

MINUTE ITEM

7/31/69

7. RENT-FREE RIGHT-OF-ENTRY PERMIT, SOVEREIGN LAND IN BED OF TOLAY CREEK AT SEARS POINT, SONOMA COUNTY, FOR RECONSTRUCTION OF BRIDGE ON STATE HIGHWAY; STATE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS - W-2262, P.R.C. 4260.9.

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

THE COMMISSION AUTHORIZES THE EXECUTION OF A RENT-FREE RIGHT-OF-ENTRY PERMIT, FOR A TERM NOT TO EXCEED TWO YEARS, TO THE STATE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, FOR RIGHT-OF-WAY PURPOSES ACROSS SOVEREIGN LAND OF TOLAY CREEK, SONOMA COUNTY, AS DESCRIBED IN EXHIBIT "A".

Attachment

Calendar Item 14 (3 pages)

CALENDAR ITEM

7/69  
W.O. 2262

14.

RIGHT-OF-ENTRY PERMIT

APPLICANT: State Department of Public Works, Division of Highways.

LOCATION: A parcel of sovereign land in the bed of Tolay Creek at Sears Point, Sonoma County.

PROPOSED USE: The reconstruction of a bridge on State Highway Route 04-Son-37.

TERM: Two years, unless sooner replaced by an agreement pursuant to Section 101.5 of the Streets and Highways Code.

STATUTORY AND OTHER REFERENCES:

- a. Public Resources Code: Div. 6, Pt. 2, Ch. 1, Secs. 6501-6509.
- b. Administrative Code: Title 2, Div. 3, Secs. 2000-2011.

EXHIBITS: A. Land description. B. Location map.

OTHER PERTINENT INFORMATION:

On October 4, 1960, the Division of Highways made application for a permit to reconstruct and enlarge an existing bridge across Tolay Creek at Sears Point in Sonoma County.

Because of the existence of a subdivision at this location, possibly on State land, lengthy investigations were made and the application of Highways was revised to avoid crossing lands encumbered by purprestures.

Since agreement has been reached as explained above, revision of the permit language has been found necessary. The revision is not yet complete; however, a temporary right-of-entry permit is essential so that Highways may call for bids on the job.

When revision of the permit language is complete, this permit will be replaced. This permit will contain the following clauses, and the description as shown in Exhibit "A".

This permit is subject to existing contracts, leases, licenses, easements, encumbrances and claims which may affect the premises, and is made without warranty by State of title, quiet enjoyment, condition or fitness of the premises for the intended use, or any other warranty whatever, except that Permittee faithfully keeping all the terms, provisions and conditions of this lease on Permittee's part to be performed, State agrees not to interfere with Permittee's possession of the premises, except as herein may otherwise be provided.

CALENDAR ITEM 14. (CONTD.)

This permit is not intended to constitute the establishment of the State's boundary and is to be without prejudice to any boundary claims which may in the future be asserted.

The rental value of the site is \$1000 per year.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTION OF A RENT-FREE RIGHT-OF-ENTRY PERMIT, FOR A TERM NOT TO EXCEED TWO YEARS, TO THE STATE DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS, FOR RIGHT-OF-WAY PURPOSES ACROSS SOVEREIGN LAND OF TOLAY CREEK, SONOMA COUNTY, AS DESCRIBED IN EXHIBIT "A".

Attachment: Exhibit "A"

EXHIBIT "A"

A parcel of tide and submerged land lying in the natural bed of Tolay Creek in Sonoma County, California, and contiguous to the Petaluma Rancho as finally confirmed to Mariano Vallejo, and being more particularly described as follows:

COMMENCING at the point of intersection of course 231 and 232 of said Rancho, said point having grid coordinates X = 1,871,860 and Y = 176,582; thence along said Rancho line N. 24° 22' 35" W. 312.30 feet to the TRUE POINT OF BEGINNING; thence continuing along said Rancho line N. 24° 22' 35" W. 300.71 feet; thence leaving said Rancho line the following courses:

N. 66° 05' 32" E.	471.45 feet
S. 28° 50' 03" E.	153.45 feet
S. 40° 57' 25" E.	132.96 feet
S. 66° 05' 32" W.	405.54 feet
N. 30° 16' 28" W.	15.10 feet
S. 66° 05' 32" W.	105.16 feet
S. 23° 54' 28" E.	35.25 feet
S. 63° 10' 54" W.	8.79 feet to

the true point of beginning of this description.

EXCEPTING any portion lying landward of the ordinary high water mark of Tolay Creek as it existed in its natural state.

The basis of bearings of this description is the California Coordinate System, Zone II.