

MINUTE ITEM

This Calendar Item No. 25 was approved as Waive Item No. 25 by the State Lands Commission by a vote of 3 to 0 at its 9.24.79 meeting.

CALENDAR ITEM

25.

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W 22121  
Cook

LAND BANK AGREEMENT

The proposed Land Bank Agreement pursuant to the State Lands Commission jurisdiction and authority to administer sovereign lands under Division 6 of the P.R.C. will provide the State with an option to later acquire undivided interests as sovereign lands, (through third parties as part of other title settlements, or by way of the mitigation requirements of other public agencies), from time to time over a 2-year period, within about 441 acres of wetlands in Contra Costa County, California, along Suisun Bay, near Pacheco Creek.

The Land Bank parcel is described in the attached Exhibit "A", and is depicted on the attached Exhibit "B". It is immediately to the west and adjacent to the Pt. Edith parcel, of about 255.9 acres, recently acquired and authorized to be leased for management to the California Department of Fish and Game.

The parcel consists mainly of open space marsh grass with some open water. Private title claims stem from Swamp and Overflowed and Tidelands patents. It is in the State's interest to acquire all private claims of record. A portion of the private claims extend into Suisun Bay.

Consistent with the wildlife and other environmental values within the parcel, the California Department of Fish and Game wishes to, and it is expected that it will, lease the undivided interests within the parcel from the State Lands Commission as it is acquired.

As no title passes under the Land Bank Agreement, no title insurance is being obtained at this time.

The price of the Land Bank parcel will be established for the term of the agreement at \$200,000, which is equivalent to about \$453.51 per acre. The purchase price for undivided interests as they are acquired, will be proportional to the total price, depending upon the percentage of interest acquired. For example, the sum of \$50,000 would result in a 25% undivided interest.

Should the entire parcel not be acquired during the 2-year period, or extension thereof, the parties agree to a partition based on the percentage interest on an acre-for-acre basis, the Boundary to be located on a north-south line and with the State portion to be easterly of the line.

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The Land Bank parcel may be subject to an existing, but undefined State ownership. The staff has appraised the parcel and has evaluated the extent of the probable State interest and has concluded that the private ownership, over and above any State ownership is of a value equal or greater than \$200,000.

The Trust for Public Lands is reserving the right to withhold its consent to exercise the option if the purposes of the settlement are not consistent with its objectives.

Minerals, oil and gas, etc. will pass to the State.

The Land Bank is an integral and essential first step to the completion of future compromise title settlements concerning probable State sovereign land ownership in other estuary and water related parcels. The agreement is intended to be used when the other title settlements require an exchange whereby the other parties require exchange land to be conveyed to the State. The Land Bank establishes available land which the other parties can purchase and exchange to the State as part of the title settlement.

The need for such title settlements results from the fact that the nature and extent of State ownership of sovereign interests in vast areas located within or along tidal/navigable waterways and estuaries of the State is uncertain; has not been resolved by agreement or court decree; and is the subject of bona fide disputes concerning the law and the evidence between the State and other parties claiming ownership.

The State Lands Commission program of vigorous and efficient settlement of these title disputes by settlements in lieu of litigation in compromise of the legal and evidentiary questions results in substantial public benefits, including:

1. Avoidance of the substantial costs, delays and uncertainties of litigation;
2. Increased ability on the part of the State Lands Commission to protect the public property rights in furtherance of its guardianship responsibilities;
3. Preserve substantial wetlands for future generations;

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4. Simplify and increase the efficiency of sovereign land management, including knowledge of the exact location of property lines required for the leasing, trespass, mineral, etc. programs;
5. Facilitate construction and development upon, and increase the tax rolls of the parcels cleared in private ownership.

If approved, this will constitute the second Land Bank Agreement entered into by the State Lands Commission, the first having been between the State Lands Commission and the East Bay Regional Park District for about 595 acres of Browns Island, Contra Costa County, California approved by Minute Item 21 on December 19, 1977. Under the Brown's Island Agreement, the State Lands Commission has either acquired or has committed the entire parcel.

The agreement will be subject to the approval of the Attorney General.

The staff believes that the Agreement is in the best interests of the State and recommends approval thereof.

EXHIBITS: A. Legal Descrip. B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE LAND BANK AGREEMENT IS ENTERED INTO PURSUANT TO THE AUTHORITY AND JURISDICTION OF THE COMMISSION UNDER DIVISION 6 OF THE P.R.C.; IS NECESSARY TO AND AN INTEGRAL FIRST STEP IN THE SETTLEMENT OF TITLE DISPUTES IN LIEU OF LITIGATION: THAT THE VALUE AGREED UPON IS NO GREATER THAN THE MARKET VALUE OF THE PRIVATE TITLES WITHIN THE LAND BANK PARCEL FREE AND CLEAR OF ANY STATE OWNERSHIP THEREIN; THAT THE AGREEMENT IS IN THE BEST INTERESTS OF THE STATE AND SHOULD BE APPROVED.
2. APPROVE AND AUTHORIZE THE EXECUTION OF AND RECORDATION OF THE LAND BANK AGREEMENT ON BEHALF OF THE STATE IN SUBSTANTIALLY THE FORM OF THE AGREEMENT NOW ON FILE WITH THE COMMISSION.
3. AUTHORIZE THE STATE LANDS COMMISSION STAFF AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE TRANSACTION DESCRIBED ABOVE, INCLUDING; BUT NOT LIMITED TO APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.

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4. FIND THAT GRANTING OF THE AGREEMENT IS NECESSARY TO SETTLEMENT OF TITLE AND BOUNDARY DISPUTES IN LIEU OF LITIGATION AND THE PROVISIONS OF CEQA ARE INAPPLICABLE (2 CAL. ADM. CODE SECTION 2907, CLASS 3; 14 CAL. ADM. CODE SECTION 15113, CLASS 13; 14 CAL. ADM. CODE SECTION 15107, CLASS 7; 14 CAL. ADM. CODE SECTION 15108, CLASS 8).

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PARCEL ONE

All that portion of Swamp and Overflow Surveys Nos. 87, 88 and 89; that portion of Tide Land Survey No. 207, and that portion of the 976.04 acre parcel described in the deed to C. A. Hooper & Co. recorded June 1, 1932, in Book 310, page 498 of Official Records of Contra Costa County, California, all within unincorporated territory of said county and described as a whole as follows:

Commencing at the Northwesterly corner of the 273.183 acre parcel of land awarded to the United States of America in the Final Judgement in condemnation under Action No. C-69-369 in the United States District Court, entitled United States of America, plaintiff, vs. V. P. Baker et al., defendants, a certified copy of which was recorded November 19, 1973, in Book 7094, page 482, of said Official Records;

Thence South  $27^{\circ} 48' 59''$  East 5930.49 feet along the Southwesterly line of said 273.183 acre parcel of land to the Southwesterly corner thereof in the Northerly line of the 200 foot wide strip of land firstly described in the deed recorded June 18, 1913 in Book 205, page 141 of deeds of said Official Records;

Thence South  $70^{\circ} 25'$  West 1665.13 feet along said Northerly line to the Point of Beginning of this description;

(1) Thence North  $27^{\circ} 48' 59''$  West 6102.91 feet, parallel with the above mentioned Southwesterly line of the 273.183 acre parcel of land, to the mean high tide line of Suisun Bay;

Thence meandering along said mean high tide line the following courses:

- (2) South  $5^{\circ} 14' 30''$  West 70.80 feet;
- (3) South  $57^{\circ} 32'$  West 307.74 feet, and
- (4) South  $62^{\circ} 59'$  East 302.68 feet;
- (5) Thence South  $69^{\circ} 36'$  East 138.42 feet to the low water line of Suisun Bay;

Thence meandering along said low water line the following courses:

- (6) South  $4^{\circ} 07'$  East 311 feet;
- (7) South  $19^{\circ} 18'$  West 516 feet;

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- (8) South 52° 37' West 541 feet;
- (9) South 41° 46' West 650 feet;
- (10) South 26° 20' West 398 feet;
- (11) South 62° 31' West 624 feet;
- (12) South 88° 20' 15" West 1438.90 Feet to the Easterly line of the 30.00 foot wide strip of land described as Parcel One in the deed to Monsanto Chemical Company, recorded June 30, 1952, in Book 1954, page 245 of said Official Records, said point hereinafter being referred to as Point "A";
- (13) Thence South 61° 54' 15" West 652.74 feet along said low water line to the Northeasterly line of the 106.09 acre parcel described in the deed to Associated Oil Company recorded March 28, 1913, in Book 201, page 65 of Deeds, and the Northeasterly line of the tract of land described as Parcel Two in the deed to Tide Water Associated Oil Company, recorded December 17, 1941, in Book 635, page 396 of said Official Records;

Thence along said Northeasterly lines and along the Southerly line of the above mentioned Tide Land Survey No. 207 the following courses:

- (14) South 18° 15' East 1244.83 feet;
- (15) South 36° 05' East 170.93 feet;
- (16) North 22° 51' East 316.39 feet, and
- (17) North 55° 00' East 380 feet to the above mentioned Easterly line of the 30.00 foot wide strip of land to Monsanto Chemical Company, said point hereinafter being referred to as Point "B";
- (18) Thence South 51° 48' East 3934.18 feet along the Northeasterly line of said 30.00 foot wide strip of land to the above mentioned Northerly line of the 200 foot wide strip of land firstly described in the deed recorded in Book 205, page 141 of Deeds, of said Official Records;
- (19) Thence North 70° 25' East 2603.38 feet along said Northerly line to the Point of Beginning.

EXCEPTING therefrom that portion of the above mentioned 30.00 foot wide strip of land to Monsanto Chemical Company, the Easterly line being described as follows:

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Beginning at Point "A" referred to in Course (12) above;  
Thence South  $17^{\circ} 19' 30''$  East 1171.38 feet to Point "B"  
referred to in Course (17) above, the sidelines of said  
30.00 foot wide strip of land to be lengthened or shortened  
to terminate in Courses (13 and 17) above.

Containing 391.184 acres, more or less, after deducting  
area of excepted 30.00 foot wide strip of land.

PARCEL TWO

All that portion of Tide Land Survey No. 207 in unincorporated  
territory of the County of Contra Costa, State of California,  
described as follows:

Beginning at the intersection of the Northwesterly line  
of said Tide Land Survey No. 207 with the Easterly line  
of the 30 foot wide strip of land described as Parcel One  
in the deed to Monsanto Chemical Company recorded June 30,  
1952 in Book 1954, page 245 of Official Records of said  
County; said point being hereinafter referred to as Point "C";

- (1) Thence North  $71^{\circ} 51'$  East 103.86 feet and
- (2) North  $58^{\circ} 15'$  East 1905.93 feet along said Northwesterly  
line;
- (3) Thence South  $31^{\circ} 45'$  East 1003.90 feet, leaving said  
Northwesterly line, to the low water line of Suisun  
Bay;

Thence meandering along said low water line the following  
courses:

- (4) South  $26^{\circ} 20'$  West 298.86 feet,
- (5) South  $62^{\circ} 31'$  West 624 feet and
- (6) South  $88^{\circ} 20' 15''$  West 1438.90 feet to said Easterly  
line of the 30 foot wide strip of land, said point  
being hereinafter referred to as Point "A";
- (7) Thence South  $61^{\circ} 54' 15''$  West 652.74 feet along said  
low water line to the Northeasterly line to the 106.09  
acre parcel described in the deed to Associated Oil  
Company recorded March 28, 1913 in Book 201, page  
65 of deeds, and the Northeasterly line of the tract  
of land described as Parcel Two in the deed to Tide  
Water Associated Oil Company recorded December 17,  
1941 in Book 635, page 396 of said Official Records;

- (8) Thence North  $18^{\circ} 15'$  West 540 feet along said Northeasterly lines to said Northwesterly line of Tide Land Survey No. 207.
- (9) Thence North  $71^{\circ} 51'$  East 655.52 feet along said Northwesterly line to the Point of Beginning.

EXCEPTING therefrom that portion of said 30 foot wide strip of land described in deed recorded in Book 1954, page 245 of Official Records, the Easterly line being described as follows:

Beginning at Point "C";

Thence South  $17^{\circ} 19' 30''$  East 427.27 feet to Point "A", the sidelines of said 30 foot wide strip of land being lengthened or shortened so as to terminate in Courses (7) and (9).

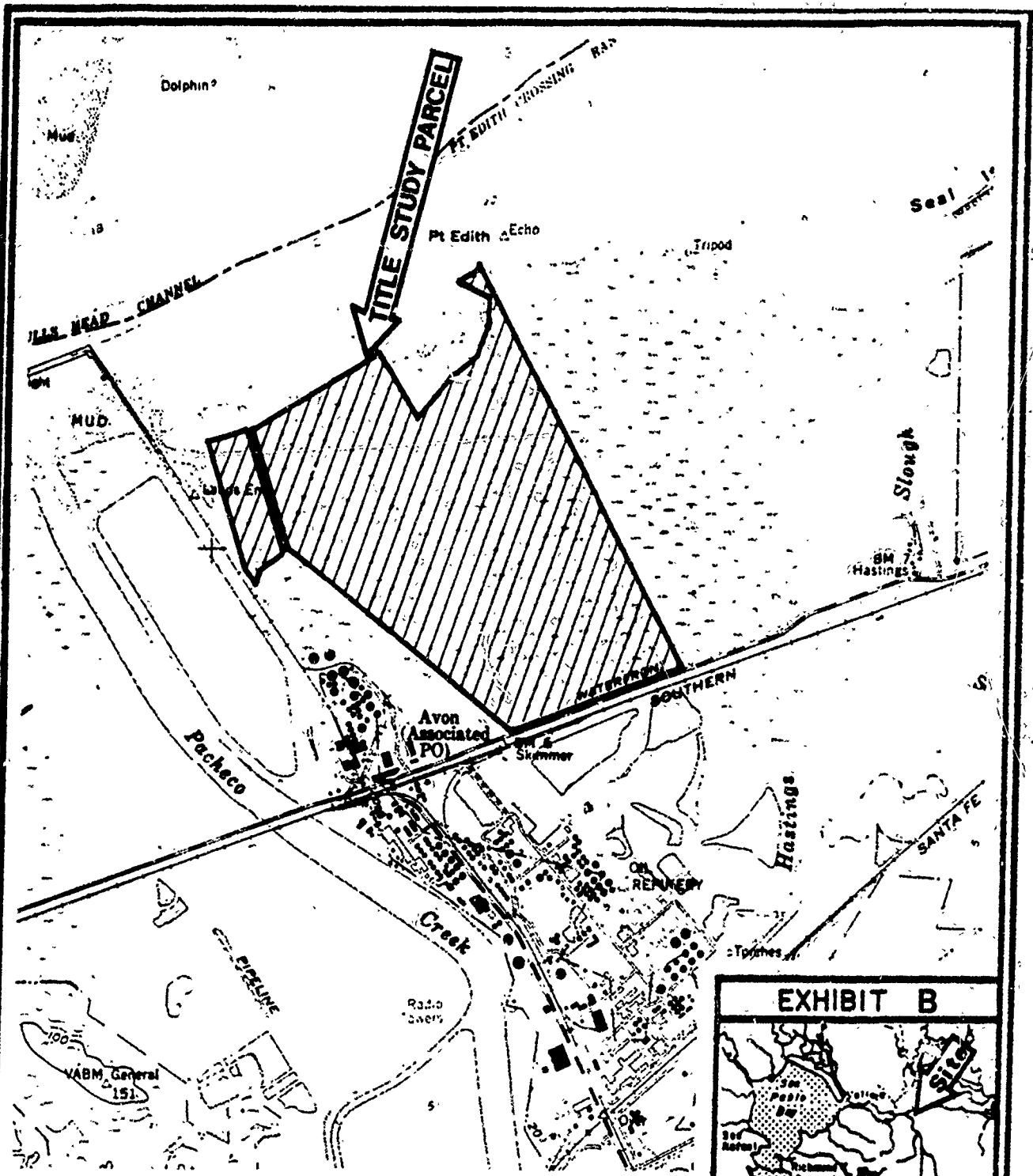
Containing 50.234 acres, more or less, after deducting the area of the excepted 30 foot wide strip of land.

Subject to easements, rights-of-way and restrictions of record.

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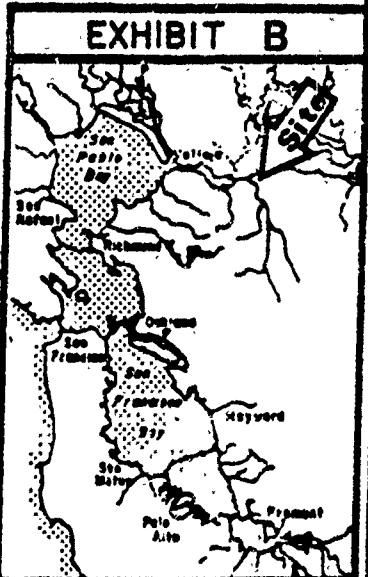


EXHIBIT "B"



STATE LANDS COMMISSION  
 PORTION OF U.S.G.S. QUADRANGLES  
 PORT CHICAGO 1959  
 PHOTOREVISED 1968

Prepared by: Alexander      Date: 4/13/79



Title Study: T.P.L. - KNUDSON PARCEL      W 22121      Z 5-N 56-E 154

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