

MINUTE ITEM

This Calendar Item No. C05
was approved as Minute Item
No. 05 by the State Lands
Commission by a vote of 3
to 0 at its 2-25-93
meeting.

CALENDAR ITEM

C05

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02/25/93
W 24953
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**APPROVAL OF A CORRECTORY SURVEY OF A PORTION
OF SWAMP AND OVERFLOWED SURVEYS NO. 109 AND NO. 428
CONTRA COSTA COUNTY**

PARTIES:

Joseph R. and Dilma Cecchini, Tre and Robert Cecchini, Inc.
P.O. Box 52
Knightsen, CA 94548

Fidelity National Title Insurance Company
c/o Leah R. Weinger
2033 North Main Street, Suite 1050
Walnut Creek, CA 94596

AREA, TYPE LAND AND LOCATION:

Approximately 5,520 feet of shoreline along Byron Tract
adjacent to the Old River north of the Highway 4, Contra
Costa County.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Processing cost deposit has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority
and the State CEQA Guidelines (14 Cal. Code
Regs. 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

CALENDAR PAGE	<u>08</u>
MINUTE PAGE	<u>35</u>

CEQA and the State CEQA Guidelines.

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

2. Pursuant to Section 7951 of the Public Resources Code, the Cecchini's and Fidelity National Title Insurance Company (FNTIC) have prepared a survey plat to show the correct position of a meander line between Swamp and Overflowed Land Surveys No. 109 and No. 428 and State sovereign lands in the Old River. This line is intended to be a meander of the Old River and does not fix the location of the boundary between the Cecchini's and the State.

Pursuant to Section 7952 of the Public Resources Code, the approval of a correctory survey by the Commission for patented Swamp and Overflowed Lands has been requested by the FNTIC and the Cecchini's, the record land owner.

The plat of survey, Sheets 1 and 2 of 2 of the "Record of Survey, Portion of Sections 29, 30, 31 and 32, T. 1 N., R. 4 E., M.D.M, and a portion of Swamp and Overflowed Land Surveys No. 109 and No. 428, Contra Costa County, California" dated December, 1992, made by Earl L. Gray, a private surveyor, for FNTIC on behalf of Joseph R. and Dilma Cecchini, Tre and Robert Cecchini, Inc., has been reviewed by the staff and found to be correct. The Contra Costa County Surveyor's Office has reviewed and approved this plat of survey.

The following note will be placed on the map prior to execution on behalf of the Commission:

The meander line of Old River depicted hereon was surveyed and mapped for the sole purpose of locating, on the date of the survey, Old River as it borders Swamp and Overflowed Surveys No. 109 and No. 428. The State Lands Commission approves, pursuant to Public Resources Code Section 7952, this map of the Resurvey of Swamp and Overflowed Survey No. 109 patented to John L. Winnea and Swamp and Overflowed Survey No. 428 patented to Warren Bryant, Jergen Christenson and George Tait only as to the meander of Old River. The Commission's approval of this map does not, nor shall

it be construed to, establish the legal character of the property within the perimeter of the Swamp and overflowed surveys, nor shall the location be deemed an agreed boundary between the State and private parties.

EXHIBITS:

- A. Survey Plat
- B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. PURSUANT TO THE PROVISIONS OF SECTION 7952 OF THE PUBLIC RESOURCES CODE, AUTHORIZE APPROVAL OF A MAP OF THE RESURVEY OF A PORTION OF THE EASTERLY COMMON BOUNDARY LINE BETWEEN STATE LAND AND SWAMP AND OVERFLOW SURVEYS NO. 109 AND NO. 428 AS SHOWN ON SHEETS 1 AND 2 OF 2 OF A RECORD OF SURVEY OF SWAMP AND OVERFLOWED LANDS SURVEYS NO. 109 AND NO. 428, CONTRA COSTA COUNTY, DATED DECEMBER 15, 1992, PREPARED BY EARL L. GRAY, LICENSED LAND SURVEYOR NO. 3874, A COPY OF WHICH MAP IS ON FILE IN THE OFFICES OF THE STATE LANDS COMMISSION.

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT AT THE REQUEST OF FIDELITY NATIONAL TITLE INSURANCE CO. IN NOVEMBER, 1992.

DATED: DECEMBER 15, 1992

Earl L. Gray
EARL L. GRAY LS 3874
EXPIRATION DATE: JUNE 30, 1996

COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE LAND SURVEYOR'S ACT THIS DAY OF _____, 19__.

J. MICHAEL WALFORD
COUNTY ROAD COMMISSIONER - SURVEYOR
BY:
DEPUTY COUNTY ROAD COMMISSIONER - SURVEYOR
R.C.E. NO. _____
EXPIRATION DATE: _____

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 19__ AT _____ M. IN BOOK _____ OF L.S.M. AT PAGE _____ AT THE REQUEST OF FIDELITY NATIONAL TITLE INSURANCE CO.

STEPHEN L. WEIR
COUNTY RECORDER
BY:
DEPUTY COUNTY RECORDER

RECORD OF SURVEY

PORTION OF SECTIONS 29, 30, 31 AND 32, T. 1 N., R. 4 E., M.D.M. ALSO A PORTION OF SWAMP AND OVERFLOW SURVEYS NO. 109 AND NO. 428

CONTRA COSTA COUNTY, CALIFORNIA

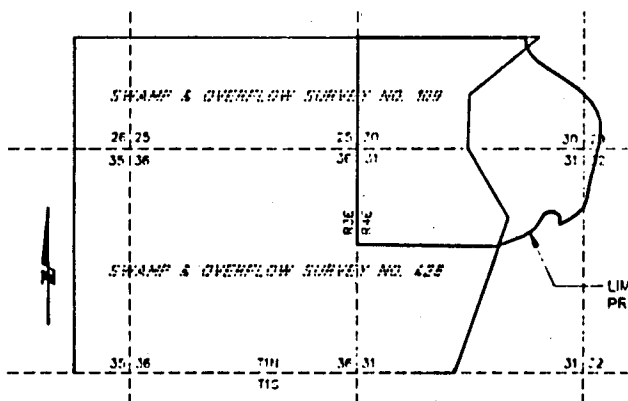
EARL L. GRAY - LICENSED LAND SURVEYOR
3496 BUSKIRK AVE., SUITE 103, PLEASANT HILL, CALIFORNIA

SCALE: NOT TO SCALE DECEMBER 1992

STATE LANDS COMMISSION STATEMENT

STATE LANDS COMMISSION APPROVES THIS MAP OF THE RESURVEY OF SWAMP & OVERFLOW SURVEY NO. 109 PATENTED TO JOHN L. WINNEA AND SWAMP & OVERFLOW SURVEY NO. 428 PATENTED TO WARREN BRYANT, JERGEN CHRISTENSON AND GEORGE TAIT AS TO THE CORRECT POSITIONING OF THE PORTION OF THE PROPERTY BOUNDING OLD RIVER FROM THE NORTH LINE OF SWAMP & OVERFLOW SURVEY NO. 109 TO THE RIGHT OF WAY LINE OF STATE HIGHWAY 4, PURSUANT TO SECTION 17952 OF THE PUBLIC RESOURCES CODE.

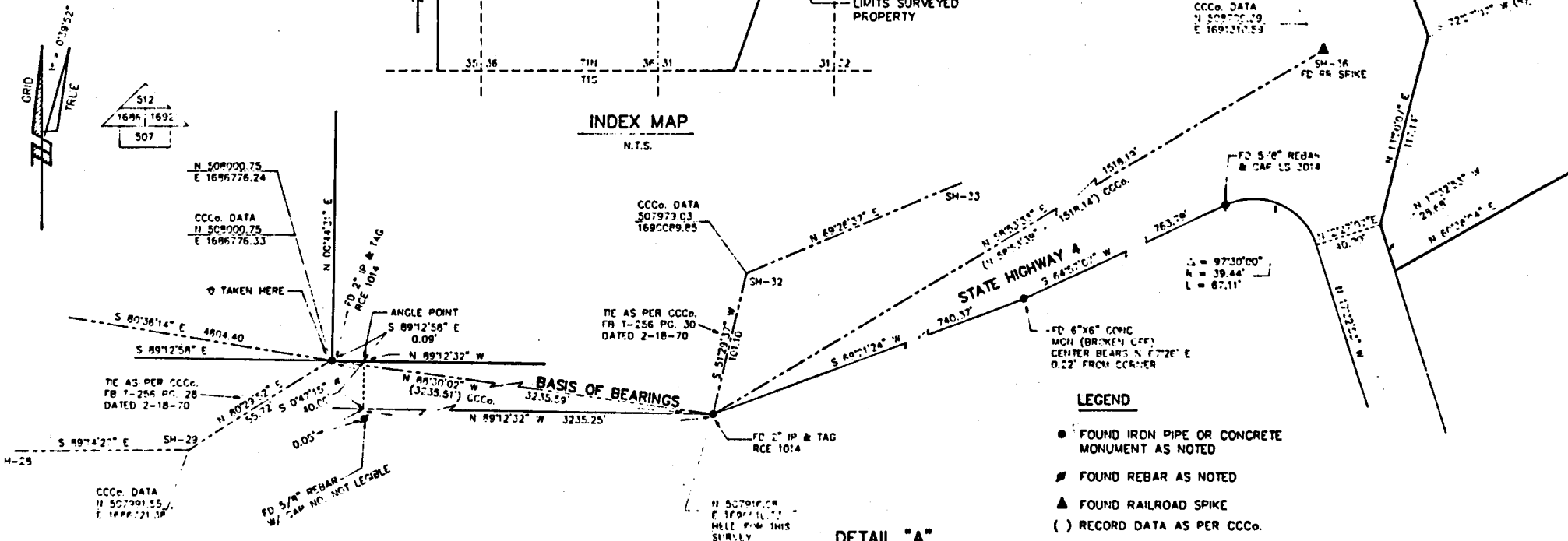
DATE _____ APPROVED: _____ EXECUTIVE OFFICER



INDEX MAP
N.T.S.

BASIS OF BEARINGS

THE BEARING N 88°30'02" W TAKEN BETWEEN THE TWO FOUND 2" IRON PIPES WITH TAG RCE 1014 AS PER CCCo. FIELD BOOK T-256 AT PAGES 28 & 30 AND TIED TO THE CCCo. PRECISE LINE AS PER "PRECISE TRAVERSE FORM, STATE HWY 4 ROAD NUMBER 7182 DATED MARCH 1969" AND BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE III 1927 NORTH AMERICAN DATUM. ALL DISTANCES SHOWN ARE GRID DISTANCES. TO OBTAIN GROUND DISTANCES, MULTIPLY DISTANCES SHOWN BY 1.0000643.



LEGEND

- FOUND IRON PIPE OR CONCRETE MONUMENT AS NOTED
- FOUND REBAR AS NOTED
- ▲ FOUND RAILROAD SPIKE
- () RECORD DATA AS PER CCCo.

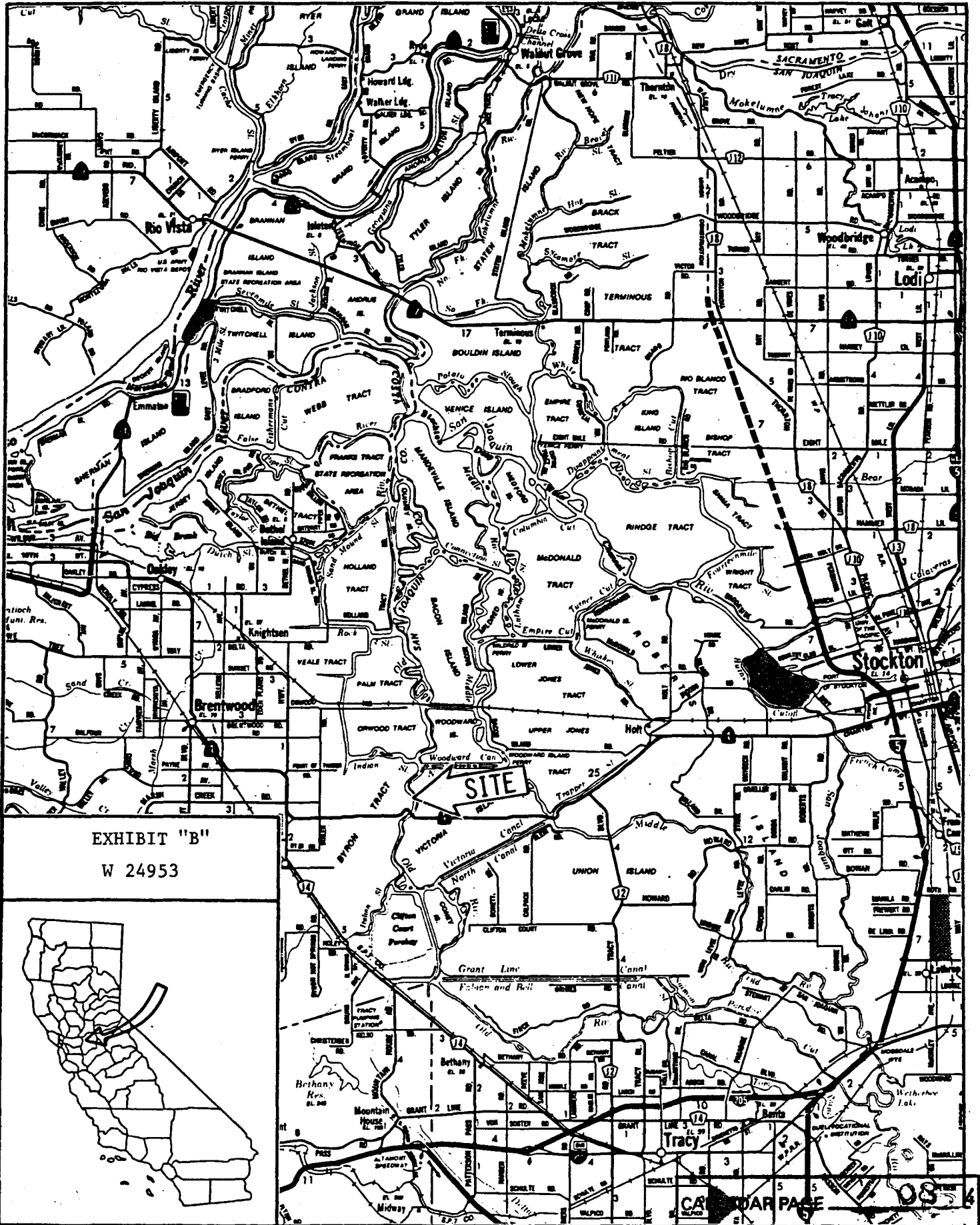


EXHIBIT "B"
W 24953

