 feet;
31 South 76° 35' West, 20 feet from which point the center of a curve to the right
32 bears North 76° 35' East, 180 feet; northerly along said last mentioned curve,

1 an arc distance of 157.42 feet; North $36^{\circ} 41' 30''$ East, tangent to the last
2 curve, 164.53 feet; northerly along the arc of a tangent curve to the left
3 having a radius of 60 feet, an arc distance of 63.286 feet; North $21^{\circ} 44' 30''$
4 West, 28.76 feet; South $66^{\circ} 15' 30''$ West, 23 feet from which point the center
5 of a curve to the right bears North $66^{\circ} 13' 30''$ East, 185 feet; northerly along
6 said last mentioned curve, an arc distance of 270.363 feet; North $99^{\circ} 57' 10''$
7 East, 31.54 feet; northerly along the arc of a tangent curve to the left having
8 a radius of 85 feet, an arc distance of 139.724 feet; North $55^{\circ} 46' 30''$ East,
9 45 feet; North $34^{\circ} 11' 30''$ West, 189.79 feet; South $55^{\circ} 48' 30''$ West, 15 feet,
10 from which point the center of a curve to the left bears South $55^{\circ} 48' 30''$
11 West, 95 feet; westerly along said last mentioned curve, an arc distance of
12 88.237 feet; North $27^{\circ} 24' 30''$ West, 92.91 feet; northwesterly along the arc
13 of a tangent curve to the right having a radius of 125 feet, an arc distance
14 of 115.555 feet; North $34^{\circ} 25' 30''$ West, 57.50 feet; westerly along the arc
15 of a tangent curve to the left having a radius of 75 feet, an arc distance of
16 51.924 feet; North $74^{\circ} 06' 30''$ West, 86.94 feet; northwesterly along the arc
17 of a tangent curve to the right having a radius of 125 feet, an arc distance
18 of 100.029 feet, North $28^{\circ} 15' 30''$ West, 44.025 feet; northwesterly along the
19 arc of a tangent curve to the left having a radius of 75 feet, an arc
20 distance of 49.698 feet; North $69^{\circ} 13' 30''$ West, 446.219 feet; North $23^{\circ} 46'$
21 $10''$ East, 15 feet from which point the center of a curve to the left bears
22 South $23^{\circ} 46' 30''$ West, 100 feet; along said last mentioned curve, an arc
23 distance of 19.572 feet, from which point the center of a compound curve to
24 the left bears South $18^{\circ} 32' 30''$ East, 185 feet; southwesterly along said
25 compound curve, an arc distance of 212.136 feet; South $5^{\circ} 38' 30''$ West, 47.02
26 feet; South $84^{\circ} 21' 30''$ East, 5 feet from which point the center of a curve
27 to the right bears North $84^{\circ} 21' 30''$ West 117.5 feet; southwesterly and
28 westerly, along said last mentioned curve, an arc distance of 194.29 feet;
29 thence leaving said county road South $9^{\circ} 38' 08''$ West, 47.195 feet; thence
30 South $1^{\circ} 44' 48''$ West, 114.18 feet; thence South $7^{\circ} 54' 18''$ West, 325.973
31 feet; thence South $11^{\circ} 10' 48''$ West, 249.013 feet; thence South $60^{\circ} 28' 27''$
32 East, 355.50 feet; thence South $50^{\circ} 09' 07''$ East, 356.453 feet; thence South

1 40° 58' 57" East, 248.607 feet; thence South 46° 49' 52" East, 137.176 feet;
2 thence North 69° 06' 20" East, 131.133 feet to the true point of beginning.

3. EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.



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| CALENDAR PAGE | 162 |
| MINUTE PAGE | 2838 |

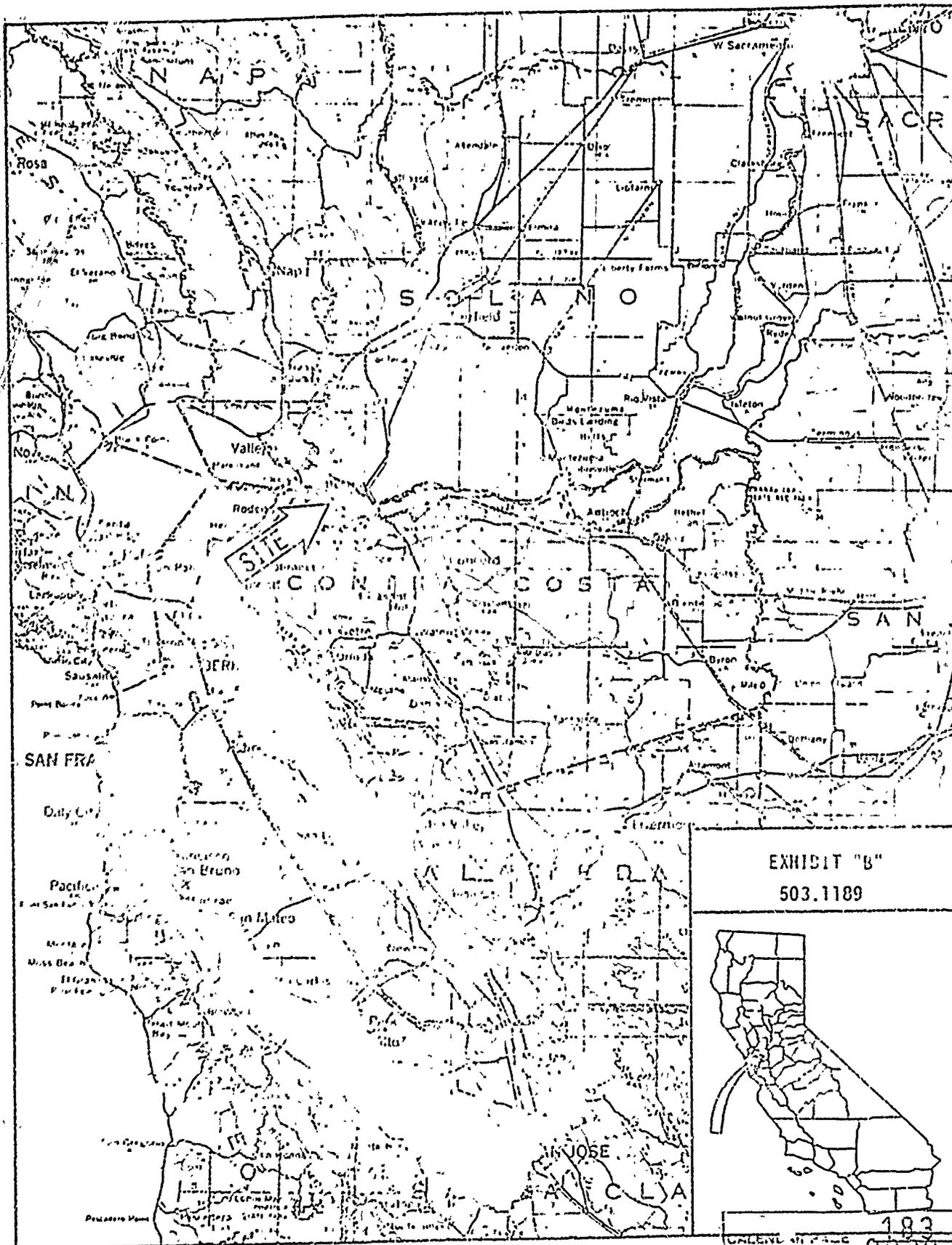


EXHIBIT "B"

503.1189



183
 SCALE IN FEET
 2039
 MINUTE PAGE

EXHIBIT "C"

A parcel of land situated in Sections 8 and 17, T. 1 N., R. 13 E., M.D.M. in the County of Calaveras, State of California, being described as follows:

The S1/2 of the SE1/4 of Section 8.

The S1/2 of the N1/2 and the N1/2 of the NE1/4 and that portion of the E1/2 of the E1/2 of the SE1/4 of Section 17 lying Northerly of the existing paved road belonging to the Pacific Asbestos Company.

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| CALENDAR PAGE | 184 |
| MINUTE PAGE | 287 |

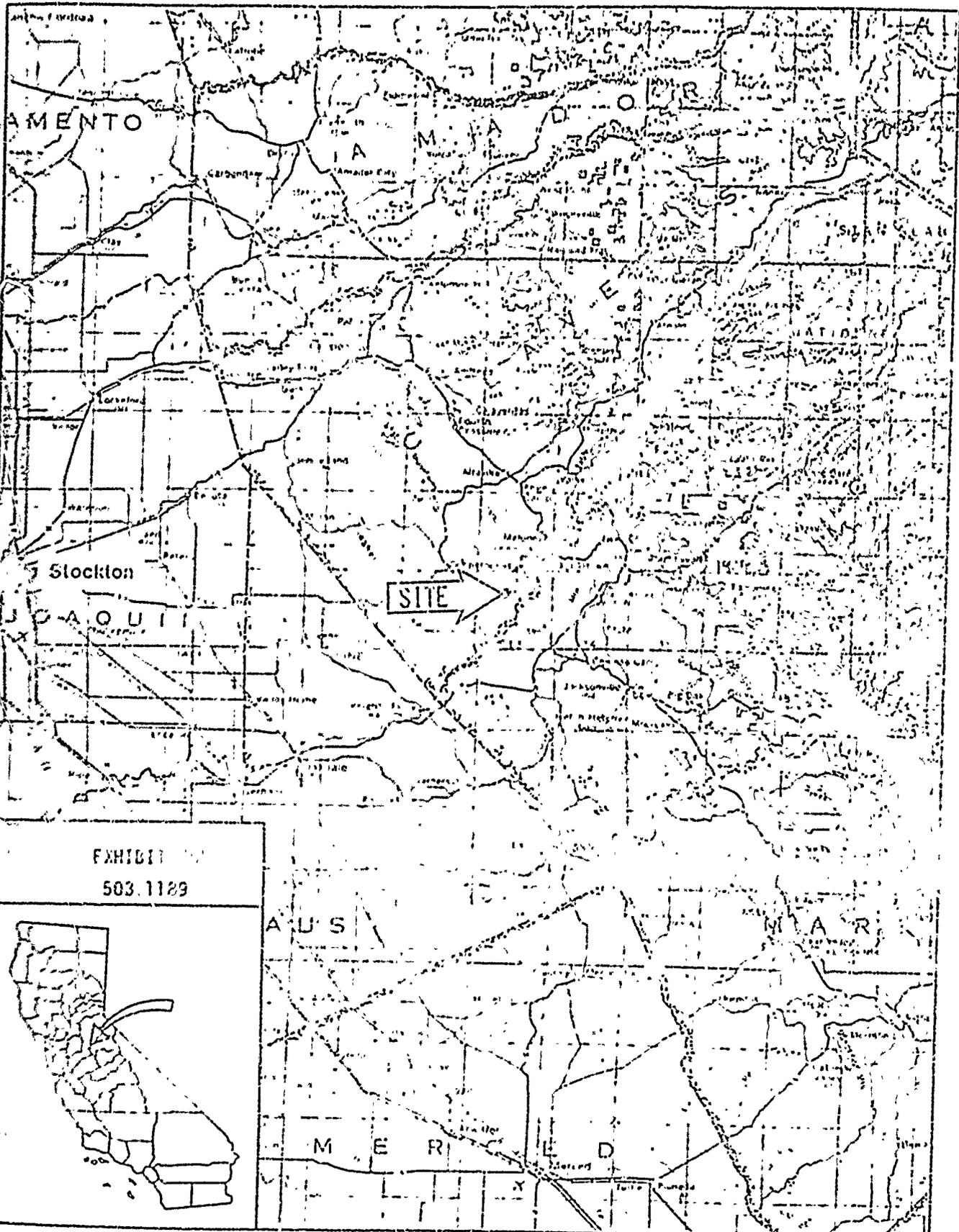


EXHIBIT
503.1129

