

MINUTE ITEM

This Calendar Item No. 27
was approved as Minute Item
No. 27 by the State Lands
Commission by a vote of 3
to 0 at its 3-5-81
meeting.

CALENDAR ITEM

27

2/81
W 22684
Cook
PRC 5714

RESCISSION AND AUTHORIZATION
LEASE TO THE DEPARTMENT OF FISH AND GAME TO INCLUDE
THE RECENTLY ACQUIRED LAND BANK PARCEL ALONG SUISUN BAY NEAR
THE MOUTH OF PACHECO CREEK, SOVEREIGN TITLE TO WHICH HAS
BEEN CONVEYED TO THE STATE BY THE TRUST FOR PUBLIC LAND
AS PART OF TITLE SETTLEMENTS AND MITIGATION IN VARIOUS
OTHER PARCELS OF REAL PROPERTY, AND TO ALSO INCLUDE THE
ADJACENT PARCEL PREVIOUSLY AUTHORIZED TO BE LEASED TO THE
DEPARTMENT OF FISH AND GAME

By a companion Calendar Item, the staff has recommended Commission acceptance of a gift to the State from The Trust for Public Land (TPL) of their remaining interest in real property in Contra Costa County California consisting of bay area open space marshlands.

Acceptance of the gift would establish 100% State ownership, in its sovereign capacity in the parcel (described in the attached DESCRIPTION OF LAND BANK PARCEL and depicted on the attached PLAT OF LEASED PARCEL), pursuant to the State's Land Bank Agreement with TPL.

In approving the various title settlements and mitigation transactions under which the State's title to the Land Bank Parcel was acquired, the Commission contemplated the lease of the Land Bank Parcel to the Department of Fish and Game for wildlife habitat purposes.

By Minute Item No. 31 of its regular meeting of August 23, 1979, the Commission authorized a Public Agency Permit (PRC 5714.9) to the California Department of Fish and Game of about 255 acres of open space marsh land . . . Point Edith (called the Point Edith parcel) along Suisun Bay immediately adjacent to and east of the Land Bank Parcel, for wildlife habitat purposes. The parcel was acquired from Allied Liquidating Trust as part of other bay area title settlements. The Point Edith parcel is described in the attached DESCRIPTION OF POINT EDITH PARCEL and is also depicted on the attached PLAT OF LEASED PARCEL.

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CALENDAR ITEM NO. 27 (CONTD)

For purposes of convenience, ease of administration and to avoid unnecessary paper work, it is recommended that the prior lease authorization be rescinded and that a new lease be authorized to include both the Land Bank Parcel of 441 acres, more or less, and the Point Edith parcel of 225 acres, more or less, totalling 696 acres to be leased.

The new lease would be on standard form 51.15 (1/81). In addition to rescinding the prior lease authorization, the new lease would include the following provisions:

Lease Type: Public Agency Lease

Land Type: State-owned sovereign tidelands and submerged lands (marshland)

Land use or purpose: Wildlife, flora, habitat and environmental study, management and protection

Term: 66 years from date of Commission authorization

Consideration: The general statewide public benefit from lessees management of the leased premises for the purposes of the lease. However, should the lessee realize any income from the leased premises in excess of that needed to repair, maintain, manage or operate the leased premises, the lessor reserves the right to establish a reasonable rental for this lease based upon such income.

ATTACHMENTS: Description of Land Bank Parcel.
Description of Point Edith Parcel.
Plat of Lease Parcel.

IT IS THEREFORE RECOMMENDED THAT THE COMMISSION:

... FINDS THAT IT IS IN THE BEST INTERESTS OF THE STATE AND FOR A GENERAL STATEWIDE PUBLIC PURPOSE AND BENEFIT, AND HEREBY APPROVES AND AUTHORIZES THE EXECUTION BY STAFF ON BEHALF OF THE COMMISSION OF A LEASE TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME OF ABOUT 696 ACRES OF REAL PROPERTY IN CONTRA COSTA COUNTY, CALIFORNIA, DESCRIBED AS THE LAND BANK PARCEL (441 ACRES) AND THE

CALENDAR ITEM NO. 2.7 (CONTD)

POINT EDITH PARCEL (255 ACRES) MORE PARTICULARLY DESCRIBED IN THE ATTACHED DESCRIPTIONS THEREOF, FOR A TERM OF 66 YEARS, AND SUBSTANTIALLY ON THE TERMS AND CONDITIONS OF THE FORM OF LEASE NOW ON FILE WITH THE COMMISSION IN THIS TRANSACTION.

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, THE EXECUTION OF DOCUMENTS OF TITLE, RECORDATION, ESCROW INSTRUCTIONS AND APPEARANCES IN ANY LEGAL, ADMINISTRATIVE OR OTHER PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.
3. FIND THAT THE SUBJECT TRANSACTION IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO THE STATE'S EIR GUIDELINES CAL. ADM. CODE, TITLE 14, DIVISION 6, CHAPTER 3, ARTICLE 8, CLASS 25: TRANSFERS OF OWNERSHIP TO CONSERVE OPEN SPACE, SECTION 15125, AND AS PART OF THE COMPROMISE SETTLEMENT OF TITLE DISPUTES, PUBLIC RESOURCES CODE SECTION 6371, EXEMPTS TITLE SETTLEMENTS AND LEASES ISSUED IN CONNECTION THEREWITH FROM CEQA.

DESCRIPTION OF LAND BANK PARCEL

W 22584

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;

- (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, 1943, 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 5934.18 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
September 3, 1980

DESCRIPTION OF PT. EDITH PARCEL

W 22684

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 Northwesternly 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 50.60 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).

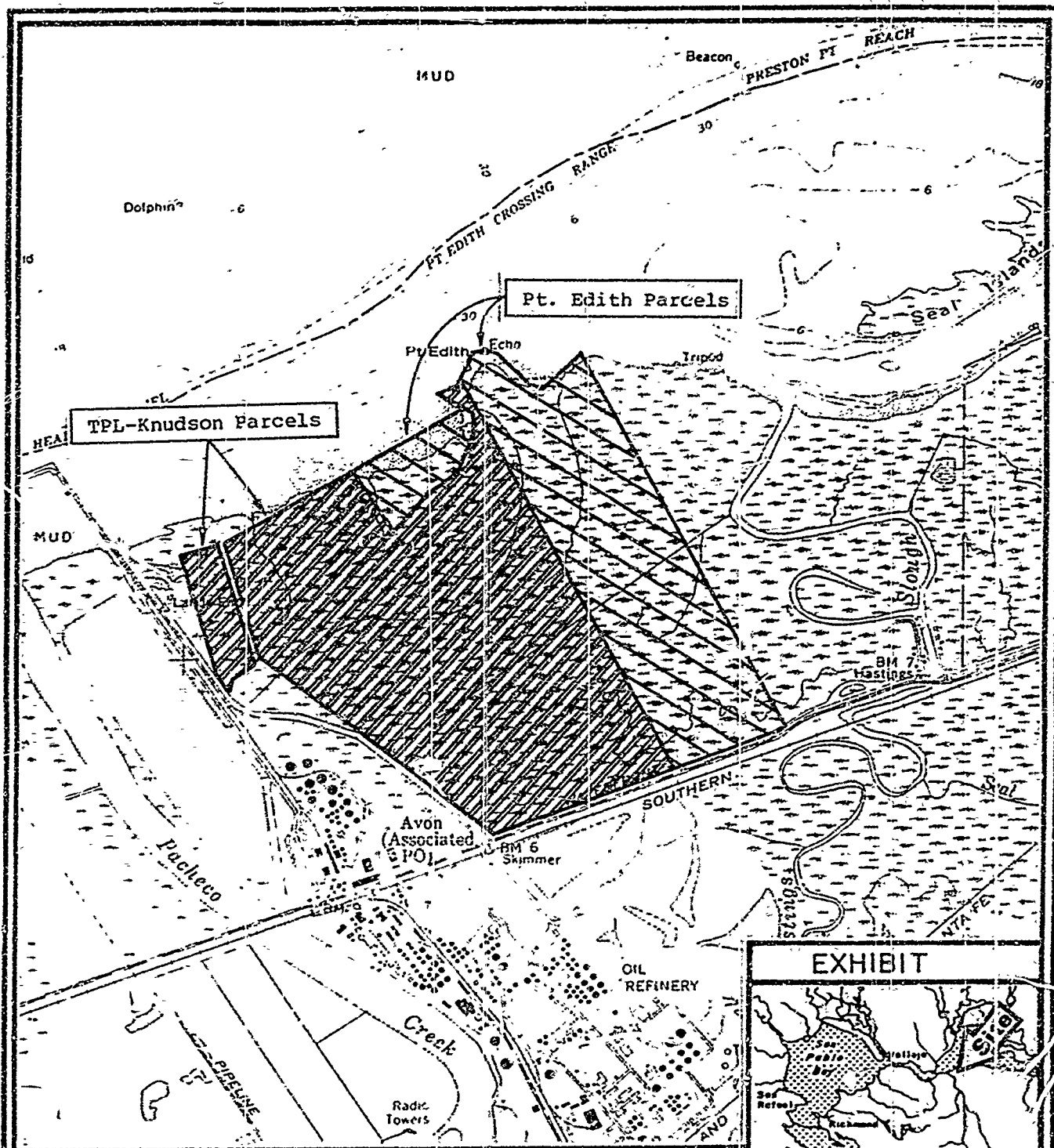
PARCEL THREE

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:

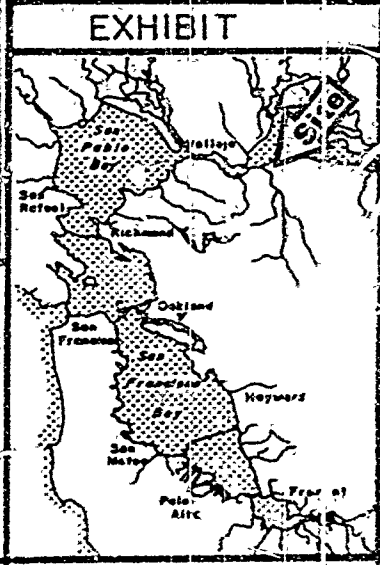
Commencing at the intersection of the Northwesterly line of said Tide Land Survey No. 207 with the Easterly line of the 30 foot wide strip of land described as Parcel One in the deed to Monsanto Chemical Company, recorded June 30, 1952 in Book 1954, page 245 of Official Records of said county; thence North $71^{\circ} 51'$ East 103.83 feet and North $58^{\circ} 15'$ East 1905.93 feet along said Northwesterly line to the point of beginning of this description; 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: North $26^{\circ} 20'$ East 108.14 feet, North $41^{\circ} 46'$ East 650 feet, North $52^{\circ} 37'$ East 541 feet, North $19^{\circ} 18'$ East 516 feet, North $4^{\circ} 07'$ West 311 feet and North $69^{\circ} 36'$ West 138.42 feet to said Northwesterly line of Tide Land Survey No. 207; thence South $58^{\circ} 15'$ West 1714.07 feet to the point of beginning.

Containing 29.127 acres, more or less.



STATE LANDS COMMISSION

PLAT OF LEASE PARCEL



Prepared by js. Date: 2-23-81 A: 10 S 7

Title Study Fish and Game Lease W 22684

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