

MINUTE ITEM

This Calendar Item No. ~~53~~
was approved as Minute Item
No. ~~53~~ by the State Lands
Commission by a vote of ~~3~~
to ~~0~~ at its ~~1-21-88~~
meeting.

CALENDAR ITEM

A 8
S 4

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01/21/88
W 23929 PRC 7164
Howe AD 72

AUTHORIZATION TO PURCHASE WITH
KAPILOFF LAND BANK FUNDS A
PARCEL OF LAND LOCATED ON THE
NAPA RIVER, NAPA COUNTY

The Department of Fish & Game has requested that the State Lands Commission purchase approximately 323 acres of land located on the Napa River in Napa County for open space, wildlife habitat, and fresh water marsh restoration. These lands ("Acquisition Parcel") are described in Exhibit A and depicted on Exhibit B, attached hereto. The Department wants to manage the entire parcel to establish an integrated ecosystem of fresh and salt water habitat.

The Acquisition Parcel is owned by L. Mini Properties. The majority of the parcel consists of historical swamp and overflowed lands that were reclaimed and were diked, used for many years for grazing, until 1980 when the north-south levee, along the Napa River, broke and a portion of the parcel was subjected to muted tidal action.

The Acquisition Parcel has the potential to support the endangered California clapper rail and the salt marsh harvest mouse. The area also presently supports the endangered brown pelican.

Staff proposed that after purchase, the Acquisition Parcel be leased to the Department of Fish and Game, which will make improvements to enhance the area for bird species of special concern, such as the white pelican and the double-crested cormorant. The forty acres of upland within the parcel will act as a buffer to existing development, and portions of it could be modified to create a fresh water seasonal marsh and nesting area for waterfowl.

The total purchase price of the Acquisition Parcel is \$400,000. Staff has appraised the parcel and has determined that its value is equal to or greater than \$400,000. The City of Vallejo may contribute to the purchase price for mitigation purposes. In any event, the parcel will be held by the State as land of the legal character of tide and submerged lands, subject to the public trust, under the jurisdiction of the State Lands Commission, pursuant to the provisions of Division 6 (commencing with Section 6001).

Notices of potential acquisition of this land bank parcel have been sent as required by PRC Section 8622. The purchase price will include all mineral and subsurface rights in the proposed land bank parcel.

Staff has concluded that this parcel is useful for the public trust purposes of public access to the Napa River, open space and wildlife habitat.

AB 884: N/A

OTHER PERTINENT INFORMATION:

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 an acquisition under the Kapiloff Land Bank Act pursuant to P.R.C. Section 8631.

Authority: P.R.C. 8631.

EXHIBITS: A. Acquisition Parcel Description.
B. Plat of Acquisition Parcel.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 8631, AN ACTION TAKEN PURSUANT TO THE KAPILOFF LAND BANK ACT, P.R.C. 8690, ET SEQ.

2. FIND THAT THE VALUE OF THE INTEREST TO BE ACQUIRED BY THE STATE IN LANDS DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B" IS EQUAL TO OR GREATER THAN \$400,000.
3. APPROVE THE EXPENDITURE OF UP TO \$400,000 FROM THE KAPILOFF LAND BANK FOR PURCHASE OF THE LANDS DESCRIBED IN EXHIBIT "A" AND DEPICTED ON EXHIBIT "B", PROVIDED THAT THE STATE WILL THEREBY ACQUIRE THE ENTIRE FEE INTEREST IN SAID LANDS AND WILL HOLD SAID LANDS AS SOVEREIGN LANDS OF THE STATE.
4. AUTHORIZE THE STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT ACQUISITION OF THE PROPERTY ACCORDING TO THE TERMS SET FORTH ABOVE, INCLUDING, BUT NOT LIMITED TO, PREPARATION, EXECUTION, ACCEPTANCE, AND RECORDATION OF ALL NECESSARY DOCUMENTS, DEEDS, MAPS, PLATS, AND LEGAL DESCRIPTIONS.
5. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION TO ISSUE A PUBLIC AGENCY LEASE FOR A TERM OF 49 YEARS TO THE DEPARTMENT OF FISH AND GAME TO MANAGE THE PROPERTY DESCRIBED IN EXHIBIT "A" AND DEPICTED ON EXHIBIT "B" FOR THE PURPOSE OF OPEN SPACE, WILDLIFE HABITAT, AND FRESH WATER MARSH RESTORATION, SHOULD SAID LANDS BE ACQUIRED AS SET FORTH ABOVE.

EXHIBIT "A"

LEGAL DESCRIPTION

All that real property situate in the County of Napa, State of California described as follows:

COMMENCING at the intersection of the eastern line of the 1115.18-acre tract of land described as Parcel 8 in the decree of distribution in the matter of the estate of Henry Mini, deceased, recorded April 5, 1965 in Book 719 of Official Records at page 851, said Napa County Records and the southern boundary line of Napa County; running thence north, along the eastern line 2250 feet more or less to an angle therein; thence South $82^{\circ} 38'$ West 1180.08 feet to an angle therein; thence North $00^{\circ} 28'$ East, Continuing Along said eastern line, 1891.32 Feet to the southern line of a 31.70 Foot strip of land described as Parcel 2 in the decree of distribution in the matter of the estate of Martin Burastero, Deceased, Recorded May 20, 1964 in Book 699 of Official Records at Page 7, said Napa County Records; thence North $87^{\circ} 48' 30''$ West, along said southern line 1187.66 feet to the eastern line of Parcel 1 described in last mentioned decree: thence South $17^{\circ} 30'$ East, along the eastern line of said Parcel 1, a distance of 1914.0 Feet to the southeastern corner thereof on the northern line of Swamp and Overflow Survye No. 105; thence South $89^{\circ} 59'$ West, along said northern line, 6127.4 feet to a point on the east shore of Napa River; thence along said Shore Line, South $20^{\circ} 24'$ West 1467.18 Feet to the meander corner of fractional Sections 27 and 34 in Township 4 North, Range 4 West, Mount Diablo Base and Meridian, marked by an iron post 1 inch in diameter, with a brass cap marked T4N-S27-MC-S34-R4W-1921; thence South $10^{\circ} 54'$ West 800 Feet more or less to the southern boundary line of Napa County; thence east, along said boundary line, 8400 feet more or less to the point of commencement.

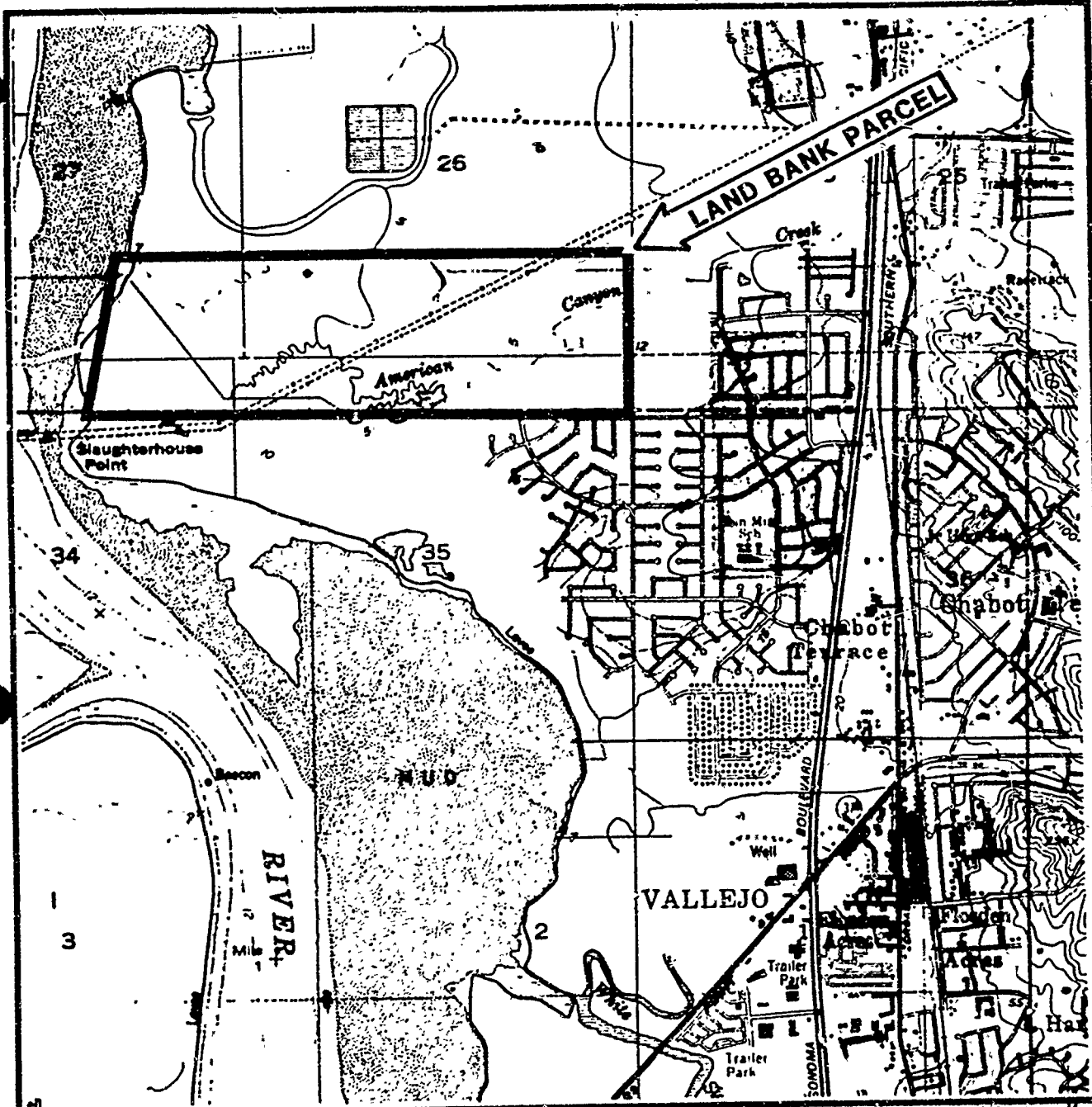
EXCEPTING THEREFROM, however, that certain 77.5 foot strip of land described in the deed to Hofmann Land Improvement Company, Inc., a Corporation, recorded June 21, 1958 in Book 789 of Official Records at page 361, Napa County Records.

ALSO EXCEPTING THEREFROM parcels one and two as described in the deed to Security Owners Corporation recorded December 21, 1979 in Book 1150 of Official Records at page 163, Napa County Records.

AP# 58-050-01

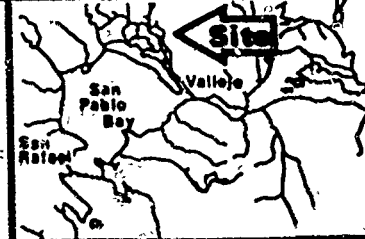
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STATE LANDS COMMISSION
 LAND BANK PARCEL

A portion of U.S.G.S. Quadrangles:
 CUTTINGS WHARF, 1949, P.R. 1981; and
 CORDELIA, 1951, P.R. 1980.



Prepared by: JKHERING

Date: 12-1-87 A: 8 S: 4

EXHIBIT B

Title Study F.&G. NAPA R. MINI PROP.

W 23929

22 N17 E191; 182
 22 N18 E191; 182

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