MINUTE ITEM

This Calendar Item No. C80 was approved as Minute Item No. 80 by the California State Lands Commission by a vote of 3 to 0 at its 8-19-03 meeting.

CALENDAR ITEM
C80

A 25

S 12

08/19/03
W 23565
AD 418
C. Fossum
J. M. McKown

CONSIDER AMENDMENT TO PROPOSED TITLE SETTLEMENT AGREEMENT INVOLVING CERTAIN REAL PROPERTY IN AND ADJACENT TO THE SAN JOAQUIN RIVER, FRESNO AND MADERA COUNTIES

PRIVATE PARTY:

Angie Spano, as Trustee under the Last Will
and Testament of Oscar P. Spano, deceased,
with full powers, and Angie Spano, a Widow
c/o M. Carlson Lee
777 West Shaw Ave
Fresno CA 93704

BACKGROUND:

To facilitate an acquisition by the San Joaquin River Conservancy, the Trust for Public Land and San Joaquin River Conservation and Parkway Trust have negotiated an option to purchase lands from the Spano family that constitute the largest privately owned parcel along the river in the City of Fresno. The California State Lands Commission (Commission) has twice previously approved agenda items seeking to resolve title to the riverbed with the Spano family. On April 9, 2002, the Commission approved Minute Item 50, which amended its prior authorization of Minute Item 71 from the meeting of November 26, 2001.

At the time of the Commission's consideration of the initially proposed title settlement agreement, Spano had requested that the Commission execute a waiver and release of owner's liability relating to toxic or hazardous materials in exchange for Spano's conveyance of a quitclaim deed to the State of any private right, title or interest in the riverbed. Commission staff was unable to recommend that the Commission approve such a release of liability.

Subsequent to the Commission's action on November 26, 2001, it was determined by the staffs of the San Joaquin River Conservancy, the Commission, the Trust for Public Land, and the Wildlife Conservation Board (which are assisting the Conservancy in its proposed acquisition of the upland property), that a portion of the property they were to acquire contained a landfill. In order to exclude the area containing the landfill, title to the lands within APN 405-340-02 are no longer part of that purchase.

The 2002 proposed agreement provided for (1) the acceptance of two quitclaim deeds from Spano to the Commission for those portions of the river below the Low Water Mark, adjacent to the lands being purchased by and conveyed to the San Joaquin River Conservancy, as more particularly described in the legal description attached as Exhibit A and B, thereto; and (2) conveyance of a 49-year non-exclusive easement from the CSLC to Spano for gas monitoring, well maintenance and slope maintenance.

In order to remedy the situation of a landfill existing on state land, staff has subsequently negotiated with Spano to exchange the state's fee title within the landfill to Spano for a riparian area downstream. The specific landfill portion of the historic riverbed that is proposed to be exchanged (see Exhibit F) consists of approximately 0.92 acres; the fee title in this area would be deeded by the State to Spano under the proposed agreement. The parcel, however, contains an access road that staff believes could someday facilitate public access along the River. Because this area is directly adjacent to the waterfront, findings necessary to authorize termination of the public trust easement cannot be made. Therefore, staff believes that it is in the State's best interests to reserve the trust easement and provide for opening of access along the water at such time as the CSLC or its designees resolve any safety issues. In exchange for the 0.92 acre conveyance of filled lands to Spano, the settlement agreement provides for conveyance by Spano to State of a non-exclusive public access easement, forty feet in width and conveyance of a public trust easement over 1.61 acres, acknowledging that 0.50 acres are already subject to the easement, and an option to acquire fee title to the entire 2.11 acre public trust easement property for $1, within 20 years. This option will allow the State to do an environmental assessment of the property prior to acquisition of the fee. The value of the easement (1.61 acres) and option (2.11 acres) to be conveyed to the State has been compared with the value of the landfill area being deeded by the State to Spano (0.92 acre) and the easement value exceeds that of the landfill.

OTHER PERTINENT INFORMATION:

1. The State, acting by and through the Commission, is authorized under Division 6 of the Public Resources Code, and specifically pursuant to sections 6307 and 6357 of such code, to enter into property exchange and boundary line agreements.

2. Pursuant to Government Code section 66412(e), provisions of the Subdivision Map Act do not apply to title settlement agreements to which the Commission is a party.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project. The project is exempt because it involves settlements of title and boundary problems.
Authority: Public Resources Code section 21080.11.

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.

PERMIT STREAMLINING ACT DEADLINE:

N/A

EXHIBITS:

A. San Joaquin River Parcel Description - Fresno County
B. San Joaquin River Parcel Description - Madera County
C. Filled Riverbed Parcel Description- Fresno County
D. Public Trust Easement and Option Parcels Description – Fresno County
E. Non-exclusive Access Easement Parcel Description – Fresno County
F. Location/Site Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.

2. FIND THAT, WITH RESPECT TO THE PROPOSED MODIFIED TITLE SETTLEMENT AGREEMENT, INCLUDING THE QUITCLAIM TO THE STATE OF ANY CLAIM OF INTEREST BY SPANO WITHIN THE AREAS DESCRIBED

IN EXHIBITS A AND B AND THE GRANT OF A PUBLIC TRUST EASEMENT AND OPTION TO ACQUIRE FEE OVER THE LANDS DESCRIBED IN EXHIBIT D AND A NON-EXCLUSIVE ACCESS EASMENT OVER THE LANDS DESCRIBED IN EXHIBIT E IN EXCHANGE FOR CONVEYANCE OF FEE TITLE BY THE STATE OVER THE LANDS DESCRIBED IN EXHIBIT C:

A. THE MODIFIED AGREEMENT IS IN THE BEST INTERESTS OF THE STATE AND CONSISTENT WITH PUBLIC TRUST NEEDS.

B. THE INTERESTS IN 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 QUITCLAIMED TO SPANO, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT C, IS A RELATIVELY SMALL AREA (APPROXIMATELY 0.92 ACRE), HAS BEEN EXCLUDED FROM THE PUBLIC CHANNELS, AND IS NO LONGER AVAILABLE OR SUSCEPTIBLE OF BEING USED FOR NAVIGATION OR FISHERIES AND IS NO LONGER IN FACT SUBMERGED LANDS IN THE BED OF THE SAN JOAQUIN RIVER.

D. THE CONVEYANCES PROPOSED BY THE MODIFIED AGREEMENT WILL NOT INTERFERE WITH BUT RATHER ENHANCE THE PUBLIC'S RIGHTS OF FISHING AND NAVIGATION IN THE SAN JOAQUIN RIVER.

E. THE PARTIES HAVE A GOOD FAITH AND BONA FIDE DISPUTE AS TO THEIR RESPECTIVE INTERESTS AND CLAIMS WITHIN THE MODIFIED AGREEMENT AREA.

F. THE PROPOSED MODIFIED SETTLEMENT AGREEMENT CONSTITUTES A COMPROMISE OF THE CONTESTED ISSUES OF LAW AND FACT UPON WICH THE DISPUTE IS BASED.

G. THE MODIFIED 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.

3. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGMENT, AND RECORDATION ON BEHALF OF THE CALIFORNIA STATE LANDS COMMISSION OF THE MODIFIED SPANO TITLE SETTLEMENT AGREEMENT IN SUBSTANTIALLY THE FORM OF THE COPY OF SUCH MODIFIED AGREEMENT ON FILE WITH THE COMMISSION.

4. AUTHORIZE AND DIRECT THE STAFF OF THE CALIFORNIA STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE CALIFORNIA STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGMENT, ACCEPTANCE, AND RECORDATION OF ALL DOCUMENTS AND PAYMENTS AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE MODIFIED TITLE SETTLEMENT AGREEMENT; AND TO APPEAR ON BEHALF OF THE CALIFORNIA STATE LANDS COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE MODIFIED AGREEMENT.

EXHIBIT A
SAN JOAQUIN RIVER PARCEL DESCRIPTION
FRESNO COUNTY

A parcel of land in the bed of the San Joaquin River, situate in the County of Fresno, State of California and lying within the exterior boundaries of Fractional Sections 20, 21, 29 and 32, T. 12 S., R. 20 E., M. D. M. as shown on the Official U. S. Government Township Plat, said parcel being all that land within said county as shown on Map of Re-Survey filed in Book 19 of Record of Surveys at Pages 65 and 66, Fresno County Records, lying northerly and westerly of the following described line:

BEGINNING at a point on the Low Water Line of the San Joaquin River as said line is shown on sheet 9 of 27 of the Administrative Map of the San Joaquin River dated April 1992, on file in the offices of the California State Lands Commission, said point bears S 4°58'55" E, 1929.14 feet from a Cotton Spindle marking the North ¼ corner of Section 21, T. 12 S., R. 20 E., M. D. M. per Madera County Corner Records and as shown on said sheet 9; said 1/4 corner having California Coordinate System, Zone 4 (NAD 83) coordinates of North = 2,204,760.630 feet and East = 6,329,837.964 feet; thence along said Low Water Line the following courses: S 66°28'32" W, 51.99 feet; thence S 62°32'22" W, 116.68 feet; thence S 63°10'22" W, 90.09 feet; thence S 69°38'01" W, 80.64 feet to the intersection with the westerly right of way line of State Highway 06 - Fre, Med - 41 as said Right of Way is shown on Map showing Sovereign Lands of the State of California in Fresno and Madera Counties across the San Joaquin River near Fresno, needed as a right of way for and the protection of State Highway, Road –06-Fre, Mad-41-33.4; 0.00 approved and filed for record with the California State Lands Commission on August 21, 1996 as map number CXB 6327, said intersection bears S 3°52'09" W, 2069.85 feet from said ¼ Corner, thence continuing along said Low Water Line the following courses; S 69°38'01" W, 14.43 feet; thence S 62°05'33" W, 93.42 feet; thence S 39°09'06" W, 86.90 feet; thence S 33°46'18" W, 54.76 feet; thence S 42°44'50" W, 99.60 feet; thence S 46°35'15" W, 147.92 feet; thence S 39°29'17" W, 112.33 feet; thence S 53°36'45" W, 122.83 feet; thence S 46°50'35" W, 111.41 feet; thence S 61°03'13" W, 141.50 feet; thence S 27°39'06" W, 75.42 feet; thence S 18°39'53" W, 84.70 feet; thence S 54°30'30" W, 85.12 feet; thence S 88°29'21" W, 96.50 feet; thence S 68°26'33" W, 53.44 feet; thence S 37°01'32" W, 82.90 feet; thence S 49°48'11" W, 124.46 feet; thence S 49°45'40" W, 132.44 feet; thence S 54°57'16" W, 108.05 feet; thence S 61°20'11" W, 95.69 feet; thence S 53°51'13" W, 160.24 feet; thence S 42°41'35" W, 158.90 feet; thence S 38°29'46" W, 158.02 feet; thence S 49°48'53" W, 130.63 feet; thence S 36°45'04" W, 122.73 feet; thence S 30°40'01" W, 151.64 feet; thence S 25°35'08" W, 151.68 feet; thence S 11°59'14" W, 85.44 feet; thence S 3°58'05" W, 145.34 feet; thence S 10°56'39" W, 132.30 feet; thence S 27°56'45" W, 123.46 feet; thence S 45°11'12" W, 142.08 feet; thence S 60°21'35" W, 112.75 feet; thence S 49°56'58" W, 77.90 feet; thence S 38°05'47" W, 130.84 feet; thence S 24°40'21" W, 131.90 feet; thence S 7°48'22" W, 93.65 feet; thence S 4°49'49" W, 106.03 feet; thence S 2°40'13" E, 84.75 feet; thence S 3°03'49" W, 91.01 feet; thence S 18°03'16" W, 74.14 feet; thence S 37°37'42" W, 69.32 feet; thence S 43°06'44" W, 85.94 feet; thence S 50°21'45" W, 47.79 feet;

thence S 57°41'33" W, 65.94 feet; thence S 69°38'24" W, 62.56 feet; thence S 65°43'15" W, 71.36 feet; thence S 64°08'20" W, 78.88 feet; thence S 65°57'25" W, 75.29 feet; thence S 70°11'43" W, 103.13 feet; thence S 72°50'20" W, 78.36 feet; thence S 72°13'53" W, 94.13 feet; thence S 61°27'51" W, 74.81 feet; thence S 56°25'43" W, 88.43 feet; thence S 50°29'46" W, 88.84 feet; thence S 58°29'01" W, 91.82 feet; thence S 49°35'06" W, 121.86 feet; thence S 39°18'53" W, 100.41 feet; thence S 40°56'31" W, 110.28 feet; thence S 46°18'13" W, 65.89 feet; thence S 69°13'57" W, 52.76 feet; thence N 77°12'32" W, 79.10 feet; thence N 68°43'56" W, 100.71 feet; thence S 70°36'50" W, 34.15 feet; thence S 53°39'15" W, 47.67 feet; thence S 56°34'50" W, 84.88 feet; thence S 80°00'57" W, 57.41 feet; thence N 79°24'48" W, 67.71 feet; thence S 55°19'58" W, 34.20 feet; thence S 41°47'56" W, 99.17 feet; thence S 36°16'41" W, 188.75 feet; thence S 32°18'31" W, 75.52 feet; thence S 5°58'16" W, 66.43 feet; thence S 8°36'23" W, 90.15 feet; thence S 20°47'42" W, 103.14 feet; thence S 23°22'38" W, 71.28 feet; thence S 55°55'33" W, 77.81 feet; thence S 8°02'11" W, 228.73 feet; thence S 11°10'12" W, 152.83 feet; thence S 17°25'29" W, 75.43 feet; thence S 43°16'35" W, 203.39 feet; thence S 16°12'09" W, 147.32 feet; thence S 5°09'04" W, 151.69 feet; thence S 4°14'39" W, 123.48 feet; thence S 11°30'13" W, 176.53 feet; thence S 7°33'16" W, 154.17 feet; thence S 2°52'37" W, 79.96 feet; thence S 12°30'57" E, 85.17 feet; thence S 0°56'18" E, 123.60 feet; thence S 34°12'00" E, 162.91 feet; thence S 25°35'41" E, 168.45 feet; thence S 24°47'12" E, 152.80 feet; thence S 36°22'04" E, 76.66 feet; thence S 41°41'02" E, 124.86 feet; thence S 26°19'36" E, 106.14 feet; thence S 24°33'14" E, 169.99 feet; thence S 25°46'44" W, 91.43 feet; thence S 8°05'36" W, 99.60 feet; thence S 1°39'38" E, 110.87 feet; thence S 16°41'43" E, 93.07 feet; thence S 29°14'33" W, 83.45 feet; thence S 33°14'17" W, 70.12 feet; thence S 50°07'52" W, 70.52 feet; thence S 5°23'23" W, 81.06 feet; thence S 27°53'00" W, 54.41 feet; thence S 0°58'20" E, 60.59 feet; thence leaving said Low Water Line S 50°25'32" W, 41.94 feet; thence S 52°56'57" W, 138.32 feet; thence S 51°39'53" W, 135.95 feet; thence S 55°22'08" W, 156.04 feet; thence S 56°33'21" W, 183.15 feet; thence S 62°42'16" W, 218.03 feet; ; thence S 68°42'37" E, 93.60 feet; to said Low Water Line; thence along said Low Water Line S 24°34'30" W, 20.03 feet; thence S 42°30'31" W, 97.52 feet; thence S 10°50'09" W, 82.39 feet; thence S 28°21'26" W, 96.43 feet; thence S 43°52'29" W, 36.76 feet; thence S 64°15'50" W, 89.63 feet; thence S 47°21'50" W, 72.47 feet; thence S 57°45'53" W, 102.21 feet; thence S 55°56'12" W, 103.49 feet; thence S 48°12'46" W, 77.33 feet; thence S 63°47'37" W, 55.81 feet; thence S 77°50'17" W, 67.64 feet; thence S 74°27'13" W, 89.14 feet; thence S 64°30'21" W, 84.46 feet; thence S 67°30'59" W, 96.06 feet; thence S 68°56'29" W, 83.77 feet; thence S 71°59'41" W, 69.97 feet; thence S 66°16'29" W, 86.12 feet; thence S 67°42'42" W, 79.34 feet; thence S 77°51'20" W, 89.83 feet to the end of the herein described line.

Coordinates, bearings and distances used in the above description are based on the California Coordinate System, Zone 4 (NAD 83).

LICENSED LAND SURVEYOR
JOHN MICHAEL
Exp. 9/30/05
No. 4443
STATE OF CALIFORNIA

END OF DESCRIPTION

7/21/03

(2 OF 2)

EXHIBIT B
SAN JOAQUIN RIVER PARCEL DESCRIPTION
MADERA COUNTY

A parcel of land in the bed of the San Joaquin River, situate in the County of Madera, State of California and lying within the exterior boundaries of Fractional Section 29, T. 12 S., R. 20 E., M. D. M. as shown on the Official U. S. Government Township Plat, said parcel being all that land within said county conveyed by deed recorded December 6, 1967 in Book 999 of Official Records at Page 259, Madera County Records, lying easterly of the following described line:

BEGINNING at a point on the Low Water Line of the right bank of the San Joaquin River as said line is shown on sheet 11 of 27 of the Administrative Map of the San Joaquin River dated April 1992, on file in the offices of the California State Lands Commission, said point bears S61°09'07"E, 2261.91 feet from a 1" O. D. iron pipe marking the West ¼ Corner of said Section 29 as shown on Map of Re-survey, filed in Book 7 of Record of Surveys at Pages 42 and 43 Madera County Records, said pipe having California Coordinate System, Zone 4 (NAD 83).coordinates of North = 2196924.464 feet and East = 6321758.101 feet, thence N25°13'01"E, 71.87 feet; thence N9°43'08"E, 124.26 feet; thence N21°09'52"E, 135.40 feet; thence N27°18'13"E, 116.43 feet; thence N13°07'08"W, 44.22 feet; thence N7°21'50"W, 76.33 feet; thence N33°22'28"W, 58.12 feet; thence N43°51'42"W, 64.49 feet; thence N37°30'03"W, 97.30 feet; thence N40°03'02"W, 132.19 feet; thence N43°36'28"W, 63.28 feet; thence N81°32'08"W, 67.43 feet; thence N49°36'04"W, 80.29 feet; thence N56°55'41"W, 55.24 feet; thence N46°50'01"W, 92.96 feet; thence N49°25'19"W, 90.88 feet; thence N32°47'48"W, 72.23 feet; thence N19°26'10"W, 89.56 feet; thence N41°35'58"W, 71.20 feet; thence N2°07'24"E, 50.28 feet; thence N41°13'18"W, 72.75 feet; thence N7°45'55"E, 66.86 feet; thence N25°36'12"E, 76.01 feet; thence N23°54'06"E, 100.51 feet; thence N32°43'12"E, 111.54 feet; thence N25°20'42"E, 74.42 feet; thence N26°18'14"E, 136.10 feet; thence N40°22'02"E, 104.39 feet; thence N27°04'44"E, 58.43 feet; thence N33°55'17"E, 72.74 feet; thence N52°44'42"E, 86.47 feet; thence N44°46'31"E, 106.50 feet; thence N42°08'45"E, 99.81 feet; thence N50°29'56"E, 94.74 feet; thence N49°38'33"E, 93.59 feet; thence N48°56'23"E, 124.39 feet; thence N28°44'50"E, 110.68 feet; thence N26°29'01"E, 105.90 feet; thence N28°20'26"E, 92.37 feet; thence N22°55'56"E, 94.91 feet; thence N18°09'28"E, 79.03 feet; thence S29°40'57"E, 33.67 feet; thence S3°26'12"E, 72.11 feet; thence S80°48'27"E, 173.55 feet; thence N37°33'51"E, 55.27 feet; thence N39°35'51"E, 83.22 feet; thence N56°34'13"E, 61.94 feet; thence N66°28'34"E, 139.48 feet; thence N62°16'42"E, 160.01 feet; thence N50°48'54"E, 177.17 feet to the end of the herein described line.

Coordinates, bearings and distances used in the above description are based on the California Coordinate System, Zone 4 (NAD 83).

END OF DESCRIPTION

11/13/01

LICENSED LAND SURVEYOR
JOHN MICHAEL [illegible]
Exp. 9/30/05
No. 4443
STATE OF CALIFORNIA

EXHIBIT C
FILLED RIVERBED PARCEL DESCRIPTION
FRESNO COUNTY

A parcel of land in the bed of the San Joaquin River, situate in the County of Fresno, State of California and lying within the exterior boundaries of Fractional Sections 29 and 32, T. 12 S., R. 20 E., M. D. M. as shown on the Official U. S. Government Township Plat, more particularly described as follows:

BEGINNING at a point on the Low Water Line of the San Joaquin River as said line is shown on sheet 11 of 27 of the Administrative Map of the San Joaquin River dated April 1992, on file in the offices of the California State Lands Commission, said point having California Coordinates of North = 2194589.291 feet and East = 6324865.168 feet, said point also bears N 80°28'42" W, 2235.01 feet from the Southwest corner of Section 28, T. 12 S., R. 20 E., M. D. M. as said corner is shown on Parcel Map No. 79-16 recorded in Book 31 of Parcel Maps at Pages 87 through 98, Fresno County Records; thence along said Low Water Line S 0°58'20" E, a distance of 31.70 feet; thence S 31°58'00" W, a distance of 91.56 feet; thence S 9°46'47" W, a distance of 47.28 feet; thence S 58°36'35" W, a distance of 32.14 feet; thence N 73°02'04" W, a distance of 47.85 feet; thence S 56°11'28" W, a distance of 117.36 feet; thence S 64°04'54" W, a distance of 66.37 feet; thence S 45°03'23" W, a distance of 121.50 feet; thence S 48°13'54" W, a distance of 74.37 feet; thence S 43°26'27" W, a distance of 64.06 feet; thence N 81°11'43" W, a distance of 89.33 feet; thence S 62°03'47" W, a distance of 43.26 feet; thence S 27°55'12" W, a distance of 58.91 feet; thence S 24°34'30" W, a distance of 26.82 feet; thence leaving said Low Water Line N 68°42'37" W, a distance of 93.60 feet; thence N 62°42'16" E, a distance of 147.86 feet; thence N 62°42'16" E, a distance of 70.17 feet; thence N 56°33'21" E, a distance of 183.15 feet; thence N 55°22'08" E, a distance of 156.04 feet; thence N 51°39'53" E, a distance of 135.95 feet; thence N 52°56'57" E, a distance of 138.32 feet; thence N 50°25'32" E, a distance of 41.94 feet to the POINT OF BEGINNING.

Coordinates, bearings and distances used in the above description are based on the California Coordinate System, Zone 4 (NAD 83).

END OF DESCRIPTION

8/6/03

LICENSED LAND SURVEYOR
JOHN MICHAEL BROWN
Exp. 9/30/05
No. 4443
STATE OF CALIFORNIA

EXHIBIT D
PUBLIC TRUST AND OPTION PARCELS DESCRIPTION

Those portions of the San Joaquin River and Lot 3 of fractional Section 32, T. 12 S., R. 20 E., M. D. M. as shown on the official U. S. Government Township Plat approved by the U. S. Surveyor General on June 26, 1874, situated in the County of Fresno, State of California, described as follows:

PARCEL ONE

BEGINNING at a point on the Low Water Line of the San Joaquin River as said line is shown on sheet 11 of 27 of the Administrative Map of the San Joaquin River dated April 1992, on file in the offices of the California State Lands Commission, said point bears S 28°09'03" E, 6151.89 feet from the Northeast corner of Section 29, T. 12 S., R. 20 E., M. D. M., said corner being marked by a 3" iron pipe tagged RCE 13900 and having CLS 83 Coordinates of N = 2199477.278 feet and E = 6327122.132 feet, thence along said Low Water Line the following two courses: S 42°30'31" W, 97.52 feet; thence S 10°50'09" W, 82.39 feet; thence leaving said Low Water Line N 28°02'20" E, 173.12 feet to the POINT OF BEGINNING.

PARCEL TWO

BEGINNING at a point on the Low Water Line of the San Joaquin River as said line is shown on sheet 11 of 27 of the Administrative Map of the San Joaquin River dated April 1992, on file in the offices of the California State Lands Commission, said point bears S 28°09'03" W, 6421.44 feet from the Northeast corner of Section 29, T. 12 S., R. 20 E., M. D. M., said corner being marked by a 3" iron pipe tagged RCE 13900 and having CLS 83 Coordinates of N = 2199477.278 feet and E = 6327122.132 feet, thence along said Low Water Line the following thirteen courses: S 43°52'29" W, 36.76 feet; thence S 64°15'50" W, 89.63 feet; thence S 47°21'50" W, 72.47 feet; thence S 57°45'53" W, 102.21 feet; thence S 55°56'12" W, 103.49 feet; thence S 48°12'46" W, 77.33 feet; thence S 63°47'37" W, 55.81 feet; thence S 77°50'17" W, 67.64 feet; thence S 74°27'13" W, 89.14 feet; thence S 64°30'21" W, 84.46 feet; thence S 67°30'59" W, 96.06 feet; thence S 68°56'29" W, 83.77 feet; thence S 71°59'41" W, 51.73 feet to a point on the southerly boundary of the lands shown as PAPPAS on that certain Record of Survey filed in Book 19 of Record of Surveys at pages 65 and 66, Fresno County Records; thence along said southerly boundary and southeasterly boundary of said PAPPAS lands the following three courses: S 79°54'52" E, 197.16 feet; thence N 68°08'49" E, 400.00 feet; thence N 73°16'49" E, 169.10 feet to a point which bears S 27°44'54" W, 336.13 feet from the POINT OF BEGINNING; thence N 27°44'54" E, 336.13 feet to the POINT OF BEGINNING.

Coordinates, bearings and distances used in the above descriptions are based on the California Coordinate System, Zone 4 (NAD 83).

END OF DESCRIPTION

7/29/03

EXHIBIT E
NON-EXCLUSIVE ACCESS EASEMENT PARCEL DESCRIPTION
FRESNO COUNTY

A non-exclusive easement for public access, situate in the County of Fresno, State of California and lying within the exterior boundary of Fractional Section 32, T. 12 S., R. 20 E., M. D. M. as shown on the Official U. S. Government Township Plat, over and across the following described real property.

A strip of land 40.00 feet in width, the centerline of which is more particularly described as follows:

BEGINNING at a point on the Low Water Line of the San Joaquin River as said line is shown on sheet 11 of 27 of the Administrative Map of the San Joaquin River dated April 1992, on file in the offices of the California State Lands Commission, said point having California Coordinates of North = 2194053.103 feet and East = 6324219.711 feet, said point also bears S 86°39'24" W, 2854.53 feet from the Southwest corner of Section 28, T. 12 S., R. 20 E., M. D. M. as said corner is shown on Parcel Map No. 79-16 recorded in Book 31 of Parcel Maps at Pages 87 through 98, Fresno County Records, thence S68°42'37"E, 189.86 feet; thence S75°43'46"E, 80.65 feet; thence S69°17'58"E, 138.31 feet; thence along a tangent curve, concave to the north, having a radius of 625.00 feet, through a central angle of 30°45'11"; an arc distance of 335.47 feet to the Centerline of the Old San Joaquin Canal as said Centerline is shown on Record of Survey filed in Book 19 of Record of Surveys at pages 65 and 66, Fresno County Records and the end of the herein described centerline.

The side lines of the herein described 40.00 wide strip shall be prolonged or shortened so as terminate on said Low Water Line on the west and on the Center Line of the Old San Joaquin Canal on the east.

Coordinates, bearings and distances used in the above description are based on the California Coordinate System, Zone 4 (NAD 83).

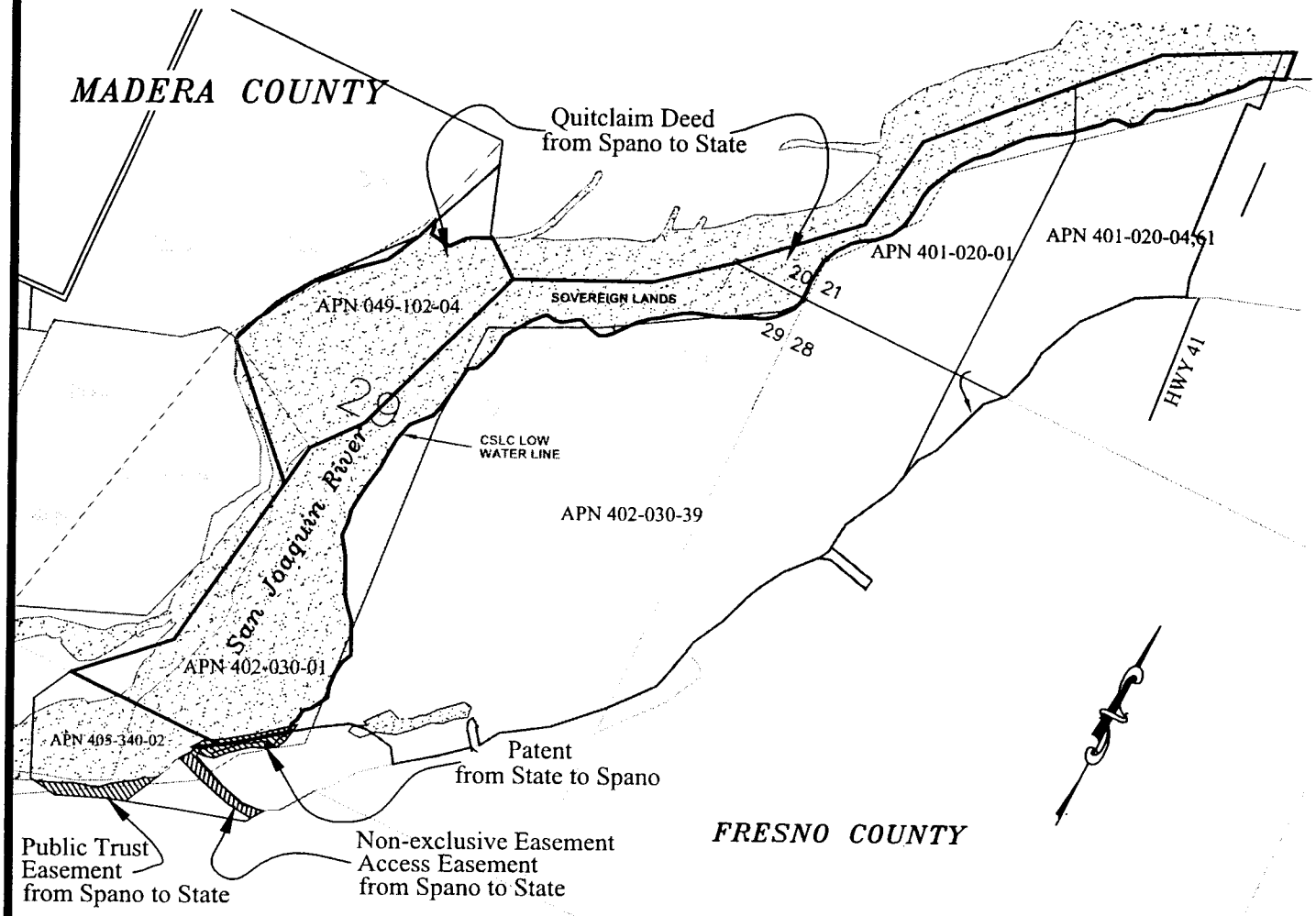
END OF DESCRIPTION

LICENSED LAND SURVEYOR
JOHN MICHAEL MCKOWN
Exp. 9/30/05
No. 4443
STATE OF CALIFORNIA

8/06/03

NO SCALE

SITE MAP



SPANO TITLE SETTLEMENT SAN JOAQUIN RIVER

NO SCALE

LOCATION MAP

San Joaquin River

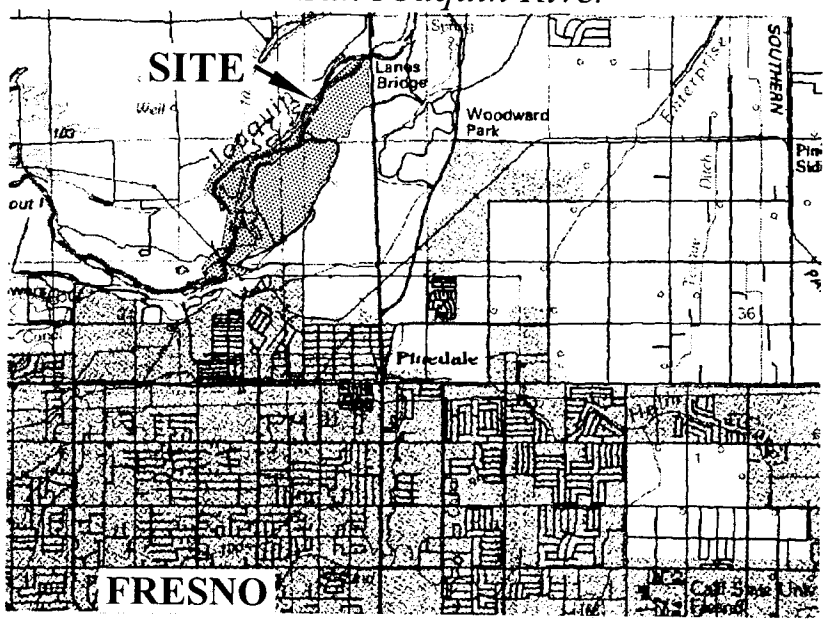


Exhibit F
AD418/W23565
Title Settlement
San Joaquin River

FRESNO AND
MADERA COUNTY

This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

SCL 8/5/03