

MINUTE ITEM

Calendar Item No. 30
was adopted as Minute Item
No. 30 of the State Lands
Commission by a vote of 3
to 0 at its 11/27/78
meeting.

CALENDAR ITEM

30.

11/78
W 503.847
BLA 183
Sandefur-
Rump

BOUNDARY SETTLEMENT
AND EXCHANGE AGREEMENT
(BLA 183)

By Minute Item No. 33, the Commission, at its regular public meeting of August 1978, approved an escrow agreement accepting the sum of \$39,204 in exchange value for the State's interest in a parcel of property the subject of a title dispute in Union City, Alameda County, California, with Todicio and Bernie C. Ortiz. The purpose of such escrow was to hold such funds in trust until an appropriate exchange parcel was designated and to allow the disbursal of such funds on behalf of the Ortiz' to purchase suitable exchange land.

Such suitable lands have been identified as an undivided 23.077% interest in a parcel of real property located in Contra Costa County, California, as described in the attached Exhibit "A" and as depicted in the attached plat marked Exhibit "C" ("Pt. Edith Parcel"). This undivided interest is the equivalent of 59.75 acres, more or less, valued at approximately \$502 per acre, for a total purchase price of \$30,000.

The Pt. Edith Parcel consists mainly of salt marsh. Its acquisition is in the interest of the preservation of bay wetlands. The staff has appraised and evaluated the private ownership of Pt. Edith Parcel and has concluded that the value of the private right, title, and interest being received is equal or greater than \$30,000. It is anticipated that the Pt. Edith Parcel will be leased to the California Department of Fish and Game.

Further suitable lands have been identified as a 6.817% undivided interest in Brown's Island, Contra Costa County, as described in the attached Exhibit "B" as depicted in the attached plat marked Exhibit "D", ("Brown's Island Parcel"). This undivided interest is the equivalent of 40.56 acres, more or less, valued at approximately \$227 per acre, for a total purchase price of \$9,204. The State Lands Commission was given the option to periodically acquire undivided interests in Brown's Island by entry into a Land Bank Option and Lease Back Agreement with the East Bay Regional Park District. Said agreement was approved by the Commission at its December 1977 meeting (Minute Item No. 21).

A 10, 15

S 7, 8

CALENDAR ITEM NO. 30. (CONTD)

The staff has appraised and evaluated the Brown's Island Parcel and has concluded that the value of the right, title, and interest being received is equal or greater than \$9,204.

The 6.817% interest in Brown's Island will be leased back to the East Bay Regional Park District.

The Pt. Edith Parcel and Brown's Island Parcel will be held by the State in its sovereign capacity subject to the public trust for commerce, navigation, and fisheries, as defined in the case of Marks v. Whitney, 6 Cal. 3d 2551.

A boundary settlement and exchange agreement in compliance with P.R.C. Section 6307 has been prepared. By such agreement the State is to disclaim its interest in the Ortiz Parcel described therein in exchange for the interests in the Pt. Edith and Brown's Island Parcels.

The exchange is authorized by Division 6, of the P.R.C., with a particular reference to Sections 6107 and 6307.

The proposed exchange is for the purpose of setting a title dispute and the private party remains subject to all lawful requirements of the public agencies for permits, mitigation, use, or otherwise, independent of this agreement.

Since exchange is for the purpose of settling a title dispute by way of exchange it is exempt from the preparation of an EIR.

Acquisition of the interest in the Pt. Edith Parcel and Brown's Island Parcel will be in the best interest of the State and will consolidate State titles in a manner which will be beneficial to the environment and ecology. The settlement and exchange have been reviewed by the Office of the Attorney General.

EXHIBITS: A. Legal Description. C. Plat Map.
 B. Legal Description. D. Plat Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE BOUNDARY SETTLEMENT AND EXCHANGE AGREEMENT (BLA 183) AS PROPOSED AND AUTHORIZE ITS EXECUTION. A COPY OF THE AGREEMENT IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE THERETO MADE A PART HEREOF.

CALENDAR ITEM NO. 30. (CONTD)

2. FIND THAT THE EXCHANGE OF LANDS, INTERESTS IN LANDS, AND RIGHTS SET FORTH IN THE AGREEMENT REFERRED TO IN PARAGRAPH 1 ABOVE, ARE IN THE BEST INTERESTS OF THE STATE FOR AID IN RECLAMATION; THAT IT WILL NOT SUBSTANTIALLY INTERFERE WITH THE RIGHTS OF NAVIGATION AND FISHING IN THE WATERS INVOLVED, AND THAT THE STATE WILL RECEIVE LANDS AND INTERESTS IN LANDS EQUAL TO OR GREATER IN VALUE THAN ANY LANDS OR INTEREST IN LANDS RELINQUISHED BY THE STATE PURSUANT TO SAID AGREEMENT.
3. SELECT THE PT. EDITH PARCEL AND BROWN'S ISLAND PARCEL, AS THE PARCEL TO BE CONVEYED TO THE STATE IN CONSIDERATION OF THE PRICE OF \$39,204 FROM ESCROW PURSUANT TO THE AGREEMENT AUTHORIZED BY MINUTE ITEM NO. 33, OF THE AUGUST 1978 MEETING OF THE COMMISSION.
4. AUTHORIZE THE ACCEPTANCE AND RECORDATION OF A CONVEYANCE TO THE STATE OF AN UNDIVIDED 23.077% INTEREST IN THE PT. EDITH PARCEL IN CONTRA COSTA COUNTY DESCRIBED IN THE ATTACHED EXHIBIT "A".
5. AUTHORIZE THE ACCEPTANCE AND RECORDATION OF A CONVEYANCE TO THE STATE OF AN UNDIVIDED 6.817% INTEREST IN THE BROWN'S ISLAND PARCEL IN CONTRA COSTA COUNTY DESCRIBED IN THE ATTACHED EXHIBIT "B".
6. AUTHORIZE THE EXECUTION OF AN APPROPRIATE CONVEYANCE TO THE PRIVATE PARTY OF THE REAL PROPERTY DESCRIBED IN THE AGREEMENT.
7. FIND AND DECLARE THAT UPON THE DELIVERY OF CONVEYANCE TO THE PRIVATE PARTY AND THE RECORDATION THEREOF IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, THE REAL PROPERTY DESCRIBED IN SAID CONVEYANCE:
 - a. HAS BEEN CUT OFF FROM NAVIGABLE WATERS, IMPROVED, FILLED, AND RECLAIMED BY THE PRIVATE PARTY OR PREDECESSORS IN INTEREST;
 - b. HAS THEREBY BEEN SEVERED FROM THE PUBLIC CHANNELS AND WATERWAYS AND IS NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR COMMERCE, NAVIGATION, AND FISHING, AND IS NO LONGER IN FACT TIDELANDS OR SUBMERGED LANDS AND THEREFORE SHALL BE FREED FROM SUCH PUBLIC TRUST.

CALENDAR ITEM NO. 30. (CONTD)

8. AUTHORIZE THE STATE LANDS COMMISSION'S STAFF, AND/OR THE OFFICE OF THE ATTORNEY GENERAL, TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE TRANSACTION DESCRIBED ABOVE, INCLUDING BUT NOT LIMITED TO APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.
9. FIND THAT THIS TRANSACTION IS IN SETTLEMENT OF TITLE AND BOUNDARY LITIGATION AND THE PROVISIONS OF CEQA ARE INAPPLICABLE.

DESCRIPTION OF EXCHANGE PARCELS

Those parcels of land in the unincorporated area of the County of Contra Costa, State of California, described as follows:

PARCEL ONE

Portion of Swamp and Overflow Surveys No. 88 and No. 89, a portion of the Tide Land Survey No. 207 and a portion of the 976.04 acre parcel of land described in the deed to C. A. Hooper & Co., recorded June 1, 1932, Book 310, Official Records, page 498, Contra Costa County records, described as follows:

Beginning at the Northwesterly corner of the 273.183 acre parcel of land awarded to the United States of America in the Final Judgment in condemnation under Action No. C-69-369 in the United States District Court, entitled United States of America, plaintiff, vs. V.P. Baker, et al, defendants, a certified copy of which was recorded November 19, 1973 in Book 7094, page 482 of said Official Records; thence South 27° 48' 59" East 5930.49 feet along the Southwesterly line of said 273.183 acre parcel of land to the Southwesterly corner thereof in the Northerly line of the 200 foot wide strip of land firstly described in the deed recorded June 18, 1913 in Book 205, page 141 of Deeds, of said Official Records; thence South 70° 25' West 1665.13 feet along said Northerly line; thence North 27° 48' 59" West 6102.91 feet, parallel with the above-mentioned Southwesterly line of the 273.183 acre parcel of land, to the mean high tide line of Suisun Bay; thence meandering along said mean tide line the following courses: North 5° 14' 30" East 133.42 feet; North 23° 41' East 319.67 feet; South 89° 19' East 154.52 feet; South 66° 15' East 176.55 feet; South 48° 16' East 263.50 feet; South 46° 25' East 300 feet; South 71° 25' East 243 feet, and North 46° 55' 30" East 750.60 feet to the point of beginning.

Containing 226.817 acres, more or less.

PARCEL TWO

All that portion of the land described in the deed from C.A. Hooper & Co. to County of Contra Costa, recorded June 18, 1913 in Book 205 of Deeds, at page 141, Contra Costa County records, lying northerly of the north line of the land described in the deed to Contra Costa County recorded April 19, 1967 in Book 5350, Official Records, page 99, easterly of the southerly extension of the westerly line of the parcel of land described as Parcel One in the deed to Allied Properties, recorded December 30, 1974 in Book 7398, Official Records, page 12 and westerly of the southerly extension of the easterly line of said Allied Properties parcel (7398 OR 12).

PT. EDITH

EXHIBIT A

PARCEL THREE

That parcel of land in the unincorporated area of the County of Contra Costa, State of California, described as follows:

Portion of Tide Land Survey No. 207, described as follows:

Commencing at the intersection of the Northwesterly line of said Tide Land Survey No. 207 with the Easterly line of the 30 foot wide strip of land described as Parcel One in the deed to Monsanto Chemical Company, recorded June 30, 1952 in Book 1954, page 245 of Official Records of said county; thence North 71° 51' East 103.88 feet and North 58° 15' East 1905.93 feet along said Northwesterly line to the point of beginning of this description; thence South 31° 45' East 1003.90 feet, leaving said Northwesterly line, to the low water line of Suisun Bay; thence meandering along said low water line the following courses: North 26° 20' East 108.14 feet, North 41° 46' East 650 feet, North 52° 37' East 541 feet, North 19° 18' East 516 feet, North 4° 07' West 311 feet and North 69° 36' West 138.42 feet to said Northwesterly line of Tide Land Survey No. 207; thence South 58° 15' West 1714.07 feet to the point of beginning.

Containing 29.127 acres, more or less.

)

DESCRIPTION OF EXCHANGE PARCELS

The land referred to herein is situated in the State of California, County of Contra Costa, City of Pittsburg, described as follows:

Surveys Nos. 176, 177, 178, 179 and 180, Swamp and Overflowed Lands, Contra Costa County, Township 2 North, Range 1 East, Mount Diablo Base and Meridian, as particularly described in the patents from the State of California, recorded in Book 1 of Patents, pages 144, 151, 142, 146 and 161, respectively, in the office of the County Recorder of Contra Costa County, reference being hereby made to the record thereof for a complete description.

Excepting therefrom: The following described parcel, being the parcel conveyed by C. A. Hooper & Co. to City of Stockton by deed dated July 15, 1929, recorded August 6, 1929, in Book 191 of Official Records, page 271, in the office of the County Recorder of Contra Costa County, and containing, according to said deed, 100 acres, more or less, and particularly described as follows:

"All that certain real property in the County of Contra Costa, State of California, described as follows:

Sections 3, 4, 9 and 10, Township 2 North, Range 1 East, Mount Diablo Base and Meridian, as delineated in Book 23 of Deeds, page 550, Contra Costa County Records, being portions of Lots "D", "E", "F", "G", "I", "K", "L", "M", & "N", of New York Island, lying on the northerly side of New York Slough and more particularly described as follows:

Beginning at a point on the boundary line between Lots "C" and "D", 1150 feet northerly, measured along said boundary line from the low water line of New York Slough; thence from said point of beginning, continuing in a northerly direction along said boundary line and along said boundary line extended, a distance of 1355 feet; thence east 1325 feet, more or less, to the boundary line between Lots "M" and "L"; thence in a northerly direction along said boundary line between lots "M" and "L", 1925 feet, more or less, to the low water line of Suisun Bay; thence in an easterly direction, along the low water line of Suisun Bay to a point on a line parallel to and 50 feet distant from said boundary line between Lots "M" and "L";

BROWN'S ISLAND

JUN 16 1978

Page one of two

EXHIBIT B

2544

thence leaving the low water line of Suisun Bay in a southerly direction, along said line parallel to and 50 feet distant from said boundary line between Lots "M" and "L", 1925 feet, more or less, to a point of intersection with the above mentioned course, "East 1325 feet", extended; thence east 1250 feet, more or less, to a point on the northerly portion of the boundary line between Lots "F" and "G", extended thence in a southerly direction along said extension of boundary line and along the boundary line between Lots "F" and "G", 1675 feet, thence West 1775 feet; thence North 69° 22' West, 908.2 feet, more or less, to the point of beginning.

Also excepting therefrom the following described real property situated in the County of Contra Costa, State of California; being more particularly described as follows:

Commencing at the most southerly corner of Survey No. 180 Swamp and Overflowed Lands, Contra Costa County; thence northwesterly along the southwesterly line of said survey, North 54° 06' West, 1023.00 feet; thence North 53° 04' West, 563.64 feet; thence North 65° 51' West, 366.12 feet; thence leaving said southwesterly line North 15° 36' 05" East, 69.54 feet to the point of beginning for this description, basis of bearing for this description is the Lambert Grid, Zone 3, State of California; thence from said point of beginning South 15° 36' 05" West, 69.54 feet to a point on the aforesaid S. & O. Survey 180; thence westerly and northeasterly along said survey line North 65° 51' West, 113.70 feet; thence North 48° 16' West, 539.22 feet; thence North 35° 29' East, 107.58 feet; thence North 81° 54' East, 217.80 feet; thence South 36° 11' East, 374.22 feet; thence North 65° 29' East, 86.96 feet to a point; thence leaving said survey line South 15° 36' 05" West, 198.11 feet to the point of beginning.

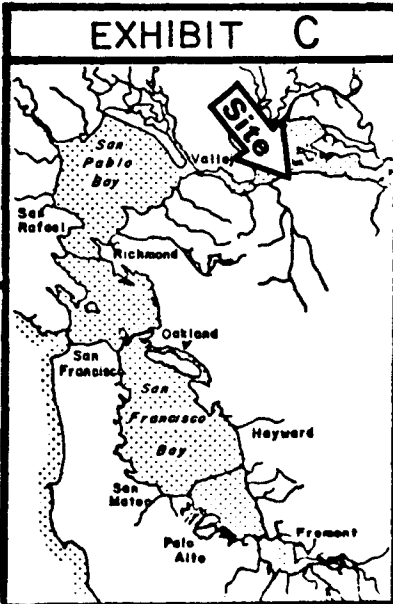
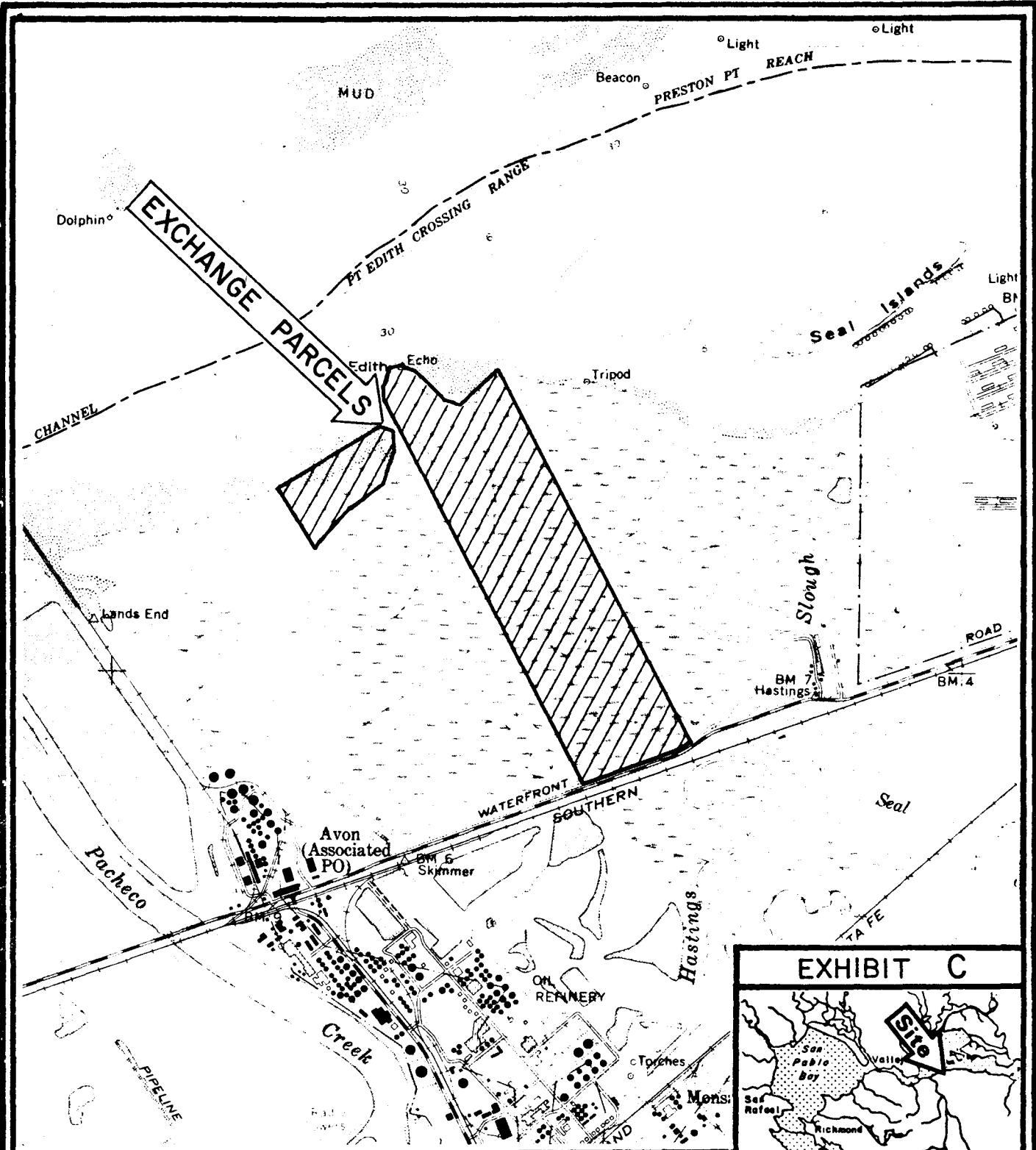
Being the westerly portion of aforesaid S. & O. Survey No. 180 and situated in Section 8, Township 2 North, Range 1 East, Mount Diablo Base and Meridian, Contra Costa County, California.

Together with any and all other right, title, or interest of East Bay Regional Park District acquired by reason of that certain deed recorded August 11, 1977 in Book 8459, page 25, Official Records of Contra Costa County.

BROWN'S ISLAND

JUN 16 1978

EXHIBIT B

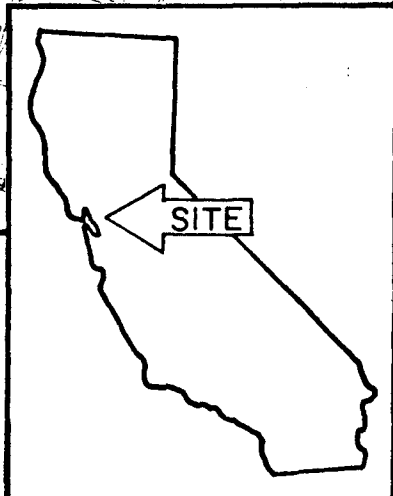
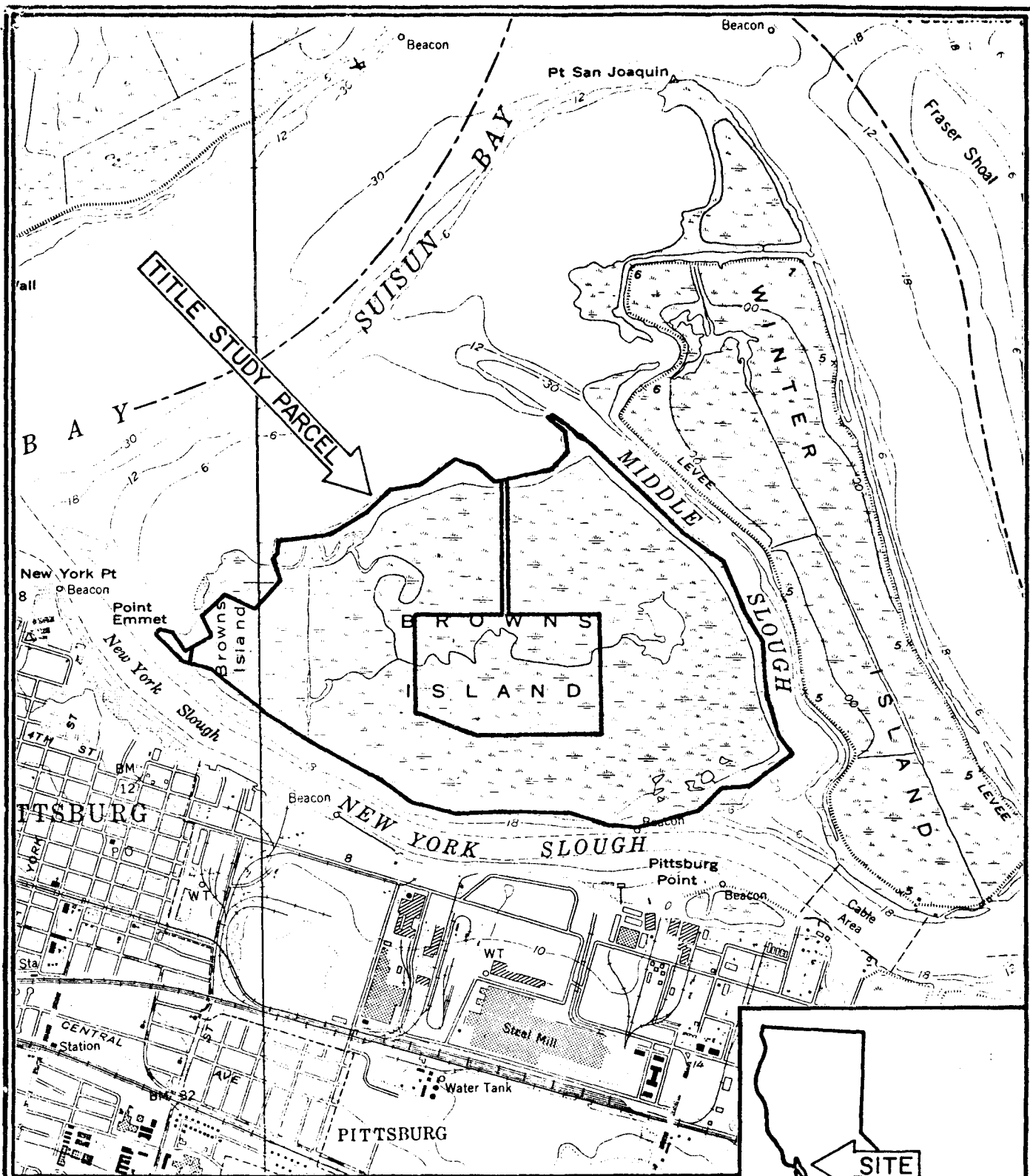


STATE LANDS COMMISSION
PORTION OF U.S.G.S. QUADRANGLE
PORT CHICAGO (1959)
PHOTOREVISED 1968

Prepared by: jsf Date: 10-30-78

Title Study: PT. EDITH / ALLIED PROP W 21845

Z 3 - N 56 - E 154, 155



SITE

STATE LANDS DIVISION
 PORTION OF U.S.G.S. QUADRANGLES
 ANTIOCH NORTH 1953 PHOTOREVISED 1968
 HONKER BAY 1953 PHOTOREVISED 1968 & 1973

Prepared by: B. Lee

Date: 6-10-77

Title Study: BROWN'S ISLAND

EXHIBIT D

W 21372