

MINUTE ITEM
This Calendar Item No. C99
was approved as Minute Item
No. 99 by the State Lands
Commission by a vote of 3
to 0 at its 6-19-98
meeting.

CALENDAR ITEM
C99

A 29

06/19/98

S 14

W 25459

McKown
Fossum

**CONSIDER APPROVAL AND EXECUTION OF A TITLE SETTLEMENT AND
EXCHANGE AGREEMENT, RESOLVING TITLE TO REAL PROPERTY IN AND
ALONG THE SAN JOAQUIN RIVER, FRESNO COUNTY**

PARTIES:

ELMER H. HANSEN, Co-Trustee under the Declaration of Trust by Elmer H. Hansen and Bernadine Hansen, dated June 28, 1991, as to an undivided 9/10 interest, and BERNADINE HANSEN, Co-Trustee under the Declaration of Trust by Elmer H. Hansen and Bernadine Hansen, dated June 28, 1991, as to an undivided 9/10 interest, and RICHARD ALLEN HANSEN, a married man, by Deed which recites "as his sole and separate property", as to an undivided 1/10 interest GWIN HANSEN, spouse of Richard Hansen
7855 North Valentine Avenue
Fresno, California 93711

AGENT:

Scott N. McCallum
McCallum & de Goede
1322 East Shaw Avenue, Suite 400
Fresno, California 93710

BACKGROUND:

The State of California owns the bed of the San Joaquin River between the river's two ordinary low water marks (OLWMs) (Civil Code §830). The entire river between the ordinary high water marks (OHWMs) is subject to a Public Trust Easement as described in State of California v. Superior Court (Fogerty) 29 Cal 3rd 210 (1980). This easement and the fee owned lands in the bed of the San Joaquin River are under the jurisdiction and control of the California State Lands Commission (CSLC) pursuant to Public Resources Code sections 6301 and 6216.

In 1976 the CSLC began a comprehensive investigation of the historical factual evidence relating to the San Joaquin River in order to determine the location of the State's sovereign property interests between Friant Dam and Highway 99. Upon completion of that study,

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this office prepared, printed and distributed the *San Joaquin River Administrative Maps* to the counties, city and other interested parties in April 1992.

Based upon the *San Joaquin River Administrative Maps*, the land that is the subject of this proposed title settlement agreement involves lands: 1) within the bed of the San Joaquin River outside of the Hansen Ranch's record title lands, 2) within the historic high and low water channels as it passes through Hansen Ranch's record title lands and 3) lands above the ordinary high water mark. The legal ownership and precise boundaries of the San Joaquin River involving public and private property interests can only be determined by agreement of the parties or litigation. Rather than go through the expensive, time consuming and unpredictable course of litigation the Hansens have requested that as part of their sale of certain lands to the San Joaquin Parkway Trust (which will then convey the lands to the Wildlife Conservation Board) that the CSLC and the Hansens enter into a mutually agreeable title settlement agreement.

The area involved in this proposed title settlement and exchange agreement, which is also involved in the purchase by the Wildlife Conservation Board (WCB) of certain lands lying between the lands to be conveyed to the Commission and the lands to be cleared of any sovereign title claims, is shown on Exhibit B. On March 21, 1998, WCB approved acquisition of 13.6 acres and two access easements for \$398,000. The proposed title settlement agreement is contingent on and made part of the closure of escrow on the WCB purchase. The American Farmland Trust is also negotiating with the Hansens to acquire an agricultural conservation easement over lands described in Exhibit C.

In the area involved in the proposed settlement, the San Joaquin River has been affected by human activities which have had a direct impact upon, among other characteristics, the river's location, velocity and volume of flow, seasonal flow patterns, and sediment transport and deposition. An example of the direct artificial influences is the impoundment and diversion of water for agricultural, recreational, and flood control purposes by the construction and operation of Friant Dam. Consequently the pre-artificial conditions and location of the OHWM and OLWM in this area along or through the subject property no longer is reflected by current flow conditions. These changes have also had an impact on the location and extent of the riparian corridor along the river and the associated public trust values.

Uncertainty exists as to the precise factual and legal location of the OHWM and the OLWM of the San Joaquin riverbed before the flows were controlled and artificial influences impacted the river. There is a *bona fide* dispute between the State and the Hansens as to the existence, extent, nature and location of their respective rights, titles and interests in the subject property.

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Staff has conducted an evaluation of the state's easement and fee claims in the subject area, taking into account the factual uncertainties, the legal disputes, as well as the present and foreseeable future utility to the public in asserting, exercising, or preserving the claims in their mapped location, and recommends terminating any remaining title claims in the area described in Exhibit C and the State's fee title claims in Exhibit C-1 for the areas described in Exhibit D which has greater value and utility to the Public Trust. The state's fee claims that it will be exchanging total 0.74 acres of fee in Exhibit C and 0.06 acres within Exhibit C-1. The state will also be terminating its easement claims of 10.48 acres within Exhibit C. The state will be acquiring 0.63 acres of fee title lands from Hansen, not previously subject to the public trust easement, and fee title to 14.99 acre that are subject to the easement (Exhibit D). In addition Hansen will be quitclaiming all lands lying riverward of the OLWM and which area is already state sovereign lands.

A judicial resolution of the parties' rights, titles and interests in the subject property could require costly, protracted, and vigorously disputed litigation with uncertain results if the controversy could not be resolved by settlement. The parties consider it expedient and necessary and in the best interests of the State, the public, and the Hansens to resolve this title dispute by compromise settlement, thereby avoiding the anticipated substantial costs, time requirements, and uncertainties of such litigation.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code of Regs.: Title 2, Div. 3; Title 14, Div. 6.
- C. Pursuant to Government Code section 66412(e), provisions of the Subdivision Map Act do not apply to title settlement agreements to which the CSLC is a party.
- D. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 CCR 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 CCR 15378.
- E. The STATE, acting by and through the CSLC, is authorized under Division 6 of the Public Resources Code, and specifically pursuant to sections 6307 of such code, to enter into property exchange agreements.

PERMIT STREAMLINING ACT DEADLINE:

N/A

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EXHIBITS:

- A. Description of the Subject Property
- B. Map of Agreement Area
- C. Description of Uplands to be Quitclaimed by STATE to HANSEN
- C-1. Description of Fee lands to be conveyed by STATE to HANSEN
- D. Description of River lands to be quitclaimed by HANSEN to STATE

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CCR 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CCR 15378.
2. FIND THAT, WITH RESPECT TO THE PROPOSED TITLE SETTLEMENT AGREEMENT, INCLUDING THE EXCHANGE OF ANY STATE INTEREST WITHIN THE AREA DESCRIBED IN EXHIBIT C AND TRANSFER OF FEE TITLE TO THE LANDS DESCRIBED IN EXHIBIT C-1 OF THIS CALENDAR ITEM FOR THE INTERESTS OF HANSEN IN THE AREA DESCRIBED IN EXHIBIT D:
 - A. THE AGREEMENT IS IN THE BEST INTERESTS OF THE STATE AND CONSISTENT WITH PUBLIC TRUST NEEDS.
 - B. THAT THE LANDS RECEIVED BY THE STATE ARE OF A VALUE EQUAL TO, OR GREATER THAN, THE VALUE OF THE INTEREST IN THE LANDS BEING RELINQUISHED BY THE STATE.
 - C. THE AREA OF INTERESTS IN LANDS BEING CLAIMED BY THE STATE TO BE RELINQUISHED , WHICH IS A RELATIVELY SMALL AREA (APPROXIMATELY 0.8 ACRES OF FEE LANDS AND 10.48 EASEMENT ONLY), WHICH PURSUANT TO A PROJECT FOR IMPROVEMENT OF NAVIGATION, RECREATION, AND FLOOD CONTROL, HAS BEEN EXCLUDED FROM THE PUBLIC CHANNELS, AND IS NO LONGER AVAILABLE OR SUSCEPTIBLE OF BEING USED FOR NAVIGATION AND FISHING AND IS NO LONGER IN FACT SUBMERGED LANDS IN THE PRESENT BED OF THE SAN JOAQUIN RIVER.
 - D. THE PARTIES HAVE A GOOD FAITH AND BONA FIDE DISPUTE AS TO THEIR RESPECTIVE INTERESTS AND CLAIMS WITHIN THE AGREEMENT AREA.

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- E. THE PROPOSED SETTLEMENT AGREEMENT CONSTITUTES A COMPROMISE OF THE CONTESTED ISSUES OF LAW AND FACT UPON WHICH THE DISPUTE IS BASED.
 - F. THE AGREEMENT IS IN LIEU OF THE COSTS, DELAYS, AND UNCERTAINTIES OF TITLE LITIGATION, AND IS CONSISTENT WITH AND IS AUTHORIZED BY THE REQUIREMENTS OF LAW.
 - G. ON THE EFFECTIVE DATE OF THE TITLE SETTLEMENT AGREEMENT AND CONSISTENT WITH ITS TERMS, THE SUBJECT PROPERTY WILL NO LONGER BE NECESSARY OR USEFUL FOR THE PURPOSES OF THE PUBLIC TRUST AND THE PUBLIC TRUST EASEMENT WILL BE TERMINATED.
3. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGMENT, AND RECORDATION, ON BEHALF OF THE STATE LANDS COMMISSION, OF THE HANSEN RANCH TITLE SETTLEMENT AGREEMENT IN SUBSTANTIALLY THE FORM OF THE COPY OF SUCH AGREEMENT ON FILE WITH THE COMMISSION.
4. AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGMENT, ACCEPTANCE, AND RECORDATION OF ALL DOCUMENTS AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE TITLE SETTLEMENT AGREEMENT; AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE AGREEMENT.

EXHIBIT A

SUBJECT PROPERTY

All of those lands within the SE/4 of §26 and the NE/4 of §35, T 12 S, R 10 E, MDM, lying within the lands more particularly described in Exhibits C, C-1, and D attached hereto, and as shown for reference purpose only on Exhibit B, within Fresno County, State of California.

END OF DESCRIPTION

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EXHIBIT C
UPLAND PARCEL

PARCEL 1:

That portion of the Northeast one-quarter of Section 35, Township 12 South, Range 19 East, Mount Diablo Base and Meridian, Fresno County, California described as follows:
Beginning at the Northeast corner of said Section 35, thence South 1°02'40" East along the East line of said Section 35 a distance of 514.00 feet; thence South 88°20' West a distance of 448.00 feet to the true point of beginning; thence South 35°51' West a distance of 95.00 feet; thence South 47°44'15" West a distance of 410.00 feet; thence South 62°21'15" West a distance of 87.00 feet; thence South 36°15'15" West a distance of 722.00 feet; thence North 52°23" West a distance of 225.00 feet; thence South 39°54'15" West a distance of 288.00 feet; thence South 42°49' East a distance of 143.90 feet; thence South 47°21'15" West a distance of 340.00 feet; thence South 79°24' West a distance of 240.00 feet; thence North 4°56' East a distance of 655.00 feet; thence North 51°58' West a distance of 70.05 feet; thence North 19°00' West a distance of 759.20 feet; thence North 88°38' East a distance of 1424.00 feet; thence South 0°46' East a distance of 17.97 feet; thence North 88°46' East a distance of 436.55 feet to the true point of beginning.

EXCEPTING THEREFROM the following described land:

That portion of Section 35, Township 12 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official Plat of the survey of said land on file in the office of the Bureau of Land Management, described as follows: Beginning at the Northeast corner of said Section 35; thence South 1°02'40" East, along the East line of said Section 35, a distance of 514.00 feet; thence South 88°20' West, a distance of 448.00 feet to the true point of beginning; thence South 35°51' West, a distance of 19.30 feet; thence North 0°52'30" East, a distance of 15.40 feet; thence North 88°46' East, a distance of 11.06 feet to the true point of beginning;

EXCEPTING THEREFROM one-half of all oil, gas and other minerals and mineral rights, whether metallic or non-metallic, together with all easements and rights necessary or convenient for the production, storage and transportation of oil, gas and minerals and the exploration and testing of said land and the right to drill for, produce and use water and incidental purposes as reserved by West Coast Life Insurance Company, a corporation, in Deed recorded April 30, 1951, in Book 3009, Page 234, of Official Records.

ALSO EXCEPTING that portion of Section 35, Township 12 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official Plat of the survey of said land on file in the office of the Bureau of Land Management, described as follows:

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Beginning at the Northeast corner of said Section 35; thence South 1°02'40" East, along the East line of said Section 35, a distance of 514.00 feet; thence South 88°20' West a distance of 448.00 feet; thence South 35°51' West a distance of 95.00 feet; thence South 47°44'15" West a distance of 410.00 feet; thence South 62°21'15" West a distance of 87.00 feet; thence South 36°15'15" West a distance of 722.00 feet; thence North 52°23' West a distance of 225.00 feet; thence South 39°54'15" West a distance of 288.00 feet; thence South 42°49' East a distance of 143.90 feet; thence South 47°21'15" West a distance of 164.52 feet to the true point of beginning; thence South 47°21'15" West a distance of 175.48 feet; thence South 79°24' West a distance of 121.40 feet; thence North 60°23' East a distance 285.74 feet to the true point of beginning;

EXCEPTING THEREFROM one-half of all oil, gas and other minerals and mineral rights, whether metallic or non-metallic, together with all easements and rights necessary or convenient for the production, storage and transportation of oil, gas and minerals and the exploration and testing of said land and the right to drill for, produce and use water and incidental purposes as reserved by West Coast Life Insurance Company, a corporation, in Deed recorded April 30, 1951, in Book 3009, Page 234, of Official Records.

PARCEL 2:

That portion of the Northeast quarter of Section 35, Township 12 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official Plat of the survey of said land on file in the Bureau of Land Management, bounded as follows:

Beginning at the Northeast corner of said Section 35; thence running South 1°21' East along the East line of said Section, a distance of 7.43 chains; thence South 88°20' West 40.42 chains to the West line of the Northeast quarter of said Section 35; thence along said line North 1°43' West a distance of 7.36 chains to the United States Meander Line; thence along said meander line North 75°15' East a distance of 4.65 chains to the North line of said Section 35, thence along said North line of said Section 35 North 89°53' East a distance of 36.97 chains to the point of beginning, and all of Lots 6 and 7 in Section 26, Township 12 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official Plat of the survey of said land on file in the Bureau of Land Management; Except from the above described land that portion bounded and described as follows:

Beginning at the Northeast corner of said Section 35, and running thence along the East line of said Section South 1°21' East a distance 7.43 chains; thence South 88°20' West a distance of 12.70 chains; thence North 1°21' West, a distance of 7.50 chains to the North line of said Section 35; thence North 17°30' East a distance of 10.70 chains to the North line of said Lot 7; thence along said North line North 86°45' East a distance of 4.63 chains; thence South 34°25' East a distance of 8.70 chains to the East line of said Lot 7; thence along said East line South 1°21' East 3 chains to the point of beginning; together with all accretions to the land hereinabove described and together with all appurtenances to said real property including easements and rights of way for road purposes over and across tracts of land described as follows:

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(1) Commencing at a point 20 feet West of the Southeast corner of the parcel of land above described and running thence South 20 feet; thence East to the County road (now abandoned, formerly known as Valentine Avenue), running along the East line of a portion of the Northeast quarter of Section 35, Township 12 South, Range 19 East, Mount Diablo Base and Meridian, thence North 20 feet; thence West to the point of commencement.

(2) That portion of a right of way for public road as conveyed by a deed to the County of Fresno recorded in Volume 596 of Deeds at page 300 in the office of the County Recorder of Fresno County, California, consisting of a strip of land 20 feet in width, the center line of which is described as follows: Commencing at a point on the Section line 241.5 feet South of the Northwest corner of Section 36, Township 12 South, Range 19 East, Mount Diablo Base and Meridian, thence South 0°10' East along the section line 910 feet; thence South 20° West 200 feet; thence South 36°30' West 128 feet.

PARCEL 3

All that portion of the following described property herein designated PARCEL A, which lies South of a line described as Beginning at the Northeast corner of said Section 35; thence South 1°02'40" East, a distance of 490.38 feet to the point of beginning of said line; thence South 88°20' West, a distance of 884.44 feet to the Westerly terminus of said line.

PARCEL A is described as follows:

That portion of Sections 26 and 35, Township 12 South, Range 19 East, Mount Diablo Base and Meridian, according to the official plat of the survey of said land on file in the office of the Bureau of Land Management, described as follows:

Beginning at the Northeast corner of said Section 35; thence South 1°02'40" East, along the East line of said Section 35, a distance of 514.00 feet; thence South 88°20' West, a distance of 448.00 feet; thence South 88°46' West, a distance of 11.06 feet to the true point of beginning; thence South 88°46' West, a distance of 425.49 feet; thence North 0°46' West, a distance of 17.97 feet; thence North 88°20' East, a distance of 46.24 feet, more or less, to the Southwesterly corner of the property conveyed to the San Joaquin Country Club by Parcel 3 of the Agreement of Sale recorded May 11, 1962, in Book 4718, Pages 130 through 140 of Official Records, Document No. 38736; thence along the Westerly line of said property conveyed to the San Joaquin Country Club North 1°21' West, a distance of 495.00 feet and North 17°30' East, a distance of 554.55 feet; thence South 10°38' East, a distance of 229.19 feet; thence South 15°55' East, a distance of 260.00 feet; thence South 33°30'30" East, a distance of 125.00 feet; thence South 18°43'30" East, a distance of 145.00 feet; thence South 0°52'30" West, a distance of 317.10 feet to the true point of beginning;

EXCEPTING one-half of all oil, gas and other minerals and mineral rights, whether metallic or non-metallic, together with all easements and rights necessary or convenient for the

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production,
storage and transportation of oil, gas and minerals and the exploration and testing of said land and the right to drill for, produce and use water and incidental purposes as reserved by West Coast Life Insurance Company, a corporation, in Deed recorded April 30, 1951, in Book 3009, Page 234, of Official Records.

PARCEL 4:

That portion of Sections 26 and 35, Township 12 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official Plat of the survey of said land on file in the office of the Bureau of Land Management, described as follows: Beginning at the Northeast corner of said Section 35; thence South 1°02'40" East, along the East line of said Section 35, a distance of 514.00 feet; thence South 88°20' West, a distance of 448.00 feet; thence South 88°46' West, a distance of 11.06 feet to the true point of beginning; thence South 88°46' West, a distance of 425.49 feet; thence North 0°46' West, a distance of 17.97 feet; thence North 88°20' East, a distance of 46.24 feet; more or less, to the Southwesterly corner of the property conveyed to the San Joaquin Country Club by Parcel 3 of the Agreement of Sale recorded May 11, 1962, in Book 4718 Pages 130 through 140 of Official Records, Document No. 38736; thence along the Westerly line of said property conveyed to the San Joaquin Country Club, North 1°21' West, a distance of 495.00 feet and North 17°30' East, a distance of 554.55 feet; thence South 10°38' East, a distance of 229.19 feet; thence South 15°55' East, a distance of 260.00 feet; thence South 33°30'30" East, a distance of 125.00 feet; thence South 18°43'30" East, a distance 145.00 feet; thence South 0°52'30" West, a distance of 317.10 feet to the true point of beginning.

EXCEPTING THEREFROM any portion thereof, lying South of the following described line: Beginning at the Northeast corner of said Section 35; thence South 1°02'40" East, a distance of 490.38 feet to the point of beginning of said line; thence South 88°20' West, a distance of 884.44 feet to the Westerly terminus of said line;

ALSO EXCEPTING THEREFROM an undivided 7/8ths interest in and to all oil and gas in or under said property as reserved in the deed from Elmer L. Richter, et al, to George F. Seeman and Hazel O. Seeman, his wife, recorded December 20, 1946, in Book 2485, Page 89, Official Records, Document No. 84284;

ALSO EXCEPT an undivided 1/8th interest in and to all oil, gas in or under said property as reserved in the deed from Claude J. Jackson and Olive E. Jackson, husband and wife, to John W. Carrell and Olivia J. Carrell, husband and wife, as joint tenants, dated October 14, 1959, recorded October 21, 1959, in Book 4289, Page 151, of Official Records, Document No. 74757.

PARCEL 5:

That portion of Sections 35, Township 12 South, Range 19 East, ~~Mount Diablo Base and~~

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Meridian, according to the Official Plat of the survey of said land on file in the office of the Bureau of Land Management, described as follows:

Beginning at the Northeast corner of said Section 35; thence South 1°02'40" East, along the East line of said Section 35, a distance of 514.00 feet; thence South 88°20' West, a distance of 448.00 feet; thence South 35°51' West, a distance of 95.00 feet; thence South 47°44'15" West, a distance of 410.00 feet; thence South 62°21'15" West, a distance of 87.00 feet; thence South 36°15'15" West, a distance of 722.00 feet; thence North 52°23' West, a distance of 225.00 feet; thence South 39°54'15" West, a distance 288.00 feet; thence South 42°49' East, a distance of 143.90 feet to the true point of beginning; thence South 42°49' East, a distance of 38.10 feet; thence South 60°23' West, a distance of 168.98 feet; thence North 47°21'15" East, a distance of 164.52 feet to the true point of beginning.

EXCEPTING one-half of all oil, gas and other minerals and mineral rights, whether metallic or non-metallic, together with all easements and rights necessary or convenient for the production, storage and transportation of oil, gas and minerals and the exploration and testing of said land and the right to drill for, produce and use water and incidental purposes as reserved by West Coast Life Insurance Company, a corporation, in Deed recorded April 30, 1951, in Book 3009, Page 234, of Official Records.

PARCEL 6:

That portion of Section 35, Township 12 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official Plat of the survey of said land on file in the office of the Bureau of Land Management, described as follows:

Beginning at the Northeast corner of said Section 35; thence South 1°02'40" East, along the East line of said Section 35, a distance of 514.00 feet; thence South 88°20' West, a distance of 448.00 feet; thence South 35°51' West, a distance of 95.00 feet; thence South 47°44'15" West, a distance of 410.00 feet; thence South 62°21'15" West, a distance of 87.00 feet; thence South 36°15'15" West, a distance of 722.00 feet; thence North 52°23' West, a distance of 225.00 feet; thence South 39°54'15" West, a distance of 288.00 feet; thence South 42°49' East, a distance of 143.90 feet; thence South 47°21'15" West, a distance of 340.00 feet; thence South 79°24' West, a distance of 121.40 feet to the true point of beginning; thence South 79°24' West, a distance of 118.60 feet; thence North 4°56' East, a distance of 655.00 feet; thence North 51°58' West, a distance of 70.05 feet; thence North 19°00' West, a distance of 759.20 feet to the Northerly line of the property conveyed to the San Joaquin Country Club by Parcel 2 of the Agreement of Sale recorded May 11, 1962 in Book 4718, Pages 130 through 140, of Official Records, Document No. 38736; thence South 88°20' West along said Northerly line, a distance of 359.28 feet, more or less, to the West line of the Northeast quarter of said Section 35; thence Southerly, along said West line of the Northeast quarter of Section 35, a distance of 1565.08 feet; thence North 78°49' East, a distance of 564.84 feet; thence North 60°23' East, a distance of 149.28 feet to the True Point of Beginning;

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EXCEPTING THEREFROM one-half of all oil, gas and other minerals and mineral rights, whether metallic or non-metallic, together with all easements and rights necessary or convenient for the production, storage and transportation of oil, gas and minerals and the exploration and testing of said land and the right to drill for, produce and use water and incidental purposes as reserved by West Coast Life Insurance Company, a corporation, in Deed recorded April 30, 1951, in Book 3009, Page 234, of Official Records.

PARCEL 7:

That portion of the Swamp and Overflow Lands Accretion lands, in Section 26, Township 12 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official Plat of the survey of said land on file in the office of the Bureau of Land Management, in the County of Fresno, State of California, lying within the following described property:

Beginning at a point 7.43 chains South 1°21' East and 12.7 chains South 88°20' West from Northeast corner of Section 35; thence North 1°21' West 7.5 chains; thence North 17°30' East 750.7 feet; thence North 57°34' West 521.2 feet; thence North 66°19' West 263.9 feet; thence South 57°52' West 370.5 feet; thence South 49°31' West 547.5 feet; thence South 35°38' West 645 feet, thence South 53°06' West 328.3 feet; thence South 01°43' East 375.9 feet; thence North 88°20' East 1832.8 feet to the beginning.

EXCEPTING THEREFROM any portion thereof lying within the above described 7 Parcels, described as follows:

That portion of the Northeast quarter of Section 35 and the Southeast quarter of Section 26, both in Township 12 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

BEGINNING at the Northeast corner of said Section 35; thence North 89°30'48" West, along the North line of the Northeast quarter of said Section 26, a distance of 542.46; thence North 33°30'30" West, a distance of 32.18 feet; thence North 15°55'00" West, a distance of 260.00 feet; thence North 10°38'00" West, a distance of 237.59 feet; thence North 17°48'20" East, a distance of 74.12 feet to the TRUE POINT OF BEGINNING OF THIS EXCEPTION; Thence North 84°07'56" West, a distance of 868.55 feet; thence North 85°56'53" West, a distance of 105.85 feet; thence South 38°32'21" West, a distance of 76.10 feet; thence South 33°53'51" West, a distance of 742.42 feet; thence South 67°12'27" West, a distance of 617.56 feet to a point on the West line of the Northeast quarter of said Section 35; thence North 01°09'11" West, along said West line, a distance of 165.47 feet; thence North 75°48'49" East, a distance of 225.80 feet; thence North 52°41'03" East, a distance of 55.20 feet; thence North 35°09'49" East, a distance of 642.26 feet; thence North 49°05'35" East, a distance of 546.18 feet; thence North 57°27'29" East, a distance of 370.04 feet; thence South 66°52'23" East, a distance of 265.50 feet; thence South 58°10'51" East, a distance of 524.78 feet; thence South 17°48'20" West, a distance of 143.17 feet to the TRUE POINT OF BEGINNING OF THIS EXCEPTION.

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EXHIBIT C-1

STATE FEE LAND TO HANSEN

All that portion of the former low water channel of the San Joaquin River, consisting of 0.06 acres, more or less, lying within the following described parcel:

That portion of the Northeast quarter of Section 35 and the Southeast quarter of Section 26, both in Township 12 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

BEGINNING at the Northeast corner of said Section 35; thence North $89^{\circ}30'48''$ West, along the North line of the Northeast quarter of said Section 26, a distance of 542.46; thence North $33^{\circ}30'30''$ West, a distance of 32.18 feet; thence North $15^{\circ}55'00''$ West, a distance of 260.00 feet; thence North $10^{\circ}38'00''$ West, a distance of 237.59 feet; thence North $17^{\circ}48'20''$ East, a distance of 74.12 feet to the TRUE POINT OF BEGINNING;

Thence North $84^{\circ}07'56''$ West, a distance of 868.55 feet; thence North $85^{\circ}56'53''$ West, a distance of 105.85 feet; thence South $38^{\circ}32'21''$ West, a distance of 76.10 feet; thence South $33^{\circ}53'51''$ West, a distance of 742.42 feet; thence South $67^{\circ}12'27''$ West, a distance of 617.56 feet to a point on the West line of the Northeast quarter of said Section 35; thence North $01^{\circ}09'11''$ West, along said West line, a distance of 165.47 feet; thence North $75^{\circ}48'49''$ East, a distance of 225.80 feet; thence North $52^{\circ}41'03''$ East, a distance of 55.20 feet; thence North $35^{\circ}09'49''$ East, a distance of 642.26 feet; thence North $49^{\circ}05'35''$ East, a distance of 546.18 feet; thence North $57^{\circ}27'29''$ East, a distance of 370.04 feet; thence South $66^{\circ}52'23''$ East, a distance of 265.50 feet; thence South $58^{\circ}10'51''$ East, a distance of 524.78 feet; thence South $17^{\circ}48'20''$ West, a distance of 143.17 feet to the TRUE POINT OF BEGINNING.

Excepting and reserving therefrom, the public trust easement for commerce, navigation, fisheries and other public purposes.

END OF DESCRIPTION

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**EXHIBIT D
RIVER PARCEL**

All of those lands which by operation of law are portions of U. S. Government Lots 6 and 7 in Section 26 and portions of the Northeast one-quarter of Section 35, all in Township 12 South, Range 19 East, Mount Diablo Meridian and that portion of the bed of the San Joaquin River lying below the Line of Ordinary Low Water, in the County of Fresno, State of California, lying Northerly of the following described LINE A and Westerly of the following described LINE B:

LINE A

COMMENCING at the Northeast Corner of said Section 35 as said Corner is shown on RECORD OF SURVEY Filed in Book 21 of Record of Surveys, at Page 96, Fresno County Records, said Corner is shown as the NW COR. Sec 36 on said Record of Survey; thence N 89°30'48" W, a distance of 542.46 feet; thence N 33°30'30" W, a distance of 32.18 feet; thence N 15°55'00" W, a distance of 29.96 feet; thence N 15°30'30" W, a distance of 260.00 feet; thence N 10°38'00" W, a distance of 237.59 feet; thence N 17°48'20" E, a distance of 217.29 feet to a point herein designated POINT A and the TRUE POINT OF BEGINNING; thence N 58°10'51" W, a distance of 524.78 feet; thence N 66°52'23" W, a distance of 265.50 feet; thence S 57°27'29" W, a distance of 370.04 feet; thence S 49°05'35" W, a distance of 546.18 feet; thence S 35°09'49" W, a distance of 642.26 feet; thence S 52°41'03" W, a distance of 55.20 feet; thence S 75°48'49" W, a distance of 225.80 feet to the Northerly prolongation of the West line of said Northeast one-quarter of said Section 35 and the end of the herein described LINE A.

LINE B

BEGINNING at the herein above described POINT A; thence N 17°48'20" E, a distance of 441 feet to the Low Water Line of the San Joaquin River as said line is shown on Sheet 13 of those maps entitled ADMINISTRATIVE MAP SAN JOAQUIN RIVER, dated April 1992, on file in the Offices of the California State Lands Commission, thence continuing N 17°48'20" E to the centerline of the San Joaquin River and the end of the herein described LINE B.

Bearings used in the above descriptions are based on the Record of Survey Filed in Book 21 of Record of Surveys, at Page 96, Fresno County Records.

END OF DESCRIPTION

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