

MINUTE ITEM

10. (EXCHANGE OF LANDS BETWEEN THE STATE OF CALIFORNIA AND SCHULTZ CONSTRUCTION CO., MARIN COUNTY - W. O. 394, GEO.-MARIN COUNTY.)

After presentation of Calendar Item 5 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO CONSENT TO THE DEED OF SCHULTZ CONSTRUCTION CO., A CO-PARTNERSHIP, TO THE STATE OF CALIFORNIA OF THAT REAL PROPERTY DESCRIBED ON PAGE 2 OF CALENDAR ITEM 5 ATTACHED.

FURTHER, IN EXCHANGE FOR THE LAND DESCRIBED ON PAGE 2 OF CALENDAR ITEM 5 ATTACHED AND FOR THE PAYMENT IN THE AMOUNT OF \$2,860.00, HERETOFORE RECEIVED, FOR VALUE IN EXCESS OF SAID LANDS, ISSUANCE OF A PATENT TO SCHULTZ CONSTRUCTION CO. IS APPROVED FOR THOSE LANDS DESCRIBED ON PAGES 3 THROUGH 7 OF CALENDAR ITEM 5 ATTACHED, FREE OF THE TRUST FOR NAVIGATION AND FISHERIES, NO MINERALS TO BE RESERVED.

FURTHER, THE EXECUTIVE OFFICER IS AUTHORIZED TO APPROVE ACCEPTANCE OF THE NEW CHANNEL PLACED ON THE LANDS TO BE DEEDED TO THE STATE.

Attachment

Calendar Item 5 (7 pages)

CALENDAR ITEM

MISCELLANEOUS

5.

(EXCHANGE OF LANDS BETWEEN THE STATE OF CALIFORNIA AND SCHULTZ CONSTRUCTION CO., MARIN COUNTY - W. O. 394.)

Pursuant to Chapter 18, Statutes of 1952, as amended by Chapter 17, Statutes of 1957, the State Lands Commission is authorized to grant land held by the State of California in Marin County to any person, persons, or corporations, such grant to be conditioned upon the granting of all right, title, and interest by such person, persons, or corporations to the State of California of parcels of land in Marin County. Lands to be conveyed to the State shall be of equal or greater value than the lands conveyed by the State, determination of values to be made by the State Lands Commission, and in the event of a deficiency in value of lands conveyed to the State, the State Lands Commission is authorized to accept cash in lieu of land, for the purpose of equalizing values. All of the lands to be conveyed to the State and by the State lie within the southeast quarter of Section 9; the southwest quarter of Section 10; the north half of Section 15; and the northeast quarter of Section 16, Township 1 North, Range 6 West, M.D.M.

The lands of the State are classified as tide and submerged lands, the aforesaid statute providing that upon completion of the exchange of lands, the lands of the State will be no longer necessary or useful for navigation or fisheries. Chapter 17 of the Statutes of 1957 provides for the granting of mineral rights in the lands to be conveyed by the State.

Lands of the State consist of portions of Corte Madera Canal. By agreement with Schultz Construction Co. a new, shorter channel was to be constructed by Schultz under permit from the U. S. Army Corps of Engineers, the new channel together with an area on each side thereof to be deeded to the State. The new channel has been constructed and completion approval given by the Corps of Engineers.

Pursuant to Section 27281 of the Government Code it is mandatory that prior to recordation of a deed or grant the consent of the State Lands Commission be evidenced by a Resolution of Acceptance attached to the deed, the same code section permitting an authorized officer or agent to execute such consent.

The State's lands have been appraised by an independent appraiser and found to exceed the value of the lands to be received by the State in the amount of \$2,860.00, which amount has been paid to the State by the Schultz Construction Co., a co-partnership. A deed covering the land to be conveyed to the State has been received ready for recordation, title report also having been received with letter from the Marin County Abstract Company that that company would insure title to the State.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO CONSENT TO THE DEED OF SCHULTZ CONSTRUCTION CO., A CO-PARTNERSHIP, TO THE STATE OF CALIFORNIA

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OF THAT REAL PROPERTY DESCRIBED AS FOLLOWS:

BEGINNING at a point on the South line of Corte Madera Canal delineated as "M.S. 16" on Sheet 1 of 2, Corte Madera Ark Sites by the Division of State Lands, recorded June 26, 1942 in Bin 105, Volume 2, Page 99 of Licensed Surveys, County of Marin, the California Coordinate system Zone 3 coordinates being X = 1,415,905.14 and Y = 531,934.08, being S. 24° 08' 27" W. 1340.58 feet from a Granite Monument set by G. F. Allardt in 1870, said Granite Monument being S. 42° 52' 08" W., 385.70 feet from a monument in the center of Corte Morada at a point of reverse curve fronting Lot 35, Greenbrae Subdivision No. One, Marin County; thence along the south line of the Corte Madera Canal, N. 73° 46' 00" E., 199.15 feet to a point; thence leaving the south line of Corte Madera Canal easterly along the arc of a curve, concave to the North, having radius of 4840 feet, beginning in a tangent which bears S. 53° 28' 23" E., through an arc distance of 1517.10 feet, ending in a tangent which bears S. 71° 25' 57" E. to a point on the south line of Corte Madera Canal; thence S. 11° 32' 30" E., 183.97 feet along the south line of Corte Madera Canal; thence leaving the south line of Corte Madera Canal in a westerly direction, along the arc of a curve concave to the north having a radius of 5000 feet beginning in a tangent of N. 72° 29' 24" W., having an arc distance of 1780.09 feet ending at the point of beginning in a tangent which bears N. 52° 05' 30" W., containing 6.423 acres, more or less. The bearings in the last above description are based on the California Coordinates Zone 3.

Said last described parcel also being described as follows:

BEGINNING at a point on the South line of Corte Madera Canal being South 22° 53' 27" West 1340.58 feet from a Granite Monument set by G. F. Allardt in 1870 on the Boundary between Sections 9 and 10, T. 1 N., R. 6 W., M.D.B. & M., and set forth on "Map No. 2 of Salt Marsh and Tide Lands situate in the County of Marin, State of California", Prepared by Order of the Board of Tide Lands Commissioners and approved April 1, 1870, recorded in the Sacramento office of the Division of State Lands; thence along the South line of the Corte Madera Canal North 72° 45' East 199.15 feet to a point; thence leaving the South line of Corte Madera Canal Easterly along the arc of a curve concave to the North having a radius of 4840 feet beginning in a tangent which bears South 54° 43' 23" East through an arc distance of 1517.10 feet ending in a tangent which bears South 72° 40' 57" East to a point on the South line of Corte Madera Canal; thence South 12° 30' East 183.97 feet along the South line of Corte Madera Canal; thence leaving the South line of Corte Madera Canal in a Westerly direction along the arc of a curve concave to the North having a radius of 5000 feet beginning in a tangent of North 73° 44' 24" West having an arc distance of 1780.09 feet ending at the point of beginning in a tangent which bears North 53° 20' 30" West, containing 6.423 acres, more or less. All bearings based on the true meridian.

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IT IS FURTHER RECOMMENDED THAT IN EXCHANGE FOR THE LAND ABOVE DESCRIBED AND FOR THE PAYMENT IN THE AMOUNT OF \$2,860.00, HERETOFORE RECEIVED, FOR VALUE IN EXCESS OF THE VALUE OF THE LANDS ABOVE DESCRIBED, ISSUANCE OF A PATENT TO SCHULTZ CONSTRUCTION CO. BE APPROVED FOR THOSE LANDS DESCRIBED AS FOLLOWS, FREE OF THE TRUST FOR NAVIGATION AND FISHERIES, NO MINERALS TO BE RESERVED:

All that real property situated in the County of Marin, State of California, being in three parcels, and more particularly described as follows:

PARCEL 1: BEGINNING at a point on the North line of Corte Madera Canal, delineated as "I.M. 217" on Sheet 1 of 2, Corte Madera Arc Sites, by the Division of State Lands, recorded June 26, 1942 in Bin 105, Volume 2, Page 99, of Licensed Surveys, County of Marin, the California Coordinate System Zone 3 coordinates of said point being X = 1,415, 744.64 and Y = 532,265.90, being South 38° 29' 06" West, 1138.93 feet from a Granite Monument set by G. F. Allardt and shown on Map No. 2, Salt Marsh and Tide Land in the County of Marin, for Board of Tide Land Commissioners, and approved April 1, 1870, recorded in the Sacramento Office of Division of State Lands the coordinates of said Granite Monument being X = 1,416,453.41 and Y = 533,157.42, said Granite Monument being South 42° 52' 08" West, 385.70 feet from a monument in the center of Corte Morada at a point of reverse curve fronting Lot 35, Greenbrae Subdivision No. 1, Marin County; thence from said point of beginning South 76° 14' 50" East, 105.72 feet along the North line of Corte Madera Canal, a line set forth in deed from the Roman Catholic Archbishop of San Francisco to Schultz Inc., recorded April 17, 1946 in Volume 516 of Official Records at Page 223; thence continuing along said line North 78° 46' 50" East, 264.37 feet; North 61° 18' 50" East, 79.27 feet; North 74° 32' 30" East, 745.71 feet; South 83° 57' 20" East, 384.06 feet; South 70° 12' 20" East, 201.93 feet; South 27° 57' 00" East, 386.07 feet; South 13° 36' 20" East, 191.47 feet; South 12° 30' 50" East, 419.29 feet; South 49° 28' 40" East, 351.59 feet; South 89° 10' 00" East, 343.77 feet to a point, the coordinates of which are X = 1,418,394.70 and Y = 531,250.29; thence leaving said North line of Corte Madera Canal in a westerly direction along the arc of a curve, concave to the North, having a radius of 1340 feet from a tangent which bears South 71° 56' 34" West, an arc distance of 809.69 feet, to a point of compound curvature the tangent of which bears North 73° 26' 11" West; thence in a westerly direction from the afore-mentioned point of tangency along the arc of a curve having a radius of 4840 feet through an arc distance of 169.28 feet, ending in a point tangent of which bears North 71° 25' 57" West, the coordinates of which are X = 1,417,435.96 and Y = 531,290.98; thence along the South line of Corte Madera Canal North 11° 32' 30" West, 836.21 feet; North 69° 13' 20" West, 184.51 feet; North 88° 45' 20" West 336.04 feet; South 73° 46' 00" West 691.38 feet to a point, the coordinates of which are X = 1,416,096.35 and Y = 531,989.74; thence leaving the South line of Corte Madera Canal northwesterly along the

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arc of a curve concave to the North, having a radius of 4840 feet from a tangent which bears North 53° 28' 23" West, an arc distance of 200.93 feet; ending in a tangent which bears North 51° 05' 40" West at a point of reverse curvature, thence in a westerly direction along the arc of a curve convex to the North, from the preceding tangent, having a radius of 950 feet, an arc distance of 349.72 feet ending in a tangent which bears North 72° 11' 11" West, at a point on the North line of Corte Madera Canal; thence South 83° 59' 20" East, 113.87 feet along the North line of Corte Madera Canal to the point of beginning, containing 21.05 acres more or less. The bearings in the above descriptions are based on the California Coordinates Zone 3.

Said parcel 1 also being described as follows:

PARCEL 1: BEGINNING at a point on the North line of Corte Madera Canal which point is the point of intersection of Courses No. 51 and 52 of "Meanders of the Corte Madera Canal" as set forth on "Map No. 2 of Salt Marsh and Tide Lands situate in the County of Marin, State of California" for Board of Tide Land Commissioners and approved April 1, 1870, recorded in the Sacramento office of Division of State Lands, which point also bears South 37° 14' 06" West 1138.93 feet from the Granite Monument set by G. F. Allardt and shown on said "Map No. 2, Salt Marsh and Tide Lands in the County of Marin" on the boundary between Sections 9 and 10, T. 1 N., R. 6 W., M.D.B. & M.; thence from said point of beginning along the North line of Corte Madera Canal South 77° 30' East 1 chain 60 links, North 77° 30' East 4 chains, North 60° 00' East 1 chain 20 links, North 73° 30' East 11 chains 30 links, South 85° 00' East 5 chains 82 links, South 71° 15' East 3 chains 6 links, South 29° 00' East 5 chains 85 links, South 14° 30' East 2 chains 90 links, South 13° 15' East 6 chains 35 links, South 50° 15' East 5 chains 32 links, due East 5 chains 20 links to the point of intersection of Courses No. 62 and 63 of said "Meanders of the Corte Madera Canal" thence leaving said Northerly line of Corte Madera Canal in a Westerly direction along the arc of a curve concave to the North having a radius of 1340 feet on a tangent which bears South 70° 41' 34" West an arc distance of 809.69 feet to a point of compound curvature the tangent of which bears North 74° 41' 11" West, thence in a Westerly direction from the aforementioned point of tangency along the arc of a curve having a radius of 4840 feet through an arc distance of 169.28 feet ending in a point tangent of which bears North 72° 40' 57" West and which point lies in the Southerly boundary line of the Corte Madera Canal; thence along said Southerly line of Corte Madera Canal North 12° 30' West 836.24 feet, North 70° 45' West 2 chains 80 links, South 89° 45' West 4 chains 80 links, South 72° 45' West 691.38 feet to a point; thence leaving the Southerly line of Corte Madera Canal Northwesterly along the arc of a curve concave to the North having a radius of 4840 feet from a tangent which bears North 54° 43' 23" West an arc

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distance of 200.93 feet ending in a tangent which bears North 52° 20' 40" West at a point of reverse curvature; thence in a Westerly direction along the arc of a curve convex to the North from the preceding tangent having a radius of 950 feet an arc distance of 349.72 feet ending in a tangent which bears North 73° 26' 11" West at a point on the North line of the Corte Madera Canal which point bears North 85° 15' West 113.87 feet from the point of beginning; thence South 85° 15' East 113.87 feet to the point of beginning, containing 21.05 acres more or less. The bearings in the above description are based on the true meridian.

PARCEL 2: BEGINNING at a point delineated as "M.S. 16" on Sheet 1 of 2, Corte Madera Arc Sites, by Division of State Lands, recorded June 26, 1942 in Bin 105, Volume 2, page 99 of Licensed Survey, County of Marin, the California Coordinate System Zone 3 coordinates of said point being X = 1,415,905.14 and Y = 531,934.08, and being South 76° 14' 50" East, 5.92 feet; South 1° 12' 10" West 295.46 feet; and South 77° 43' 10" East, 164.69 feet from the point of beginning of the afore-described Parcel 1; thence North 77° 43' 10" West, 164.69 feet, more or less, to the point of intersection of the southerly boundary line of Corte Madera Canal with the westerly boundary line of the lands conveyed by Hugh B. Porter and Frances L. Porter to Marin Title Guaranty Company by deed recorded February 20, 1946 in Volume 495 of Official Records at Page 428, Marin County Records; thence along the extension of said westerly boundary line North 1° 12' 10" East, 82.47 feet to a point on curve of a 790-foot radius, the tangent of which bears South 59° 08' 48" East; thence from said point of tangency southeasterly along the arc of a curve of 790-foot radius, convex to the northeast, 110.98 feet to a point of reverse curve; thence southeasterly along the arc of a curve of 5000 foot radius, concave to the northeast, 87.02 feet ending in a tangent which bears South 52° 05' 30" East at the point of beginning containing 0.15 acres more or less. The Bearings in the above description of Parcel 2 are based on the California Coordinates Zone 3.

Said parcel 2 also being described as follows:

PARCEL 2: BEGINNING at the point of intersection of Courses No. 12 and No. 13 of "Meanders of the Corte Madera Canal" as set forth on "Map No. 2 of Salt Marsh and Tide Lands situate in the County of Marin, State of California" prepared by Order of the Board of Tide Lands Commissioners, approved April 1, 1870 and recorded in the Sacramento office of Division of State Lands; said point being also South 77° 29' 50" East 5.92 feet, South 00° 02' 50" East 295.46 feet and South 78° 58' 10" East 164.69 feet from the point of beginning of the aforescribed Parcel 1; thence from said point of beginning along the Southerly line of Corte Madera Canal North 78° 45' West 164.69 feet more or less to the point of intersection of the

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Southerly boundary line of Corte Madera Canal with the Westerly boundary line of the lands conveyed by Hugh B. Porter and Frances L. Porter to Marin Title Guaranty Co. by deed recorded February 20, 1946 in Volume 495 of Official Records at page 428, Marin County Records; thence along the extension of said Westerly boundary line North $0^{\circ} 02' 50''$ West 82.47 feet to a point on a curve of a 790 foot radius the tangent of which bears South $60^{\circ} 25' 48''$ East; thence from said point of tangency Southeasterly along the arc of curve of 790 foot radius convex to the Northeast 110.98 feet to a point of reverse curve; thence Southeasterly along the arc of a curve of 5000 foot radius concave to the Northeast 87.02 feet ending in a tangent which bears South $53^{\circ} 20' 30''$ East at the point of beginning, containing 0.15 acres more or less. All bearings based on the true meridian.

PARCEL 3: BEGINNING at a point delineated as "M.S. 11" on Sheet 2 of 2, Corte Madera Ark Sites, by Division of State Lands, on file in the Los Angeles office of said Division, the California Coordinate System Zone 3 coordinates of said point being $X = 1,418,008.03$ and $Y = 530,766.83$ and being North $34^{\circ} 46' 31''$ West 467.65 feet from a concrete monument delineated as K.5 on afore-mentioned map the coordinates of which are $X = 1,418,274.76$ and $Y = 530,382.70$ and which point bears South $60^{\circ} 58' 00''$ East, 2405.12 feet, from the point delineated as "M.S. 16" on Sheet 1 of 2, Corte Madera Ark Sites, by Division of State Lands, recorded June 26, 1942 in Bin 105, Volume 2, Page 99 of Licensed Surveys, County of Marin; thence, from said point of beginning, North $58^{\circ} 47'$ West, 620.58 feet; thence North $11^{\circ} 32' 30''$ West, 22.73 feet to a point on curve of a 5000-Foot radius having a tangent which bears South $72^{\circ} 29' 24''$ East; thence in an easterly direction along the arc of the curve, concave to the north a distance of 82.59 feet to a point of compound curve, tangent of which is South $73^{\circ} 26' 11''$ East; thence from said point of compound curve along the arc of a curve, concave to the North having a radius of 1500 feet, a distance of 842.88 feet, ending in a tangent which bears North $74^{\circ} 22' 05''$ East; thence South $3^{\circ} 45'$ West, 439.87 feet, more or less, to a point on the southerly boundary line of Corte Madera Canal, which point bears South $70^{\circ} 01' 30''$ East, 368.92 feet, more or less, from the point of beginning; thence along the said southerly line of Corte Madera Canal, North $70^{\circ} 01' 30''$ West, 368.92 feet, more or less, to the point of beginning, containing 1.47 acres, more or less. The bearings in the above description of Parcel 3 are based on the California Coordinates Zone 3.

Said parcel 3 also being described as follows:

PARCEL 3: BEGINNING at the point of intersection of Courses No. 7 and 8 as set forth on "Meanders of the Corte Madera Canal" shown on "Map No. 2 of Salt Marsh and Tide Lands situate in the County of Marin, State of California" Prepared by Order of the Board of Tide

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Lands Commissioners and approved April 1, 1870, recorded in the Sacramento office of the Division of State Lands and which point bears South 62° 13' 00" East 2405.12 feet from the point of beginning of the above parcel 2; thence along the Southerly line of Corte Madera Canal North 59° 45' West 9 chains, 40 links; North 12° 30' West 22.73 feet to a point on curve of a 5000 foot radius having a tangent which bears South 73° 44' 24" East; thence in an Easterly direction along the arc of a curve concave to the North a distance of 82.59 feet to a point of compound curve tangent of which is South 74° 41' 11" East; thence from said point of compound curve along the arc of a curve concave to the North having a radius of 1500 feet a distance of 842.88 feet ending in a tangent which bears North 73° 07' 05" East to a point which bears South 2° 30' West 170.89 feet from the point set forth as the point of intersection of Courses 62 and 63 of said "Meanders of the Corte Madera Canal" in the description of Parcel 1 above; thence South 2° 30' West 459.87 feet more or less to a point on the Southerly line of Corte Madera Canal, which point bears South 71° 00' East 368.92 feet more or less from the point of beginning; thence along the said Southerly line of Corte Madera Canal North 71° 00' West 368.92 feet more or less to the point of beginning, containing 1.47 acres more or less. All bearings being on the true meridian.

IT IS FURTHER RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO APPROVE ACCEPTANCE OF THE NEW CHANNEL PLACED ON THE LANDS TO BE DEEDED TO THE STATE.

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