

MINUTE ITEM

This Calendar Item No. 17  
was approved as Minute Item  
No. 17 by the State Lands  
Commission by a vote of 2  
0 at its 9-24-80  
meeting.

CALENDAR ITEM

17.

9/80  
W 22553  
Cook

AUTHORIZE ACCEPTANCE OF AN  
UNDIVIDED INTEREST IN REAL PROPERTY

PG & E and Robert M. Wineman, on May 10, 1980, applied for an after-the-fact SFBCDC permit (M79-40 of May 10, 1979) to place 11.6 cubic yards of fill covering 669.3 square feet of tidal marsh to reconstruct an existing 12KV pole line servicing the Mira Monte Marina, located along San Antonio Slough in Marin County a short distance upstream from its confluence with Petaluma Creek. A copy of the plat attached to the SFBCDC Notice, showing the power line, is attached hereto as Exhibit "C".

The State Lands Commission objected to the issuance of a permit on the ground of a probable public trust interest (the pole line crosses a small historic tidal slough included within a Swamp and Overflowed Lands Patent). The Department of Fish and Game also objected and requested mitigation. A title dispute is presently being handled by the staff (W 22162) concerning ownership of the entire Mira Monte Marina parcel (including the PG & E line) with Mr. L. B. Fleischman, who has purchased the marina from Mr. Wineman. As PG & E claims only by way of easement, and as the title dispute with the underlying fee owner has not been resolved, staff has proposed that its objection to the pole line be withdrawn prior to the main title settlement on the condition that this is without prejudice to the State's title claims. PG & E has agreed. In the meantime, Fish and Game has agreed with PG & E for mitigation (not on the title question) whereby PG & E will purchase an undivided .0025% interest in the Trust for Public Lands (TPL) Land Bank parcel in Contra Costa County for conveyance by TPL to the State under its Land Bank Agreement.

PG & E will place \$500 in escrow to be paid to the Trust for Public Land (TPL) who will in turn deed a .0025% undivided interest in the Knudson Land Bank parcel to the State (pursuant to the Land Bank and Option Agreement between the Commission and TPL approved by the Commission by Minute Item 25 on September 26, 1979, such agreement having been executed and recorded on December 13, 1979 in Contra Costa County in Book 9657, page 906). The total purchase price for the TPL-Knudson Land Bank parcel is \$200,000 for 441+ acres

A 9

S 2

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CALENDAR ITEM NO. 17.(CONTD)

(at \$453 per acre). The Knudson 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 an equivalent of more than an acre of environmentally valuable open space wetlands. It is contemplated that the interest in the Knudson 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 in the amount of \$500 will be provided by PG & E. All escrow costs and fees will also be paid by PG & E.

While the State is presently involved in a title dispute with the Marina operators, including the parcel of land on which this project is located, acceptance of this mitigation is without prejudice to the assertion of any State ownership within the Mira Monte Marina parcel (depicted on the attached plat, marked Exhibit "D").

Pursuant to the Land Bank Agreement, title to the undivided interest will come to the State from the Trust for Public Land upon their receiving the \$500 purchase price from PG & E and will be held by the State in its sovereign capacity; will be of the legal character of tidelands and submerged lands; and will thereby be held under the public trust, subject to constitutional and other legal limitations.

It is believed by the staff that the proposed acceptance is in the best interest of the State, and the acceptance and recordation of the said deed is recommended.

EXHIBITS:           A. Description of Land Bank Parcel.  
                      B. Plat of Land Bank Parcel.  
                      C. Plat of Power Line   D. Site Plat.

IT IS RECOMMENDED THAT THE COMMISSION:

CALENDAR ITEM NO. 17. (CONTD)

1. AUTHORIZE THE ACCEPTANCE AND RECORDATION OF A DEED TO THE STATE IN ITS SOVEREIGN CAPACITY OF AN UNDIVIDED .0025% INTEREST IN THE TRUST FOR PUBLIC 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 14 CAL. ADM. CODE, SECTION 15125, AS A TRANSFER OF OWNERSHIP TO THE STATE IN ORDER TO PRESERVE OPEN SPACE.

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DESCRIPTION OF LAND BANK PARCEL

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;

EXHIBIT A

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;
- (8) South  $52^{\circ} 37'$  West 541 feet;
- (9) South  $41^{\circ} 46'$  West 650 feet;
- (10) South  $26^{\circ} 20'$  West 398 feet;
- (11) South  $62^{\circ} 31'$  West 624 feet;
- (12) South  $88^{\circ} 20' 15''$  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  $61^{\circ} 54' 15''$  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  $18^{\circ} 15'$  East 1244.83 feet;
- (15) South  $36^{\circ} 05'$  East 170.93 feet;
- (16) North  $22^{\circ} 51'$  East 316.39 feet, and
- (17) North  $55^{\circ} 00'$  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  $51^{\circ} 48'$  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  $70^{\circ} 25'$  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:

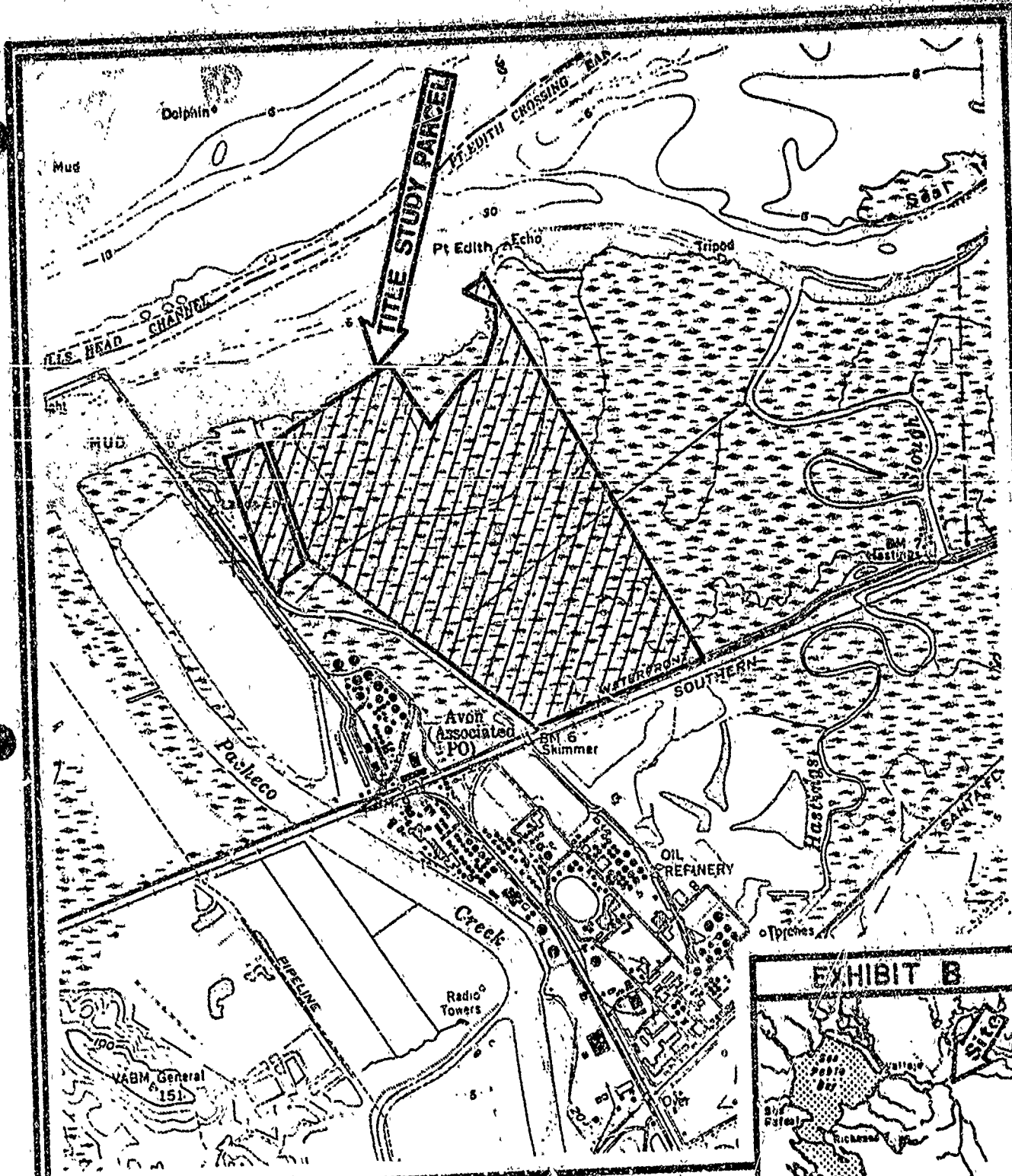
Beginning at Point "C";

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.

DESCRIPTION OF LAND BANK PARCEL  
W 22121, STATE LANDS COMMISSION  
May 21, 1980



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

W 22121

23-N 56-E 154 101

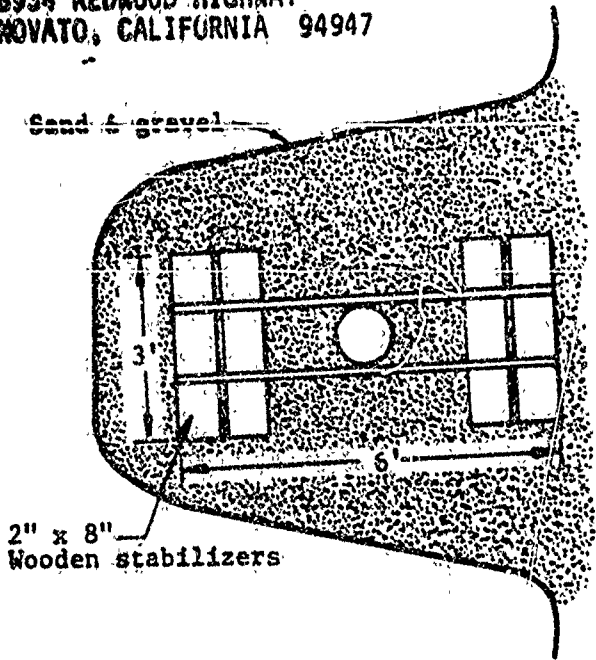
MINUTE PAGE

2101



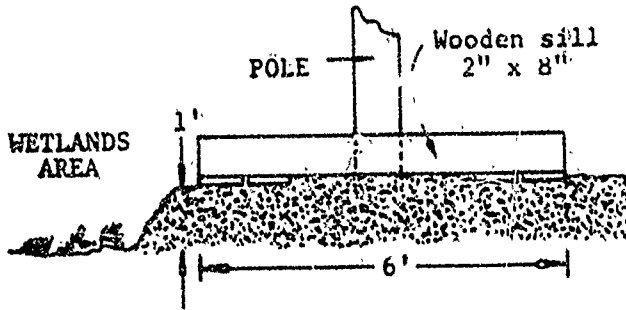
LANDS OF  
 ROBERT M. WINEMAN  
 8934 REDWOOD HIGHWAY  
 NOVATO, CALIFORNIA 94947

Sand & gravel



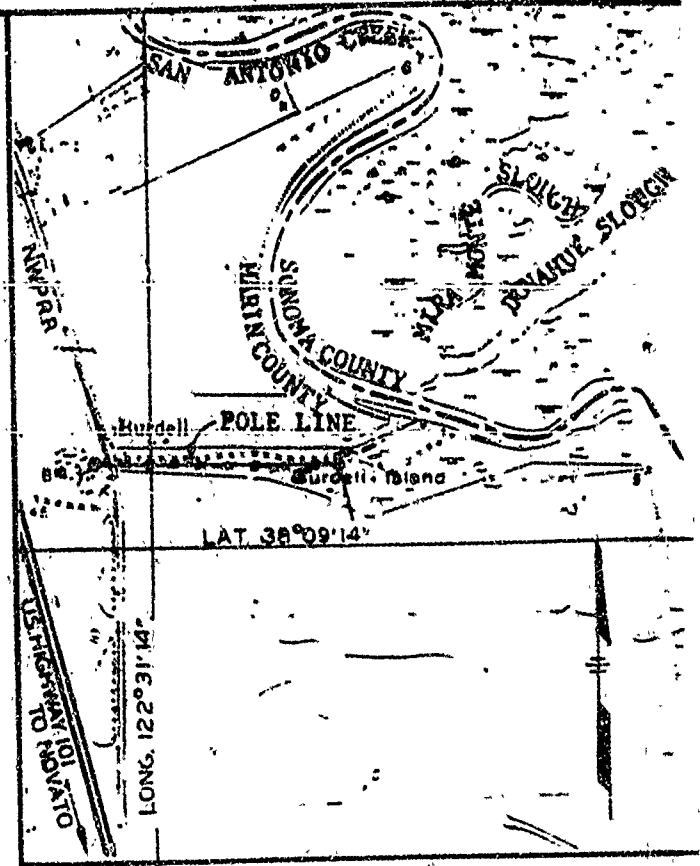
2" x 8"  
 Wooden stabilizers

1.4 CUBIC YARDS OF DIRT  
 AT EACH OF EIGHT POLE LOCATIONS



TYPICAL CONFIGURATION OF MUD SILL  
 CONSISTING OF IMPORTED SAND &  
 GRAVEL

PLAN



VICINITY MAP  
 PETALUMA RIVER, CALIF.



RECONSTRUCTION OF  
 AN EXISTING  
 12 KV POLE LINE TO  
 MIRA MONTE MARINA

INSTALLATION OF MUD SILLS  
 AROUND EIGHT 12KV WOOD POLES  
 IN WETLANDS AREA  
 3 MILES NORTH OF NOVATO  
 MARIN COUNTY  
 CALIFORNIA

EXHIBIT A

APPLICATION BY  
 PACIFIC GAS AND ELECTRIC COMPANY  
 SHEET 1 OF 2 SHEETS DATE 2/23/79  
 EXHIBIT C M79-112

# SITE PLAN

## RECONSTRUCTION OF AN EXISTING 12 KV POLE LINE TO MIRA MONTE MARINA

APPLICATION BY  
PACIFIC GAS AND ELECTRIC CO.

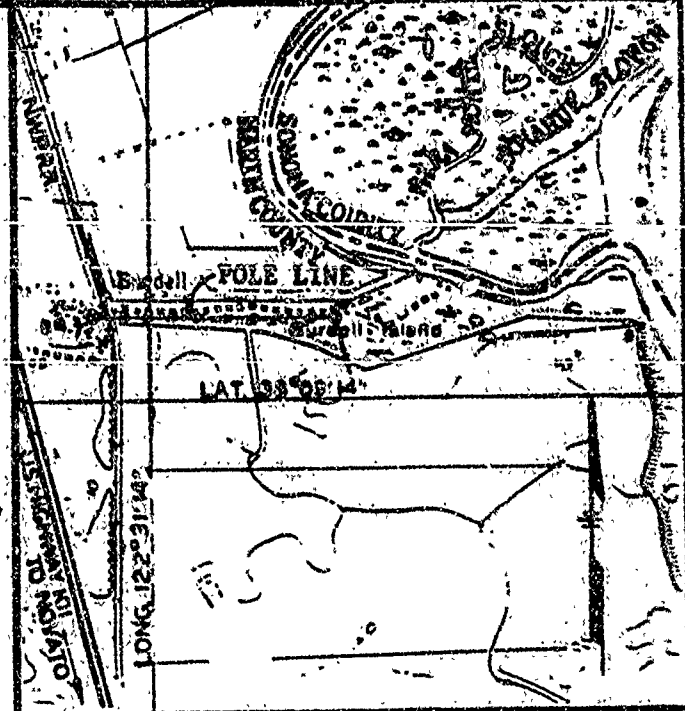
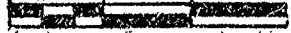
DATE 4/23/79

SHEET 2 OF 2 SHEETS

# EXHIBIT 'B'

PLAN

300 0 600 1200 FEET



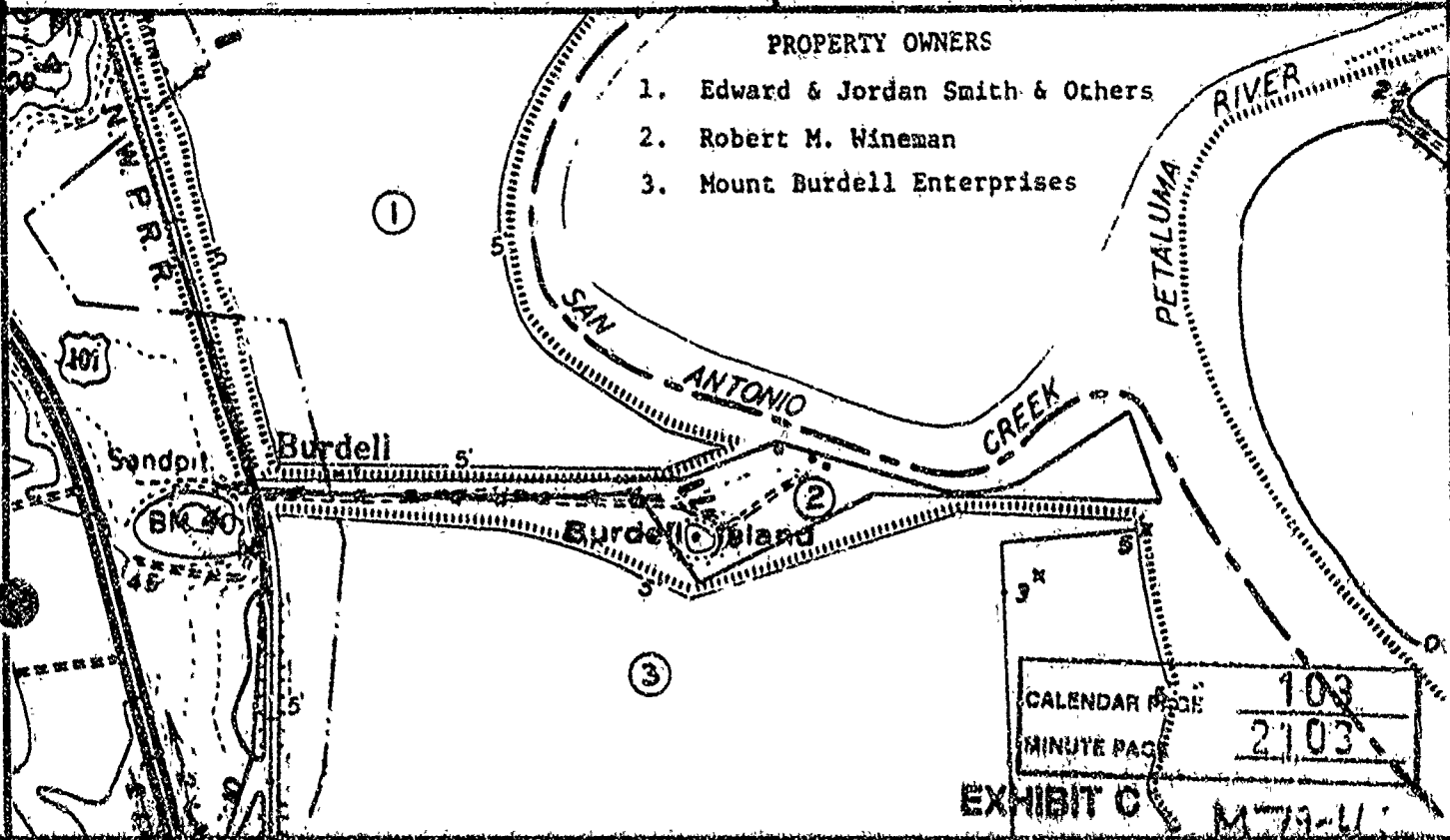
### VICINITY MAP PETALUMA RIVER, CALIF.

1000 0 1000 2000 FEET



#### PROPERTY OWNERS

1. Edward & Jordan Smith & Others
2. Robert M. Wineman
3. Mount Burdell Enterprises



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EXHIBIT C M-79-41

GRANT OF RIGHT OF WAY  
FOR ELECTRIC TRANSMISSION LINE

EXHIBIT 'C'

JOSEPHINE S. BURDELL, a widow

hereinafter called first party,  
in consideration of adequate value paid therefor by PACIFIC GAS AND ELECTRIC COMPANY, a  
California corporation, hereinafter called second party, receipt whereof is acknowledged, does hereby  
grant unto second party, its successors and assigns, the right and privilege of erecting, maintaining  
and using, for the transmission and distribution of electricity and for all purposes connected there-  
with, a single line of poles and such wires as second party shall from time to time suspend there-  
from, and all necessary and proper guys, cross-arms and braces and other fixtures for use in connection  
therewith, and also a right of way along said line of poles, over and across first party's land situate

in the ..... County of ..... Marin ..... State of  
California, described as follows:

That certain tract of land bounded on the east by the easterly boundary line of  
Rancho Olompali and the westerly boundary line of the right of way of the  
Northwestern Pacific Railroad Company, on the southeast by the northeasterly boundary  
line of the strip of land described and designated Parcel 2 in that certain deed  
executed by James B. Burdell et ux to State of California dated July 23, 1929, and  
recorded in Book 169 of Official Records at page 13, records of said Marin County,  
and on the north by Course No. 12 of the Official Survey of Rancho Olompali and  
westerly prolongation thereof, that certain 6.1 acre strip of land conveyed by Mrs.  
Monte Club to James B. Burdell by deed dated July 9, 1917, and recorded in Book 211  
of Deeds at page 331, records of said Marin County, and that certain parcel of land  
conveyed by Robert Lane to James B. Burdell by deed dated June 6, 1891 and recorded  
in Book 17 of Deeds at page 83, records of said Marin County.

The route of said line of poles and wires across said land will be as follows:

Part 1. Beginning at a point in the northeasterly boundary line of said strip of land  
described in said deed dated July 23, 1929 (marked by a fence now upon the ground)  
from which the intersection of the southwesterly boundary line of the last mentioned  
strip of land with the initial course of the boundary of Tract E  
contained in that certain Final Decree in Partition dated March 27, 1907, and  
recorded in Book 100 of Deeds at page 171, records of said Marin County (said inter-  
section being marked by the intersection of fences now upon the ground) bears south  
50° 35' east 829.0 feet distant, and running thence north 61° 17' east 1009.0 feet;  
thence east 74.0 feet, more or less, to a point in the westerly boundary line of  
the right of way of the Northwestern Pacific Railroad Company.

Part 2. Beginning at a point in the easterly boundary line of the right of way of  
the Northwestern Pacific Railroad Company (marked by a fence now upon the ground)  
distant thereon 31.6 feet northerly from the intersection thereof with the westerly  
boundary line of said 6.1 acre strip of land (marked by the intersection of fences  
now upon the ground) and running thence east 2512.4 feet; thence south 60° 26' east  
366 feet, more or less, to a point in said land.

First party also grants to second party the right to trim any trees along said line of poles and  
wires whenever considered necessary for the complete enjoyment of the rights hereby granted.

IN WITNESS WHEREOF, first party has executed these presents this ..... day

1934

Executed in the Presence of

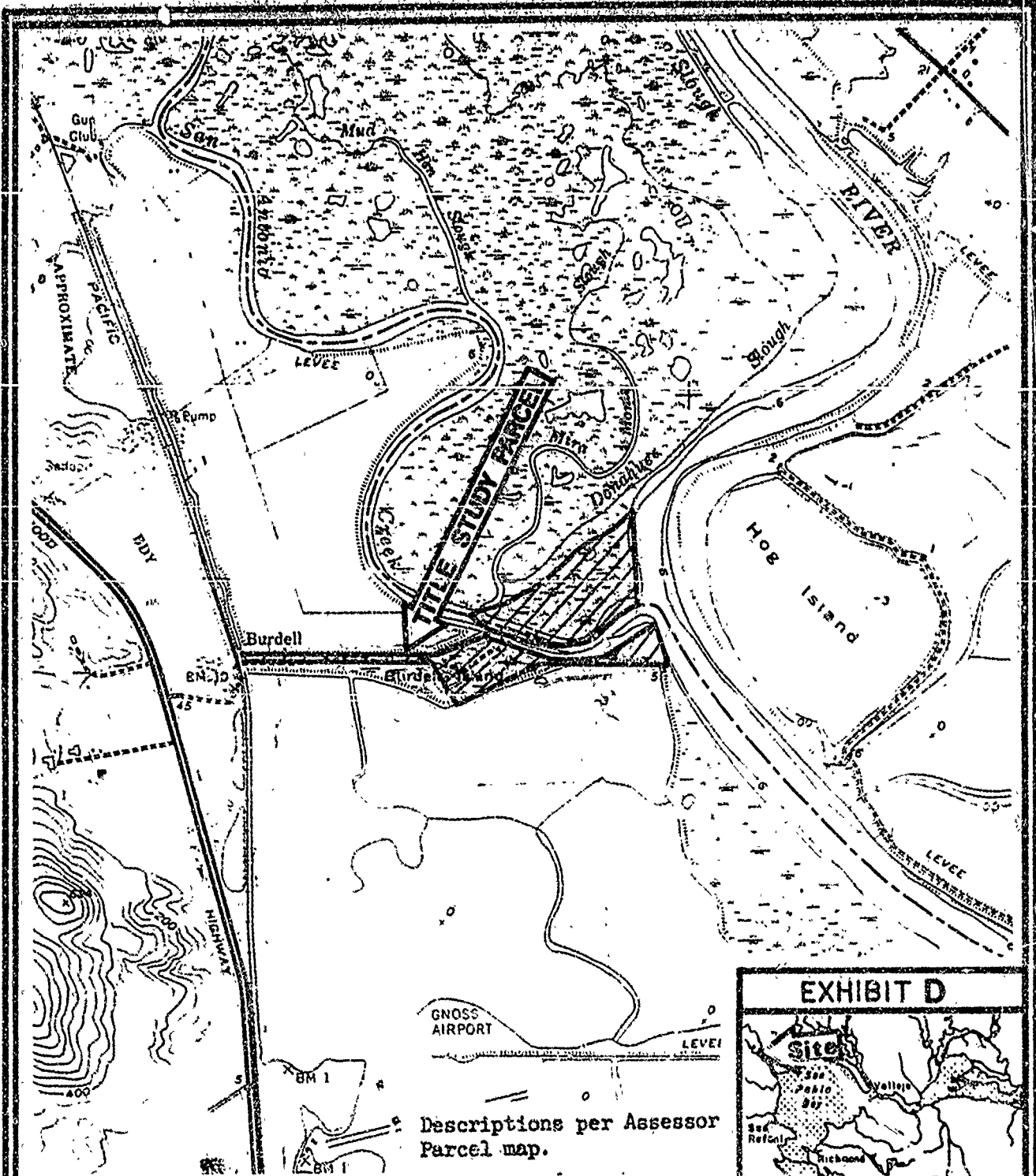
*Josephine S. Burdell*  
Witness.

*Josephine S. Burdell*

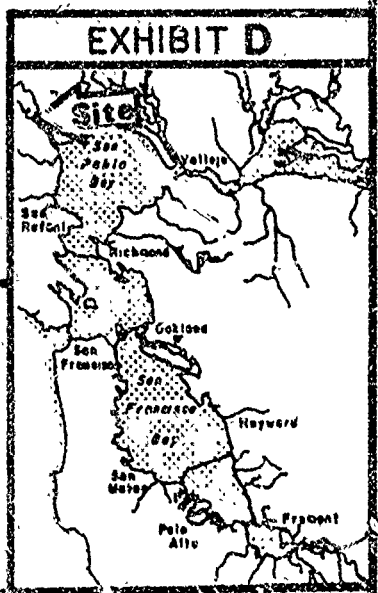
Subscribed to and sworn to before me this  
..... Day of October, 1934  
*Josephine S. Burdell*  
Notary Public  
State of California.

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M-7940

EXHIBIT C



Descriptions per Assessor Parcel map.



STATE LANDS COMMISSION  
**PORTION OF U.S.G.S. QUADRANGLES**  
**PETALUMA RIVER**  
**PHOTOREVISED 1968 & 1973**

Prepared by: Alexander Date: 8/2/79

Title Study: MIRA MONTE MARINA - SAN ANTONIO CR. W 22162

Z2N18E184-23N60E140, N60E141, N5-E140, N60E141

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