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22

12/20/78

CALENDAR ITEM

meeting.

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12/78
W 21806
Cook

AUTHORIZE ACCEPTANCE, AS STATE SOVEREIGN LANDS, OF DEED PRC 5604
TO PARCEL ALONG PETALUMA CREEK, SONOMA COUNTY, ACQUIRED
AS MITIGATION BY THE CALIFORNIA DEPARTMENT
OF FISH AND GAME, AND AUTHORIZE TRANSFER OF
CONTROL AND POSSESSION AND LEASE TO THE DEPARTMENT

The California Department of Fish and Game has obtained a deed to the State from Shellmaker, Inc., to a parcel of 2.98+ acres of real property in Sonoma County, more particularly described as the "Deed Parcel" in the attached Exhibit "A" (descriptions) and depicted on the attached Exhibit "B". The parcel was requested as mitigation by the Resources Agency on February 11, 1976 pursuant to Notice of Intent (SCH 75102779) which resulted in Final Environmental Statement, Shellmaker, Inc. application, United States Army Corps of Engineers, San Francisco District, January 1977.

The parcel was owned by Shellmaker, is located outboard of the Shellmaker Marina; and is immediately adjacent to and landward of the State's sovereign title to the bed of Petaluma Creek. The Shellmaker/State boundary and titles were permanently established by agreement (BLA 121) between the Commission and Shellmaker Inc., recorded in Book 2495, page 406 on November 9, 1970, in the Official Records, Sonoma County Recorder. The effect of the deed presented for acceptance is to add to the State's sovereign ownership the additional 2.98+ acres adjoining the State title to the bed of the Petaluma River.

Upon Commission acceptance, the deed parcel will take on the character and protections attaching to real property owned by the State in its sovereign capacity subject to the public trust. As the parcel is acquired by the State solely as a result of the efforts of the Department of Fish and Game they seek a transfer by the Commission of control and possession pursuant to Government Code Section No. 14673 for so long as it is used for wildlife preservation purposes.

Minerals are to be reserved without the right of surface entry. They also request a lease of an additional 20 acres, more or less, extending into the Petaluma River to its center line for efficiency in management. The lease parcel

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to the center line is called "The Petaluma River Parcel" and is described in the attached Exhibit "A" and is depicted on the attached Exhibit "B".

ATTACHMENTS: A. Descriptions. B. Exhibit Plat.
 C. Copy of Deed.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE ACCEPTANCE AND RECORDATION OF THE DEED TO THE STATE OF THE REAL PROPERTY DESCRIBED IN THE ATTACHED EXHIBIT "A", AS LAND OWNED BY THE STATE IN ITS SOVEREIGN CAPACITY SUBJECT TO THE PUBLIC TRUST.
2. AUTHORIZE THE TRANSFER OF CONTROL AND POSSESSION OF THE REAL PROPERTY DESCRIBED AS THE DEED PARCEL IN THE ATTACHED EXHIBIT "A" TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME, IN SUBSTANTIALLY THE FORM OF A COPY THEREOF ON FILE WITH THE COMMISSION.
3. FIND THAT A LEASE OF THE REAL PROPERTY IN SONOMA COUNTY, CALIFORNIA, DESCRIBED AS THE PETALUMA RIVER PARCEL IN THE ATTACHED EXHIBIT "A", FOR A TERM OF 66 YEARS, IS IN THE BEST INTERESTS OF THE STATE AND AUTHORIZE ITS EXECUTION, ACKNOWLEDGMENT AND RECORDATION.
4. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS WHICH MAY BE REASONABLY NECESSARY AND CONVENIENT TO IMPLEMENT THE TRANSACTION DESCRIBED ABOVE, INCLUDING BUT NOT LIMITED TO EXECUTION OF DOCUMENTS OF TITLE, RECORDATION, ESCROW INSTRUCTIONS AND APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.
5. FIND THAT THE TRANSACTION IS CATEGORICALLY EXEMPT UNDER CAL. ADM. CODE TITLE 2, DIV. 3, ART. 10, SECTION 2907, CLASS 7A.

PETALUMA RIVER PARCEL

Beginning at the point of intersection of the northerly boundary of the Northwestern Pacific Railroad Company right of way with the Boundary Line Agreement line as said line is described in Book 2495, at page 406, Official Records of Sonoma County, said point of intersection bearing North $84^{\circ}06'25''$ West ($N 82^{\circ}52'31''$ W., S.L.C. Survey), 422.41 feet from a State Lands Commission Brass Cap Monument, marked Sta. 35, 1970, R.C.E. 7663; thence along said Boundary Line Agreement line North $84^{\circ}06'25''$ West, 910.09 feet to a State Lands Commission Brass Cap Monument, marked A3, 1970, R.C.E. 7663; thence continuing along said Boundary Line Agreement line North $84^{\circ}06'25''$ West, 134.11 feet, to a point on the southeasterly line of Parcel No. 1, as recorded on July 10, 1967, in Book 2277, at page 922, Official Records of Sonoma County; thence leaving said Boundary Line Agreement line and along said southeasterly line, South $45^{\circ}38'$ West, 281.79 feet to the southeasterly corner of said Parcel No. 1; thence along the prolongation of the southeasterly line of Parcel No. 1, South $45^{\circ}38'$ West to the centerline of the Petaluma River; thence along said centerline in a southeasterly direction to the intersection of said centerline with the northerly boundary of the Northwestern Pacific Railroad Company right of way; thence leaving the centerline of the Petaluma River and running northeasterly along said northerly boundary to the point of beginning.

Containing: 20 acres, more or less.

DEED PARCEL

Beginning at the point of intersection of the northerly boundary of the Northwestern Pacific Railroad Company right of way with the Boundary Line Agreement line as said line is described in Book 2495, at page 406, Official Records of Sonoma County, said point of intersection bearing North $84^{\circ}06'25''$ West (N $82^{\circ}52'31''$ W., S.L.C. Survey), 422.41 feet from a State Lands Commission Brass Cap Monument, marked Sta. 35, 1970, R.C.E. 7663; thence along said Boundary Line Agreement line North $84^{\circ}06'25''$ West, 910.09 feet to a State Lands Commission Brass Cap Monument, marked A3, 1970, R.C.E. 7663; thence continuing along said Boundary Line Agreement line North $84^{\circ}06'25''$ West, 134.11 feet, to a point on the southeasterly line of Parcel No. 1, as recorded on July 10, 1967, in Book 2277, at page 922, Official Records of Sonoma County; thence leaving said Boundary Line Agreement line and said southeasterly line, along the Mean High Water Line the following series of courses: along a circular curve to the right, the center of which bears South $32^{\circ}18'13''$ East, 700.00 feet; through a central angle of $33^{\circ}00'08''$, an arc distance of 403.20 feet to a point; thence along the tangent to the previous course at said point, South $89^{\circ}18'05''$ East, 438.523 feet; and South $45^{\circ}59'39''$ East, 302.492 feet to the point of beginning.

Containing: 2.98 Acres, more or less.

NOVATO QUADRANGLE
CALIFORNIA
7.5 MINUTE SERIES (TOPOGRAPHIC)
SE/4 PETALUMA 15' QUADRANGLE

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

542

1 420 000 FEET (3) 543

122° 30' 544 000m E

1 860 000 FEET (2) SONOMA 15 MI SEARS POINT 3 MI

546

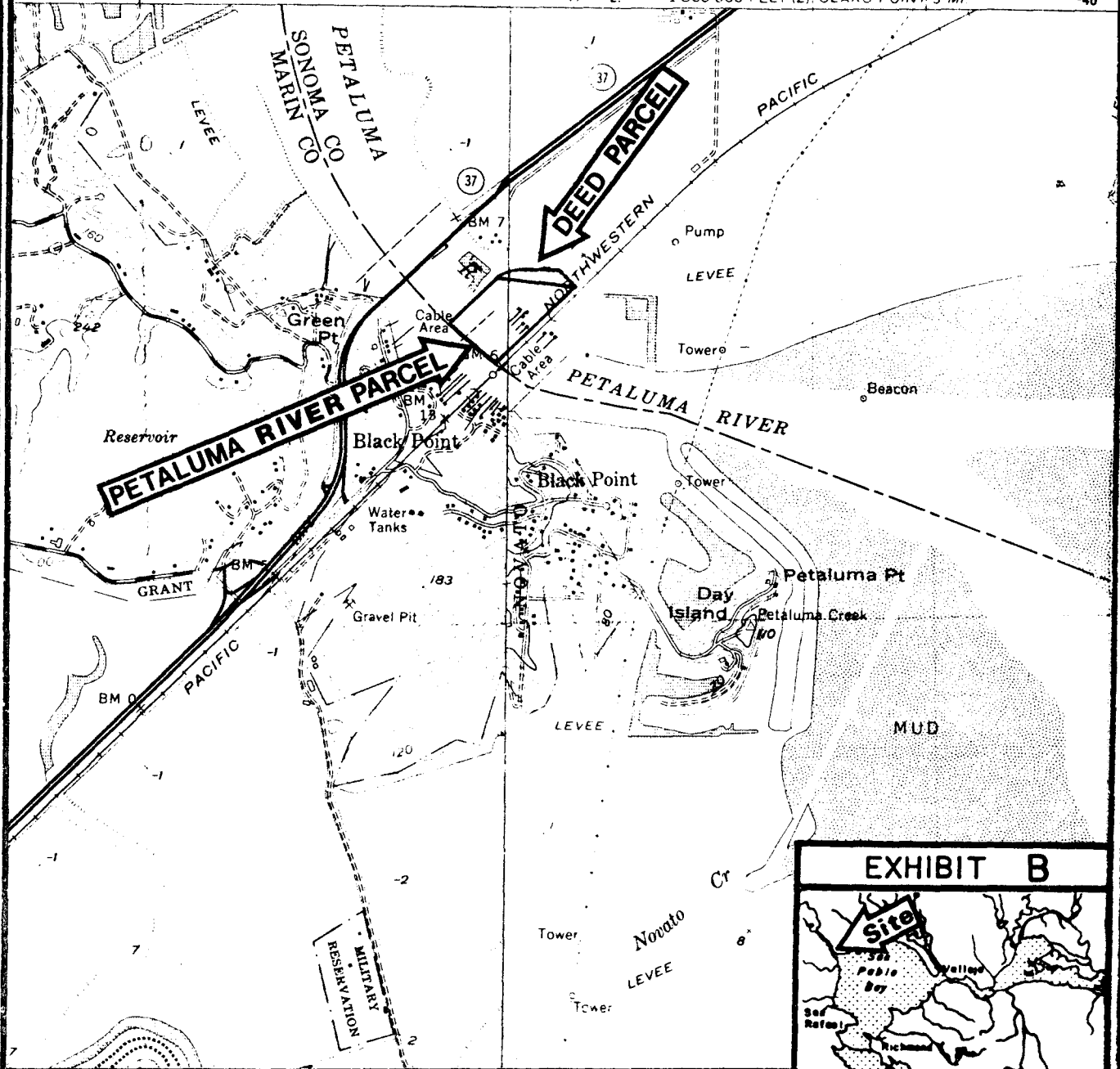
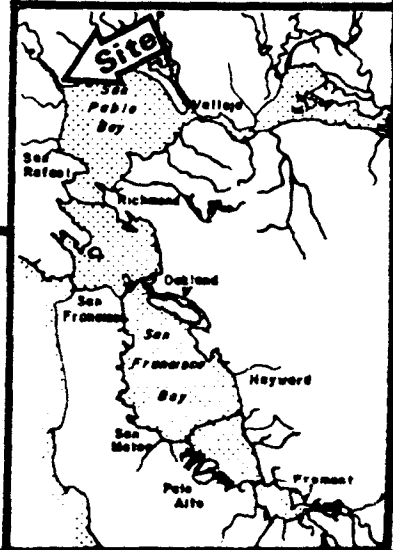


EXHIBIT B



STATE LANDS COMMISSION

**PORTION OF U.S.G.S. QUADRANGLES
NOVATO 1954
PETALUMA POINT 1959
PHOTOREVISED 1968**

Prepared by: B. Lee

Date: 6-6-78

Title Study: SHELLMAKER - PETALUMA RIVER

W 21806

Z2 - N16 - E 185

CORPORATION GRANT DEED

Shellmaker, Inc., a California corporation ("Grantor"), does hereby grant to the State of California, acting by and through its State Lands Commission ("Grantee"), that certain real property situated in the County of Sonoma, State of California, more particularly described and referred to on Exhibit "A", attached hereto and incorporated herein by this reference, subject to all restrictions, rights and easements of record, to be held by Grantee as sovereign lands for perpetual fish and wildlife habitat purposes.

Executed at San Francisco, California, this 18th day of May, 1978, by the duly authorized officers of Grantor.

SHELLMAKER, INC.

By Wm. P. Boland, Jr.
President

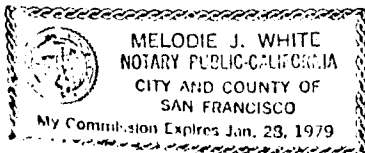
By Dolores L. Boland
Secretary

Certificate of Acknowledgment by Notary

STATE OF CALIFORNIA)
COUNTY OF SAN FRANCISCO) ss.

On this 18th day of May, 1978, before me, Melodie White, a Notary Public in and for the County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared Wm. P. Boland, Jr. and Dolores L. Boland, known to me to be the President and Secretary, respectively, of the corporation described in and that executed the within instrument, and also known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of San Francisco, the day and year in this certificate first above written.



Melodie J. White
Notary Public

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EXHIBIT C

Legal Description of Area to
be Dedicated to State Lands Commission
by Shellmaker, Inc.

Beginning at the point of intersection of the Northerly boundary of the Northwestern Pacific Railroad Company right of way with the Boundary Line Agreement Line as said line is described in Book 2495, at page 406, Official Records of Sonoma County, said point of intersection bearing North 84°06'25" West (N82°52'31"W., S.L.C. Survey), 422.41 feet from a State Lands Commission Brass Cap Monument, marked Sta. 35, 1970, R.C.E. 7663; thence along said Boundary Line Agreement Line North 84°06'25" West, 910.09 feet to a State Lands Commission Brass Cap Monument, marked A3, 1970, R.C.E. 7663; thence continuing along said Boundary Line Agreement Line North 84°06'25" West, 134.11 feet, to a point on the Southeasterly line of Parcel No. 1, as recorded on July 10, 1967, in Book 2277, at page 922, Official Records of Sonoma County; thence leaving said Boundary Line Agreement Line and said Southeasterly line, along the Mean High Water Line the following series of courses: along a circular curve to the right, the center of which bears South 32°18'13" East, 700.00 feet; through a central angle of 33°00'08", an arc distance of 403.20 feet to a point; thence along the tangent to the previous course at said point, South 89°18'05" East, 438.523 feet; and South 45°59'39" East, 302.492 feet to the point of beginning.

Containing: 2.98 Acres, more or less.

Exhibit "A"

CAL. ITEM W 21806
EXHIBIT C