

**CALENDAR ITEM
C113**

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04/23/15
W 26850
S. Haaf

**CONSIDER ACCEPTANCE OF A QUITCLAIM DEED FOR LAND LOCATED WITHIN
THE BED OF THE SAN JOAQUIN RIVER, FRESNO COUNTY**

GRANTOR:

Jenco Farms L.P., a California limited partnership

GRANTEE:

State of California, acting by and through the California State Lands Commission

AREA, LAND TYPE, AND LOCATION:

8.03 acres, more or less, of navigable, non-tidal submerged lands within the bed of the San Joaquin River, Fresno County.

BACKGROUND:

On September 17, 2014, the San Joaquin River Conservancy Governing Board (“Conservancy”) approved the acquisition of certain real property located in Fresno County, commonly known as Jenco Farms. A portion of the subject parcel (Fresno County Assessor’s Parcel Number [APN] 576-010-11), consisting of approximately 8.03 acres, is located within the bed of the San Joaquin River and is State-owned sovereign land.

The Jensen family, operating as Jenco Farms L.P., holds record title to the approximately 23.16 acres (per legal description contained in the Jenco Farms deed) adjacent and north of the Conservancy’s Jensen River Ranch on the San Joaquin River and meets the Conservancy’s criteria for high-priority San Joaquin River Parkway land acquisitions.

ANALYSIS AND STAFF RECOMMENDATION

In conjunction with the Conservancy’s acquisition of the upland parcel, the Jensen family has agreed to resolve clouded title to a portion of APN 576-010-11 and quitclaim its interest to the State in any land lying below the low water mark, as identified in Administrative Map, San Joaquin River, Sheet 9 of 27, dated January 12, 1989, on file in the offices of the California State Lands Commission (“Commission”). The Conservancy will take fee title of +/- 20.13 acres of the subject upland parcel with that portion between low and high water subject to the Public Trust Easement.

CALENDAR ITEM NO. **C113** (CONT'D)

While the State presently claims ownership of the bed of the San Joaquin River, the extent of those claims at this location are uncertain and, in the past, have been disputed by record title owners. The Commission may, if it determines it is in the best interests of the state, accept on behalf of the state any gift, devise, grant, quitclaim, or other conveyance of title to, or interest in, real property (Public Resources Code section 6219).

Commission staff believes it is in the best interests of the State to accept a quitclaim deed from the Jensen family in order to quiet title in favor of the State for that portion of APN 576-010-11 lying in the bed of the San Joaquin River below the low water mark. If approved and upon Commission acceptance, that portion of the deeded subject parcel will formally take on the character and protections attaching to real property subject to the Public Trust owned by the State in its sovereign capacity.

OTHER PERTINENT INFORMATION:

1. The staff recommends that the Commission find that the subject acceptance of a quitclaim deed does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject acceptance of a quitclaim deed is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

CALENDAR ITEM NO. **C113** (CONT'D)

AUTHORIZATION:

1. Find that, pursuant to Public Resources Code section 6219, it is in the best interests of the State to accept a quitclaim in order to quiet title in favor of the State for a portion of APN 576-010-11 lying within the bed of the San Joaquin River; and
2. Authorize staff of the Commission to accept and authorize the execution, acknowledgement and recordation of a quitclaim deed(s) and certificate(s) of acceptance for that portion of APN 576-010-11 lying in the bed of the San Joaquin River below the low water mark.

EXHIBIT A
QUITCLAIM TO STATE

W26850

LAND DESCRIPTION

A parcel of land in the bed of the San Joaquin River lying within the exterior boundaries of fractional Section 16, Township 12 South, Range 20 East, Mount Diablo Meridian per the official United States Government Township Plat, situate in the County of Fresno, State of California, and more particularly described as follows:

All those lands as described in that Grant Deed recorded November 30, 2004 as Document Number 2004-0266839 in Official Records of Fresno County.

EXCEPTING THEREFROM all those lands lying southerly of the westerly prolongation of the south line of said Section 16 and lying easterly of the Low Water Line of the left bank of the San Joaquin River as shown on that Administrative Map, San Joaquin River, Sheet 9 of 27, dated January 12, 1989, on file in the offices of The California State Lands Commission, said Low Water Line described as follows:

BEGINNING at a point on said Low Water Line distant South 89°45'29" East 2235.80 feet from the South ¼ Corner of said Section 16, said ¼ Corner shown on that Record of Survey recorded September 6, 1995 in Book 41 of Record of Surveys at Page 2; thence northeasterly along said Low Water Line the following fifteen (15) courses:

1. North 27°40'59" East, 104.28 feet;
2. North 20°01'18" East, 117.40 feet;
3. North 18°03'44" East, 112.66 feet;
4. North 15°51'01" East, 104.00 feet;
5. North 06°34'04" East, 89.92 feet;
6. North 08°41'14" East, 100.01 feet;
7. North 05°21'46" East, 129.01 feet;
8. North 27°52'29" East, 34.55 feet;
9. North 00°26'18" West, 144.15 feet;
10. North 11°37'54" East, 81.56 feet;
11. North 09°55'18" East, 99.53 feet;
12. North 07°27'47" East, 68.90 feet;
13. North 02°54'03" West, 86.80 feet;
14. North 05°04'43" East, 63.23 feet;
15. North 02°52'29" East, 50.62 feet to the intersection with the north line of

those lands as described in said Grant Deed.

Bearings and distances in this description are based on the California Coordinate System, Zone 4, (NAD83), US Survey Feet.

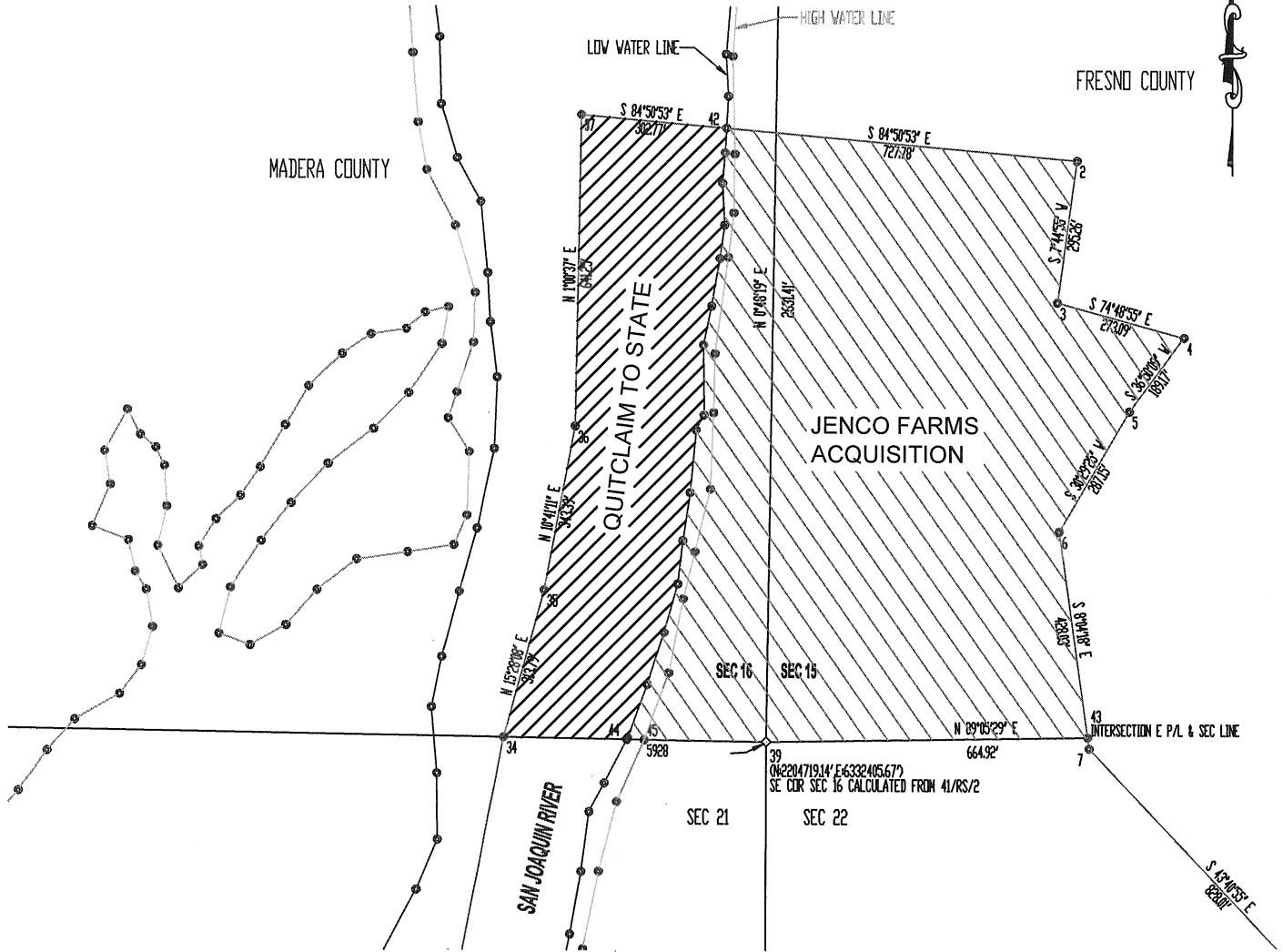
END OF DESCRIPTION

Prepared April 3, 2015 by the California State Lands Commission Boundary Unit.



NO SCALE

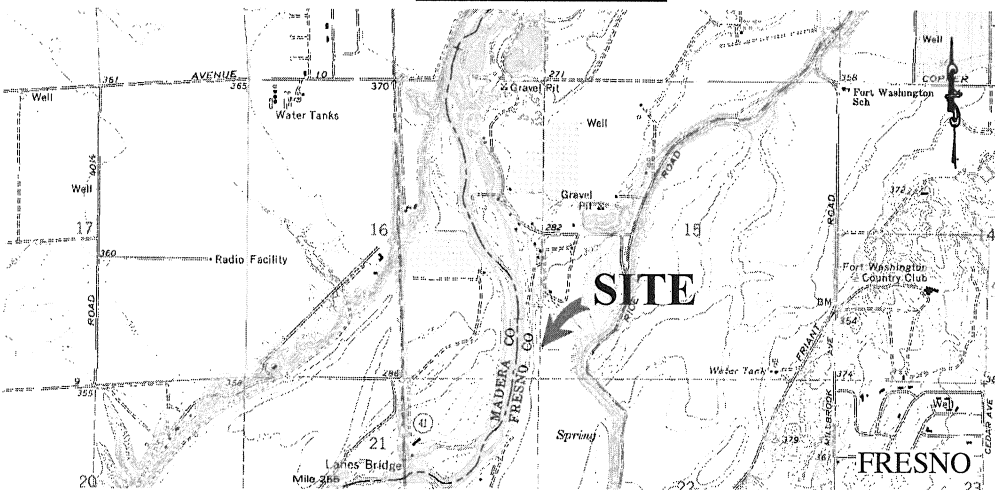
SITE



ACCEPTANCE OF QUITCLAIM FROM JENCO FARMS

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W26850
 JENCO FARMS,
 STATE OF CALIFORNIA
 ACCEPTANCE OF
 QUITCLAIM
 FRESNO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.