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33
Item
No Lands
12/19/85

CALENDAR ITEM

A 23
S 13

33

12/19/85
W 22376 PRC 6932
AD 39
Howe

AUTHORIZE ACCEPTANCE, AS STATE SOVEREIGN LANDS,
OF PARCELS LOCATED IN ALAMEDA COUNTY

In the course of acquiring several of the small tracts for the San Francisco Bay Refuge, United States Fish and Wildlife Service determined there were possible submerged lands within the record descriptions of the tracts. The United States Department of Justice would not permit Fish and Wildlife Service to accept title to those tracts without an exclusion of possible submerged areas from the description.

The United States Fish and Wildlife Service identified the areas in question, and instructed the landowners to execute a Quitclaim Deed to the State of California in order that no remainder would appear on the tax rolls.

Upon Commission acceptance, the deed parcels will take on the character and protections attaching to real property subject to the Public Trust owned by the State in its sovereign capacity. The United States Fish and Wildlife Service has requested that the State lease the parcels to United States Fish and Wildlife Service as part of the San Francisco Bay Refuge. The parcels to be accepted are adjacent to other lands which are or may be subject to public trust ownership and which are also within the boundaries of the refuge.

Staff recognizes areas of public trust may exist within these tracts being acquired by the United States Fish and Wildlife Service (other than areas covered by the Quitclaim Deeds). Acceptance of these Quitclaim Deeds by the Commission does not extinguish all possible public trust ownership within these tracts.

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CALENDAR ITEM NO. 33 (CONT'D)

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. As to the acceptance and recordation of Quitclaim Deeds pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

2. As to the 49-year lease of the real property to the United States Fish and Wildlife Service, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 8, Actions by Regulatory Agencies for the Protection of the Environment, 14 Cal. Adm. Code 15308.

Authority: P.R.C. 21084 and 14 Cal. Adm. Code 15300.

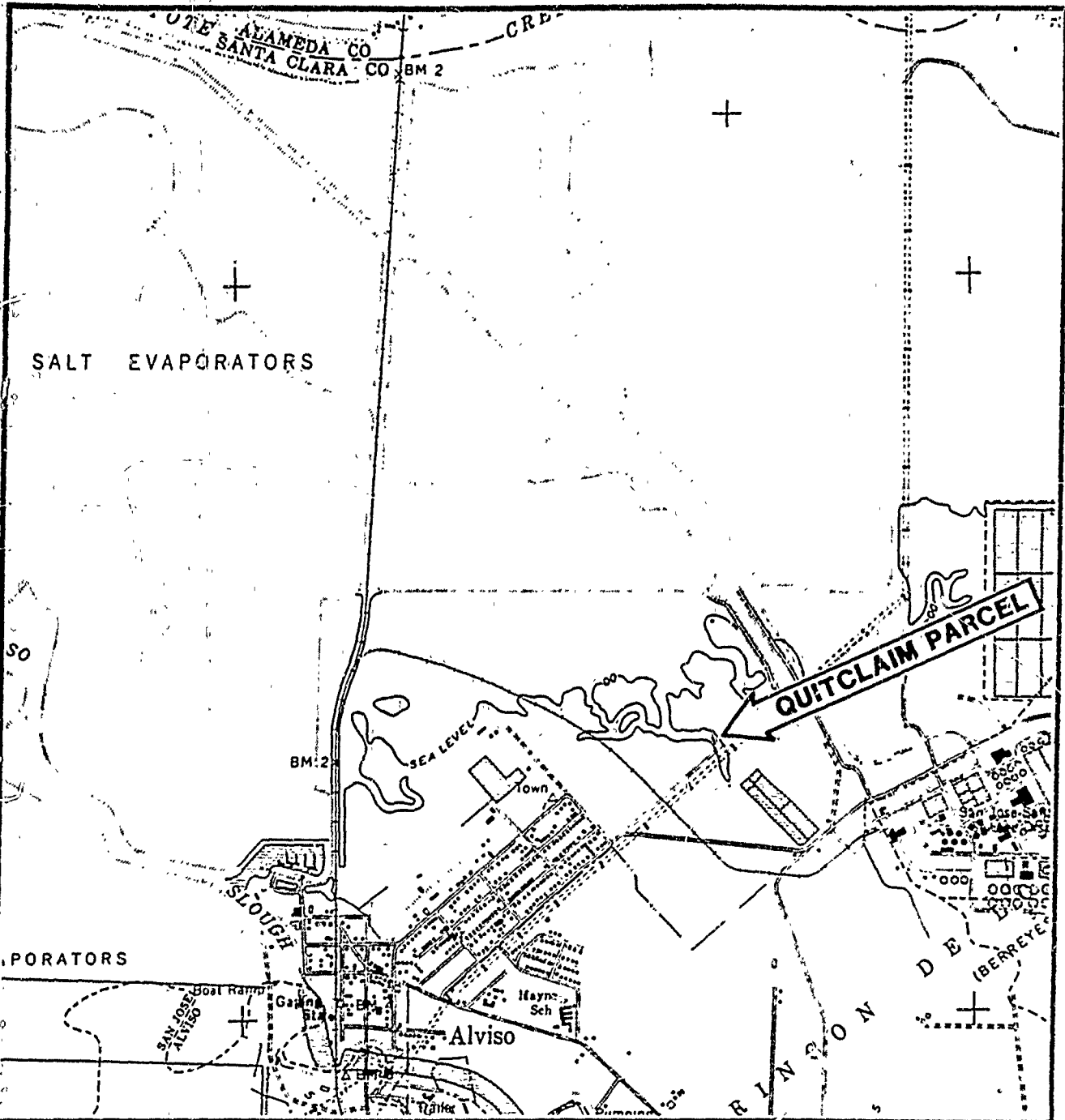
EXHIBITS:

- A. Plat.
- B. Description.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE ACCEPTANCE AND RECORDATION OF THE QUITCLAIM DEEDS, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.

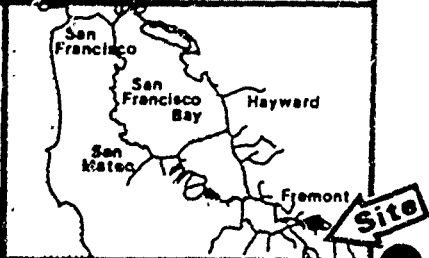
2. AUTHORIZE THE ACCEPTANCE AND RECORDATION OF QUITCLAIM DEEDS FOR THOSE PARCELS OF REAL PROPERTY SHOWN ON ATTACHED EXHIBIT "A", MORE PARTICULARLY DESCRIBED IN EXHIBIT "B" AS LAND OWNED BY THE STATE IN ITS SOVEREIGN CAPACITY AND SUBJECT TO THE PUBLIC TRUST.
3. AS TO THE 49-YEAR LEASE OF THE REAL PROPERTY TO THE UNITED STATES FISH AND WILDLIFE SERVICE, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 8, ACTIONS BY REGULATORY AGENCIES FOR THE PROTECTION OF THE ENVIRONMENT, 14 CAL. ADM. CODE 15308.
4. AUTHORIZE THE APPROVAL OF A 49-YEAR LEASE, TO THE UNITED STATES FISH AND WILDLIFE SERVICE, OF THE REAL PROPERTY DESCRIBED IN EXHIBIT "A", TO PROVIDE FOR THEIR INCLUSION IN THE FEDERAL WILDLIFE REFUGE
5. 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 AND CONVENIENT TO IMPLEMENT THE TRANSACTION DESCRIBED ABOVE, INCLUDING BUT NOT LIMITED TO EXECUTION OF DOCUMENTS OF TITLE, RECORDATION, AND APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.



STATE LANDS COMMISSION

QUITCLAIM DEED PARCEL to the STATE OF CALIFORNIA
via U.S. DEPT. OF THE INTERIOR, FISH AND WILDLIFE
SERVICE.

Base Map: Portion of USGS Quad, Milpitas 1961
pr (80).



Prepared by: B. Lee Date: 4-19-85 A:23 S:13

EXHIBIT "A"

Title Study: So. S.F. Bay Fed. Refuge W 22376

Z 3-N34-E 157

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Exhibit "B"

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 15 OF LOTS 15 AND 16 IN BLOCK 21 AS SHOWN AND DELINEATED ON THAT CERTAIN MAP ENTITLED, "MAP OF NEW CHICAGO, AT PORT OF ALVISO", FILED IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY ON APRIL 11, 1890, IN BOOK D OF MAPS, AT PAGES 184 AND 185.

THENCE, ALONG SAID SOUTHWESTERLY LINE OF SAID LOTS,

NORTH 42°25'32" WEST 36.207 FEET

TO A POINT ON THE LOW WATER LINE ON THE NORTHEASTERLY SIDE OF A TIDAL SLOUGH;

THENCE, ALONG SAID LOW WATER LINE, THE FOLLOWING COURSES:

SOUTH 62°49'52" EAST 30.817 FEET
AND SOUTH 09°39'07" EAST 8.901 FEET

TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOTS;

THENCE, ALONG SAID SOUTHEASTERLY LINE,

SOUTH 49°07'28" WEST 5.928 FEET

TO THE TRUE PLACE OF BEGINNING.

CONTAINING 0.01 ACRE, MORE OR LESS.

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