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CALENDAR ITEM

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12/20/78

meeting.

23.

12/78  
W 503.696  
Cook  
PRC 5690

ACCEPTANCE OF QUITCLAIM DEED FROM  
CITY OF VALLEJO, LEGISLATIVE TRUST GRANTEE  
OF REAL PROPERTY IN SOLANO COUNTY, BEING PART OF THE  
PROPOSED SAN PABLO BAY FEDERAL WILDLIFE REFUGE  
AND AUTHORIZE A LEASE TO THE UNITED STATES  
FISH AND WILDLIFE SERVICE

The State Legislature by statutes (Ch. 483 Stat. 1947, amended by Ch. 117 Stat. 1957; and Ch. 1501 Stat. 1957) granted to the City of Vallejo, in trust, certain real property in Solano County, California. The city also obtained 3 access strips for access from the Sears Point Highway to the public trust land by deed recorded in Book 1001 page 457 Official Records, Solano County Recorder.

The area of the trust grant was depicted on maps (copies are attached as Exhibits "B" and "C") prepared by staff and dated and indexed March 1959 - CB 866 and October 1963 - CB 1286. Map CB1286 was recorded in Book 8 at Page 91. The summary maps merely showed the then existing shoreline and did not correctly depict the true grant boundaries which remained uncertain and in dispute at the time of the maps.

The upland boundary of the real property held by the State in its sovereign capacity and described in the grant statutes has been the subject of a dispute with private claimants claiming title as successors in interest to a State Swamp and Overflowed Patent which extended to the ordinary high water mark of San Pablo Bay.

The federal government filed a condemnation action against the private claimants and the State which included part of the granted lands and other lands. Due to the title questions the case relating to the granted lands cannot be completed without a resolution of the nature and extent of the private and State titles, and the City Legislative Trust Grant.

The titles within the Figueras, et al. parcel, abutting and located southerly of the Sears Point Highway, being a part of the proposed Federal Wildlife Refuge, and described as Tract 12 in the condemnation action, were established by stipulated judgment (authorized by the Commission by Minute Item No. 22 of its regular monthly meeting on

A 8

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CALENDAR ITEM NO. 23. (CONTD)

January 26, 1973, in the condemnation action. The judgment was filed February 6, 1974, in the United States District Court, Eastern District of California, in case Civil No. S-2274, United States vs. 1164.34 acres, Tract 12. The judgment established the ordinary high water mark boundary, with Figueras title cleared to the upland portion abutting the highway and the State's title cleared to the southerly portion of 329 acres, more or less. The portion determined to be in Figueras ownership was thereafter purchased by the United States for the wildlife refuge.

The State received a deed to another parcel from Zunino, et al, recorded in December 30, 1976 in Book 1976, page 1976, in the office of the Solano County Recorder. The Sunino parcel was partly within the trust grant and wholly within the proposed wildlife refuge and the federal condemnation action. The parcel adjoined and extended southerly from the Sears Point Highway to San Pablo Bay. It consisted of 393 acres, more or less. This deed was obtained as part of exchanges in San Mateo County (BLA 151) approved by the Commission at its regular public meeting on September 30, 1976, Minute Item No.22. The effect of this deed was to pass the private interests to the State and thereby resolve the title dispute between the State and the private claimants, leaving the rights of the city under the Legislative trust grant for future resolution.

To finally resolve the condemnation action regarding the trust grant area, it is anticipated that the State will lease the real property described in the quitclaim deed which includes the State/parcel under the Figueras judgment, and the parcel within the Zunino deed, together with 3 appurtenant rights-of-way for access to the Sears Point Highway to the United States Fish and Wildlife Service for refuge purposes. To do this, it will be necessary to terminate the legislative trust grant to the city which was primarily for airport purposes.

The city has made no improvements and advises that it does not intend to construct the airport; desires that the refuge be established; and is prepared to quitclaim to the State any rights it may have remaining under the public trust grant. A form of quitclaim deed has been submitted to the city for the approval of its council.

The quitclaim includes all right title and interest of the city to the real property approximately depicted on Exhibits "B" and "C" and on Exhibit "D" as the Zunino parcel, the indicated State portion of the Figueras parcel, and the access ways - the lease includes the same parcels.

CALENDAR ITEM NO. 23. (CONTD)

The quitclaim deed will permit: the establishment of the federal refuge; the dismissal of the federal lawsuit respecting these parcels without further expense; the lease to the United States Fish and Wildlife Service; and the establishment of the wildlife refuge within the parcels. The real property to be quitclaimed to the State and leased to the federal government is described in the copy of proposed quitclaim deed, attached hereto as Exhibit "A".

ATTACHMENTS:       A. Quitclaim Deed.  
                      B. Grant Map CB 866.  
                      C. Grant Map CB 1286.  
                      D. Figueros Judgment Parcel and Zunino Parcel.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACCEPTANCE OF A QUITCLAIM DEED, IN SUBSTANTIALLY THE FORM OF THE ATTACHED EXHIBIT "A", FROM THE CITY OF VALLEJO OF THAT CERTAIN REAL PROPERTY IN SOLANO COUNTY CALIFORNIA DESCRIBED IN SAID EXHIBIT "A", IS IN THE BEST INTEREST OF THE STATE, AND AUTHORIZE ITS ACCEPTANCE AND RECORDATION.
2. FIND THAT THE ISSUANCE OF A 66-YEAR LEASE, IN SUBSTANTIALLY THE FORM OF THE COPY OF THE LEASE ON FILE WITH THE COMMISSION, TO THE UNITED STATES FISH AND WILDLIFE SERVICE, OF THE REAL PROPERTY DESCRIBED IN EXHIBIT "A" FOR PURPOSES OF THE FEDERAL WILDLIFE REFUGE IS IN THE BEST INTEREST OF THE STATE AND AUTHORIZE ITS ISSUANCE.
3. FIND THAT THE TRANSACTION IS IN FURTHERANCE OF THE FINAL SETTLEMENT OF TITLE AND BOUNDARY LITIGATION AND THE PROVISIONS OF CEQA ARE INAPPLICABLE PURSUANT TO SECTION 6371 OF THE P.R.C.
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 OR CONVENIENT TO IMPLEMENT THE TRANSACTIONS DESCRIBED ABOVE, INCLUDING BUT NOT LIMITED TO EXECUTION OF DOCUMENTS OF TITLE, ESCROW INSTRUCTIONS AND APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.

1 Recorded at the request of:  
State of California  
2 State Lands Commission

W 503.696

3 WHEN RECORDED mail to:  
State Lands Commission  
4 1807 - 13th Street  
Sacramento, California 95814

5 STATE OF CALIFORNIA  
6 OFFICIAL BUSINESS - Document  
entitled to free recordation  
7 pursuant to Government Code  
Section 27383

8 S.L.C. W 503.696  
9 WC/jw July 27, 1978

10 NO TAX DUE

11 Above space for Recorder's use

12  
13 QUITCLAIM DEED

14 (Certificate of Acceptance Included)

15  
16 The CITY OF VALLEJO, a municipal corporation, herein  
17 referred to as CITY, does hereby remise, release and forever  
18 quitclaim to the STATE OF CALIFORNIA, any and all right,  
19 title, and interest of CITY in and to that certain real  
20 property located in Solano County, California, more particularly  
21 described and granted by the California Legislature in trust  
22 to CITY by virtue of Chapter 483, Statutes of 1947, as amended  
23 by Chapter 117, Statutes of 1957, and Chapter 1501, Statutes  
24 of 1957, together with any and all other right, title and  
25 interest of CITY in and to these certain parcels of real  
26 property in Solano County, California, more particularly  
27 described, as follows:

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Parcel One

A 100 foot strip of land, the westerly line of which is more particularly described as follows:

Beginning at Station 1 on the boundary line between Vallejo and Cullinan as shown on that certain "MAP OF GRANT TO CITY OF VALLEJO", filed for record with Solano County Recorder in Book 7 of Surveys, Page 8; thence running N. 0 degrees 10' 00" East 1900 feet, more or less. Being parcel 1, of the real property and described in that certain Indenture dated November 3, 1959, recorded November 17, 1959 as Document No. 23662, in Book 1001, and said Indenture beginning at page 460, all in the Official Records of the Recorder of Solano County.

Parcel Two

A 100 foot wide strip of land, the Southeasterly and Easterly boundary line of which is more particularly described as follows:

Beginning at Station 4 as shown on the above referenced recorded map and running thence N. 40 degrees 11' 50" E., 2304.04 feet to a monument designated as GLO "AP5", as shown on said map; thence N. 40 degrees 11' 50" E., 1286.59 feet to monument GLO "AP4" as shown on said map; thence northerly

1 along the line between monuments GLO "AP4" and GLO "AP3"  
2 and its Northerly extension to the intersection with the  
3 State Highway known as Sears Point Road. Being Parcel 2  
4 of the real property conveyed to CITY by and described in  
5 that certain Indenture dated November 3, 1959, Recorded  
6 November 17, 1959 as Document No. 23662, in Book 1001, and  
7 said Indenture beginning at page 460, all in the Official  
8 Records of the Recorder of Solano County.

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10 Parcel Three

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12 A 100 foot wide right-of-way, the center line of which  
13 is more particularly described as follows:

14  
15 Beginning at Station 2, as shown on that certain "MAP  
16 OF GRANT TO CITY OF VALLEJO", filed for record with Solano  
17 County Recorder in Book 7 of Surveys, Page 8, which station  
18 is on the boundary line between Vallejo and Cullinan; thence  
19 running from said Station 2 at right angles to the boundary  
20 line between Stations 1 and 2 Northeasterly a distance of  
21 approximately 2000 feet, more or less, to the intersection  
22 with the Southwest line of the State Highway known as Sears  
23 Point Road as conveyed to CITY by grant dated November 3,  
24 1959, recorded November 17, 1959 as Document No. 23662  
25 in Book 1001, beginning at page 457 of the Official Records  
26 of the Recorder of Solano County.

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Parcel Four

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2  
3 BEGINNING at Station 2 as said point is shown on that  
4 certain Record of Survey entitled: "MAP OF THE GRANT TO  
5 THE CITY OF VALLEJO", and filed in the Office of the County  
6 Recorder of Solano County, California, on May 21, 1959 in  
7 Book 7 of Surveys at page 8; thence along the Northeasterly  
8 line of said Grant North  $61^{\circ}15'10''$  West, 5933.95 feet to  
9 Station 1 as said Station is shown on the aforementioned  
10 Record of Survey; thence North  $0^{\circ}10'00''$  East 1864.98 feet  
11 to a point of beginning of the above mentioned Grant to  
12 the City of Vallejo; said point being further described  
13 as the center of Section 6 T3N, R4W. Mount Diablo Base and  
14 Meridian, said point being monumented on the ground by a  
15  $1\frac{1}{2}$  inch iron pipe bearing a tag stamped R E158; thence along  
16 the Westerly boundary line of the East  $\frac{1}{2}$  of fractional Section  
17 6, North  $0^{\circ}10'00''$  East, 200.81 feet to the Southerly line  
18 of Sears Point Road (State Highway X-SOL-208-A) as said  
19 Southerly line is described in the Deed to the Sears Point  
20 Toll-Road Company recorded April 1, 1929 in Book 288 of  
21 Deeds at page 434 in the Office of the County Recorder of  
22 Solano County, California; thence along the Southerly line  
23 of said Sears Point Road South  $65^{\circ}44'18''$  East, 336.12 feet  
24 to the beginning of a curve to the left of radius 10,030  
25 feet; thence along the arc of said curve 487.24 feet through  
26 a central angle of  $2^{\circ}47'$ ; thence South  $68^{\circ}31'18''$  East 718.34  
27 feet to the beginning of a curve to the right of radius

1 1970 feet; thence along the arc of said curve 241.25 feet  
2 through a central angle of  $7^{\circ}01'$ ; thence South  $61^{\circ}30'18''$   
3 East 1756.02 feet to the beginning of a curve to the left  
4 of radius 10,030 feet; thence along the arc of said curve  
5 498.91 feet through a central angle of  $2^{\circ}51'$ ; thence South  
6  $64^{\circ}21'18''$  East, 986.52 feet to the beginning of a curve  
7 to the right of radius 19,970 feet; thence along the arc  
8 of said curve 917.83 feet through a central angle of  $2^{\circ}38'$ ;  
9 thence South  $61^{\circ}43'18''$  East, 1622.51 feet to the beginning  
10 of a curve to the right of radius 19,970 feet; thence along  
11 the arc of said curve 319.50 feet through a central angle  
12 of  $0^{\circ}55'$ ; thence South  $60^{\circ}48'18''$  East, 1040.07 feet; thence  
13 leaving the Southerly line of Sears Point Road South  $29^{\circ}11'42''$   
14 West 2334.02 feet, to the Northeasterly line of the afore-  
15 mentioned Grant to the City of Vallejo; thence along said  
16 Northeasterly line North  $54^{\circ}40'15''$  West, 1984.50 feet to  
17 the point of beginning, together with any accretions thereto.

18  
19 EXCEPTING THEREFROM that portion thereof as conveyed  
20 to the State of California by instrument recorded August 20,  
21 1970 in Book 1639, page 461, Official Records.

22  
23 Parcel Five

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25 A portion of that certain 3431.2381 acre parcel of  
26 land described in the Deed to Maurice Cullinan and Mildred  
27 Cullinan, husband and wife, and Martin Cullinan and



1 G. Jacqueline Cullinan, husband and wife, recorded October 3,  
2 1951 in Book 594 of Official Records, Page 461, Instrument  
3 No. 12424, Solano County records described as follows:  
4

5 BEGINNING at a point marking the Northwesterly corner  
6 of the property of the United States Government known as  
7 Mare Island Navy Yard; said point of beginning being on  
8 the Southerly line of State Highway X-Sol-208-A, as said  
9 highway existed December 1, 1955; said point being opposite  
10 at right angles, South 0°03'30" West, 75.42 feet from Engineer's  
11 Station 58+72.79; thence along the Southerly line of said  
12 State Highway, North 0°03'30" East, 10.42 feet to a point  
13 in the South line of Parcel No. 2 as described in the Deed  
14 to the Sears Point Toll Road Company, a corporation, recorded  
15 April 1, 1927 in Book 288 of Deeds, at Page 434; thence  
16 along the South line of Parcel No. 2 and No. 3 as described  
17 in said last mentioned Deed, North 89°56'30" West, 1431.84  
18 feet to a point from which the corner common to fractional  
19 Sections 9, 10, 15 and 16, Township 3 North, Range 4 West,  
20 M.D.B.&M., bears South 0°03-½' West, 1281.05 feet distant;  
21 thence continuing on the same course North 89°56'30" West,  
22 1175.70 feet; thence Westerly along a curve to the right  
23 having a radius of 1030 feet, for a distance of 577.05 feet;  
24 thence North 57°50'30" West, 2455.46 feet; thence along  
25 a curve to the left having a radius of 9,970 feet for a  
26 distance of 533.63 feet; thence North 60°54'30" West, 1109.50  
27 feet, more or less, to the Northeast corner of the property

1 conveyed to Antonio Zunino, et al, recorded May 6, 1963  
2 in Book 1198 of Official Records, page 541, Instrument No.  
3 11567; thence leaving the Southerly line of Sears Point  
4 Road and running along the East line of said Antonio Zunino  
5 parcel, South 29°11'42" West, 2334.02 feet, more or less,  
6 to a point in the boundary line established by the Agreement  
7 executed by and between the City of Vallejo, Maurice Cullinan  
8 Mildred Cullinan, his wife, Martin Cullinan and G. Jacqueline  
9 Cullinan, his wife, recorded November 17, 1959 in Book 1001  
10 of Official Records, Page 453, Instrument No. 23661 and  
11 as shown on that certain Record of Survey entitled: "MAP  
12 OF THE GRANT TO THE CITY OF VALLEJO", and recorded in the  
13 Office of the County Recorder of Solano County, California  
14 on May 21, 1959 in Book 7 of Surveys, at Page 8; thence  
15 along the Northeasterly line of said Grant and along the  
16 boundary line established by said Agreement South 54°40'15"  
17 East, 2583.72 feet, more or less, to Station 3 as said station  
18 is shown on the aforementioned Record of Survey; thence  
19 South 48°24'20" East, 4500.47 feet, more or less, to Station  
20 4 as said station is shown on the aforementioned Record  
21 of Survey; thence leaving said boundary and continuing North-  
22 easterly and Northerly along the Westerly boundary of the  
23 property of the United States Government known as Mare Island  
24 Navy Yard to the place of BEGINNING.

25  
26       EXCEPTING that portion lying Northerly and landward  
27 from the boundary line described in paragraph VI of the

1 Judgment of the United States District Court, in the case  
2 of United States of America v. 1164.34 acres of land, etc.,  
3 et al., Line No. S-2274 (Tract No. 12), filed February 6,  
4 1974, and Recorded on February 8, 1974 in the Official Records  
5 of the Solano County Recorder.

6  
7 And also EXCEPTING that portion thereof described in  
8 the Deed from Maurice Cullinan, et al., to the State of  
9 California, dated April 23, 1957 and recorded June 17, 1957  
10 in Book 886 of Official Records of Solano County, Page 347  
11 Instrument No. 9928.

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16 Dated \_\_\_\_\_

CITY OF VALLEJO

17  
18 (Notary acknowledgment attached)

19 \_\_\_\_\_  
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21 \_\_\_\_\_

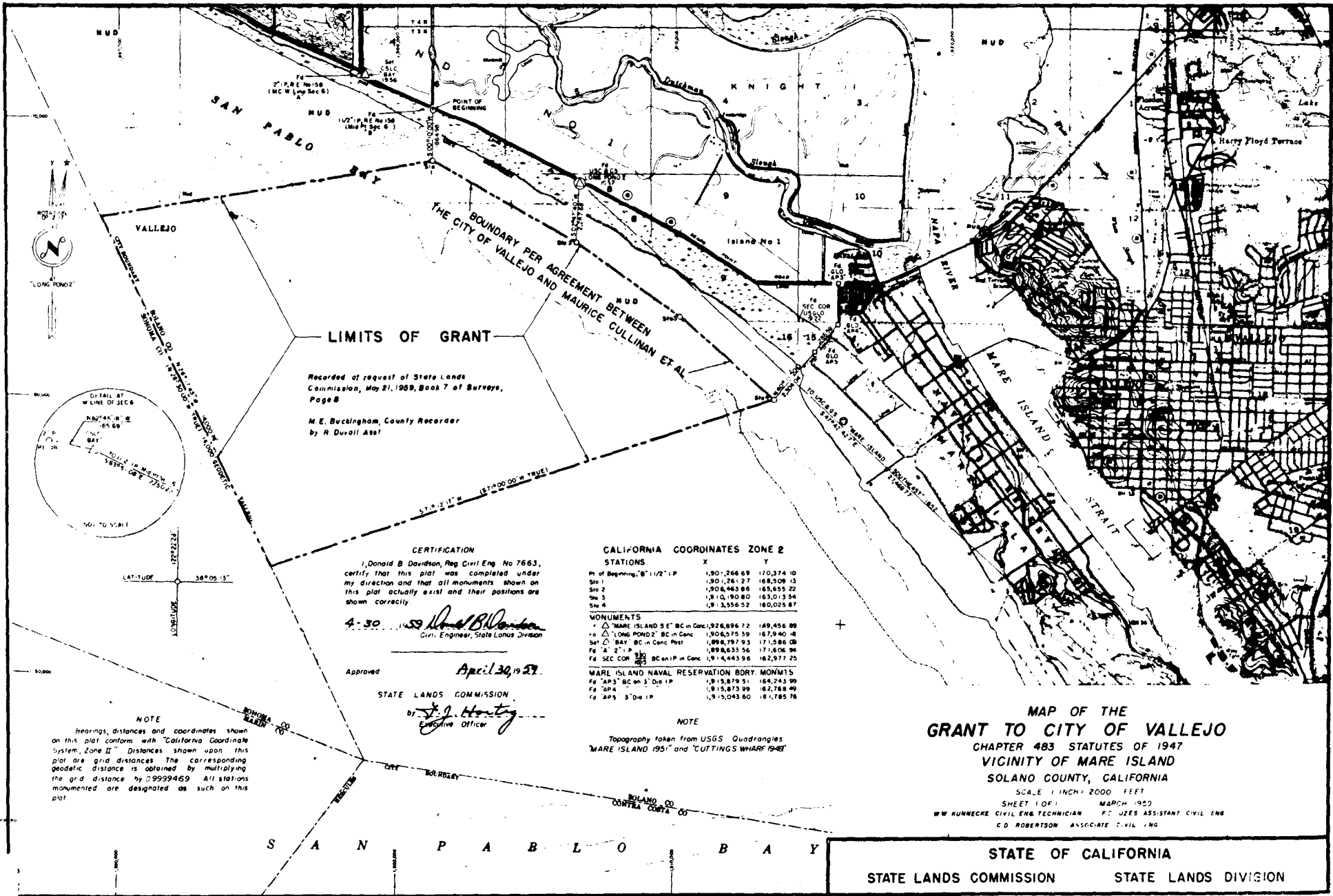


1 On this \_\_\_\_\_ day of \_\_\_\_\_, 1978, before me,  
2 the undersigned, a Notary Public in and for the State of  
3 California, with principal office in the County of Sacramento,  
4 personally appeared \_\_\_\_\_, known  
5 to me to be the \_\_\_\_\_, of the STATE  
6 OF CALIFORNIA, STATE LANDS COMMISSION, the Commission that  
7 executed the within instrument, known to me to be the person  
8 who executed the within instrument on behalf of the STATE  
9 LANDS COMMISSION therein named, and acknowledged to me that  
10 the STATE LANDS COMMISSION executed the within instrument,  
11 by and on behalf of the STATE OF CALIFORNIA, pursuant to  
12 action taken at a regular meeting of the STATE LANDS COMMISSION.

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Witness my hand and seal.

\_\_\_\_\_  
Notary Public in and for  
said County and State



San Pablo Bay  
 Vallejo  
 The City of Vallejo and Maurice Cullinan et al.  
 Limits of Grant

Recorded at request of State Lands Commission, May 21, 1959, Book 7 of Surveys, Page 8  
 M. E. Buckingham, County Recorder  
 by R. Duvall Ass't

CERTIFICATION  
 I, Donald B. Davidson, Reg. Civil Eng. No 7663,  
 certify that this plat was completed under  
 my direction and that all monuments shown on  
 this plat actually exist and their positions are  
 shown correctly.  
 4-30-59 *Donald B. Davidson*  
 Civil Engineer, State Lands Division

Approved *April 30, 1959*  
 STATE LANDS COMMISSION  
 by *J. J. Harty*  
 Executive Officer

CALIFORNIA COORDINATES ZONE 2  
 STATIONS

STATIONS	X	Y
pt of Beginning, "B" 1/2" 1" P	1,901,266.69	170,374.10
Sta 1	1,901,261.27	168,309.13
Sta 2	1,906,463.86	165,655.22
Sta 3	1,910,190.80	163,013.54
Sta 4	1,913,536.52	160,025.87

MONUMENTS

△ MARE ISLAND S E' BC in Conc.	926,896.72	149,456.89
△ LONG POND 2' BC in Conc.	1,906,575.59	167,940.18
△ BAY BC in Conc Post	1,898,797.93	171,586.00
△ 2' 2" 1" P	1,898,633.56	171,406.94
△ SEC COR 2" BC on IP in Conc.	1,914,443.96	162,977.25

MARE ISLAND NAVAL RESERVATION BORT MONMTS

△ AP 3' BC on 3" Dia IP	1,915,879.51	164,243.99
△ AP 4' BC on 3" Dia IP	1,915,873.99	162,768.49
△ AP 5' 3" Dia IP	1,915,043.60	161,785.76

NOTE  
 Topography taken from USGS Quadrangles  
 "MARE ISLAND 195" and "CUTTINGS WHARF 194"

MAP OF THE  
 GRANT TO CITY OF VALLEJO  
 CHAPTER 483 STATUTES OF 1947  
 VICINITY OF MARE ISLAND  
 SOLANO COUNTY, CALIFORNIA  
 SCALE 1 INCH = 2000 FEET  
 SHEET 1 OF 1 MAPCH 1952  
 W W KUNNECKE CIVIL ENG. TECHNICIAN P. C. JZES ASSISTANT CIVIL ENG  
 C D ROBERTSON ASSOCIATE CIVIL ENG

STATE OF CALIFORNIA  
 STATE LANDS COMMISSION STATE LANDS DIVISION

PREPARED UNDER W.O. 2307

EXHIBIT B 2800

CB 1286

CB1286

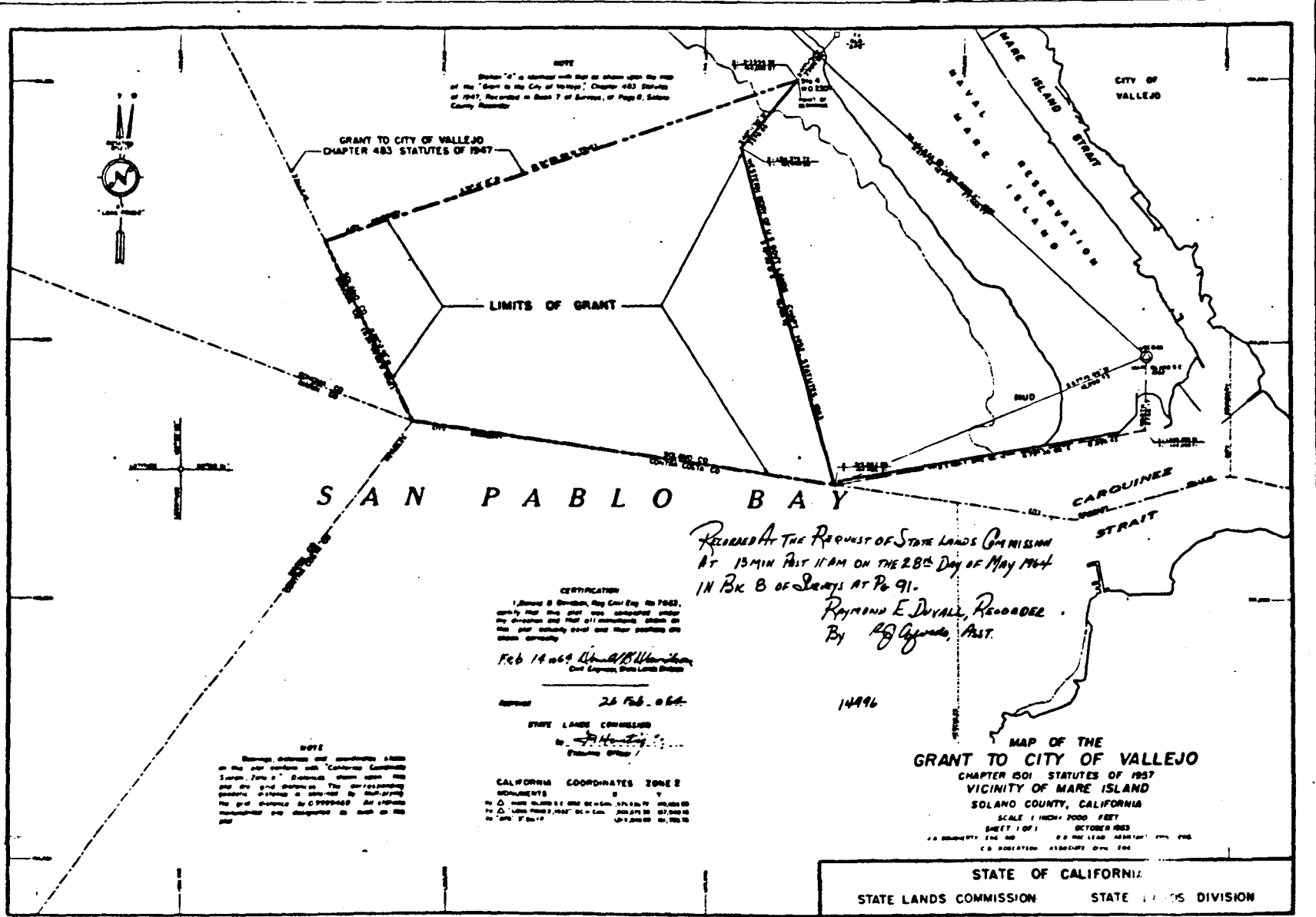


EXHIBIT C

RECORDED AT THE REQUEST OF STATE LANDS COMMISSION  
 AT 10:15 AM ON THE 28th DAY OF MAY 1964  
 IN BK. B OF RECORDS AT Pg. 91.

RAYMOND E. DUVALL, RECORDER  
 By *R. J. Givens, ASST.*

14996

CERTIFICATION  
 I, Donald B. Gordon, Reg. Civil Eng. No. 7062,  
 hereby certify that this plan was prepared under  
 my direction and that all measurements shown on  
 the plan actually exist and that sections are  
 shown accurately.  
 Feb 14 1964 *Donald B. Gordon*  
 Civil Engineer, State License 7062

APPROVED: 25 Feb. 1964  
 STATE LANDS COMMISSION  
 By *J. H. ...*  
 Planning Officer

CALIFORNIA COORDINATE ZONE 2  
 ELEVATIONS  
 IN FEET  
 TO THE NEAREST 1000 FEET  
 TO THE NEAREST 100 FEET  
 TO THE NEAREST 10 FEET

NOTE  
 Bearings, distances and coordinates shown  
 on this plan conform with California Coordinate  
 System, Zone 2. Distances shown upon this  
 plan are the ground distances. The corresponding  
 horizontal distances are obtained by multiplying  
 the grid distances by 0.9999949. All stations  
 represented are designated as such on this  
 plan.

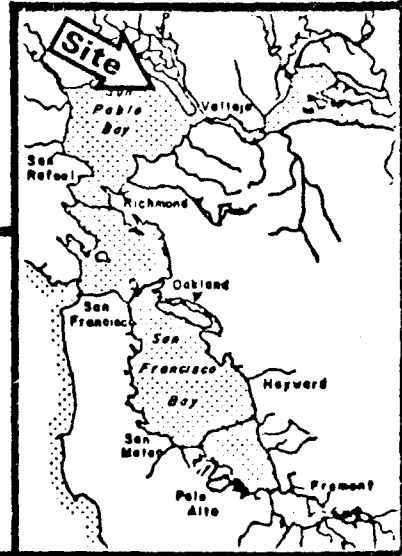
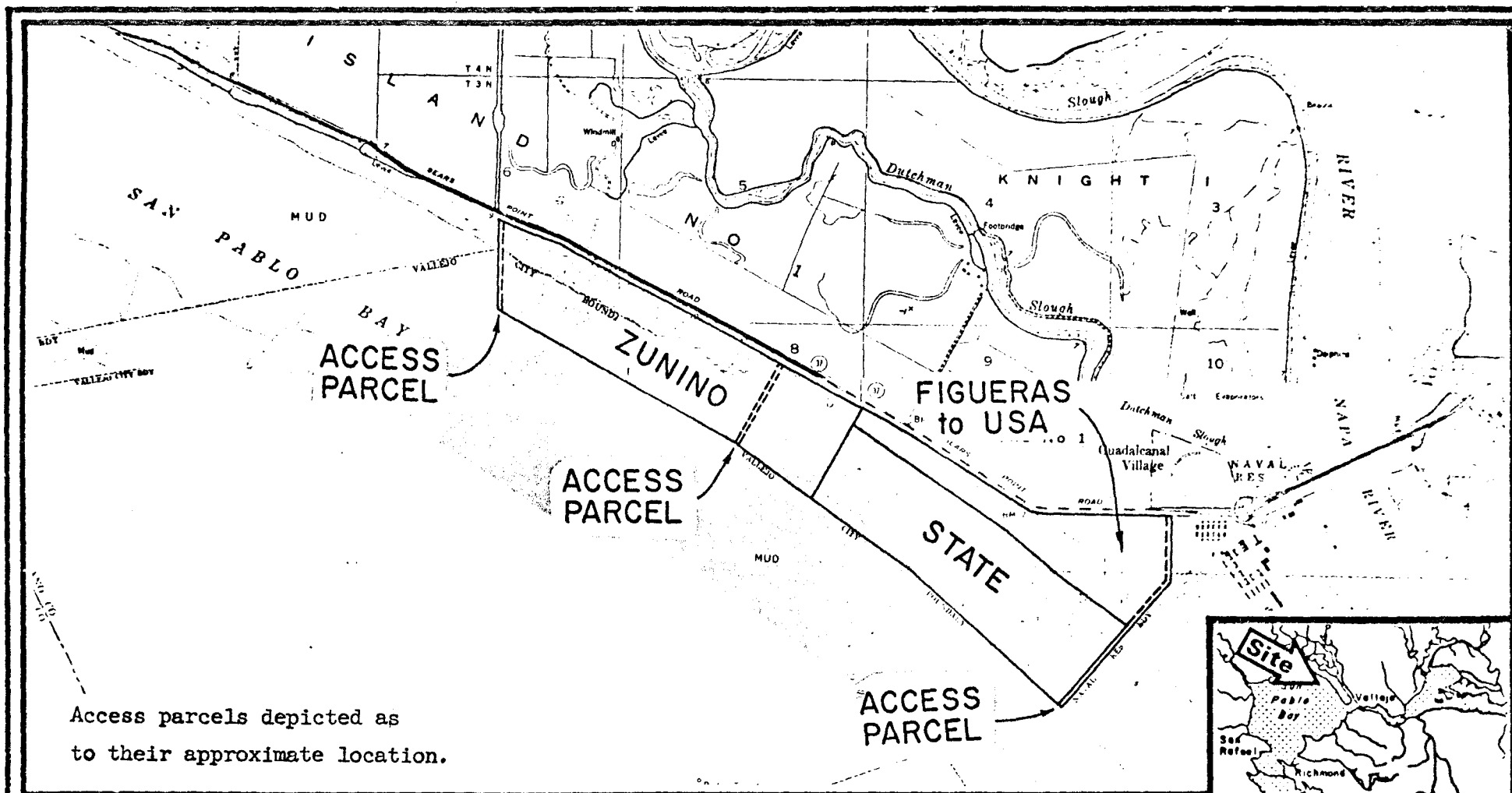
MAP OF THE  
 GRANT TO CITY OF VALLEJO  
 CHAPTER 401 STATUTES OF 1937  
 VICINITY OF MARE ISLAND  
 SOLANO COUNTY, CALIFORNIA  
 SCALE 1 INCH = 2000 FEET  
 SHEET 1 OF 1  
 OCTOBER 1963  
 BY THE LEAD ARCHITECT: ...  
 C.D. ORIENTATION: ALBUQUERQUE CIVIL ENG.

STATE OF CALIFORNIA  
 STATE LANDS COMMISSION STATE LANDS DIVISION

PREPARED UNDER WO 3317

BK. B - PG. 91

2801



STATE LANDS COMMISSION  
 PORTION OF U.S.G.S. QUADRANGLES  
 CUTTINGS WHARF 1949    MARE ISLAND 1959  
 PHOTOREVISED 1968

Prepared by: jsf

Date: 12-6-78

Title Study: Federal San Pablo Refuge

W 503.696

EXHIBIT D

Z 2 - N 16 - E 190, 191

2802