

MINUTE ITEM

This Calendar Item No. 23
was approved as Minute Item
23 by the State Lands
Commission by a vote of 3
to 0 at its 10/30/81
meeting.

CALENDAR ITEM

23

10/30/81
W 22686
Valentine
SLL 72

EXERCISE OF OPTION TO MAKE
SOVEREIGN LANDS EXCHANGE

At its March 18, 1981 meeting the Commission in Calendar Item No. 1 approved a compromise title settlement agreement covering 9.5 acres of filled historic tidelands located in the Oakland Airport Industrial Park and Distribution Center. Pursuant to that agreement the State patented the Subject Parcel, as described in the attached Exhibit A and depicted on Exhibit B, to the Port. The Subject Parcel was divided for purposes of the agreement into Parcels A and B. Parcel A was granted to the Port in fee while the public trust easement was reserved over Parcel B. The Agreement provided that for a period of ten years from its effective date either the State or the Port could elect to carry out an exchange in which the public trust easement in Parcel B would be conveyed to the Port in return for a transfer to the State as sovereign tidelands of other acceptable real property having a market value of \$31,500.

In its September 29, 1981 meeting the Commission by Calendar Item No. 32 approved acquisition as sovereign lands of a 77.7-acre parcel in the City of Hayward through title settlements with third parties. The land bank parcel is described in the attached Exhibit C and depicted on Exhibit D. The sum of \$31,500 is equal to an undivided 26.87 percent interest in the Hayward Land Bank, being the equivalent to approximately 20.82 acres.

This activity is exempt from CEQA because it is not determined to be a project.

AB 884: N/A.

EXHIBITS: A. Description of Subject Parcel.
B. Plat of Subject Parcel.
C. Land Bank Description.
D. Land Bank Plat.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE EXERCISE OF THE EXCHANGE OPTION DESCRIBED ABOVE.

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2. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGEMENT AND RECORDATION ON BEHALF OF THE COMMISSION OF THE FOLLOWING DOCUMENTS:
 - a. A STATE PATENT TO THE PORT OF PARCEL B FREE OF ANY STATE RIGHT, TITLE, OR INTEREST THEREIN, TERMINATING THE PUBLIC TRUST EASEMENT ON PARCEL B.
 - b. THE STATE'S CERTIFICATE AND ACCEPTANCE AND CONSENT TO RECORD A GRANT DEED FROM THE CITY OF HAYWARD OF AN UNDIVIDED 26.86 PERCENT UNDIVIDED FEE INTEREST IN THE HAYWARD LAND BANK.
3. FIND THAT:
 - a. EXERCISE OF THE EXCHANGE OPTION IS IN THE BEST INTERESTS OF THE STATE FOR THE IMPROVEMENT OF NAVIGATION, AND IN RECLAMATION, FLOOD CONTROL PROTECTION, ENHANCEMENT OF THE CONFIGURATION OF THE SHORELINE FOR THE IMPROVEMENT OF THE WATER AND UPLAND OR FOR THE PROTECTION, PRESERVATION AND ENHANCEMENT OF THE TIDELANDS AND SUBMERGED LANDS AS WELL AS PUBLIC ACCESS TO AND USE OF SUCH LANDS.
 - b. THE VALUE OF THE UNDIVIDED PERCENTAGE FEE INTEREST IN THE LAND BANK PARCEL TO BE CONVEYED TO THE STATE IS EQUAL TO OR GREATER THAN THE VALUE OF THE PUBLIC TRUST EASEMENT TO BE CONVEYED TO THE PORT BY THE STATE.
 - c. PARCEL B IS NO LONGER USEFUL OR REASONABLY SUSCEPTIBLE OF USE FOR PUBLIC TRUST PURPOSES SINCE IT IS NO LONGER WETLANDS, HAVING BEEN FILLED AND REMOVED FROM THE PUBLIC CHANNELS, WHILE THE INTEREST IN THE HAYWARD LAND BANK TO BE CONVEYED TO THE STATE IS MORE USEFUL FOR TRUST PURPOSES.
4. AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGEMENT AND RECORDATION OF DOCUMENTS OF TITLE, CONVEYANCES, ESCROW INSTRUCTIONS, DEEDS, AGREEMENTS, AND SUCH OTHER DOCUMENTS AS MAY BE CONVENIENT AND REASONABLE TO CARRY OUT THIS OPTION AGREEMENT, AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER THEREOF.

CALENDAR ITEM NO. 23 (CONTD)

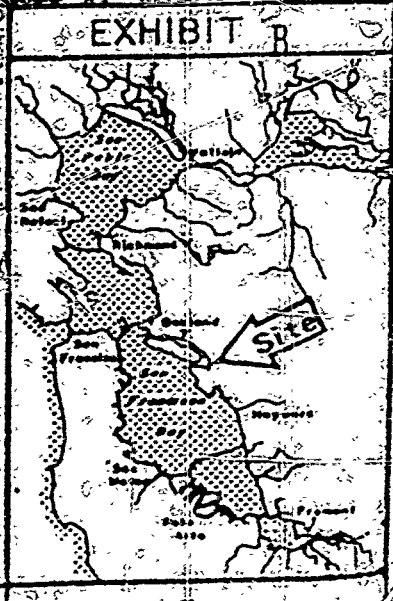
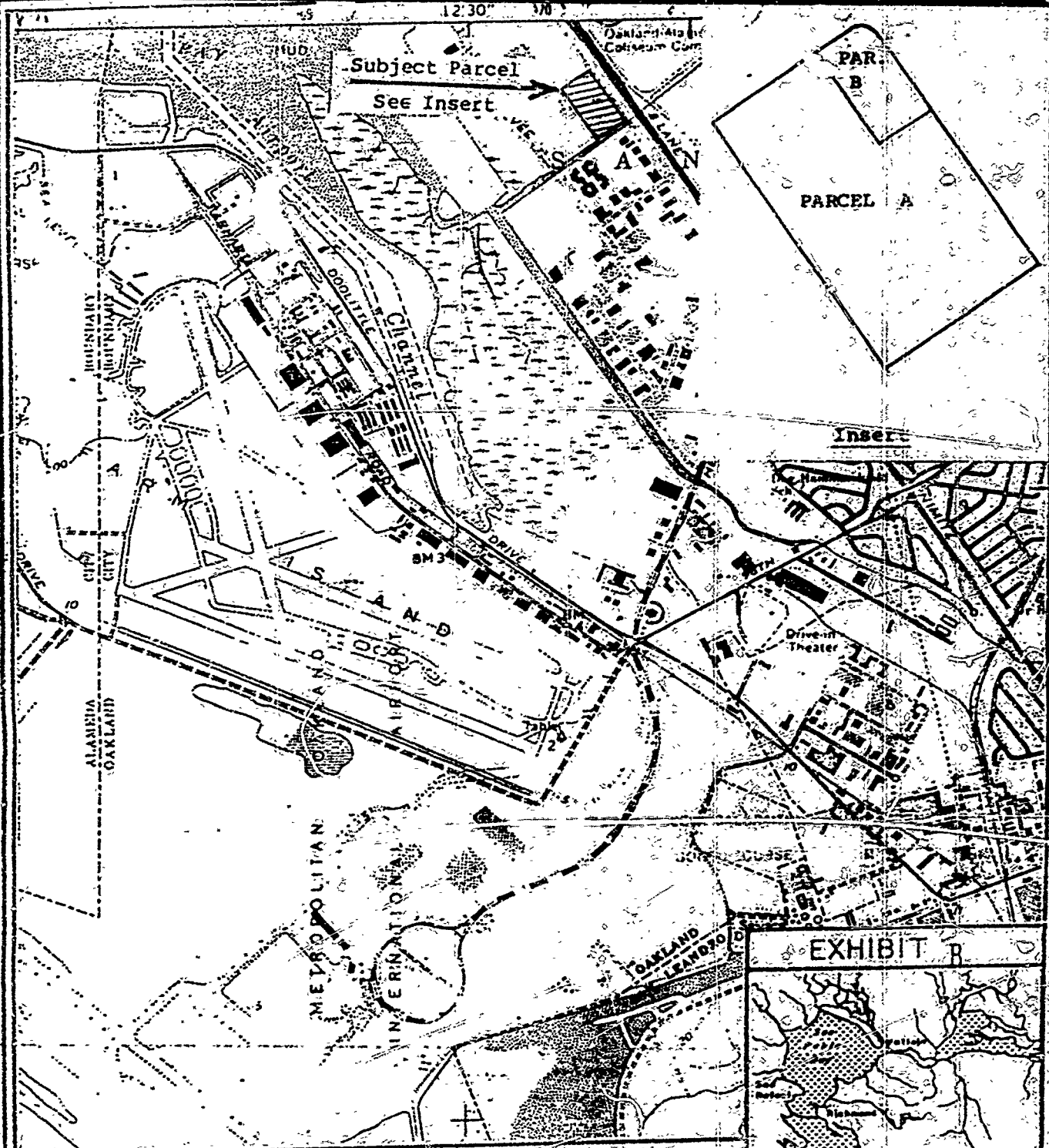
5. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21065, 14 CAL. ADM. CODE 15037 AND 15060, AND 2 CAL. ADM. CODE 2903(d).

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DESCRIPTION OF SUBJECT PARCEL

REAL PROPERTY in the City of Oakland, County of Alameda, State of California, described as follows:

Commencing at the monument in Hegenberger Road at the first angle point southerly of the Nimitz Freeway (formerly known as Eastshore Freeway). Said monument is also known as Monument 41/D, situate in the City of Oakland, County of Alameda, State of California, from which monument the bearing of the monument line to the monument known as 41/E is being taken as South $19^{\circ}54'54''$ West, for the purpose of this description; thence leaving Monument 41/D along the monument line North $4^{\circ}39'16''$ East 224.23 feet, to its intersection with the southeasterly production of the southwestern right of way line of the street known as Edgewater Drive; thence northwesterly along last said line and said southwestern right of way line the following four courses: North $70^{\circ}05'06''$ West 803.25 feet; North $47^{\circ}51'59''$ West 89.33 feet; along a tangent curve concave to the northeast with a radius of 428 feet through a central angle of $12^{\circ}59'15''$ for an arc distance of 97.02 feet; tangent to last said curve North $34^{\circ}52'44''$ West 2830.38 feet to a point on the northwestern line of the Elmhurst Channel Reserve, 110 feet in width; thence along last said line and its northeasterly production North $55^{\circ}07'16''$ East 87 feet to a point on the city monument line for Edgewater Drive, said monument line being parallel with and 39 feet southwesterly of the northeastern line of Edgewater Drive, 126 feet in width, said point is distant thereon South $34^{\circ}52'44''$ East 858.06 feet from the City Monument known as 26NE/5; thence along said monument line North $34^{\circ}52'44''$ West 828.06 feet to the intersection thereof with the southwesterly production of the southeastern right of way line of Hassler Way, 60 feet in width; thence along said line and its production North $55^{\circ}07'16''$ East 644 feet to a point on the northeastern line of the Port's Reserve, 20 feet in width for the Railroad Drill and Storage Tracks, said point also being the TRUE POINT OF BEGINNING of the parcel being described; thence continuing along said line of Hassler Way North $55^{\circ}07'16''$ East 455 feet; thence easterly along the arc of a curve concave to the south with a radius of 45 feet through a central angle of 90° for an arc distance of 70.69 feet to a point on the southwestern right of way line of Oakport Street; thence along last said right of way line South $34^{\circ}52'44''$ East 783.06 feet to a point on the hereinabove referred to northwestern line of the Elmhurst Channel Reserve, said point is herein for convenience being designated as Station A; thence along said northwestern line of said channel reserve South $55^{\circ}07'16''$ West 500 feet to a point on the northeastern line of the hereinabove referred to Railroad Drill Track and Storage Track Reserve; thence along last said line North $34^{\circ}52'44''$ West 828.06 feet to the true point of beginning. Containing an area of 9.5 acres, more or less.



STATE LANDS COMMISSION

PLAT
OF
SUBJECT
PARCEL

Prepared by A.A. Shimonauff Date 3-12-81 A-14 S-8

Title Study Oak. Air. Ind. Park-Equitec 79 W 22686

23 - N 15 - E 150

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EXHIBIT "C"

LAND DESCRIPTION

All that certain real property in the Township of Eden, County of Alameda, State of California, described as follows:

A portion of the land conveyed to the City of Hayward by deed dated June 19, 1978 and recorded August 3, 1978 in Reel 5516 of Official Records of Alameda County, Image 237, (78-148844), described as follows:

COMMENCING at the most northern corner of said land, being the most eastern corner of the 235 acre, more or less, parcel of land conveyed to the City of Hayward by Deed dated May 21, 1965 and recorded September 24, 1965 in Reel 1604 of Official Records of Alameda County, Image 694, (AX 132369), said corner being marked by a bolt shown on Record of Survey No. 508, filed in Book 3 of Record of Surveys at Page 32, in the Office of the Alameda County Recorder; run thence southeasterly along the general eastern line of said land, (78-148844), 914.22 feet to an angle point therein marked by a "Found Concrete Monument per R/S - 3/32" shown on said Record of Survey No. 508, said point being the POINT OF BEGINNING of this description; and running thence southwesterly parallel with the southeastern line of said 235 acre parcel of land S 66° 16' 58" W 993.54 feet, to the northern line of the southeast 1/4 of the northeast 1/4 of Section 36, Township 3 South, Range 3 West, Mount Diablo Meridian; thence West along last said line 350.00 feet, to the western line of said southeast 1/4, being the western line of said land (78-148844); thence South along last said line 2640.00 feet to the southern line of said land; thence East along last said line 800.00 feet; thence N 45° E 650.00 feet to a line drawn South from the actual point of beginning; thence North 2580.00 feet to the point of beginning.

Containing 77.7 acres, more or less.

END OF DESCRIPTION

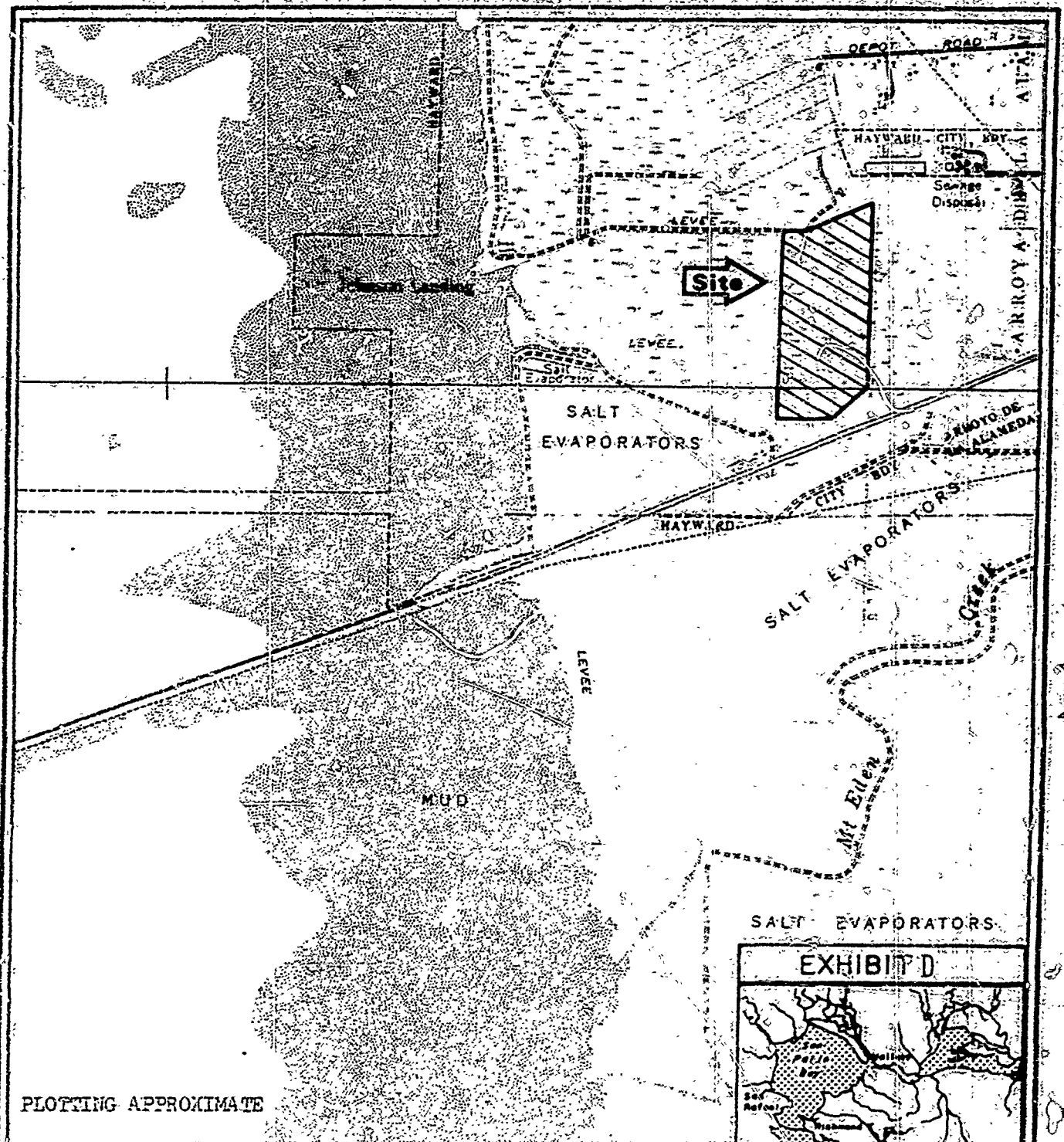
PREPARED SEPTEMBER 11, 1981 BY GARRY A. WELDON L.S. 3752

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PLOTTING APPROXIMATE

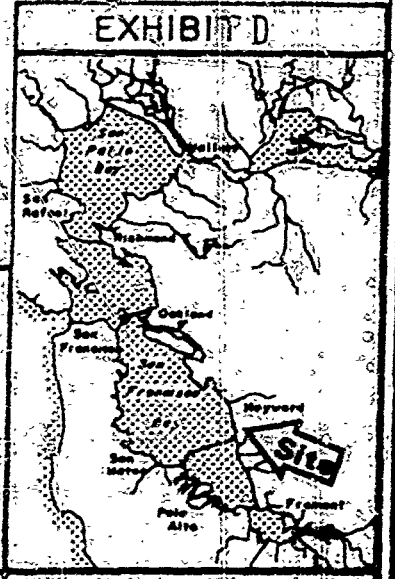
STATE LANDS COMMISSION
**PORTION OF U.S.G.S. QUADRANGLES
 SAN LEANDRO, REVISED 1980 &
 REDWOOD POINT, REVISED 1980**

Prepared by R. L. BELL

Date: 7-25-81 A:15 S:3

Title Study: HAYWARD LAND BANK

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