

MINUTE ITEM

This Calendar Item No. 26.  
was approved as Minute Item  
No. 26 by the State Lands  
Commission by a vote of 2  
to 0 at its 2-26-79  
meeting.

CALENDAR ITEM

26.

9/79  
W 22247  
Cook

AUTHORIZE ACCEPTANCE OF AN  
UNDIVIDED INTEREST IN REAL PROPERTY

The firm of Jensen and Reynolds has applied to SFBCDC (15-79) for a permit to construct a project on a parcel of real property in Benicia, Solano County, California. As part of the mitigation requirements of the California Department of Fish and Game and SFBCDC, the applicant has agreed to purchase for \$7,500 an undivided 7.5/200ths percent interest in the Land Bank Parcel which is the subject of the Land Bank agreement between the State and the Trust for Public Lands, which is being submitted for Commission consideration at this meeting. The total purchase price for all interest in the Land Bank parcel is \$200,000 pursuant to the agreement. This acquisition, on a pro rata basis, will be the equivalent of about 16.6 acres of the Land Bank parcel which totals about 441 acres.

The Land Bank Parcel is described in Exhibit A and is depicted on Exhibit B, both of which are attached hereto.

While this proposal is not for the compromise settlement of a title dispute as primarily contemplated by the Land Bank Agreement, it is authorized by the agreement. Approval will enable the SFBCDC permit process to be carried out and will add additional State ownership of a substantial amount of environmentally valuable open space wetlands. It is contemplated that the interest in the Land Bank parcel will be leased to the California Department of Fish and Game for the protection of wildlife, open space and environmental values.

Standard CLTA title insurance for the State interest, in the amount of \$7,500, will be acquired by the State. Minerals, oil and gas, etc. will be included in the acquisition.

Pursuant to the Land Bank Agreement, title to the undivided interest will come to the State from the Trust for Public Lands upon their receiving the \$7,500 purchase price from the applicant.

While the State may have some undefined sovereign interests within the real property on which the Benicia project is located, the State has not objected to the project, however,

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such action and the proposed acceptance of the parcel is without prejudice to any later assertion by the State of ownership of an interest within the Benicia project area. The Benicia project is for a Marine Terminal, a trust use, and, subject to the mitigation proposed, the project is expected to be acceptable to SFBODC and the Department of Fish and Game. The Benicia project has been the subject of Draft EIR, Jensen and Reynolds Marine Terminal Expansion - SCH #79012202.

It is believed by the staff that the proposed acceptance is in the best interest of the State.

EXHIBITS:           A. Description.    B. Plat.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE ACCEPTANCE AND RECORDATION OF A DEED TO THE STATE IN ITS SOVEREIGN CAPACITY OF AN UNDIVIDED 7.5/200ths INTEREST IN THE TRUST FOR PUBLIC LANDS LAND BANK PARCEL IN CONTRA COSTA COUNTY AS DESCRIBED IN THE ATTACHED EXHIBIT "A", AND AS DEPICTED ON THE ATTACHED EXHIBIT "B" TO BE HELD BY THE STATE AS TIDELANDS AND SUBMERGED LANDS, IN TRUST FOR THE PURPOSES OF COMMERCE, NAVIGATION AND FISHERIES, AS DEFINED IN LAW.
2. AUTHORIZE THE STATE LANDS COMMISSION STAFF 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.
3. FIND THAT THE TRANSACTION IS CATEGORICALLY EXEMPT UNDER, 2 CAL. ADM. CODE SECTION 2907 CLASS 8, 14 CAL. ADM. CODE SECTION 15113 CLASS 13, 14 CAL. ADM. CODE SECTION 15107 CLASS 7, 14 CAL. ADM. CODE SECTION 15108.

PARCEL ONE

All that portion of Swamp and Overflow Surveys Nos. 87, 88 and 89; that portion of Tide Land Survey No. 207, and that portion of the 976.04 acre parcel described in the deed to C. A. Hooper & Co. recorded June 1, 1932, in Book 310, page 498 of Official Records of Contra Costa County, California, all within unincorporated territory of said county and described as a whole as follows:

Commencing at the Northwesterly corner of the 273.183 acre parcel of land awarded to the United States of America in the Final Judgement 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  $27^{\circ} 48' 59''$  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  $70^{\circ} 25'$  West 1665.13 feet along said Northerly line to the Point of Beginning of this description;

(1) Thence North  $27^{\circ} 48' 59''$  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 high tide line the following courses:

- (2) South  $5^{\circ} 14' 30''$  West 70.80 feet;
- (3) South  $57^{\circ} 32'$  West 307.74 feet, and
- (4) South  $62^{\circ} 59'$  East 302.68 feet;
- (5) Thence South  $69^{\circ} 36'$  East 138.42 feet to the low water line of Suisun Bay;

Thence meandering along said low water line the following courses:

- (6) South  $4^{\circ} 07'$  East 311 feet;
- (7) South  $19^{\circ} 18'$  West 516 feet;

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- (8) South 52° 37' West 541 feet;
- (9) South 41° 46' West 650 feet;
- (10) South 26° 20' West 398 feet;
- (11) South 62° 31' West 624 feet;
- (12) South 38° 20' 15" West 1438.90 Feet to the Easterly line of the 30.00 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 said Official Records, said point hereinafter being referred to as Point "A";
- (13) Thence South 61° 54' 15" West 652.74 feet along said low water line to the Northeasterly line of the 106.09 acre parcel described in the deed to Associated Oil Company recorded March 28, 1913, in Book 201, page 65 of Deeds, and the Northeasterly line of the tract of land described as Parcel Two in the deed to Tide Water Associated Oil Company, recorded December 17, 1941, in Book 635, page 396 of said Official Records;

Thence along said Northeasterly lines and along the Southerly line of the above mentioned Tide Land Survey No. 207 the following courses:

- (14) South 18° 15' East 1244.83 feet;
- (15) South 36° 05' East 170.93 feet;
- (16) North 22° 51' East 316.39 feet, and
- (17) North 55° 00' East 380 feet to the above mentioned Easterly line of the 30.00 foot wide strip of land to Monsanto Chemical Company, said point hereinafter being referred to as Point "B";
- (18) Thence South 51° 48' East 3934.18 feet along the Northeasterly line of said 30.00 foot wide strip of land to the above mentioned Northerly line of the 200 foot wide strip of land firstly described in the deed recorded in Book 205, page 141 of Deeds, of said Official Records;
- (19) Thence North 70° 25' East 2603.38 feet along said Northerly line to the Point of Beginning.

EXCEPTING therefrom that portion of the above mentioned 30.00 foot wide strip of land to Monsanto Chemical Company, the Easterly line being described as follows:

Beginning at Point "A" referred to in Course (12) above;  
Thence South  $17^{\circ} 19' 30''$  East 1171.38 feet to Point "B"  
referred to in Course (17) above; the sidelines of said  
30.00 foot wide strip of land to be lengthened or shortened  
to terminate in Courses (13 and 17) above.

Containing 391.184 acres, more or less, after deducting  
area of excepted 30.00 foot wide strip of land.

PARCEL TWO

All that portion of Tide Land Survey No. 207 in unincorporated  
territory of the County of Contra Costa, State of California,  
described as follows:

Beginning 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, said point being hereinafter referred to as Point "C";

- (1) Thence North  $71^{\circ} 51'$  East 103.88 feet and
- (2) North  $58^{\circ} 15'$  East 1905.93 feet along said Northwesterly  
line;
- (3) Thence South  $31^{\circ} 45'$  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:

- (4) South  $26^{\circ} 20'$  West 298.86 feet,
- (5) South  $62^{\circ} 31'$  West 624 feet and
- (6) South  $88^{\circ} 20' 15''$  West 1438.90 feet to said Easterly  
line of the 30 foot wide strip of land, said point  
being hereinafter referred to as Point "A";
- (7) Thence South  $61^{\circ} 54' 15''$  West 652.74 feet along said  
low water line to the Northeasterly line to the 106.09  
acre parcel described in the deed to Associated Oil  
Company recorded March 28, 1913 in Book 201, page  
65 of deeds, and the Northeasterly line of the tract  
of land described as Parcel Two in the deed to Tide  
Water Associated Oil Company recorded December 17,  
1941 in Book 635, page 396 of said Official Records;

- (8) Thence North  $18^{\circ} 15'$  West 540 feet along said Northeasterly lines to said Northwesterly line of Tide Land Survey No. 207.
- (9) Thence North  $71^{\circ} 51'$  East 655.52 feet along said Northwesterly line to the Point of Beginning.

EXCEPTING therefrom that portion of said 30 foot wide strip of land described in deed recorded in Book 1954, page 245 of Official Records, the Easterly line being described as follows:

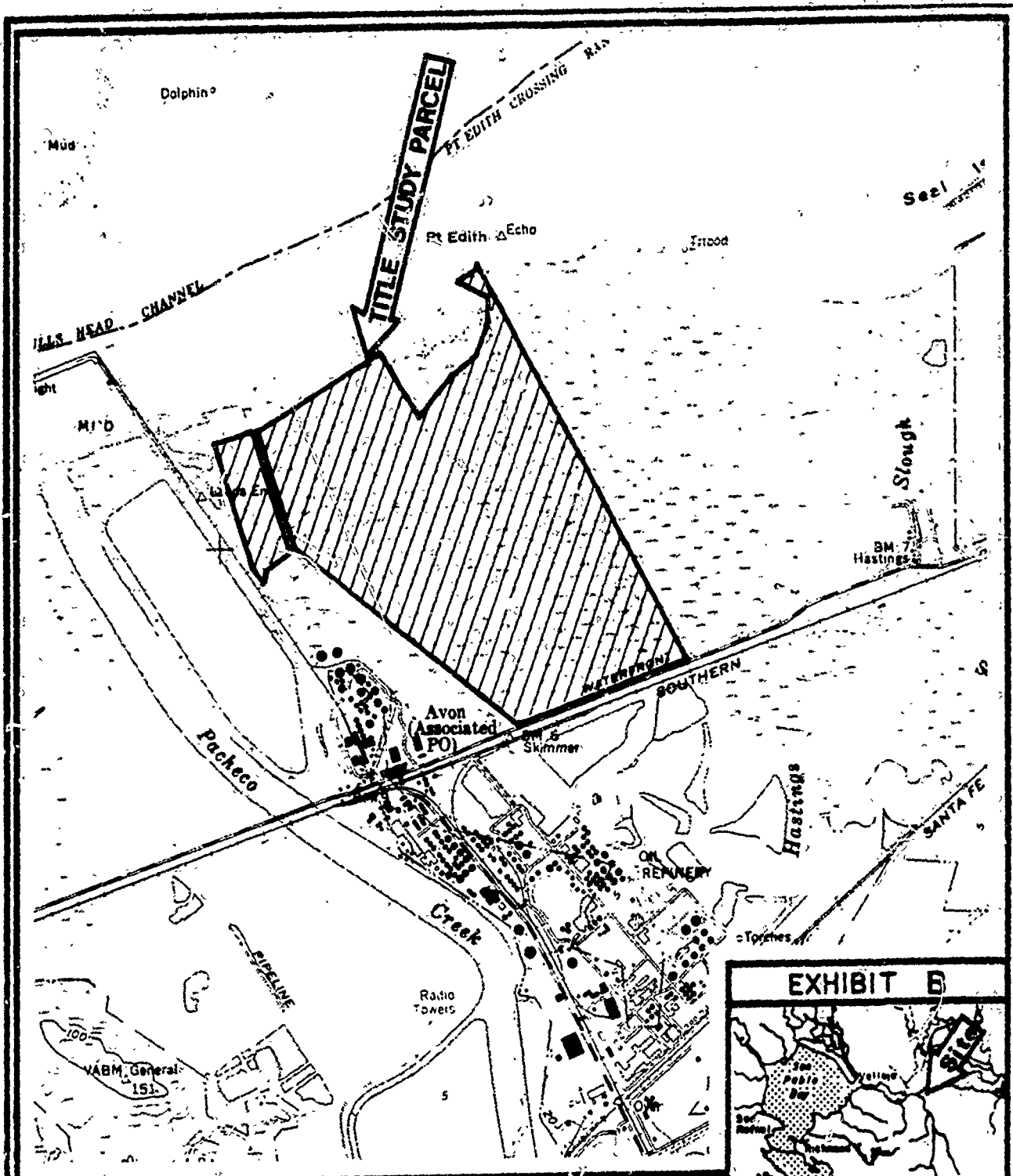
Beginning at Point "C";

Thence South  $17^{\circ} 19' 30''$  East 427.27 feet to Point "A", the sidelines of said 30 foot wide strip of land being lengthened or shortened so as to terminate in Courses (7) and (9).

Containing 50.234 acres, more or less, after deducting the area of the excepted 30 foot wide strip of land.

Subject to easements, rights-of-way and restrictions of record.

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STATE LANDS COMMISSION  
 PORTION OF U.S.G.S. QUADRANGLES  
 PORT CHICAGO 1959  
 PHOTOREVISED 1968

Prepared by: Alexander

Date: 4/13/79

Title Study: T.P.L. - KNUDSON PARCEL

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