

MINUTE ITEM

40. REQUEST FOR ISSUANCE OF PATENTS FOR TIDE LAND SURVEYS 39, 40, AND 41, SOLANO COUNTY - S.W.O.s 7900, 7901, AND 7902.

After consideration of Calendar Item 27 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION APPROVES THE AMENDED DESCRIPTIONS HEREINAFTER SET FORTH OF TIDE LAND SURVEYS 39, 40, AND 41, SOLANO COUNTY, AND AUTHORIZES THE ISSUANCE OF PATENTS COVERING SUCH LANDS, IN THE NAME OF THE ORIGINAL APPLICANT, CHARLES A. CHAPMAN, PURSUANT TO THE FOLLOWING AMENDED DESCRIPTIONS:

TIDE LAND SURVEY NO. 39

ALL THAT PORTION OF SECTIONS TWENTY-FIVE (25) AND TWENTY-SIX (26), TOWNSHIP THREE (3) NORTH, RANGE TWO (2) WEST, MOUNT DIABLO BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED BY THE APPROVED AMENDED DESCRIPTION OF SAID SURVEY AS FOLLOWS.

BEGINNING AT A POINT ON THE LOW TIDE LINE OF SUISUN BAY, 2 CHAINS NORTH OF THE CENTER SECTION 25, T. 3 N., R. 2 W., M.D.B.& M., RUNNING THENCE ALONG THE SAID LOW TIDE LINE SOUTH  $24^{\circ} 15'$  WEST, 3.40 CHAINS; THENCE SOUTH  $88^{\circ} 00'$  WEST, 18.40 CHAINS; THENCE SOUTH  $53^{\circ} 30'$  WEST, 7.39 CHAINS; THENCE NORTH  $61^{\circ} 30'$  WEST, 8.25 CHAINS; THENCE SOUTH  $86^{\circ} 45'$  WEST, 5.45 CHAINS; THENCE NORTH  $76^{\circ} 30'$  WEST, 11.90 CHAINS; THENCE SOUTH  $66^{\circ} 00'$  WEST, 8.10 CHAINS; THENCE NORTH  $66^{\circ} 30'$  WEST, 11.90 CHAINS; THENCE NORTH  $5^{\circ} 30'$  WEST, 11.50 CHAINS; THENCE NORTH  $60^{\circ} 45'$  EAST, 22.50 CHAINS; THENCE SOUTH  $75^{\circ} 00'$  EAST, 23.00 CHAINS; THENCE SOUTH  $59^{\circ} 30'$  EAST, 31.96 CHAINS, TO THE PLACE OF BEGINNING, CONTAINING 122.99 ACRES.

TIDE LAND SURVEY NO. 40

ALL THAT PORTION OF SECTION TWENTY-SIX (26), TOWNSHIP THREE (3) NORTH, RANGE TWO (2) WEST, MOUNT DIABLO BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED BY THE APPROVED AMENDED DESCRIPTION OF SAID SURVEY AS FOLLOWS:

BEGINNING AT A POINT ON THE LOW TIDE LINE OF SUISUN BAY, 9 CHAINS SOUTH AND 11.50 CHAINS WEST OF THE NORTH QUARTER CORNER OF SECTION 26, T. 3 N., R. 2 W., M.D.B.& M., RUNNING THENCE ALONG THE SAID LOW TIDE LINE SOUTH  $25^{\circ} 30'$  WEST, 12.35 CHAINS; THENCE NORTH  $46^{\circ} 30'$  WEST, 7.35 CHAINS; THENCE SOUTH  $86^{\circ} 00'$  WEST, 13.10 CHAINS; THENCE NORTH  $4^{\circ} 45'$  EAST, 3.55 CHAINS; THENCE NORTH  $71^{\circ} 45'$  EAST, 12.40 CHAINS; THENCE SOUTH  $88^{\circ} 00'$  EAST, 11.65 CHAINS, TO THE PLACE OF BEGINNING, CONTAINING 14.42 ACRES.

TIDE LAND SURVEY NO. 41

ALL THAT PORTION OF SECTION THIRTY-SIX (36), TOWNSHIP THREE (3) NORTH, RANGE TWO (2) WEST, MOUNT DIABLO BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED BY THE APPROVED AMENDED DESCRIPTION OF SAID SURVEY AS FOLLOWS:

BEGINNING AT A POINT ON THE LOW TIDE LINE OF SUISUN BAY, 4.25 CHAINS SOUTH AND 4.00 CHAINS EAST OF THE NORTH QUARTER CORNER OF SECTION 36, T. 3 N., R. 2 W., M.D.B. & M., RUNNING THENCE ALONG THE SAID LOW TIDE LINE SOUTH  $47^{\circ} 00'$  EAST, 4.00 CHAINS; THENCE SOUTH  $47^{\circ} 30'$  WEST, 11.90 CHAINS; THENCE NORTH  $50^{\circ} 45'$  WEST, 2.80 CHAINS; THENCE SOUTH  $47^{\circ} 00'$  WEST, 8.20 CHAINS; THENCE SOUTH  $69^{\circ} 30'$  WEST, 10.00 CHAINS; THENCE NORTH  $35^{\circ} 00'$  EAST, 6.80 CHAINS; THENCE NORTH  $65^{\circ} 00'$  EAST, 11.15 CHAINS; THENCE NORTH  $50^{\circ} 15'$  EAST, 12.20 CHAINS, TO THE PLACE OF BEGINNING, CONTAINING 10.13 ACRES.

Attachment  
Calendar Item 27 (2 pages)

REQUEST FOR ISSUANCE OF PATENTS FOR TIDE LAND SURVEYS 39, 40, AND 41, SOLANO COUNTY - S.W.O.s 7900, 7901, AND 7902.

At the request of Charles D. Chapman, Tide Land Surveys 39, 40, and 41, containing respectively 198.73, 24.65, and 22.07 acres (aggregating 245.45 acres), were surveyed on July 23, 24, and 25, 1872, pursuant to Statutes of 1863, Chapter 397, Page 591, which authorized the sale of tidelands. Each of said surveys purports to be bounded along the low water mark of areas which are islands at low tide. The lands were paid for in full on October 18, 1872, and patents have been issuable since that time, pursuant to provisions of law which are currently incorporated in Section 7729, Public Resources Code. On February 8, 1962, Lewis Nixon, as successor in interest of the original applicant by mesne conveyances of record, applied for issuance of patents.

Investigation of the surveys showed that a substantial part of each of the descriptions embraced areas of lands which were in fact waterward of the low tide line. Since there was no authority of law to dispose of lands lying below the low tide line, the applicant for patents is agreeable to having the areas redescribed to fit along the low tide line as it existed in 1878, such date being the nearest date for reliable hydrographic surveys showing the natural conditions in the subject area. The proposed redescribed areas contain respectively 122.99, 14.42, and 10.13 acres (aggregating 147.54 acres). The successors to the original applicants are entitled to apply for restitution, at the rate of \$1 per acre, or \$97.91, being the difference between the acreage paid for under the original surveys and the acreage herein recommended to be patented.

IT IS RECOMMENDED THAT THE COMMISSION APPROVE THE AMENDED DESCRIPTIONS HEREINAFTER SET FORTH OF TIDE LAND SURVEYS 39, 40, AND 41, SOLANO COUNTY, AND AUTHORIZE THE ISSUANCE OF PATENTS COVERING SUCH LANDS, IN THE NAME OF THE ORIGINAL APPLICANT, CHARLES A. CHAPMAN, PURSUANT TO THE FOLLOWING AMENDED DESCRIPTIONS:

TIDE LAND SURVEY NO. 39

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THENCE NORTH 60° 45' EAST, 22.50 CHAINS; THENCE SOUTH 75° 00' EAST, 23.00 CHAINS; THENCE SOUTH 59° 30' EAST, 31.96 CHAINS, TO THE PLACE OF BEGINNING, CONTAINING 122.99 ACRES.

TIDE LAND SURVEY NO. 40

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TIDE LAND SURVEY NO. 41

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