

MINUTE ITEM

28. EXCHANGE OF LAND BETWEEN STATE OF CALIFORNIA AND LESLIE SALT CO., ALAMEDA COUNTY - W.O. 1260, S.W.O. 7067 - SOVEREIGN LANDS LOCATION NO.

32.

After consideration of Calendar Item 14 attached, and upon motion duly and unanimously carried, the following resolution was adopted:

made

THE COMMISSION:

1. RESCINDS ITS ACTION OF JANUARY 21, 1955 (MINUTE ITEM 11, PAGE 2250), AND ITS ACTION OF MAY 13, 1955 (MINUTE ITEM 3, PAGE 2341); AND
2. FINDS:
  - (A) THAT THE EXCHANGE OF LANDS BETWEEN THE STATE OF CALIFORNIA AND THE LESLIE SALT CO., AS HEREINAFTER PROVIDED, IS IN THE BEST INTERESTS OF THE STATE AND FOR NAVIGATION AND FLOOD CONTROL PURPOSES AND AS AN AID IN RECLAMATION; AND
  - (B) THAT THE LANDS TO BE CONVEYED TO THE STATE ARE OF EQUAL OR GREATER VALUE THAN THE LANDS TO BE CONVEYED BY THE STATE TO LESLIE SALT CO.

FURTHER, PURSUANT TO THE PROVISIONS OF SECTION 6307 OF THE PUBLIC RESOURCES CODE AND CHAPTER 353, STATUTES OF 1955, THE COMMISSION AUTHORIZES THE EXECUTIVE OFFICER:

RES

1. TO ACCEPT FROM LESLIE SALT CO. A DEED TO THOSE CERTAIN LANDS OWNED BY LESLIE SALT CO. AS DESCRIBED IN EXHIBIT "B", "DEED FROM LESLIE SALT CO. TO THE STATE OF CALIFORNIA", ATTACHED HERETO AND MADE A PART HEREOF;
2. TO EXECUTE AND DELIVER TO LESLIE SALT CO. A PATENT TO THOSE CERTAIN SOVEREIGN LANDS OF THE STATE AS DESCRIBED IN EXHIBIT "A" - "PATENT FROM THE STATE OF CALIFORNIA TO LESLIE SALT CO. WHICH IS ATTACHED HERETO AND MADE A PART HEREOF;
3. TO ACCEPT A 40-FOOT EASEMENT FROM LESLIE SALT CO. OVER LANDS DESCRIBED IN EXHIBIT "C", ATTACHED HERETO AND MADE A PART HEREOF. SAID EASEMENT PROVIDES ACCESS FROM THE 400-FOOT FLOOD CONTROL CHANNEL TO THE OLD BED OF ALAMEDA CREEK.

RCF.

Attachment

Calendar Item 14 (13 pages)

*See Minute Item 5, Pg. 8515, meeting of December 20, 1962 for deletion and modification*

*E. Deery*

CALENDAR ITEM

14.

EXCHANGE OF LAND BETWEEN STATE OF CALIFORNIA AND LESLIE SALT CO., ALAMEDA COUNTY - W.O. 1960.

Pursuant to the provisions of Section 6307 of the Public Resources Code, the Commission, on January 21, 1955, authorized the Executive Officer to proceed, at no cost to the State, with an exchange between the State and Leslie Salt Co. of lands in Alameda County intended for the improvement of navigation, for flood control purposes, and in aid of reclamation. Public Resources Code 6307 states:

"Exchange of lands; status of land so acquired. Whenever it appears to the commission to be in the best interests of the State, for the improvement of navigation, aid in reclamation, or for flood control protection, on navigable rivers, sloughs, streams, lakes, bays, estuaries, inlets, or straits, the commission may exchange lands of equal value, whether filled or unfilled with any state agency, political subdivision, person, or the United States or any agency thereof. Any land so acquired shall have the same status as to administration, control and disposition as the lands for which it was exchanged."

Subsequent to the Commission's action of January 21, 1955, the State was informed that the title companies would not insure Leslie Salt Co.'s title acquired on the authority of Public Resources Code 6307, and that additional legislation would be required. This decision on the part of the title companies resulted in the introduction and passage of Chapter 353, Statutes of 1955. This act authorizes the exchange of certain sovereign lands of the State for private lands owned by Leslie Salt Co., all of which lands are located in Alameda County, for the improvement of navigation and flood control and in aid of reclamation. The act contains a provision that the land to be received by the State "shall be of equal or greater value than the lands conveyed by the State". The effect of the legislation is to permit the State to exchange its ownership of a portion of the old bed of Alameda Creek for a 400-foot-wide strip of land belonging to Leslie Salt Co., which land is to be improved and occupied by the Alameda County Flood Control and Water Conservation District.

On December 17, 1954, the Commission received an appraisal report on the lands to be exchanged, which was later supplemented by a revision dated January 20, 1955. These reports, submitted by the Alameda Flood Control and Water Conservation District, were prepared by Richard Dombrink, a qualified appraiser. In his revised report Mr. Dombrink indicated that the land values were as follows:

State Lands to be conveyed, 148 acres: \$23,800.

Leslie Salt property to be exchanged for the above State property, 144 acres: \$32,100.

CALENDAR ITEM 14. (CONTD.)

Thus the fact was established that as of January 20, 1955, the lands to be received by the State were of greater value than those to be conveyed by it. Staff review of the appraisal and of the area in which the lands are located indicates that any subsequent changes in the value of the lands to be exchanged have been proportionate, and the appraiser who prepared the initial report affirms that the lands concerned are of approximately the same value at the present time as when originally appraised.

In order to balance the differences between the appraised values as indicated above, the Alameda County Flood Control and Water Conservation District has committed itself to pay \$8,300 to Leslie Salt Co. in consideration for the proposed exchange, as well as for additional rights-of-way to be granted by Leslie Salt Co. to Alameda County.

At its meeting of May 19, 1955 (Minute Item 3, page 2341), the Commission determined that the lands to be exchanged between the parties were to be transferred by deeds from each party to the other. The drafts of these deeds were to have been made a part of the Commission's action as Exhibits "A" and "B"; however, these documents were not prepared and the Commission's action of that date is incomplete. A deed purporting to convey State sovereign land to Leslie Salt Co. was prepared, signed by the Executive Officer of the State Lands Commission, and forwarded to the office of the Attorney General on June 13, 1955, for review. This document was retained by that office pending receipt of the reciprocal deed from Leslie Salt Co. Subsequently it was found that the description in the deed referred to above was incorrect and that certain of the sovereign lands to be conveyed had not been included in the description. An amended description, including all of the sovereign lands to be conveyed by the State to Leslie Salt Co., has been prepared, and it, as well as the other documents herein concerned, has been reviewed by the Attorney General's office, and the processing of this transaction may proceed.

Included in this transaction is a 40-foot easement from Leslie Salt Co. to the State, identified herein as Exhibit "C". This easement is for the purpose of providing navigation access from the improved navigable 400-foot flood-control channel to an area containing a portion of the old bed of Alameda Creek, lying outside of this transaction, which may soon be considered for possible development as a small craft harbor.

IT IS RECOMMENDED THAT THE COMMISSION:

1. RESCIND ITS ACTION OF JANUARY 21, 1955 (MINUTE ITEM 11, PAGE 2250), AND ITS ACTION OF MAY 19, 1955 (MINUTE ITEM 3, PAGE 2341); AND
2. FIND:
  - (A) THAT THE EXCHANGE OF LANDS BETWEEN THE STATE OF CALIFORNIA AND THE LESLIE SALT CO., AS HEREINAFTER PROVIDED, IS IN THE BEST INTERESTS OF THE STATE AND FOR NAVIGATION AND FLOOD CONTROL PURPOSES AND AS AN AID IN RECLAMATION; AND

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- (B) THAT THE LANDS TO BE CONVEYED TO THE STATE ARE OF EQUAL OR GREATER VALUE THAN THE LANDS TO BE CONVEYED BY THE STATE TO LESLIE SALT CO.

IT IS FURTHER RECOMMENDED THAT, PURSUANT TO THE PROVISIONS OF SECTION 6307 OF THE PUBLIC RESOURCES CODE AND CHAPTER 353, STATUTES OF 1955, THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER:

1. TO ACCEPT FROM LESLIE SALT CO. A DEED TO THOSE CERTAIN LANDS OWNED BY LESLIE SALT CO. AS DESCRIBED IN EXHIBIT "B", "DEED FROM LESLIE SALT CO. TO THE STATE OF CALIFORNIA", ATTACHED HERETO AND MADE A PART HEREOF;
2. TO EXECUTE AND DELIVER TO LESLIE SALT CO. A PATENT TO THOSE CERTAIN SOVEREIGN LANDS OF THE STATE AS DESCRIBED IN EXHIBIT "A" - "PATENT FROM THE STATE OF CALIFORNIA TO LESLIE SALT CO.", WHICH IS ATTACHED HERETO AND MADE A PART HEREOF;
3. TO ACCEPT A 40-FOOT EASEMENT FROM LESLIE SALT CO. OVER LANDS DESCRIBED IN EXHIBIT "C", ATTACHED HERETO AND MADE A PART HEREOF. SAID EASEMENT PROVIDES ACCESS FROM THE 400-FOOT FLOOD CONTROL CHANNEL TO THE OLD BED OF ALAMEDA CREEK.

Attachments

- Exhibit "A"
- Exhibit "B"
- Exhibit "C"

EXHIBIT "A"

PATENT FROM THE STATE OF CALIFORNIA TO LESLIE SALT CO.

STATE OF CALIFORNIA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, the Legislature of the State of California has provided for the exchange of lands belonging to the State by virtue of her sovereignty for the purpose of improving navigation and flood control by enactment of Chapter 353, Statutes of 1955; and

WHEREAS, it appears by the Certificate of the Executive Officer of the State Lands Commission No. \_\_\_\_\_ bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 1959, issued in accordance with the provisions of law, that full payment has been made to the State for the same through the medium of an exchange of other lands of equal or greater value for which a deed has been delivered to the State of California and that  
LESLIE SALT CO., A Delaware Corporation  
is entitled to receive a patent therefor;

NOW, THEREFORE, the State of California hereby grants to the said  
LESLIE SALT CO., A Delaware Corporation  
all of the right, title and interest of the State of California in and to the said tract of land described as follows, to-wit:

All that certain real property situated in the County of Alameda, State of California, particularly described as follows:

All of the lands lying in Sections 12 and 13, Township 4 South, Range 3 West, and Sections 7, 8, 9, 17 and 18, Township 4 South, Range 2 West, Mount Diablo Base and Meridian, within the following described area:

COMMENCING at a spike at the point of intersection of the center lines of 10th Street and V Street in Alvarado; thence North  $25^{\circ} 46' 00''$  West, 33.38 feet, more or less, to an intersection with the eastern boundary line of that certain strip of land 15 feet in width described in "Parcel 3" in the deed from the Oliver Salt Company to Leslie-California Salt Co., dated March 16, 1931 and recorded in Book 2558 of Official Records at Page 238 thereof, Records of Alameda County, California; thence North  $0^{\circ} 57' 31''$  East, 177 feet along said eastern line to an intersection thereof with the northern boundary line of said strip of land 15 feet in width; thence North  $88^{\circ} 42' 29''$  West 107.47 feet along said northern boundary line, thence North 1441.05 feet, thence northerly and northeasterly on the arc of a curve to the right, tangent to the last said line, the radius of which curve is 1460.00 feet,

a distance on said arc of 545.44 feet to a point from which the radial line of said curve bears South 68° 35' 41" East, thence North 21° 24' 19" East 1631.4 feet more or less, to an intersection with the southern line of Section 4, Township 4 South, Range 2 West, Mount Diablo Base and Meridian; thence westerly along said southern line and along the southern line of Section 5, Township 4 South, Range 2 West, Mount Diablo Base and Meridian and along the southern line of Section 6, Township 4 South, Range 2 West, Mount Diablo Base and Meridian and along the northern line of Section 12, Township 4 South, Range 3 West, Mount Diablo Base and Meridian to an intersection thereof with the western line of the east one half of the east one half of said Section 12; thence southwesterly in a direct line to the point of intersection of the southern line of the north one half of said Section 12 and the western line of the east one half of the west one half of said Section 12; thence southerly along said western line and along the western line of the east one half of the west one half of Section 13, Township 4 South, Range 3 West, Mount Diablo Base and Meridian, to an intersection thereof with the southern line of said Section 13; thence easterly along said southern line and along the southern line of Section 18, Township 4 South, Range 2 West, Mount Diablo Base and Meridian, to an intersection thereof with the eastern line of said Section 18, thence northerly along said eastern line to an intersection thereof with the southern line of the north one half of Section 17, Township 4 South, Range 2 West, Mount Diablo Base and Meridian; thence easterly along said southern line to an intersection thereof with the general westerly boundary line of Rancho Potrero de los Cerritos, as shown on that certain map entitled "Plan of the Rancho Potrero de los Cerritos" etc., filed March 27, 1866 in Book A of Patents at page 217 thereof, Records of Alameda County, California; thence northeasterly in a direct line to the point of intersection of the center lines of Benson Road and 10th Street, in Alvarado; thence northerly along said center line of 10th Street to the point of commencement, excepting therefrom those lands lying within a strip of land four hundred (400) feet wide, the center line of said strip four hundred (400) feet in width being described as follows:

COMMENCING at the point of intersection of the center lines of the existing South Pacific Coast Railway Bridge and the South Pacific Coast Railway right of way, 80 feet in width, as said right of way is described in the deed from John Howard to Bay and Coast Railroad Company, a corporation, dated July 18, 1877 and recorded in Book 144 of Deeds at page 437 thereof, Records of Alameda County, California, (said point having the coordinates North 407,406.31 and East 1,540,498.74) said coordinates, as are all coordinates, bearings, distances in this description, being based on the grid of the California Coordinate System, Zone 3, as established by Division 8 of the Public Resources Code of the State of California; thence South 37° 51' 39" West,

1,142.01 feet to a point on the aforesaid line common to said Sections 4 and 9, said point being also North 89° 30' 16" West, 314.47 feet from the southeast corner of the southwest quarter (SW $\frac{1}{4}$ ) of said Section 4; thence South 21° 24' 19" West, 53.52 feet to the POINT OF BEGINNING, said POINT OF BEGINNING being on the southern line of that certain parcel of land described as parcel 5 C in the deed from Holly Western Sugar Company, a corporation, to Holly Sugar Company, a corporation, dated March 7, 1928 and recorded in Book 1809 of Official Records at page 460 thereof, Records of Alameda County, California; thence South 21° 24' 19" West 1,453.67 feet; thence southerly on the arc of a curve to the left, tangent to last said line the radius of which curve is 1,785.00 feet, a distance on said arc of 666.86 feet to a point from which a radial line of said curve bears East; thence southerly on the line tangent to last said curve distant thereon South, 1,693.73 feet; thence southwesterly on the arc of a curve to the right, tangent to last said line the radius of which curve is 585.00 feet, a distance on said arc of 521.75 feet to a point from which a radial line of said curve bears North 38° 53' 56" West; thence southwesterly and westerly on the arc of a curve to the right, tangent to last said curve, the radius of which curve is 1,248.85 feet, a distance on said arc of 917.72 feet to a point from which a radial line of said curve bears North 3° 12' 19" East; thence westerly on the line tangent to last said curve, distant thereon North 86° 47' 41" West, 2,004.49 feet; thence southwesterly on the arc of a curve to the left, tangent to last said line, the radius of which curve is 850.00 feet, a distance on said arc of 594.17 feet to a point from which a radial line of said curve bears South 36° 50' 45" East, thence southwesterly on the line tangent to last said curve, distant thereon South 53° 09' 15" West, 967.88 feet; thence southwesterly and northwesterly on the arc of a curve to the right, tangent to last said line, the radius of which curve is 2,000.00 feet, a distance on said arc of 2,098.20 feet to a point from which a radial line of said curve bears North 23° 15' 47" East; thence northwesterly on the line tangent to last said curve, distant thereon North 66° 44' 13" West, 928.69 feet; thence northwesterly and westerly on the arc of a curve to the left, tangent to last said line, the radius of which curve is 5,730.00 feet, a distance on said arc of 2,303.56 feet to a point from which a radial line of said curve bears South 0° 13' 45" West; thence westerly on the line tangent to last said curve, distant thereon North 89° 46' 15" West, 3,300.60 feet; thence westerly and northwesterly on the arc of a curve to the right, tangent to last said line, the radius of which curve is 850.00 feet, a distance on said arc of 284.61 feet to a point from which a radial line of said curve bears North 19° 24' 51" East; thence northwesterly on the line tangent to last said curve, distant thereon North 70° 35' 09" West, 847.00 feet; thence northwesterly on the arc of a curve to the left, tangent to last said line, the radius of which curve is 1,200.00 feet, a distance on said arc of 212.02

feet to a point from which a radial line of said curve bears South 9° 17' 28" West, said point being distant South 5° 38' 35" West, 1,366.83 feet from a concrete monument marked "Emma", (said concrete monument having the coordinates North 403,740.71 and East 1,525,187.90); thence northwesterly on the line tangent to last said curve, distant thereon North 80° 42' 32" West, 2,120 feet, more or less to an intersection thereof with the eastern boundaryline of Tide Land Survey Number 106 of Alameda County,

reserving to the State of California all oil, gas, oil shale, coal, phosphate, sodium, gold, silver and all other mineral deposits contained in said land, and further reserving to the State of California, and persons authorized by the State, the right to drill for and extract such deposits of oil and gas, or gas, and to prospect for, mine, and remove such deposits of other minerals from said land, and to occupy and use so much of the surface of said land as may be required therefor, upon compliance with the conditions and subject to the provisions and limitations of Chapter 5, Part I, Division 6 of the Public Resources Code, and further reserving in the people the absolute right to fish thereupon as provided by Section 25 of Article I of the Constitution of the State of California.

IN TESTIMONY WHEREOF, I, EDMUND G. BROWN

Governor of the State of California,  
have caused these Letters to be made  
Patent, and the seal of the State of  
California to be hereunto affixed.  
Given under my hand at the City of  
Sacramento, this, the            day of  
in the year of our Lord one thousand  
nine hundred and fifty-nine.

Governor of State.

Attest:

Secretary of State.

Countersigned:

Executive Officer  
State Lands Commission



EXHIBIT "B"

DEED FROM THE LESLIE SALT CO. TO THE STATE OF CALIFORNIA

DEED

LESLIE SALT CO., a Delaware corporation, party of the first part, hereby grants to the STATE OF CALIFORNIA, party of the second part, all of its right, title and interest in and to the real property situated in the County of Alameda, State of California, and particularly described in Schedule A attached hereto and made a part hereof.

RESERVING unto the party of the first part all oil, gas, gas shale, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits in the afore-described parcel of real property, together with the right to prospect for, mine and remove such deposits and to occupy and use so much of the surface of the land as may be required for all purposes reasonably extending to the mining and removal of such deposits therefrom.

IN WITNESS WHEREOF the party of the first part has executed this conveyance this \_\_\_\_\_ day of \_\_\_\_\_ 1959.

LESLIE SALT CO.

BY \_\_\_\_\_

BY \_\_\_\_\_

SCHEDULE A

All that certain real property situated in the Townships of Eden and Washington, County of Alameda, State of California, contained within a strip, 400 feet in width, bounded on the north by the line parallel to and 50.00 feet south of, the line common to Sections 4 and 9 of Township 4 South, Range 2 West, Mount Diablo Base and Meridian, said line common to Sections 4 and 9 being also the southern boundary line of that certain parcel of land described as "Parcel 7" in the Decree of final distribution of the estate of A. A. Oliver to Alden E. Oliver et al., dated December 28, 1953 and recorded in Book 7213 of Official Records at page 581 thereof, Records of Alameda County, California, and on the west by the eastern boundary of Tide Land Survey Number 106, said line being also the western boundary line of the East one half ( $E\frac{1}{2}$ ) of the southwest one fourth ( $SW\frac{1}{4}$ ) of Section 12, Township 4 South, Range 3 West, Mount Diablo Base and Meridian and through those lands owned by Leslie Salt Company, a corporation, the center line of said strip 400 feet in width, being described as follows:

COMMENCING at the point of intersection of the center lines of the existing South Pacific Coast Railway Bridge and the South Pacific Coast Railway right of way, 80 feet in width, as said right of way is described in the deed from John Howard to Bay and Coast Railroad Company, a corporation, dated July 18, 1877 and recorded in Book 144 of Deeds at page 437 thereof, Records of Alameda County, California, (said point having the coordinates North 407,406.31 and East 1,540,498.74) said coordinates, as are all coordinates, bearings, and distances in this description, being based on the grid of the California Coordinate System, Zone 3, as established by Division 8 of the Public Resources Code of the State of California; thence South  $37^{\circ} 51' 39''$  West, 1,142.01 feet to a point on the aforesaid line common to said Sections 4 and 9, said point being also North  $89^{\circ} 30' 16''$  West, 314.47 feet from the southeast corner of the southwest quarter ( $SW\frac{1}{4}$ ) of said Section 4; thence South  $21^{\circ} 24' 19''$  West, 53.52 feet to the POINT OF BEGINNING, said POINT OF BEGINNING being on the southern line of that certain parcel of land described as parcel 5 C in the deed from Holly Western Sugar Company, a corporation, to Holly Sugar Company, a corporation, dated March 7, 1928 and recorded in Book 1809 of Official Records at page 460 thereof, Records of Alameda County, California; thence South  $21^{\circ} 24' 19''$  West 1,453.67 feet; thence southerly on the arc of a curve to the left, tangent to last said line the radius of which curve is 1,785.00 feet, a distance on said arc of 666.86 feet to a point from which a radial line of said curve bears East; thence southerly on the line tangent to last said curve distant thereon South, 1,693.73 feet; thence southwesterly on the arc of a curve to the right, tangent to last said line the radius of which curve is 585.00 feet, a distance on said arc of 521.75 feet to a point from which a radial line of said curve bears North  $38^{\circ} 53' 56''$  West; thence southwesterly and westerly on the arc of a curve to the right, tangent to last said curve, the radius of which curve is 1,248.85 feet, a distance on said arc of 917.72 feet to a point from which a radial line of said curve bears North  $3^{\circ} 12' 19''$  East; thence westerly on the line tangent to last said curve, distant thereon North  $86^{\circ} 47' 41''$  West, 2,004.49 feet; thence southwesterly on the arc of a curve to the left, tangent to last said line, the radius of which curve is 850.00 feet, a distance on said arc of 594.17 feet to a point from which a radial line of said curve bears South  $36^{\circ} 50' 45''$  East; thence southwesterly

on the line tangent to last said curve, distant thereon South 53° 09' 15" West, 967.88 feet; thence southwesterly and northwesterly on the arc of a curve to the right, tangent to last said line, the radius of which curve is 2,000.00 feet, a distance on said arc of 2,098.20 feet to a point from which a radial line of said curve bears North 23° 15' 47" East; thence northwesterly on the line tangent to last said curve, distant thereon North 66° 44' 13" West, 928.69 feet; thence northwesterly and westerly on the arc of a curve to the left, tangent to last said line, the radius of which curve is 5,730.00 feet, a distance on said arc of 2,303.56 feet to a point from which a radial line of said curve bears South 0° 13' 45" West; thence westerly on the line tangent to last said curve, distant thereon North 89° 46' 15" West, 3,300.60 feet; thence westerly and northwesterly on the arc of a curve to the right, tangent to last said line, the radius of which curve is 850.00 feet, a distance on said arc of 284.61 feet to a point from which a radial line of said curve bears North 19° 24' 51" East; thence northwesterly on the line tangent to last said curve, distant thereon North 70° 35' 09" West, 847.00 feet; thence northwesterly on the arc of a curve to the left, tangent to last said line, the radius of which curve is 1,200.00 feet, a distance on said arc of 212.02 feet to a point from which a radial line of said curve bears South 9° 17' 28" West, said point being distant South 5° 38' 35" West, 1,366.83 feet from a concrete monument marked "Emma", (said concrete monument having the coordinates North 403,740.71 and East 1,525,187.90); thence northwesterly on the line tangent to last said curve, distant thereon North 80° 42' 32" West, 2,120 feet, more or less, to an intersection thereof with the aforesaid eastern boundary line of the aforesaid Tide Land Survey Number 106.

Excepting therefrom, any portion of the following parcels of land which may lie within the area described above:

(a) THAT certain parcel of land described in the deed by Alameda County Water District to John F. Bettencourt and Lulu F. Bettencourt, dated September 15, 1948, recorded November 22, 1948, in Book 5660 of Official Records, page 533, under Recorder's Series No. AC/88384, Alameda County Records.

(b) THOSE certain parcels of land described in the deeds by Leslie Salt Co. to Alvarado Sanitary District of Alameda County, dated October 28, 1943, recorded in book 4461 of Official Records, page 333, and in book 4461 of Official Records, page 335, under Recorder's Series Nos. QQ/67436 and QQ/67437, respectively.

(c) THAT CERTAIN parcel of land described in the deed by Leslie Salt Co., a corporation, to Alvarado Sanitary District of Alameda County, dated April 19, 1954, recorded May 4, 1954, in book 7311 of Official Records, page 557 under Recorder's Series No. AJ/36945, Alameda County Records.

THE bearings in this description are based on the grid of the California Co-ordinate System, Zone 3.

EXHIBIT "C"

E A S E M E N T

LESLIE SALT CO., a Delaware corporation, (hereinafter called "Grantor") hereby conveys and transfers to the STATE OF CALIFORNIA (hereinafter called "Grantee"), subject to the provisions hereinafter contained, an easement for flood control, reclamation and navigation to be used by Grantee, its successors, assigns and permittees, together with the right of access thereto at all times for the purpose of constructing and maintaining a water course on that certain parcel of property situated in Section 9, Township 4 South, Range 2 West, M. D. B. & M., County of Alameda, State of California, and described as follows:

All the lands lying in Section 9, T. 4 S., R. 2 W., Mount Diablo Base and Meridian, more particularly described as follows:

COMMENCING at a spike at the point of intersection of the center lines of 10th Street and V Street in Alvarado; thence North  $25^{\circ} 46' 00''$  West, 33.38 feet, more or less, to an intersection with the eastern boundary line of that certain strip of land 15 feet in width described in "Parcel 3" in the deed from the Oliver Salt Company to Leslie-California Salt Co., dated March 16, 1951 and recorded in Book 2558 of Official Records at Page 238 thereof, Records of Alameda County, California; thence North  $0^{\circ} 57' 31''$  East, 177 feet along said eastern line to an intersection thereof with the northern boundary line of said strip of land 15 feet in width; thence North  $88^{\circ} 42' 29''$  West 107.47 feet along said northern boundary line, thence North 1441.05 feet, thence northerly and northeasterly on the arc of a curve to the right, tangent to the last said line, the radius of which curve is 1460.00 feet, a distance on said arc of 30.00 feet to the true point of beginning of this description, thence continuing on the same curve 40.01 feet, thence West 125.10 feet, thence southwesterly on a curve to the left, with a radius of 1585.00 feet, a distance of 40.02 feet, thence East 125.01 feet to the true point of beginning.

1. Grantor reserves unto itself, its successors and assigns, all oil, gas and mineral rights and substances lying beneath the surface of said easement,

together with the right of ingress and egress for the purpose of exploring for and removing therefrom all such oil, gas and mineral substances; provided, however, that the use and exercise of said right of ingress and egress shall not unreasonably interfere with the operation and maintenance of said easement for flood control, reclamation and navigation.

2. This grant is made on condition, and Grantee hereby covenants for itself, its successors and assigns:

(a) that the easement hereby conveyed shall be used in such manner that there will be no interference with the rights reserved by Grantor under Section 2 of that certain Easement dated May 20, 1955, conveyed by Grantor to the Alameda County Flood Control and Water Conservation District, recorded September 23, 1957, in Book 8475 at page 401, Official Records of Alameda County, Series No. AM 94390, except as set forth in subsection (b), (c), (d) and (e) below;

(b) that in the event that Grantee, its successors or assigns, shall make a cut in any levee constructed by the Alameda County Flood Control and Water Conservation District, its successors or assigns, pursuant to said Easement dated May 20, 1955, Grantee, its successors or assigns, will construct at their own expense a bridge or similar structure connecting the sections of the levee which are disconnected by such cut;

(c) that such bridge or similar structure shall be constructed in an expeditious manner so that the interruption in the use of said levee by Grantor as an access road will be as brief as possible;

(d) that such bridge or similar structure shall be constructed in a workmanlike manner and shall be sufficient to carry vehicles weighing up to twenty (20) tons;

(e) that such bridge or similar structure shall be maintained by Grantee, its successors and assigns, at all times in good condition at their own expense;

(f) that Grantee, its successors and assigns, shall not interfere with the reasonable use of said parcel of property by the Alameda County Flood Control and Water Conservation District, its successors and assigns, pursuant to said Easement dated May 20, 1955.

3. Grantor, its successors and assigns, shall have the right to use all roads or levees which may be constructed on said easement, and Grantee agrees that all roads constructed upon said easement by Grantee shall be constructed for use incidental to the purposes of the easement herein conveyed and for the use of Grantor, its agents, lessees, licensees and assigns, and shall not be for public use.

4. It is expressly understood and agreed that the foregoing easement is made subject to all matters of record pertaining to said parcel of property and particularly to that certain Easement dated the 20th day of May, 1955, between Grantor and Alameda County Flood Control and Water Conservation District, and it is understood and agreed that this easement is subject to all of the provisions contained in said Easement.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 1959, by its respective officers thereunder duly authorized.

LESLIE SALT CO.

By \_\_\_\_\_  
President

By \_\_\_\_\_  
Secretary