MINUTE ITEM
This Calendar Item No. 9
was approved as Minute Item
No. 9 by the State Lands
Commission by a vote of 3
to 0 at its 9-23-87
meeting.

CALENDAR ITEM

A 9

S 3

C09

09/23/87
W 23877
AD 65
Plummer

AUTHORIZATION FOR ACCEPTANCE AND
RECORDATION OF GRANT DEED

APPLICANT: Allen and Barbara West
55 Main Street
Tiburon, California 94920

The Greenbrae Marina Property Owners Association, a homeowners' association, currently owns a 1 1/2-acre lot adjacent to Corte Madera Canal in Larkspur Marin County. The property is depicted on Exhibit "A" and described in Exhibit "B". This description may be subject to technical changes after further review by staff and the title company. The lot is entirely covered by water except for a 7 x 105-foot strip. This dry strip of land has served as a private access strip to the water-covered portion of the lot for the exclusive enjoyment of members of the property owners' association. In 1985, the Association voted to abandon the access strip and sell it to the adjoining property owners, Allen and Barbara West. A condition of this sale is for the Wests to purchase the entire parcel and then deed to an appropriate government authority the water-covered portion of the lot. The Wests contacted the State Lands Commission regarding the acceptance of the parcel, excepting from the water-covered portion, two strips of land being 20 feet and 23 feet in width, to be retained in fee by the Wests and the adjoining upland property owner for the continued use of their existing boat docks.

Staff has made an on-site inspection of the premises and determined the parcel being offered for acceptance is indeed water-covered and adjacent to State-owned Corte Madera Canal.

Upon Commission acceptance, the deed parcel will take on the character and protections attaching to real property subject to the public trust and owned by the State in its sovereign capacity.

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.

OTHER PERTINENT INFORMATION:

1. As to the acceptance and recordation of the Grant Deed, 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. Plat.
B. Description.

IT IS RECOMMENDED THAT THE COMMISSION:

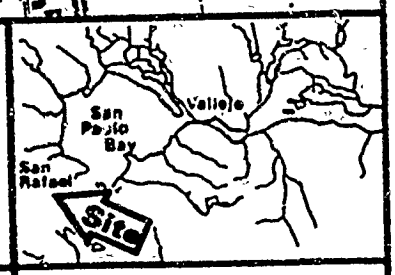
1. AS TO THE ACCEPTANCE AND RECORDATION OF THE GRANT DEED, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.

2. AUTHORIZE THE ACCEPTANCE AND RECORDATION OF A GRANT DEED FOR THE PARCEL OF REAL PROPERTY SHOWN ON ATTACHED EXHIBIT "A", MORE PARTICULARLY DESCRIBED IN EXHIBIT "B" AS LAND OWNED BY THE STATE IN ITS SOVEREIGN CAPACITY AND SUBJECT TO THE PUBLIC TRUST.

3. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS WHICH MAY BE REASONABLY NECESSARY AND CONVENIENT TO IMPLEMENT THE TRANSACTION DESCRIBED ABOVE, INCLUDING, BUT NOT LIMITED TO, EXECUTION OF DOCUMENTS OF TITLE, RECORDATION, AND APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.

STATE LANDS COMMISSION

TITLE STUDY PLAT



Prepared by: JK HERING	Date: 8-25-87	A: 9	S: 3
Title Study WEST-CORTE MADERA CANAL	W 23877		

EXHIBIT A

/ 3-N53-[141

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EXHIBIT "B"

LAND DESCRIPTION

That certain real property situate in the City of Larkspur, County of Marin, State of California described as follows:

Lot 23, as said lot is shown on that certain map entitled, "MAP OF GREENBRAE MARINA SUB. NO. ONE, LARKSPUR, MARIN COUNTY, CALIF.", recorded, on April 5, 1963, in Volume 11 of Maps at page 74, Marin County Records.

EXCEPTING THEREFROM the lands conveyed by The Greenbrae Marina Property Owners Association to Russell Merret et ux by deed recorded in Document No. 83-47606, Marin County Records;

ALSO EXCEPTING THEREFROM the following described parcel, BEGINNING at a point in the northeasterly line of Riviera Circle at the corner common to Lots 23 and 24 as shown on that certain map entitled "MAP OF GREEMBRAE MARINA SUB. NO. ONE - LARKSPUR, MARIN COUNTY, CALIF." recorded April 5, 1963 in Book 11 of Maps at Page 74, Marin County Records: running thence from said point of beginning southeasterly along said road line on a curve to the right with a radius of 50 feet and whose center bears S 46°12'23" W through a central angle of 7°35'44" for a distance of 6.63 feet to the most westerly corner of the lands conveyed by The Greenbrae Marina Property Owners Association to Russell Merret et ux by deed recorded in Document No. 83-47606, Marin County Records; thence leaving said road line and running along the northwesterly line of the lands so conveyed to Merret N 54°50' E 65.72 feet; thence N 35°10' W 0.55 feet; thence N 55°00' E 16.81 feet; thence S 35°10' E 0.50 feet and N 54°50' E 41.55 feet to the most northerly corner of the lands so conveyed to Merret; thence leaving said lands of Merret and running N 30°00' W 6.63 feet to the southeasterly corner of the aforesaid Lot 24; thence along the southeasterly line of said Lot 24 S 54°50' W 105.24 feet to the point of beginning..

AND ALSO EXCEPTING THEREFROM the following portion of Lot 23, as said lot is shown on said "MAP OF GREENBRAE MARINA SUB. NO. ONE, - LARKSPUR, MARIN COUNTY, CALIF.", a strip of land of the width of twenty (20) feet lying adjacent to and southeasterly of the course in the dividing line between Lots 23 and 24 described as "N 25°47'45" E, 106.89 feet" and extending from its intersection with the course described as "N 30°00' W, 74.13 feet" in said dividing line, to the southerly line of Corte Madera Canal; all as shown on said "MAP OF GREENBRAE MARING SUBDIVISION NO. ONE, - LARKSPUR, MARIN COUNTY CALIF."

AND ALSO EXCEPTING THEREFROM the following portion of Lot No. 23, as said lot is shown on said "MAP OF GREENBRAE MARINA SUB. NO. ONE, -LARKSPUR, MARIN COUNTY, CALIF.", a strip of land of the width of twenty-three (23) feet adjoining and lying northerly of the dividing line between Lots 22 and 23 described as "N 75°00' W, 154.83 feet and extending from its intersection with the course in the dividing line between said lots described as "N 30°00' W, 95.96 feet" to the southeasterly boundary of said Lot 23; all as shown on said "MAP OF GREENBRAE MARINA SUB. NO. ONE, - LARKSPUR, MARIN COUNTY, CALIF."

SUBJECT, HOWEVER, to all the easements, restrictions, conditions,
covenants, charges and agreements of record in said County Recorders Office, including (without exclusion of others) restrictions and conditions recorded February 10, 1950 in Volume 643 of Official Records at page 5, and restrictions and conditions recorded June 27, 1963 in Book 1700, Official Records, at page 140.

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