

**CALENDAR ITEM  
C71**

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S 2

04/23/15  
PRC 9030.9  
J. Sampson

**ACCEPTANCE OF A QUITCLAIM DEED FOR A  
GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT/SUBLESSOR:**

Sonoma-Marín Area Rail Transit District (SMART)

**SUBLEESSEE:**

North Coast Railroad Authority

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land located in the Petaluma River, near Black Point, near the city of Novato, Marin and Sonoma Counties

**AUTHORIZED USE:**

LEASE: The continued use, maintenance, and operation of the Black Point Swing Bridge, railroad line and the replacement of the existing movement equipment with new automated electrical components.

SUBLEASE: Operation of freight rail service across the Black Point Swing Bridge and adjacent railroad line.

**LEASE TERM:**

LEASE: 20 years, beginning December 5, 2012

SUBLEASE: 20 years, beginning December 5, 2012

**CONSIDERATION:**

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

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.

CALENDAR ITEM NO. **C71** (CONT'D)

2. On December 5, 2012, the Commission authorized a General Lease – Public Agency Use to Sonoma-Marín Area Rail Transit District (SMART) for the continued use, maintenance, and operation of the Black Point Swing Bridge, railroad line, and the replacement of the existing movement equipment with new automated electrical components, and a sublease to North Coast Railroad Authority for the operation of the bridge and railroad line.
  
3. Pursuant to Public Utilities Code section 7551 (formerly Civil Code section 474), SMART, as a successor in interest to the Northwestern Pacific Railroad Company, retains an easement for the right to use, maintain, and operate the bridge and related railroad facilities. Consequently, no lease from the State Lands Commission was or is required for the Black Point Swing Bridge, railroad line, or maintenance and use thereof. SMART executed a quitclaim deed releasing its interest in the lease to the State. Staff recommends acceptance of the quitclaim deed.
  
4. Staff recommends that the Commission find that the subject acceptance of a quitclaim deed does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

**EXHIBITS:**

- A. Site and Location Map
- B. Land Description

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the subject acceptance of a quitclaim deed is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

CALENDAR ITEM NO. **C71** (CONT'D)

**AUTHORIZATION:**

Authorize acceptance of a quitclaim deed for Lease No. PRC 9030.9, a General Lease – Public Agency Use, issued to Sonoma-Marín Area Rail District, effective April 23, 2015.

**EXHIBIT A**

**PRC 9030.9**

**LAND DESCRIPTION**

Two parcels of tide and submerged land situate in the bed of the Petaluma River, lying adjacent to Rancho De Novato, patented April 10, 1866, Marin County and Swamp and Overflowed Survey No. 37A, patented July 30, 1927, Sonoma County, State of California and more particularly described as follows:

**PARCEL ONE**

BEGINNING at the point of intersection of the northwesterly boundary of the North Coast Railroad Authority (formerly Northwestern Pacific Railroad Company) right of way with the easterly end of the Boundary Line Agreement line as said line is described in Book 2495, at page 406, Official Records of Sonoma County; thence along the northwesterly boundary of said right of way North 46° 52' 09" East 500.00 feet, thence South 43° 07' 51" East 150.00 feet; thence South 46° 52' 09" West 2800.00 feet, thence North 43° 07' 51" West 150.00 feet; thence North 46° 52' 09" East 2300.00 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right and left banks of said river.

**PARCEL TWO**

A circular parcel of land having a one hundred sixty (160) foot radius with the center point at the intersection of the centerline of the North Coast Railroad Authority (formerly Northwestern Pacific Railroad Company) right of way with the center line of the open swing bridge at the swing center truss span.

EXCEPTING THEREFROM any portion of Parcel One that lies within said Parcel Two.

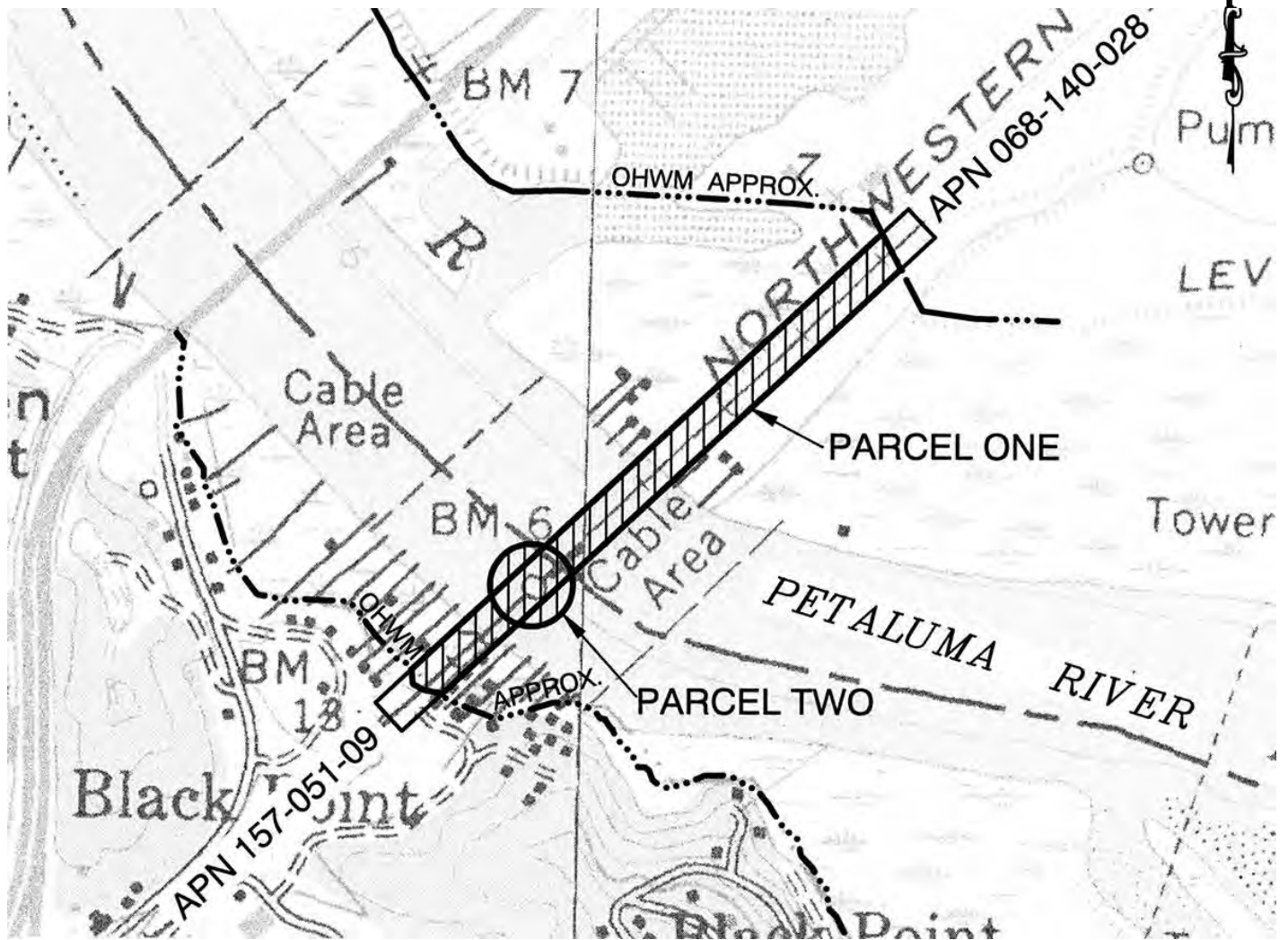
**END OF DESCRIPTION**

Prepared 02/20/15 by the California  
State Lands Commission Boundary Unit



NO SCALE

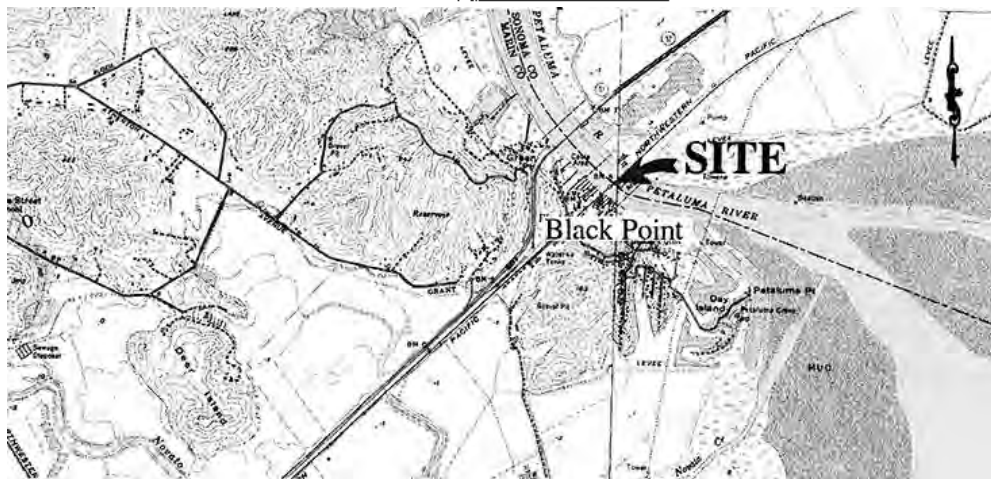
### SITE



BLACK POINT, PETALUMA RIVER

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 9030.9  
 SONOMA-MARIN AREA  
 TRANSIT DISTRICT  
 APN 068-140-028, 157-051-09  
 GENERAL LEASE -  
 PUBLIC AGENCY USE  
 MARIN & SONOMA COUNTY



TS 02/20/15

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.