

Calendar Item No. 29
Approved as Minute Item
by the State Lands
Commission by a vote of 3
at its 12/15/76
meeting.

MINUTE ITEM

12/15/76
WC

29. AUTHORIZE COMPROMISE SETTLEMENT - W 20101, ~~PR-5261~~,
BLA 153.

During consideration of Calendar Item 29 attached, Mr. James F. Trout, Manager, Land Operations, explained the item. Mr. N. Gregory Taylor, Assistant Attorney General, explained that an amendment to the proposed Agreement is before the Commission. The amendment indicates that instead of the Nature Conservancy retaining the easement for certain improvements they have on the State's side of the boundary line, a 49-year permit will be included in the agreement for the area covered by those improvements.

Chairman Kenneth Cory introduced for the record 29 letters and a petition opposing the closing of the island for hunting purposes, and a letter from Senator John Dunlap dated 12/8/76. The aforementioned correspondence is on file in the office of the State Lands Commission. Mr. Trout explained that the proposed boundary agreement currently before the Commission is a separate matter from the Management Plan proposed by the U.S. Fish and Wildlife Service to which these letters refer.

Mr. Glen Olson, representing the National Audubon Society, Western Regional Office, appeared. However, because the subject of hunting was not discussed, he did not make a statement.

For the record, Commission-alternate Sid McCausland read the recommendations on which the Commission is acting.

Upon motion duly made and carried the resolution as presented in Calendar Item 29, was adopted by a vote of 3-0, with the understanding that the proposed boundary settlement is amended wherein instead of the Nature Conservancy retaining the easement for certain improvements they have on the State's side of the boundary line, a 49-year permit will be included in the agreement for the area covered by those improvements.

Attachment: Calendar Item 29 (12 pages)

AUTHORIZE COMPROMISE SETTLEMENT

The lower portion of Tubbs Island, located in Sonoma County, California; is depicted in Exhibits "A", "B", "C", and "D", on file with the office of the State Lands Division and by reference made a part hereof; is hereafter referred to as "Lower Tubbs Island"; is claimed by The Nature Conservancy (a District of Columbia non-profit corporation), by conveyances recorded in the Official Records of Sonoma County.

Part of Lower Tubbs Island was included within the perimeter description of the State's Swamp and Overflowed Lands Survey No. 27A, Sonoma County, the patent for which was issued in 1883, pursuant to a Certificate of Purchase of 1872. The patent survey meandered the outer perimeter of the entire Tubbs Island and included internal waterways. Substantial silting occurred within the beds of the sloughs along the general northerly and westerly edges of the island after reclamation. Lower Tubbs Island is bounded northeasterly by Tolay Creek (aka Midshipman Slough), San Pablo Bay on the south, and the State's Tubbs Island parcel in the east.

Except for Lower Tubbs Island, the titles and boundary to the remainder of Tubbs Island were resolved in 1972, by Commission agreement (BLA 130, recorded 2643 OR 798 and 2643 OR 923). As a result of that agreement, the State's titles to the adjacent beds of Tolay Creek, Midshipman Slough, and Sonoma Creek; a parcel of over 70 acres adjacent to the subject parcel, (referred to as the State's Tubbs Island Parcel, and more particularly described in Exhibit "F"); and a right of way south along Toley Creek; were confirmed in State ownership.

Lower Tubbs Island was reclaimed in the last century by levees. Subsequently new levees were constructed along Tolay Creek, enclosing substantial additional property. Tolay Creek was originally a major waterway. Due to the silting of its bed after reclamation, the open waters of the creek are now only a few feet wide. There has been some erosion along the San Pablo Bay edge of Lower Tubbs Island.

Lower Tubbs Island is surrounded by levees and is being managed by the Nature Conservancy as a wildlife sanctuary. It is cut off from navigation and the ebb and flow of the tides, and is not of the physical character of tidelands.

The following are the subject of a bona fide title dispute between the State and The Nature Conservancy:

- A 8 (1) The exact location of the surveyed boundary between the
S 4 Nature Conservancy claims to Lower Tubbs Island and the
State's Tubbs Island parcel;

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- (2) The exact location of the boundary between the State's titles within the bed of Tolay Creek along the north-westerly edge of Lower Tubbs Island, and within San Pablo Bay to the south of Lower Tubbs Island, (the ordinary high water mark);
- (3) The private titles to the interior of Lower Tubbs Island.

The dispute is based, among other things, upon uncertainties concerning the original survey lines; the extent of siltation, erosion, possible subsidence, and their causes, whether natural or artificial; upon whether Lower Tubbs Island contained tidelands subject to the public trust in its natural state; and upon the legal effect of the State's Patent, and reclamation.

The proposed agreement is intended to resolve the disputes in lieu of the substantial costs, delays, and uncertainties of litigation. The agreement establishes two boundary lines which together surround a parcel to be patented to the Nature Conservancy (which parcel is herein referred to as the upland parcel and is more particularly described in Exhibit "H"). The first boundary establishes the location of the ordinary high water mark around Lower Tubbs Island as it bounds Tolay Creek and San Pablo Bay (hereafter referred to as the agreed ordinary high water mark, and more particularly described in Exhibit "G"). The ordinary high water mark constitutes the boundary between the upland parcel of the Nature Conservancy and the real property of the State within the bed of Tolay Creek and San Pablo Bay held by the State in its sovereign capacity in trust for the purposes of commerce, navigation, and fisheries, (herein referred to as the State's sovereign parcel and depicted in Exhibit "C").

The second boundary establishes the location of the boundary between the upland parcel of The Nature Conservancy and the State's Tubbs Island parcel. It is herein described as the deed boundary and is to be established along the line common to the upland parcel and the State's Tubbs Island parcel as described in Exhibits "F" and "H", attached.

The agreement will require or contain mutual conveyances (1) by the State to The Nature Conservancy of the upland parcel (Exhibit "H"), and; (2) by The Nature Conservancy to the State of the State's Tubbs Island parcel (Exhibit "F") and of the State's said sovereign parcel.

The agreed ordinary high water mark constitutes a reasonable depiction of the ordinary high water mark around Lower Tubbs Island as it existed in a natural state, based on the State's title and boundary studies. For the most part, it follows the line of the outer toe of the original levees, with the area reclaimed by the later levees, as well as everything water-water thereof, passing to the State. A non-motorized public right of way will be reserved along the original levees for

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public travel around Lower Tubbs Island and for ingress and egress to the public's real property along Tolay Creek and San Pablo Bay.

The deed boundary between the upland parcel and the State's Tubbs Island parcel is based on a survey by the State Lands Division.

Some improvements were constructed many years ago on the fringes of Lower Tubbs Island and they continue to exist at the locations shown in Exhibit "E". They appear to have been constructed by parties in possession on the good faith belief that they were located on privately-owned real property.

Some of the improvements are partially or completely located outside the upland parcel. The Nature Conservancy is retaining an easement for the continued use, repair, and maintenance of the improvements outside the upland parcel together with reasonable access thereto. The easement shall continue for the life of the structures and shall terminate without further action of the parties on the abandonment of the improvements.

The Nature Conservancy is the owner of a right of way along Tolay Creek, for ingress and egress to Lower Tubbs Island. The agreement will confirm their rights of access.

Lower Tubbs Island is included within the Federal San Pablo Bay Wildlife Refuge. Upon completion of the proposed title settlement with the State, The Nature Conservancy intends to convey the upland parcel to the United States. A potential lease to the Federal Government of the State's Tubbs Island parcel, as well as the beds of Tolay Creek and San Pablo Bay surrounding the upland parcel is being negotiated by the State Lands Division and the United States Fish and Wildlife Service.

The proposed Compromise Settlement is authorized by Division Six of the Public Resources Code, including Sections 6307, 6312, and 6357.

The title uncertainties and disputes have been under consideration by the Division for a number of years. The staff recommends the proposed agreement as being in the best interests of the State. If approved, the agreement will resolve long-standing uncertain and disputed titles along about 2 1/2 miles of boundary of San Pablo Bay estuarine lands.

The agreement is exempt from Environmental Impact Report requirements.

The State will obtain a boundary title guaranty at the State's expense, which is an exemption to standard policy.

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- EXHIBITS:
- A. Estuary Map.
 - B. N.A.S.A. Airphoto
 - C. Quad Map.
 - D. Proposed Agreement Map.
 - E. Improvements Map.
 - F. Description - State's Tubbs Island Parcel.
 - G. Description - Ordinary High Water Mark.
 - H. Description - Upland Parcel.

IT IS THEREFORE RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE PROPOSED BOUNDARY AGREEMENT, ON FILE WITH THE STATE LANDS DIVISION AND BY REFERENCE MADE A PART HEREOF, IS IN THE BEST INTERESTS OF THE STATE, AUTHORIZE THE EXECUTION AND RECORDATION OF SAID AGREEMENT AND CONVEYANCES PURSUANT THERETO, AND ACCEPT THE CONVEYANCES TO THE STATE AS PROVIDED THEREIN.
2. FIND THAT THE AGREEMENT IS NOT SUBJECT TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT BY REASON OF THE EXCEPTION CONTAINED IN SECTION 6371, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE THE STATE LANDS DIVISION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, IN ORDER TO IMPLEMENT AND GIVE EFFECT TO THIS AGREEMENT.

- Attachments:
- F. Description - State's Tubbs Island Parcel.
 - G. Description - Ordinary High Water Mark.
 - H. Description - Upland Parcel.

EXHIBIT "F"

A portion of Swamp and Overflowed Survey No. 27a, Sonoma County, California, situated in that certain section eight (8) of Township Range (3) North, Range Five (5) West, Mount Diablo Base and Meridian;

Said portion of Survey No. 27a also being a part of the lands granted to Reclamation District No. 2061, a public corporation by the Tubbs Island Company, a corporation, by deed dated October 21, 1927 and recorded October 26, 1927 in Book 27 of Official Records of said county at page 167, and of the lands granted to the Sonoma Ranch Company, a corporation, by William H. Noble and Adelaide Noble, his wife, by deed dated March 12, 1947 and recorded March 11, 1947 in Volume 735 of Official Records of said county at page 36;

Said portions of said lands more particularly described as follows:

Commencing at a concrete filled vitrified clay pipe monument found in the Marsh (1971) on the north shore of San Pablo Bay, said monument marking a point on the line dividing the lands formerly owned by the Tubbs Island Company, a corporation, and one Walter D. Reed, as said monument and line is described in the deed dated June 13, 1923, and recorded June 16, 1923, in Book 39, Official Records of said county at page 284, said monument also marking the angle point between courses Twenty-eight (28) and Twenty-nine (29) of the "Outside Boundary" of Parcel One (1) of the lands granted by the Tubbs Island Company, a corporation, to Reclamation District No. 2061, by deed hereinabove referenced, the location of said monument being shown on that certain map entitled, "Map of the Southwest Portion of Tubbs Island, Sonoma County, California, Surveyed September 24, 1924, by L. L. Mills, Licensed Surveyor" and recorded October 29, 1924, in Book 45 of Maps, Records of said county, at page 23; from which point of commencement an old 4"x4" redwood post found marking corner No. 238 of the Petaluma Rancho, bears North 12°13'19" West, 15,549.16 feet (referenced deed and map the North 15°02' West, 15,635.0 Feet); said 4"x4" post now replaced by a Standard California State Lands Commission 3-1/2 inch brass disc set in concrete and marked "Corner No. 238, Rancho Petaluma - Raised and Refurbished 1971, L.S. 3233"; thence from said corner No. 238 and retracing the boundary of the Petaluma Rancho as surveyed under instructions of the United States Surveyor General by C. C. Tracy, United States Deputy Surveyor, in March 1860, a plat of which is recorded in Book 8 of Maps of Records of said county, at page 14; South 11°53'25" West, 526.96 Feet to corner No. 237 of said rancho (record South 11°30' West, 523.6 feet); thence South 44°05'35" East 1317.40 feet to corner No. 235 of said rancho (record South 44°30' East, 1320.0 feet); said corner No. 236 found being marked by an old 8"x6" post, now replaced by a Standard California State Lands Commission 3-1/2 inch brass disc set in concrete and marked "Corner No. 236, Rancho Petaluma - Raised and Refurbished 1971, L.S. 3133"; thence returning to the point of commencement hereinabove described and running thence along the line dividing the lands formerly owned by the Tubbs Island Company and Walter D. Reed, North 25°21'32" West, 20.46 feet to the ordinary high water mark of San Pablo Bay being the exterior boundary of Swamp and Overflowed Survey No. 27a, Sonoma County, and the true point of beginning of the herein described lands.

Said true point of beginning having grid coordinates of X=1,875,377.19 and Y=145,861.04.

Thence from said true point of beginning along said ordinary high water mark of San Pablo Bay;

- (1) North 55°21'26" East, 146.01 Feet to a 2"x2" redwood stake (A-126)
- (2) North 52°52'06" East, 232.45 Feet to a 2"x2" redwood stake (A-119)
- (3) North 55°44'19" East, 383.15 Feet to a 2"x2" redwood stake (A-118)
- (4) North 51°52'52" East, 248.94 Feet to a 2"x2" redwood stake (A-117)
- (5) North 51°26'15" East, 255.93 Feet to a 2"x2" redwood stake (A-116)
- (6) North 47°04'13" East, 173.12 Feet to a 2"x2" redwood stake (A-115)
- (7) North 19°18'51" East, 300.68 Feet to a 2"x2" redwood stake (A-114)
- (8) North 10°32'40" East, 318.74 Feet to a 2"x2" redwood stake (A-113)
- (9) North 8°55'15" East, 247.35 Feet to a 2"x2" redwood stake (A-112)
- (10) North 12°21'24" East, 349.55 Feet to a 2"x2" redwood stake (A-111)
- (11) North 34°21'35" East, 105.35 Feet to a 2"x2" redwood stake (A-110)

Thence leaving said ordinary high water mark of San Pablo Bay, crossing the southerly portion of Tubbs Island.

(12) South 85°23'44" West, 2,094.22 Feet to Station No. 97 of the ordinary high water mark (east) as delineated and so designated on that certain map entitled "Survey of the Ordinary High Water Mark Along the Banks of Tolay Creek, Vicinity of Sagra Point, Sonoma County, California" dated November 1958, and recorded May 24, 1960, in Book 76 of Maps, Records of said county at page 50;

Thence along the ordinary high water mark (east) as delineated and so designated on said map;

(13) South 11°25'28" West, 55.70 Feet to Station 98

(14) South 14°42'57" West, 102.35 Feet to Station 99

(15) South 22°04'21" West, 51.60 Feet to Station 100

(16) South 21°53'09" West, 126.09 Feet to Station 101

and:

(17) South 47°48'45" West, 155.89 Feet to a point on said ordinary high water mark between stations 101 and 102 which bears North 25°21'55" West from a California State Bonds Commission 3-1/2 inch brass disc set in rock marked "Monument, 45 Maps 23 Sonoma County, March 1971, LS 3233"; said monument marking a point on the line dividing the lands, formerly owned by the Tubbs Island Company, a corporation, and Walter D. Reed as said monument and line is described in the deed dated June 13, 1923 and recorded June 16, 1923, in Book 39 of Official Records of said county at page 254; the location of said monument being shown on that certain map entitled "Map of the Southwest Portion of Tubbs Island, Sonoma County, California -- Surveyed September 24, 1924, by L. L. Mills, Licensed Surveyor" and recorded October 29, 1924 in Book 45 of Maps, Records of said county at page 23.

Thence leaving said ordinary high water mark and along the said dividing line;

South 25°21'55" East, 38.98 Feet to said last described monument; thence continuing along said dividing line, South 25°21'55" East, 1795.67 Feet to the true point of beginning of the herein described lands.

Containing an area of 72.27 acres of land more or less.

EXHIBIT "G"

Agreed boundary locating the ordinary high water mark of a portion of the lands embraced in Swamp and Overflowed Lands Survey No. 27a, Sonoma County, California, situated in projected Sections 7 and 8 in T. 3 N., R. 5 W., M.D.M..

Commencing at a concrete filled vitrified clay pipe monument five inches in diameter found in the marsh (1971) on the north shore of San Pablo Bay at the southwesterly tip of Tubbs Island, said monument marking a point on the line dividing the lands formerly owned by the Tubbs Island Company, a corporation, and one Walter D. Reed, as said monument and line are described in the deed dated June 13, 1923, and recorded June 16, 1923, in Book 39 of Official Records of said county at page 284, said monument also marking the angle point between courses 28 and 29 of the "Outside Boundary" of Parcel 1 of the lands granted by the Tubbs Island Company, a corporation, to Reclamation District No. 2061 by deed dated October 23, 1922, and recorded October 26, 1922, in Book 27 of Official Records of said county, at page 167. The location of said monument being shown on that certain map entitled, "Map of the Southwest Portion of Tubbs Island, Sonoma County, California, surveyed September 24, 1924, by L. L. Mills, Licensed Surveyor" and recorded October 29, 1924, in Book 45 of Maps, Records of said county at page 23.

From which point of commencement an old 4" x 4" redwood post found marking Corner No. 236 of the Petaluma Rancho, bears North 19° 13' 19" West 15,549.16 feet (referenced deed and map tie North 19° 02' West 15,635.0 feet).

Said 4" x 4" redwood post now replaced by a Standard California State Lands Commission 3-1/2 inch brass disc, set in concrete marked "Corner No. 238, Rancho Petaluma Raised and Refurbished 1971, LS 3133";

Thence from said Corner No. 238 and retracing the boundary of the Petaluma Rancho as surveyed under instructions of the United States Surveyor General by C. C. Tracy, U.S. Deputy Surveyor, in March 1860, a plat of which is recorded in Book 8 of Maps of Records of said county, at page 14;

South 11° 53' 24" West 526.96 feet to Corner No. 237 of said Rancho (record South 11° 30' West 528.0 feet); thence South 44° 06' 36" East 1317.40 feet to Corner No. 236 of said Rancho (record South 44° 30' East 1320.0 feet); said Corner No. 236 found being marked by an old 6" x 6" post, now replaced by a Standard California State Lands Commission 3-1/2 inch brass disc, set in concrete marked "Corner No. 236, Rancho Petaluma - Raised and Refurbished 1971, L.S. 3133".

Thence returning to the point of commencement hereinabove described and running thence along the line dividing the land formerly owned by the Tubbs Island Co., and Walter D. Reed, North 25° 21' 55" West 28.46 feet to the ordinary high water mark of San Pablo Bay being the exterior boundary of Swamp and Overflowed Lands Survey No. 27a, Sonoma County, and the true point of beginning of the herein described line.

Said true point of beginning having grid coordinates of X=1,875,377.19 and Y=165,961.04.

Thence from said true point of beginning, along said ordinary high water mark of San Pablo Bay as surveyed and located hereby:

(1)	S.	55°	21'	26"	W.	17.61	ft.	to a	2"x2"	redw.	stake	(A 121)
(2)	S.	75°	35'	46"	W.	287.03	ft.	to a	2"x2"	redw.	stake	(A 194)
(3)	S.	69°	40'	49"	W.	231.74	ft.	to a	2"x2"	redw.	stake	(A 195)
(4)	S.	65°	35'	04"	W.	561.30	ft.	to a	2"x2"	redw.	stake	(A 196)
(5)	S.	49°	36'	59"	W.	145.52	ft.	to a	2"x2"	redw.	stake	(A 197)
(6)	S.	27°	39'	07"	W.	506.89	ft.	to a	2"x2"	redw.	stake	(A 198)
(7)	S.	41°	13'	23"	W.	545.47	ft.	to a	2"x2"	redw.	stake	(A 199)
(8)	S.	73°	03'	28"	W.	148.25	ft.	to a	2"x2"	redw.	stake	(A 200)
(9)	S.	83°	26'	31"	W.	135.10	ft.	to a	2"x2"	redw.	stake	(A 201)
(10)	S.	55°	42'	27"	W.	178.30	ft.	to a	2"x2"	redw.	stake	(A 202)
(11)	S.	78°	20'	50"	W.	197.93	ft.	to a	2"x2"	redw.	stake	(A 203)
(12)	S.	74°	22'	31"	W.	57.66	ft.	to a	2"x2"	redw.	stake	(144)
(13)	S.	76°	04'	28"	W.	502.78	ft.	to a	2"x2"	redw.	stake	(143)
(14)	S.	79°	30'	05"	W.	290.87	ft.	to a	2"x2"	redw.	stake	(142)
(15)	N.	88°	40'	59"	W.	87.02	ft.	to a	2"x2"	redw.	stake	(141)
(16)	N.	66°	16'	05"	W.	479.55	ft.	to a	2"x2"	redw.	stake	(140)
(17)	N.	77°	18'	01"	W.	72.78	ft.	to a	2"x2"	redw.	stake	(139)
(18)	N.	73°	49'	51"	W.	175.96	ft.	to a	2"x2"	redw.	stake	(138)
(19)	S.	71°	33'	54"	W.	69.57	ft.	to a	2"x2"	redw.	stake	(137)
(20)	N.	47°	25'	10"	W.	50.25	ft.	to a	2"x2"	redw.	stake	(136)
(21)	N.	60°	50'	35"	W.	108.78	ft.	to a	2"x2"	redw.	stake	(135)
(22)	N.	57°	50'	52"	W.	82.68	ft.	to a	2"x2"	redw.	stake	(134)
(23)	N.	63°	43'	07"	W.	90.34	ft.	to a	2"x2"	redw.	stake	(133)
(24)	N.	52°	44'	01"	W.	57.80	ft.	to a	2"x2"	redw.	stake	(132)
(25)	N.	39°	15'	01"	W.	515.24	ft.	to a	2"x2"	redw.	stake	(131)
(26)	N.	28°	06'	05"	W.	116.76	ft.	to a	2"x2"	redw.	stake	(130)
(27)	N.	13°	55'	42"	W.	128.79	ft.	to a	2"x2"	redw.	stake	(129)
(28)	N.	23°	57'	45"	W.	108.34	ft.	to a	2"x2"	redw.	stake	(128)
(29)	N.	06°	08'	14"	W.	93.54	ft.	to a	2"x2"	redw.	stake	(127)
(30)	N.	04°	32'	16"	E.	63.20	ft.	to a	2"x2"	redw.	stake	(126)
(31)	N.	22°	53'	26"	E.	146.54	ft.	to a	2"x2"	redw.	stake	(125)
(32)	N.	18°	37'	09"	E.	491.74	ft.	to a	2"x2"	redw.	stake	(124)
(33)	N.	05°	11'	40"	E.	165.68	ft.	to a	2"x2"	redw.	stake	(123)
(34)	N.	47°	39'	47"	E.	60.88	ft.	to a	2"x2"	redw.	stake	(122)
(35)	N.	18°	19'	42"	E.	340.26	ft.	to a	2"x2"	redw.	stake	(121)
(36)	N.	13°	45'	39"	E.	151.34	ft.	to a	2"x2"	redw.	stake	(120)
(37)	N.	14°	02'	10"	E.	98.95	ft.	to a	2"x2"	redw.	stake	(119)
(38)	N.	07°	58'	11"	E.	100.98	ft.	to a	2"x2"	redw.	stake	(118)
(39)	N.	10°	22'	24"	E.	299.90	ft.	to a	2"x2"	redw.	stake	(117)
(40)	N.	16°	25'	45"	E.	325.28	ft.	to a	2"x2"	redw.	stake	(116)
(41)	N.	46°	40'	06"	E.	218.59	ft.	to a	2"x2"	redw.	stake	(115)
(42)	N.	80°	12'	22"	E.	170.48	ft.	to a	2"x2"	redw.	stake	(114)
(43)	S.	66°	33'	28"	E.	771.69	ft.	to a	2"x2"	redw.	stake	(113)
(44)	S.	45°	00'	00"	E.	74.95	ft.	to a	2"x2"	redw.	stake	(112)
(45)	S.	52°	16'	30"	E.	134.01	ft.	to a	2"x2"	redw.	stake	(111)
(46)	S.	46°	04'	51"	E.	337.35	ft.	to a	2"x2"	redw.	stake	(110)

EXHIBIT "H"

A portion of Swamp and Overflowed Lands Survey No. 27a, Sonoma County, California, situated in projected Sections 7 and 8 of T. 3 N., R. 5 W., M.D.M.;

Said portion of Survey No. 27a also being a part of the lands granted to The Nature Conservancy, a District of Columbia non-profit corporation, by deed dated May 14, 1969, and recorded June 9, 1969 in Book 239 at page 79 of Official Records of said county,

Said portions of said lands are more particularly described as follows:

Commencing at a concrete filled vitrified clay pipe monument five inches in diameter found in the marsh (1971) on the north shore of San Pablo Bay at the southwesterly tip of Tubbs Island, said monument marking a point on the line dividing the lands formerly owned by the Tubbs Island Company, a corporation, and one Walter D. Reed, as said monument and line are described in the deed dated June 13, 1923, and recorded June 16, 1923, in Book 39 of Official Records of said county at page 284, said monument also marking the angle point between courses 28 and 29 of the "Outside Boundary" of Parcel 1 of the lands granted by the Tubbs Island Company, a corporation, to Reclamation District No. 2061 by deed dated October 23, 1922, and recorded October 26, 1922, in Book 27 of Official Records of said county, at page 167. The location of said monument being shown on that certain map entitled, "Map of the Southwest Portion of Tubbs Island, Sonoma County, California, surveyed September 24, 1924, by L. L. Mills, Licensed Surveyor" and recorded October 29, 1924, in Book 45 of Maps, Records of said county at page 23.

From which point of commencement an old 4" x 4" redwood post found marking Corner No. 236 of the Petaluma Rancho, bears North 19° 13' 10" West 15,549.16 feet (referenced deed and map tie North 19° 02' West 15,635.0 feet).

Said 4" x 4" redwood post now replaced by a Standard California State Lands Commission 3-1/2 inch brass disc, set in concrete marked "Corner No. 236, Rancho Petaluma Raised and Refurbished 1971, LS 3133";

Thence from said Corner No. 236 and retracing the boundary of the Petaluma Rancho as surveyed under instructions of the United States Surveyor General by C. C. Tracy, U.S. Deputy Surveyor, in March 1860, a plat of which is recorded in Book 8 of Maps of Records of said county, at page 14;

South 11° 53' 24" West 526.96 feet to Corner No. 237 of said Rancho (record South 11° 30' West 528.0 feet); thence South 44° 00' 36" East 1317.40 feet to Corner No. 236 of said Rancho (record South 44° 30' East 1320.0 feet); said Corner No. 236 found being marked by an old 6" x 6" post, now replaced by a Standard California State Lands Commission 3-1/2 inch brass disc, set in concrete marked "Corner No. 236, Rancho Petaluma - Raised and Refurbished 1971, L.S. 3133".

- (47) S. 80° 56' 32" E. 69.87 ft. to a 2"x2" redw. stake (109)
- (48) S. 58° 05' 59" E. 115.43 ft. to a 2"x2" redw. stake (108)
- (49) S. 83° 23' 16" E. 651.33 ft. to a 2"x2" redw. stake (107)
- (50) S. 83° 44' 33" E. 229.37 ft. to a 2"x2" redw. stake (106)
- (51) N. 66° 38' 40" E. 47.93 ft. to a 2"x2" redw. stake (105)
- (52) S. 76° 28' 25" E. 218.15 ft. to a 2"x2" redw. stake (104)
- (53) N. 47° 49' 56" E. 443.90 ft. to a 2"x2" redw. stake (103)
- (54) N. 61° 16' 26" E. 118.60 ft. to a 2"x2" redw. stake (102)
- (55) N. 47° 48' 48" E. 243.11 ft. (101 B); thence
- (56) N. 17° 48' 48" E. 73.33 ft. (39 A); thence
- (57) N. 45° 59' 06" E. 81.50 ft. (40); thence
- (58) S. 25° 21' 55" E. 41.02 ft. to the end of said ordinary high water

mark (101 A), which end point bears N. 25° 21' 55" W., 1,744.82 ft. from the true point of beginning; said end point being on the described and located ordinary high water mark boundary and also from which a California State Lands Commission 3-1/2 inch brass disc set in concrete and marked "Monument, 45 Maps 23, Sonoma County, Reset 1971, L.S. 3133" bears S. 25° 21' 55" E. 38.98 ft. distant; said monument marking a point on the line dividing the lands formerly owned by the Tubbs Island Company, a corporation, and Walter D. Reed, as said monument and line is described in the deed dated June 13, 1923, and recorded June 16, 1923, in Book 39 of Official Records of said county at page 284; the location of said monument being shown on that certain map entitled "Map of the Southwest Portion of Tubbs Island, Sonoma County, California - surveyed September 24, 1924 by L.L. Mills, licensed surveyor and recorded October 29, 1924 in Book 45 of Maps, Records of said county at page 23.

Bearings, distances and coordinates stated in the above description are based on the California Coordinate System for Zone II.

Thence returning to the point of commencement hereinabove described and running thence along the line dividing the land formerly owned by the Tubbs Island Co., and Walter D. Reed, North $35^{\circ}21'55''$ West 28.46 feet to the ordinary high water mark of San Pablo Bay being the exterior boundary of Swamp and Overflowed Lands Survey No. 27a, Sonoma County, and the true point of beginning of the herein described line.

Said true point of beginning having grid coordinates of $X=1,875,377.19$ and $Y=165,961.04$.

Thence from said true point of beginning, along said ordinary high water mark of San Pablo Bay as surveyed and located hereby:

- | | | | | | | | |
|------|----|---------------------|----|--------|-----|------------------------|---------|
| (1) | S. | $55^{\circ}21'26''$ | W. | 17.61 | ft. | to a 2"x2" redw. stake | (A 121) |
| (2) | S. | $75^{\circ}35'46''$ | W. | 287.03 | ft. | to a 2"x2" redw. stake | (A 194) |
| (3) | S. | $69^{\circ}40'49''$ | W. | 231.74 | ft. | to a 2"x2" redw. stake | (A 195) |
| (4) | S. | $65^{\circ}45'04''$ | W. | 561.30 | ft. | to a 2"x2" redw. stake | (A 196) |
| (5) | S. | $49^{\circ}36'59''$ | W. | 145.52 | ft. | to a 2"x2" redw. stake | (A 197) |
| (6) | S. | $27^{\circ}39'07''$ | W. | 506.89 | ft. | to a 2"x2" redw. stake | (A 198) |
| (7) | S. | $41^{\circ}13'23''$ | W. | 545.47 | ft. | to a 2"x2" redw. stake | (A 199) |
| (8) | S. | $73^{\circ}03'28''$ | W. | 148.25 | ft. | to a 2"x2" redw. stake | (A 200) |
| (9) | S. | $83^{\circ}26'31''$ | W. | 135.10 | ft. | to a 2"x2" redw. stake | (A 201) |
| (10) | S. | $55^{\circ}42'27''$ | W. | 178.30 | ft. | to a 2"x2" redw. stake | (A 202) |
| (11) | S. | $78^{\circ}20'50''$ | W. | 197.93 | ft. | to a 2"x2" redw. stake | (A 203) |
| (12) | S. | $74^{\circ}22'31''$ | W. | 57.66 | ft. | to a 2"x2" redw. stake | (144) |
| (13) | S. | $76^{\circ}04'28''$ | W. | 502.78 | ft. | to a 2"x2" redw. stake | (143) |
| (14) | S. | $79^{\circ}30'05''$ | W. | 290.87 | ft. | to a 2"x2" redw. stake | (142) |
| (15) | N. | $88^{\circ}40'59''$ | W. | 87.02 | ft. | to a 2"x2" redw. stake | (141) |
| (16) | N. | $66^{\circ}16'05''$ | W. | 479.55 | ft. | to a 2"x2" redw. stake | (140) |
| (17) | N. | $77^{\circ}18'01''$ | W. | 72.78 | ft. | to a 2"x2" redw. stake | (139) |
| (18) | N. | $73^{\circ}49'51''$ | W. | 175.96 | ft. | to a 2"x2" redw. stake | (138) |
| (19) | S. | $71^{\circ}33'54''$ | W. | 69.57 | ft. | to a 2"x2" redw. stake | (137) |
| (20) | N. | $47^{\circ}25'10''$ | W. | 50.25 | ft. | to a 2"x2" redw. stake | (136) |
| (21) | N. | $60^{\circ}50'35''$ | W. | 108.78 | ft. | to a 2"x2" redw. stake | (135) |
| (22) | N. | $57^{\circ}50'52''$ | W. | 82.68 | ft. | to a 2"x2" redw. stake | (134) |
| (23) | N. | $63^{\circ}43'07''$ | W. | 90.34 | ft. | to a 2"x2" redw. stake | (133) |
| (24) | N. | $52^{\circ}44'01''$ | W. | 57.80 | ft. | to a 2"x2" redw. stake | (132) |
| (25) | N. | $39^{\circ}15'01''$ | W. | 515.24 | ft. | to a 2"x2" redw. stake | (131) |
| (26) | N. | $28^{\circ}06'05''$ | W. | 116.76 | ft. | to a 2"x2" redw. stake | (130) |
| (27) | N. | $13^{\circ}55'42''$ | W. | 128.79 | ft. | to a 2"x2" redw. stake | (129) |
| (28) | N. | $23^{\circ}57'45''$ | W. | 108.34 | ft. | to a 2"x2" redw. stake | (128) |
| (29) | N. | $06^{\circ}08'14''$ | W. | 93.54 | ft. | to a 2"x2" redw. stake | (127) |
| (30) | N. | $04^{\circ}32'16''$ | E. | 63.20 | ft. | to a 2"x2" redw. stake | (126) |
| (31) | N. | $22^{\circ}53'26''$ | E. | 146.54 | ft. | to a 2"x2" redw. stake | (125) |
| (32) | N. | $18^{\circ}37'09''$ | E. | 491.74 | ft. | to a 2"x2" redw. stake | (124) |
| (33) | N. | $05^{\circ}11'40''$ | E. | 165.68 | ft. | to a 2"x2" redw. stake | (123) |
| (34) | N. | $47^{\circ}39'47''$ | E. | 60.88 | ft. | to a 2"x2" redw. stake | (122) |
| (35) | N. | $18^{\circ}19'42''$ | E. | 340.26 | ft. | to a 2"x2" redw. stake | (121) |
| (36) | N. | $13^{\circ}45'33''$ | E. | 151.34 | ft. | to a 2"x2" redw. stake | (120) |
| (37) | N. | $14^{\circ}02'10''$ | E. | 98.95 | ft. | to a 2"x2" redw. stake | (119) |
| (38) | N. | $07^{\circ}58'11''$ | E. | 100.98 | ft. | to a 2"x2" redw. stake | (118) |

- (39) N. 10° 22' 24" E. 299.90 ft. to a 2"x2" redw. stake (117)
- (40) N. 16° 25' 45" E. 325.28 ft. to a 2"x2" redw. stake (116)
- (41) N. 46° 40' 06" E. 218.59 ft. to a 2"x2" redw. stake (115)
- (42) N. 80° 12' 22" E. 170.48 ft. to a 2"x2" redw. stake (114)
- (43) S. 66° 33' 28" E. 771.69 ft. to a 2"x2" redw. stake (113)
- (44) S. 45° 00' 00" E. 74.95 ft. to a 2"x2" redw. stake (112)
- (45) S. 52° 16' 30" E. 124.51 ft. to a 2"x2" redw. stake (111)
- (46) S. 46° 04' 51" E. 337.35 ft. to a 2"x2" redw. stake (110)
- (47) S. 80° 56' 32" E. 69.87 ft. to a 2"x2" redw. stake (109)
- (48) S. 58° 05' 59" E. 115.43 ft. to a 2"x2" redw. stake (108)
- (49) S. 83° 23' 16" E. 651.33 ft. to a 2"x2" redw. stake (107)
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- (58) S. 25° 21' 55" E. 41.02 ft. to the end of said ordinary high water

mark (101 A), which end point bears N. 25° 21' 55" W., 1,744.82 ft. from the true point of beginning; said end point being on the described and located ordinary high water mark boundary and also from which a California State Lands Commission 3-1/2 inch brass disc set in concrete and marked Monument, 45 Maps 23, Sonoma County, Reset 1971, L.S. 3133" bears S. 25° 21' 55" E. 38.98 ft. distant; said monument marking a point on the line dividing the lands formerly owned by the Tubbs Island Company, a corporation, and Walter D. Reed, as said monument and line is described in the deed dated June 13, 1923, and recorded June 16, 1923, in Book 39 of Official Records of said county at page 284; the location of said monument being shown on that certain map entitled "Map of the Southwest Portion of Tubbs Island, Sonoma County, California - surveyed September 24, 1924 by L.L. Mills, licensed surveyor" and recorded October 29, 1924 in Book 45 of Maps, Records of said county at page 23.

Thence leaving said ordinary high water mark and along the said dividing line;

S. 25° 21' 55" E. 38.98 ft. to said last described monument; thence continuing along said dividing line, S. 25° 21' 55" E. 1,705.84 ft. to the true point of beginning of the herein described lands.

Bearings, distances and coordinates stated in the above description are based on the California Coordinate System for Zone II.