

MINUTE ITEM

This Calendar Item No. C12 was approved as Minute Item No. 12 by the State Lands Commission by a vote of 3 to 0 at its 10.29.79 meeting.

CALENDAR ITEM

C12.

11/79
WI 2352
Reese
PRC 2352

ACCEPTANCE AND EXECUTION OF CANCELLATION AGREEMENT

APPLICANT: Federal Aviation Administration
P. O. Box 92007
Worldway Postal Center
Los Angeles, California 90009

AREA, TYPE LAND AND LOCATION: A 0.367 acre parcel of tide and submerged land located at the confluence of cutoff "B"/ Schultz Slough and Petaluma River, Solano County.

LAND USE: Boat dock and cable crossing to serve a consolan air navigation facility monitor station.

TERMS OF ORIGINAL AGREEMENT:
Initial period: 20-years from February 24, 1959.
Consideration: Public benefit in the interest of national defense.

- OTHER PERTINENT INFORMATION:
1. An EIR is not required for the acceptance of the Cancellation Agreement, in that it is an administrative procedure (non-project). Authority: PRC 21065, 14 Cal. Adm. Code 15037.
 2. On May 16, 1977, the Federal Aviation Administration decommissioned its consolan air navigation facility, eliminating the need for its boat dock and cable crossing.
 3. On September 23, 1977, staff advised the Federal Aviation Administration that the cable may be left in place provided that any portions that are not 3' or more below the beds of cutoff "B"/ Schultz Slough and Petaluma River are removed.

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4. On November 13, 1978, staff received an affidavit certifying that all cables or portions thereof, that were less than 3' below the beds of cutoff "B"/Schultz Slough, and Petaluma River, have been removed as of October 4, 1978.
5. On February 1, 1979, staff received a copy of a Cancellation Agreement and Bill of Sale conveying real property improvements (boat dock) to Ms. Giselia N. Tunzi, owner of the upland that was leased to the Federal Aviation Administration. Staff is currently in the process of negotiating a lease with Ms. Tunzi.
6. Staff counsel is of the opinion that execution and acceptance of the Cancellation Agreement, as prepared by the Federal Aviation Administration, is legal and proper.

EXHIBITS:

- A. Location Map.
- B. Certification of Removal.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C.21065, 14 CAL. ADM. CODE 15037 AND 2 CAL. ADM. CODE 2903(D).
2. AUTHORIZE THE ACCEPTANCE AND EXECUTION OF A CANCELLATION AGREEMENT IN REGARD TO LEASE PRC 2352.9 IN THE FORM ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF, BETWEEN THE FEDERAL AVIATION ADMINISTRATION AND THE STATE LANDS COMMISSION ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

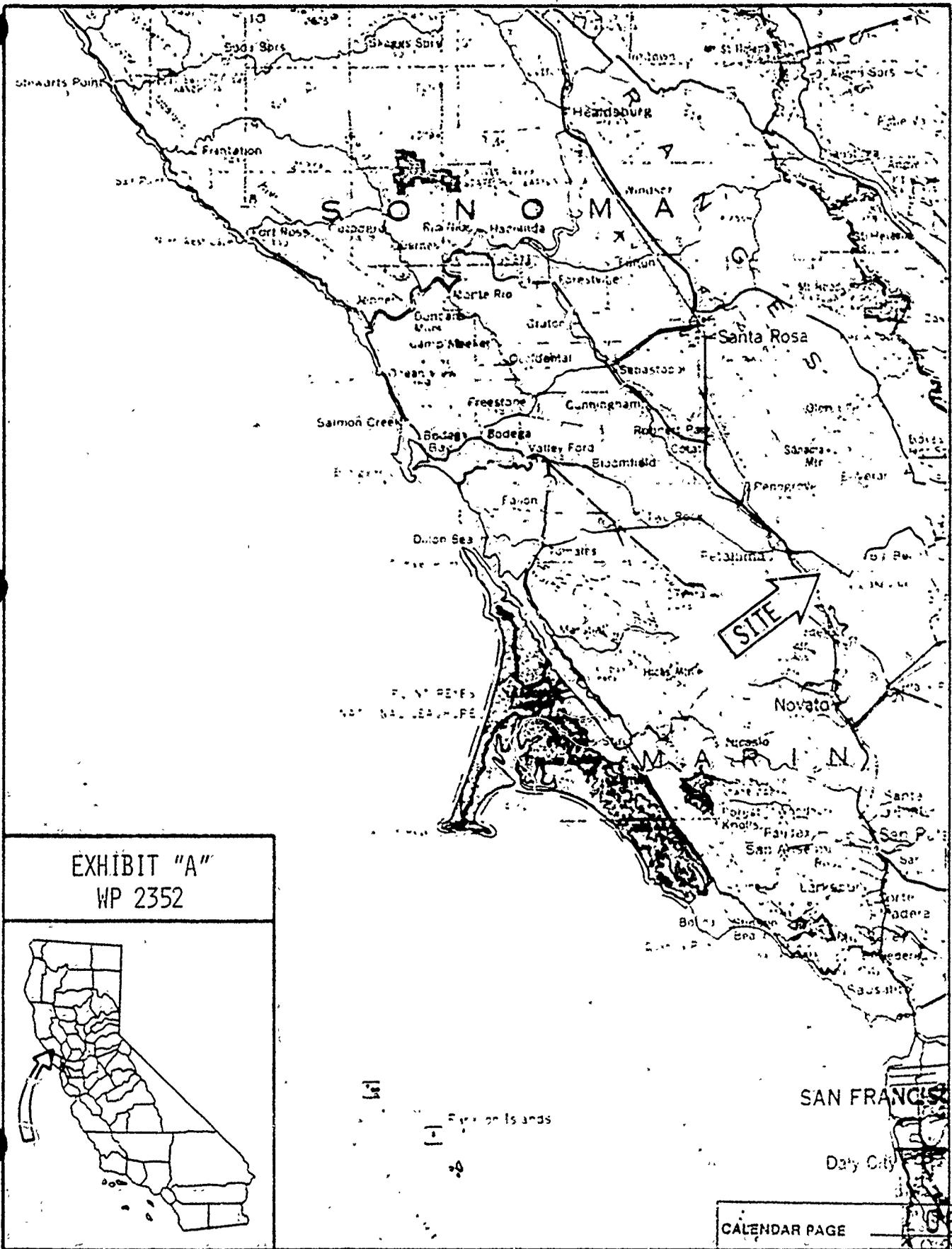


EXHIBIT "A"
WP 2352

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EXHIBIT "B"

Civil Action 7739
(C4ca-5334-A)
CONSOLAN
Petaluma, California

CANCELLATION AGREEMENT
AND
BILL OF SALE

This Cancellation Agreement and Bill of Sale, made and entered into this 24th day of January, 1979, by and between Giselia N. Tunzi, hereinafter called Lessor, and the United States of America, hereinafter called the Government.

W I T N E S S E T H

WHEREAS, by Civil Action 7739, filed in the United States District Court for the Eastern District of California, the Government was granted the right to use certain property in Section 7, Township 4 North, Range 6 West, N.D.B.&M. in Sonoma County, California for the purpose of installing, operating and maintaining a CONSOLAN air navigation facility; and

WHEREAS, the Government has decommissioned its CONSOLAN facility and no longer has a requirement for these premises and has advised the Lessor that it will not file an election to extend its leasehold condemnation beyond June 30, 1977; and

WHEREAS, in lieu of removal of the excess Government improvements as provided under Article II of the Final Judgment to said Civil Action, the Government has proposed to the Lessor that the real property improvements existing on the above premises be left in place and conveyed to the Lessor in lieu of site restoration; and

NOW, THEREFORE, effective this 24th day of January, 1979, the parties agree as follows:

1. The Government hereby conveys to the Lessor by this Cancellation Agreement and Bill of Sale, its right, title and interest in the following real property improvements, without warranty, expressed or implied, as to condition or value:
 - a. Boat dock with 63' x 20' wooden plank deck on wood pilings.
 - b. Wood frame building (8' x 12') on skids.
 - c. Power substation and 10-foot high chain link enclosure fence and gate.
 - d. Metal prefabricated building (7' x 7') with solid wood door, and mounted on a reinforced concrete slab (8' x 9'), plus terminal power meter.

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e. Approximately 400 linear feet of 4-foot high wood fence with 14-foot wood gate.

f. Underground power and control cables across the Lessor's property.

2. The Lessor hereby accepts the above property as its sole property and agrees to fully release the Government of its contractual obligations under Civil Action 7739 to restore the leased premises and agrees to release the Government from any further liability with respect to these improvements and to said leasehold condemnation.

3. It is understood by the parties hereto that this Agreement does not convey to the Lessor any rights or interests in the State-owned tidelands underlying the waterward end of the above boat dock. Rights to occupy these tidelands shall be obtained from the State under a separate agreement, as a matter of negotiation solely between the Lessor and the State.

IN WITNESS WHEREOF, the parties hereto have subscribed their names hereunder as of the date first written above.

Gisela N. Tunzi
GISELIA N. TUNZI

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

By: Elizabeth M. Rollins
ELIZABETH M. ROLLINS
Title: Contracting Officer
Date: January 26, 1979

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PERSONAL NOTARY FORM

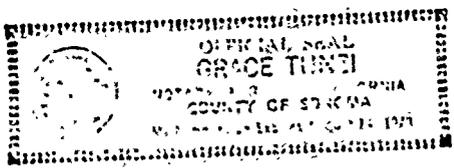
STATE OF CALIFORNIA)
) SS
COUNTY OF SONOMA)

On this 24th day of January, 1979, before me
GRACE TUNZI, a Notary Public, in and
for the said County of Sonoma, State of California,
duly commissioned and sworn, personally appeared _____
GISELIA N. TUNZI,

personally known to me to be the person whose name is subscribed to the
within instrument and she duly acknowledged to me that she executed
the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal, at my office in the County of Sonoma, State of California,
the day and year in this certificate first above written.

(Signed) Grace Tunzi
Grace Tunzi
Notary Public in and for the County
of Sonoma, State of California
My Commission Expires: August 14, 1979.



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