

MINUTE ITEM

29. REQUEST OF THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO USE AND OCCUPY CERTAIN LANDS OF THE STATE IN THE VICINITY OF THE TOWN OF ALVARADO, ALAMEDA COUNTY - W.O. 1260, P.R.C. 2380.9.

After consideration of Calendar Item 15 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE A PERMIT, PURSUANT TO CHAPTER 1275, STATUTES OF 1949, TO THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR FLOOD CONTROL PURPOSES OVER THE PROPERTY DESCRIBED IN SCHEDULE "A", ATTACHED AND HEREBY MADE A PART HEREOF.

Attachment

Calendar Item 15 (3 pages)

CALENDAR ITEM-

15.

REQUEST OF THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO USE AND OCCUPY CERTAIN LANDS OF THE STATE IN THE VICINITY OF THE TOWN OF ALVARADO, ALAMEDA COUNTY - W.O. 1260.

The Alameda County Flood Control and Water Conservation District has requested permission to use and occupy a 400-foot-wide strip of land lying westerly of the town of Alvarado, in Alameda County, for flood control purposes. The land herein concerned is the same 400-foot-wide parcel which is being acquired by the State from the Leslie Sakt Company in the land exchange considered in the preceding agenda item. The property included in this permit request begins on the north line of Section 9, T. 4 S., R. 2 W., and extends southwesterly toward San Francisco Bay a distance of approximately 21,000 feet. Alameda County's request for this permit is pursuant to Chapter 1275, Statutes of 1949. By this Act, the Alameda County Flood Control and Water Conservation District was created, and in Section 27 of the Act there is recited the following provision relating to occupancy of State lands by the Flood Control District:

"There is hereby granted to Alameda County Flood Control and Water Conservation District the right-of-way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, channels, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the District, the Board thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the District a permit to use such right-of-way and lands."

Investigation by staff personnel reveals that the flood control channel has been constructed at the location herein concerned, and a request from the Alameda County Flood Control and Water Conservation District has attached to it a plat of the area included in the request.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO ISSUE A PERMIT, PURSUANT TO CHAPTER 1275, STATUTES OF 1949, TO THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR FLOOD CONTROL PURPOSES OVER THE PROPERTY DESCRIBED IN SCHEDULE "A", ATTACHED AND HEREBY MADE A PART HEREOF.

Attachment
Schedule "A"

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.