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MINUTE ITEM

12/15/76 WC

29. AUTHORIZE COMPROMISE SETTLEMENT - W 20101, PRE-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

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 [tem 29 (12 pages)

CALENDAR ITEM

29.

12/76 W 20103 WC BLA 153

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 hower 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 Gertificate 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. Hower 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 Greek; 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 Greek; 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 bong fide title dispute between the State and The Nature Conservancy:

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

(Rev. 12/15/76)

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CALENDAR ITEM NO. 29. (CONTD)

- (2) The exact location of the boundary between the State's titles within the bed of Tolay Creek along the northwesterly 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 hower 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 Greek 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 pancel of the Nature Conservancy and the real property of the State within the bed of Tolay Creek and San Rablo 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 Bubbs 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 waterwater thereof, passing to the State. A non-motorized public right of way will be reserved along the original levees for

CALENDAR ITEM NO. 29. (CONTD)

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

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

Some improvements were constructed many years ago on the fringes of Lower Pubbs Tstand 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 here 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 require-

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

CALENDAR ITEM NO. 29. (CONTD)

EXHIBITS:

- Estuary Map. A.,
- N.A.S.A. Airphoto Β.
- С,
- Quad Map. Proposed Agreement Map. ņ.
- Improvements Map. Ë.
- Description State's Tubbs Island Parcel. **F** .
- Description Ordinary High Water Mark. **G** .
- Description + Upland Parcel. H.

IT IS THEREFORE RECOMMENDED THAT THE COMMISSION:

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

Attachments:	F.	Description		State's Tubbs	Island Parcel.	
	G.	Description	<u>ن</u>	Ordinary High	water Mark.	
a L	Ę.	Description,	•	Upland Parcela	•	¢

A portion of Syamp and Overflowed Survey No. 27a, Songma County, Galifornia, estuated in proposed contra-eight (3) of County Name (3) North, Range Five (5, Mest, Hount Diablo Mass and Haridians

Bount Diablo Massa and Maridian; Jaid Korklon of Survey No. 274 also neing a part of the linus granted to decimation district No. 2061, a public corporation by the Duos Island Contany, a contrastion, by ducd dated October 23, 1922 and resources decover 26, 1932 in Book 27 of Official Records of said county at page 157, and of the lands granted to the Contrastic Decover 26, a corporation, by William N. Noble and Adelaide Neric, his wife, by deed dated March 12, 1947 and recorded March 11, 1947 in Velume 735 off Official Records of said county at Bade 361 page as :

Said portions of said lands more perticularly described as follows:

"Comparing at a concrete filled vitrifled clay pipe command at a concrete filled vitrifled clay pipe command found in the marsh (1971) on the north "shore of San Pablo Bay, sild comment marking a corner on the line dividing the lands formerly owned by the "tubbe Island Company, a corporation, and one witter D: Read, as said comment and line is described in the decd, dated June 13, 1923, and recorded June 16, 1923, in Fook 39, Official Records of said county "at page 284, said comment also arking the angle Coint between sources Twonty for arking the angle fount between sale contained also marking the anela fount between courses Twenty's ignt (13) and Twenty mine (22) (of the "Outside Roundary" of Parcel One (1) of the lands granted by the Tubba Island Company, a corporation, to Racianazion District No. 2051, by deed hereinabove referenced, the location of said monument being shown on that certain map entitled. "Man of the Southware Portion of Tubba Latand. "Nap of the Southwere Portion of Tubbs Island, Sonora County, Californis, Surveyed, Schtember 24,

Sonoma County, California, Surveyod, Schtanber 24, Sonoma County, California, Surveyod, Schtanber 24, 1924, by L. L. Mills, Licensed Surveyor's and recorded October 29, 1924, in Book 55 of Pape, Peoplas of said county, at rage 21, from which point of connerterent an old ****" redwood post found marking conner No. 238 of the Patalura Rancho, bears North 15°13/197 West, 15, 519.15 feet (referenced ded and rap the North 15°02' West, 15, 555.0° Peet); said **** post new replaced by a Standard, California State Lands Schmidsten 3-1/2 Inch brass click, set in concrete and retred "Corner No. 238, Rancho Petaluma Raised and Refurblehed 1571, LS 3133"; thence from said corner No. 23 end retred viewed under instructions of the United States Surveyor Under 1860; a plat of which is recorded in Book 3 of March 1860; a plat of which is recorded in Book 3 of March 1860; a plat of which is recorded in Book 3 of March 1860; a plat of which is recorded in Book 3 of March 1860; a plat of which is recorded in Book 3 of March 1860; a plat of South 2430' East, 1300.0 feet); satu corner No. 236 found ceing marked by an old Stat nost, new replaced By a Standard California State Lands Corner No. 230 of 's Rancho (record South 2430' East, 1300.0 feet); satu corner No. 236 found ceing marked by an old Stat Corner No. 236, Rancho Petaluma - Raised and Schreising 15'1, 44.05'36'' East align of the corner No. 235 of 's Rancho (record South 2430' East, 1300.0 feet); satu corner No. 236 found ceing marked by an old Stat Corner No. 236, Rancho Petaluma - Raised and Schreisneg 15'1, 45. 313'' thence returning to the point of convergent bereinstove described and running thence along the line dividing the lands formerly owned by the 7051 Jaland

Xo. 235, Rancho Petalura - Raisea and Schreisnen 151, L.S. 3133"; thence returning to the point of confivencement hereinstove described and running thence along the line dividing the lands formerly obtact by the Tubic Jaland Comminy and Walter D. Reed, North 25721-7" Yeat. 20,46 feet to the ordinary mish water rark of Can Patho Day being the exterior boundary of Swaip and Crerfloyed Survey No. 27a, Sonoriz County, and the true point of hereining of the herein destributed lands. Said 'true point of texinning having grid coordinates of X=1,375,377.19 and Y=145,451.04. Thence from cald true point of beginning raiong said ordingry high water mark of San Pablo Day (1) North 55°21'26" East, 146.01 Peet to 'n 2°22" redwood stake (A-120)
(2) North 54°52'05" East, 263.09 Feet to a 2°32" redwood stake (A-119)
(3) North 51°21'26" East, 263.99 Feet to a 2°32" redwood stake (A-117)
(4) North 51°26'15" East, 175.12 Peet to a 2°32" redwood stake (A-117)
(5) North 51°26'15" East, 30.66 Peet to a 2°32" redwood stake (A-115)
(7) North 19°30'10" East, 30.66 Peet to a 2°32" redwood stake (A-113)
(9) North 19°30'125'12 East, 318.74 Peet to a 2°32" redwood stake (A-113)
(9) North 10°32'10" East, 30.68 Peet to a 2°32" redwood stake (A-113)
(9) North 10°32'10" East, 30.68 Peet to a 2°32" redwood stake (A-113)
(10) North 12°21'27" East, 30.55 Peet to a 2°32" redwood stake (A-113)
(11) North 12°21'27" East, 30.55 Peet to a 2°32" redwood stake (A-113)
(12) North 12°21'27" East, 30.55 Peet to a 2°32" redwood stake (A-114)
(13) North 12°21'27" East, 30.55 Peet to a 2°32" redwood stake (A-112)
(14) North 12°21'27" East, 30.55 Peet to a 2°32" redwood stake (A-112)
(15) North 12°21'27" East, 30.55 Peet to a 2°32" redwood stake (A-112)
(16) North 12°21'27" East, 30.55 Peet to a 2°32" redwood stake (A-112)

Thence leaving said ordinary high water mark of Sim Fable Bay, groading the southerly pertich of Tubbs Island. (12) South 35°23'44" West, 2,094.27 feat to Etation No. 97 of the ordinary high water rirk (esst) as delineated and ad delignated on that certain map entitled "Survey of the Ordinary High Water Vark Along the Sanks of Tolay Greak, Vicinity of Sears Point, Sonora County, California" dated November 1958, and recorded Hay 24, 1960, in Uck To of Thence along the ordinary high water fark (cast) "Thence along the ordinary along a for of "Maps, Records, of she county, a loce to for Thence along the ordinary high water fark (cast) as delineated and county. The ordinary for sears (13)" South 11°26'20" West, 55.70 Feet to Station 95 (13) South 11°26'20" West, 102'35 Feet to Station 95 (15) South 21°53'09" West, 126'09 Feet to Station 101 (36) South 21°53'09" West, 126'09 Feet to Station 101 and

end:

Containing in area of 72.27 scressor, land .sore 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; Californiu; surveyed September 24, 1924, by L. L. Mills, Licensed Surveyor" and recorded October 29, 1924, in Booi 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 feetreferenced deed and map the 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 Petäluma Raised and Refurbished 1971; IS 3133";

Thence Trom 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 - Reised 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.

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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;

(ມ) S. 5;	י 21 ``	26" W	. 17.61	ft. to	6 21142	10 mb cm 10	atalia	(
(2			46" W		Ċŀ to	- 194 - 14 - 14 - 14 - 14 - 14 - 14 - 14	1	stake	(A 121)
(,3) <u>s</u> . 69	S 11			ft. to	8 2"XA	•	stake	(A 194)
		1° 40'	49" W			a 2"x2		stake	(A 295)
- (4) S. 65	5° 35'	04" W	. 561.30	ft. to	a 2"x2		stake	(A 196)
- (9	5 49	361	59" W			a 2"x2		stake	
(6) <u>s</u> . 27	391	07" W.		fit. to	5 01.00			(A 197)
(.7.		100						stake	(Å 198)
	S 27 7 7 4	, <u>1</u> 3'	-23" W.		ft. to	8 2 [#] x2	" redw.	stake	(Å 199)
(,8		6 O31	28" W.	148.25	ft. to	a 2"x2	" redw.		(A 200)
୍ (୨		261	31" W.		ft. to	a 2"x2	"whar "	stake	(A 201)
(10	S. 55	421	27/4 W.		Ct. 40.	a 21-22	" rédw.	ataka	
(11)	S. 78	0							(A 202)
(12,		20!	50" W.			a ,2"x2		stake	(A 203)
124) S. 74	°.22!'	31" W.	. 57.66	ft. to	a) 2"x2	" redw.	stake	(144)
(13 (14	0 24 10	04	.28" W.	502.78	ft. to	8 2"x2	" 'redw.	stake	(143)
(14)	S. 79	° 30'	05" W.	290:187	ft. to	a. 211x2		stäke	(142)
(15)	N. 88	9	59" W				" redw.	otoko	
(,16)	N 617 55.	0 - 2							(141)
(17)		16!	05" ₩.		1.6. 00	8 . 4" X4	redw.		(140)
	N. 77	(18 ¹)	01" W.	72,78		a 2"x2		stäke	(139)
(18)	ν N. 73	2491	51" W.	175.96	ft. to	a 2"x2	" redw.	stake	(138)
(19)	S. 71	° 331	54" W.	69.57	ft: to	a 2"x2	" redw.		(137)
(20)	N. 47	° 25.	10" W				" redw.	stáke	
(21)						2 211-2	" redw.		(136)
(22)		<u>50</u> °	35 [™] ₩.	108,78	I.C. UQ.	A Z'AZ	reaw.	stake	(135)
	N 27	20.	52" W.		ft. to	a z"xz	"redw.	stake	(134)
(23)		43	07" .	90.34	ft. to	a 2"x2	":redw.	stake	(133)
(24)	- N - 74,	44	Óİ W.	57.80	ft. to	a 2"x2	" redw,	stake	(1)2)
(*25*)		1.5.	01" W.	515.24	ft. tò	a. 2."x2	" redw.	stake	(131)
(26)	N. 28	° 06 * (ft. to	- 2 ¹¹ x2	II .redw	steke	(130)
(27)	N. 13	\$ 551	42" W.	128.79	ft to	a 2"x2			
(28)				100.75					(129)
(29)			45° W,	108.34				stake	(128)
	N. UO	08'	14" W.		ft. to			stake	(127.)
(,30,)	N. 04	32"	16" E.	63.20	Êt, to :	a⊨ 2#x2'	" redw.	stake	(126)
(31)	N. 22	531	26" E.	146.54	ct. to a	a. 2"x2"		stake	(125)
(32)	N. 18		09" E.	491.74				stake	
(33)	N. 05	'iir'	40" E.	165.68			· ·		(124),
(34)	N. 47	,					••	stake	(123)
(25)	N. 47 [#]	391	47" E.	-60,88' J				stake	(122)
(35)	.N. 18	<u>19'</u> ו	42" E.	340.26				stake.	(121)
(36)	N. 13	45°	39" E.	151.34	ft. to a	a 2"x2'	' redw.	stake	(120)
(37):	N, 14		10" E.	98.95					(119)
(38)	N 073	501 -		100.98	n •				
('39)	N. 10'	581	- 44 стория 1974 година 1974 година				1 euw		(118)
(40)	- M. LU - M ZU	AC 4	24, E.	299.90 1				<u></u> ,	(117)
	N. 10 N. 16 N. 46	22 4	45 ¹¹ E.	325.28 (τ. το ε	1 4"X7'	redw.	•	(116)
(41)	N. 46	40',0	,6 ^и Е.	218.59	i. to e	$1 - 2^n x 2^1$	redw.	stake	(115)
(42)	N. 80	12' 2	22" E.	170.48 1	t. to :	2"x2!	redw.	stake	(114)
(43)	S. 66	331 2	28 ¹¹ E.	771.69 1					(113)
(44)	S. 66 S. 45	001)0" E.	74.95 t					
(45)	S. 52	16' 2	30" E.						(112)
(46)	S. 46°	10							(iri)
17-17	S. 46 ⁺	04 5	51," E.	337.35	υ _τ το ε	€ <u>₹</u> "Xζ"	redw.	stake	(110)

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BAHIBLT "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 printed to The Nature Conservancy, a District of Columbia nonprofit 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 nore particularly described as follows:

Commonding at a concrete filled vitrified clay pipe monument five inches in diameter found in the marsh (1971) on the north shore of San Publo Bay at the southwesterly tip of Tubbs Island, said ronument Larking 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 deer dated June 13, 1923, and recorded June 16, 1923, in Book 39 of Official Accords of said county at page 284, said honument also marking the angle point between courses 28 and 29 of the "Outside Doundary" of Parcel 1 of the lands granted by the Tabbs Island Company, a corporation, to Reclamation Eistrict Ne. 2061 by decd dated October 23, 1922, and recorded October 26, 1922; in Book 27 of Official Records of caid county, at page 167. The location of said nonument being shown on that certain map entitled, "Map of the Southwest Portion of Tubbs Island, Schona County, Callfornia, surveyed September 24, 1924, by L. L. Mills, Micensed Surveyer" and recorded October 29, 1924; in Book 45 of Maps, Records of said county at page 23.

From Which point of commendement 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 feetwererenced deed and map tie North 19 02' West 15,635.C feet).

Said 4" x 4" redwood post now replaced by a Standard Californië State Dands Commission 341/2 inch prass disc, set in concrete marked "Corner No. 238, Rancho Petaluma Raised and Refurbished 1971, LS 313345

Thence from said Corner No. 258 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°33' West 528.0 feet); thence South 44°30' 36" East 1317.40 feet to Corner No. 236 of said Rancho (record South 44°30' Bast 1320.0 feet); said Corner No. 236 found boing marked by an old 6" x 6" post, now replaced by a Standard California State Lands Completion 3-1/2 inch brass disc, set in concrete marked "Corner No. 236, Eancho Potelum - Reised and Refurbished 1971, L.S. 3133".

(27)	S, 80 56	32" E.	69.87 ft.	to a 2"x2" rady, stake	(109)
		501 B	196 10 11	to a 2"x2" rodu. stuke	(108)
(48)	S. 58, 05		- 2 4 3 - 4 2 - 6 4	to a 2"x2" redw. stake	(107)
(49)	S. 83 23'	16" E.	021-22-32V	to grad the moder of oko	(106)
(50)	5. 83 44	- 33" E.	229,37 10	to a 2"x2" rodw. stake	
(51)	N. 66° 38'	40" E.	47.93 ft.	to a 2"x2" radw. stake	(105)
(52)	S. 76° 28'	25" E.	218. 15 ft.	to a 2"x?" redw. stake	(104)
(53)	N 27° 291	56# E.	443.90 ft.	to a 2"x2" redw. atake	(103)
(54)	No 61º 160	- 260 E.	118 60 Ct.	to a 2"x2" redw. stake	(102)
	N. 47° 48'	100 101	243.11 14.	(101 B); thence	
(55)	Ny 47 49	40' 2.	- 512 20 6F - 565 175 664	(39 A); thence	
(56)	N. 17º 48	48" E.			
(.57.)	N. 45 591		81.50 ft.	(40); thence	name har
(58)	S 25 211	- 55" E.	21.02 ft.	to the end of said ordi	usta urs

ghewater 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 Culifornia 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" B. 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 wald 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 Pook 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 11.

Thence returning to the point of commencement hereinabove described and running thence along the line dividing the land formarily 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, Schoma County, and the true point swamp and Overflowed Lands Survey No. 27a, Schoma 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 Fablo Bay as: surveyed and located hereby:

ter mark of our a weet the last and istake (A	151):
0 011 261 W 17.61 ML to a c x2 164	194)
(1) S (A.W. W. 287.03 11, to 4 4 10	195)
Contraction with 231.74 we contain the stake (A	196)
(3) St 020 741 0/P W 561,30 ft, to a 2 551 Land etake (A	197)
(4) DE 020 27, son 12 3/5/52 St. to a 2 xc 100 1 100 10 100	198)
(2) 5 4% and 07# 10 506.89 10. 00.18 6 AC	199)
- 101 0. Flo fill and the 515 17 fbo to 8 60.56 to 8 60.56	2007
(7) S. 41, 13, 42, 3, 40, 54 at. to a 4 32 Trunk The (A)	201)
(8) S. 736 U.S. The manufacture to a contain the second	202)
(9) S. 83 26' 31" W. 178.30 rt. to a 2"x2" redw. stake (A (10) S. 55 42' 27" W. 178.30 rt. to a 2"x2" redw. stake (A	203)
	(144)
(11) S. 78 20 57.66 ft. to a 6 4 5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	(143)
	(142)
(13) S. 76 04" 89" " and or the total 2"IZ" seu"	(141)
(14.) S. 79 20 02 at 87 02 ft. to 8 2 to the stake	(140)
(15) N. 88 40, 279 55 fv. to a 2"12 reduce stake	(139)
(10) N. 00 the W 72.78 It, to a Bullon mode stake	(138)
	(137)
(18) 11. 73 49 51 W 69.57 ft. to a gradie stake	(136)
(19) S. 71 33' 54" W. 50.25 ft. to a $2"x2"$ redw. stake (20) N. 47' 25' 10" W. 50.25 ft. to a $2"x2"$ redw. stake	(135)
	(134)
(21) N. 60 (20) 82,68 11. 10 a August stake	(133)
(22) 11 57	(1.32)
(23) N. 53. 62 On 1 57.80 ft. to a pix21 redy. stake	(131)
The state of the state	(130)
(25) 11, 39° 15' 01" W. 116.76 ft. to a 2"x2" redw. stake (26) 11, 28° 06! 05" W. 128 79 ft. to a 2"x2" redw. stake	(129)
(20) 11. 20 y 128.79 10. 00 20 medw. stake	(128)
(27) N. 13 55 422 W. 108.34 ft. to a $2^{11}x2^{11}$ redw. stake (28) N. 23 57 45 W. 93.54 ft. to a $2^{11}x2^{11}$ redw. stake	(.127)
(20% N. 27 o on hiv W 92:24 to ouvon monwy stare	(126)
Vert at a stake but to the but	(125)
(21) 1 22° 531 26" E. 146.24 to to 2"x2" redw. stake	(124)
(22) 18° 371 09" B. 491. 4 th a 2"x2" redw. State	(123)
223 1 26 111 40" E. 102.00 at to \$ 2"x2" redw stake	(122) (121)
34) 11 17 301 47" E. 00.00 11 to a 2"x2" redw. State	(121)
251 11 12 191 42" E. 340.20 10. to a 2"x2" redw. Ste	(119)
(36) 11. 13 45' 30' E. 100 05 of to a 2"x2" redw. stake	(118)
(37) N. 12 02! 10" E. 100.08 ft. to a 2"x2" redw. Stare	(170)
(38) 3. 07 581 Lin E. 100 198 10. 00 L	

(39)	N. 10° 22' 2	24" E.	299.90 ft.	to a 2"x2" rody. stake (11	.7)
(40)	· · ·	45" E.	325.28 £t.		.6)
(41)	- 24 - 24 - 24 - 24 - 24 - 24 - 24 - 24	66" E.	218.59 ft.	to a $2^n x 2^n$ redw. stake (11)	5)
(42)		22" E.	170,48 ft.		.4)·
(43)	S. 05 33' 2	28" E.	771.69 16.		(3)
(44)		00" ž.	74.95 24.		2)
(:45)		30" E.	124.51 ft.		1)
(46)		51" E.	33735 11.	to a 2"x2" medw. stake (11	.Q)
(47)	S. 80 56'	321 E.	69.87 ft.	to a $2^n x 2^n$ rodw. stake (10)	
(48)	S. 58 05'	59" E.	115.43 ft.	to a $2"x2"$ redw. stake (10)	
(49)	S. 83° 23'	16" ž.	651.33 ft.)7)
(50)	S. 83° 44'	33" E.	229.37 ft.)6)
(51)	N. 66° 38"	40," E.	47.93 Tt.)5)
(52)		25" É.	218.05 ft.)4)
(53)		56" É.	443.90 ft.	to a 2"x2" redw. stake (10)3)
(54)	N. 61° 16'	26" E.	118.60 ft.	to a 2"x2" redw. stake (10)2)
(55)	N. 47° 484	48" E.	243.11 ft.	(101 B); thence.	
(56)	N. 17" 48"		73.33 ft.		
(57)		06" E.	81.50 ft.	(40); thence	
(58)	S. 25° 21'	55" E.		to the end of said ordinary	hig

gh 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 Californía State Lands Commission 3-1/2 inch brass disc set in concrete and marked Monument, 45 Maps 23, Sonomà County, Reset 1971, L.S. 3133" bears S. 25" 21' 55' E. 38.98 ft. distant; said sonument marking a point on the line dividing the lends 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 clong 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 mercin described lands.

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