

MINUTE ITEM

12/17/70
LHG

9. PROPERTY ACQUISITION, SUBMERGED LAND, PETALUMA RIVER, SONOMA COUNTY,
FROM THE U. S. DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS - N 0336.

After consideration of Calendar Item 6 attached, and upon motion duly made
and carried, the following resolution was adopted:

THE COMMISSION RATIFIES THE EXECUTION BY THE EXECUTIVE OFFICER AND TRANS-
MITTAL OF AN OFFER TO THE U. S. DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS,
FOR THE INKED-IN PARCELS SHOWN ON EXHIBIT "B" ON FILE IN THE OFFICE OF THE
COMMISSION AND BY REFERENCE MADE A PART HEREOF. THE OFFER IS TO BE IN THE
FORM AND WITH THE CONTENT OF EXHIBIT "A" ATTACHED. FURTHER, THE COMMISSION
AUTHORIZES THE ACCEPTANCE AND RECORDATION OF THE ACQUISITION DOCUMENTS AND
AUTHORIZES ALL OTHER ACTIONS NECESSARY TO COMPLETE THE ACQUISITION.

Attachment:

Calendar Item 6 (3 pages)

CALENDAR ITEM

12/70
N 0336
LHG

6.

PROPERTY ACQUISITION, PETALUMA RIVER

The U. S. Department of the Army, Corps of Engineers, is owner in fee of many parcels of submerged land throughout California waterways. Most of such parcels have been acquired during past decades for navigational purposes. Several such parcels (see Exhibit "A") are located contiguous to submerged lands within the Petaluma River that are under jurisdiction of the State Lands Commission.

The Corps of Engineers has found that fee ownership of the Petaluma River parcels is not necessary for its purposes, and has proposed to convey the fee ownership of these parcels to the State of California, retaining the right to maintain an easement for navigation.

On May 29, 1969 (Minute Item 39), the Commission authorized the staff to undertake an investigation of the proposal and to proceed with negotiations to acquire the parcels, with the requirement that the final acquisition documents be submitted to the Commission for review.

Upon investigation, the Division has concluded as follows:

1. The parcels are valuable for fishing, navigation, and commerce, and should remain in public ownership.
2. The rights retained by the Corps of Engineers would be consistent with the responsibilities of the Commission.
3. Acquisition of the parcels would save the State costs and litigation in fixing the boundaries of the affected sections of the Petaluma River.
4. If the State does not accept these parcels, they eventually could be sold into private ownership for development.
5. Upon acquisition, the parcels will fall within the exclusive jurisdiction of the Commission, pursuant to Section 6301 of the Public Resources Code.

The Division has engaged in sustained negotiations with the Corps of Engineers, and has been advised that an offer for the parcels in the form and with the content of Exhibit "A" would be accepted by the Federal Government. Pertinent points of the agreement are:

1. The conveyance will be made for a consideration of one dollar.
2. The Corps of Engineers will retain a navigational easement over the parcels. (All sovereign lands are subject to such an easement.)
3. Any future use of the lands for purposes other than navigation will require the approval of the Corps of Engineers. (All sovereign land uses require this approval.)

CALENDAR ITEM 6. (CONTD.)

4. The final conveyance will contain the standard federal nondiscrimination covenant. (The State nondiscrimination laws are more stringent than the Federal.)

IT IS RECOMMENDED THAT THE COMMISSION RATIFY THE EXECUTION BY THE EXECUTIVE OFFICER AND TRANSMITTAL OF AN OFFER TO THE FEDERAL GOVERNMENT FOR THE INKED-IN PARCELS SHOWN ON EXHIBIT "B" ON FILE IN THE OFFICE OF THE COMMISSION AND BY REFERENCE MADE A PART HEREOF. THE OFFER IS TO BE IN THE FORM AND WITH THE CONTENT OF EXHIBIT "A" ATTACHED. IT IS FURTHER RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ACCEPTANCE AND RECORDATION OF THE ACQUISITION DOCUMENTS AND AUTHORIZE ALL OTHER ACTIONS NECESSARY TO COMPLETE THE ACQUISITION.

Attachment: Exhibit "A"

EXHIBIT "A"

N 0336

Petaluma Creek Channel
Sonoma County, California
Ref: 9-D-Calif-965

OFFER TO PURCHASE

For and in consideration of the sum of One Dollar, the State of California, State Lands Division, hereinafter called the Offeror, hereby offers to buy from the United States of America, hereinafter called the Government, all that certain real property situated in the County of Sonoma, State of California, described in Exhibit "A" attached hereto and made a part hereof.

A. Said purchase is subject to the following:

- (1) Terms and conditions herein set forth and
- (2) General Terms applicable to Negotiated Sales set forth in GSA Form 2041 attached hereto as Exhibit "B" and made a part hereof.
- (3) Excepting and reserving to the United States of America a navigation easement over the property described in Exhibit "A" for the purpose of access to, operation of, and maintenance of the navigation channel.
- (4) Any future use of the land conveyed as described in Exhibit "A" for purposes other than as a navigational waterway will require approval of the United States Army Corps of Engineers.
- (5) The land as described in Exhibit "A" is to become Sovereign land of the State of California.

B. The instrument of Conveyance shall include a nondiscrimination covenant substantially as set forth in Section 101-47.307-2(b) of the Federal Property Management Regulations.

STATE OF CALIFORNIA
STATE LANDS DIVISION

Signature of Person Authorized
to sign Offer

Signer's Name

Date

Signer's Title

ACCEPTANCE BY THE GOVERNMENT

The foregoing Offer to Purchase is accepted by and on behalf of the United States of America, acting by and through the Administrator of General Services on this _____ day of _____ 19 ____.

Name and Title of
Contracting Officer

E. A. SAYLOR, JR. Acting Chief,
Real Property Division
Property Management & Disposal Service