

MINUTE ITEM

This Calendar Item No. 26  
was approved as Minute Item  
No. 26 by the State Lands  
Commission by a vote of 2  
to 0 at its 9/27/78  
meeting.

CALENDAR ITEM

26.

9/78  
W 21550  
Sandefur

COMPROMISE SETTLEMENT IN LIEU OF LITIGATION  
B.L.A. 180

The State Lands Commission's staff recommends Commission approval of a proposed title settlement and boundary line agreement in lieu of litigation with Charles J. Sylvia with respect to title and boundary questions to a parcel of real property located in the vicinity of Alviso along or within the former bed of Guadalupe River adjacent to and southerly of the Southbay Freeway, Route 237. The State claimed parcel consists of 0.4 acres, more or less; is described in the attached Exhibit A, and is referred to herein as the "subject parcel".

Charles J. Sylvia claims fee title ownership of the subject parcel and the adjoining portions of the Ranchos free of any public right, title or interest, based on his assertions: that the subject parcel was included within Rincon de los Esteros and Embarcadero de Santa Clara; that they are the successors in interest to the Rancho confirmees that the Rancho boundary lines meandered the center line of the Guadalupe River; that that subject parcel and adjoining real property consisted of Rancho lands within the meaning of the Treaty of Guadalupe Hidalgo; that the treaty did not reserve the public trust for commerce, navigation, and fisheries, or any other right, title, or interest of the public, either expressly or by implication, within the subject parcel or adjoining Ranchos or any portion thereof; that the subject parcel has been reclaimed, improved, and used by private claimants; and that the subject parcel is cut off from tidal action and is no longer needed for trust purposes.

The State asserts that the bed of Guadalupe River contained tidelands and submerged lands in its historical state; that the Rancho patents did not extinguish the public trust titles, the same being reserved from the conveyance by implication; the State is the fee simple or easement owner by reason of its sovereignty; and that the boundary of the Guadalupe River has not been established by agreement or Court Decree.

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Negotiations have been conducted among representatives of Charles J. Sylvia and the State Lands Commission's staff concerning title to the subject lands. These negotiations have resulted in a proposed agreement for the settlement of this title dispute by a land exchange and boundary line agreement. The major points of this proposed agreement are as follows:

1. State will issue a patent to Charles J. Sylvia of the State's sovereign right, title, or interest (as distinct from the State's possible proprietary rights, titles or interests) in the subject parcel particularly described in Exhibit A, and illustrated in Exhibits B, D, and E.
2. In exchange for the State patent of its sovereign interests to the property described in Exhibit A, Charles J. Sylvia has agreed to purchase from the East Bay Regional Park District and convey to the State in its sovereign capacity, an undivided 5.555% interest within Brown's Island described in Exhibit C. The purchase price is \$7,500. At the unit value for such parcel, the State will be receiving the equivalent of 33 acres, more or less, of Brown's Island.
3. Charles J. Sylvia will provide a standard form of CLTA title insurance to the State insuring the State's title to the property described in Exhibit C.

While the boundaries of the Guadalupe River in its natural state are uncertain, the subject parcel is located at the approximate site thereof and appears to constitute about the same area as the original river as it passes through the lands claimed by Sylvia.

By the State's acceptance of the subject parcel as the historic bed of the river, the boundaries thereof constitute the Rancho boundaries and the proposed agreement includes a quitclaim of any State sovereign right, title, or interest in the adjacent real property lying outside the boundaries of the subject parcel, and which is described in Exhibit B.

In summary, the State will be exchanging 0.4 acres, more or less, agreed to be the former bed of the Guadalupe River, for an undivided 5.555% interest (equal to 33 acres, more or less, of Brown's Island) and as part of the agreement will clear the private Rancho titles outside the subject parcel of State sovereign claims.

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The real property to be received shall be held by the State in its sovereign capacity as tidelands and submerged lands subject to the public trust for commerce, navigation, and fisheries, as defined in the case of Marks v. Whitney, 6 Cal. 3rd. 251.

The State shall lease the 5.555% undivided interest in Brown's Island to the East Bay Regional Park District pursuant to the Land Bank Option and Leaseback Agreement (W 21372) with the East Bay Regional Park District, approved by the State Lands Commission at its regular meeting on December 19, 1977, Minute Item No. 21.

The settlement will consolidate State titles in a manner which will be beneficial to the environment and ecology.

The State will receive the mineral rights in the real property being conveyed to the State, as described in Exhibit C and pursuant to Section 6307 of the P.R.C., is releasing the mineral rights which the State may have due to its sovereign ownership claims in the real property described in Exhibit A, being conveyed to Charles J. Sylvia.

A copy of the proposed agreement necessary to accomplish this transaction is on file with the State Lands Commission.

The agreement and conveyances thereunder are authorized by Division 6 of the P.R.C., with particular reference to Sections 6107 and 6307.

The agreement is exempt from the preparation of an EIR pursuant to the provisions of Section 6371, of the P.R.C.

An evaluation has been made by the Commission's staff which shows that the State will receive land and interests in land equal or greater in value than those lands and interests in lands claimed by the State and to be surrendered by this agreement, the staff estimate of the full fee title to the subject parcel being no more than \$7,500.

The agreement has been reviewed and approved by the Office of the Attorney General.

The proposed exchange is for the purpose of settling a title dispute, and Charles J. Sylvia remains subject to all lawful requirements of public agencies for permits, mitigation, use, or otherwise, independent of this agreement.

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- EXHIBITS:
- A. Land Description (Subject Parcel).
  - B. Land Description (Quitclaim Parcels).
  - C. Land Description (Brown's Island).
  - D. Air Photo Plat (Subject Parcel).
  - E. Quad Plat (Subject Parcel).
  - F. Plat (Brown's Island).

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE EXCHANGE AS PROPOSED AND AUTHORIZE THE EXECUTION OF THE EXCHANGE AGREEMENT (BLA 180) BETWEEN THE COMMISSION, AND CHARLES J. SYLVIA, IN SUBSTANTIALLY THE FORM OF THE COPY OF THE AGREEMENT ON FILE WITH THE COMMISSION.
2. FIND THAT THE EXCHANGE OF LANDS, INTERESTS IN LANDS, AND RIGHTS SET FORTH IN THE AGREEMENT REFERRED TO IN PARAGRAPH 1 ABOVE ARE IN THE BEST INTEREST OF THE STATE FOR AID IN RECLAMATION; THAT IT WILL NOT SUBSTANTIALLY INTERFERE WITH THE RIGHTS OF NAVIGATION AND FISHING IN THE WATERS INVOLVED; AND THAT THE STATE WILL RECEIVE LANDS AND INTERESTS IN LANDS EQUAL TO OR GREATER IN VALUE THAN ANY LANDS OR INTEREST IN LAND RELINQUISHED BY THE STATE PURSUANT TO SAID AGREEMENT.
3. AUTHORIZE EXECUTION OF A STATE PATENT OF ITS SOVEREIGN INTERESTS TO CHARLES J. SYLVIA OF THE REAL PROPERTY DESCRIBED IN EXHIBIT A.
4. ACCEPT AND AUTHORIZE THE RECORDATION OF THE CONVEYANCE TO THE STATE OF AN UNDIVIDED 5.555% INTEREST IN THE REAL PROPERTY DESCRIBED IN EXHIBIT C AS PROVIDED IN THE AGREEMENT.
5. FIND AND DECLARE THAT UPON THE DELIVERY OF THE PATENT, AND THE RECORDATION THEREOF IN THE OFFICE OF THE COUNTY RECORDER OF SANTA CLARA COUNTY, THE REAL PROPERTY DESCRIBED IN SAID PATENT:
  - a. HAS BEEN CUT OFF FROM NAVIGABLE WATERS, IMPROVED, FILLED, AND RECLAIMED BY THE PRIVATE PARTY OR PREDECESSORS IN INTEREST;
  - b. HAS THEREBY BEEN SEVERED FROM THE PUBLIC CHANNELS AND WATERWAYS AND IS NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR COMMERCE, NAVIGATION, AND FISHING, AND IS NO LONGER IN FACT TIDELANDS OR SUBMERGED LANDS AND THEREFORE SHALL BE FREED FROM THE PUBLIC TRUST.

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6. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION 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 EXECUTION OF DOCUMENTS OF TITLE AND ESCROW INSTRUCTIONS AND APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.
7. AUTHORIZE THE AMENDMENT OF LEASE PRC 5426 TO THE EAST BAY REGIONAL PARK DISTRICT TO INCLUDE THE 5.555% UNDIVIDED INTEREST IN BROWN'S ISLAND CONSISTENT WITH THE LAND BANK AND OPTION AGREEMENT APPROVED BY THE COMMISSION ON DECEMBER 19, 1977, MINUTE ITEM NO. 21.
8. FIND THAT THE AGREEMENT IS IN SETTLEMENT OF TITLE AND BOUNDARY LITIGATION AND THE PROVISIONS OF THE CEQA ARE INAPPLICABLE, PURSUANT TO SECTION 6371 OF THE P.R.C.

EXHIBIT A

Commencing at a 3/4" iron pipe at the most Southerly corner of that certain 40 acre tract of land described in the Deed from Gallagher Fruit Company, a corporation, to James Caviglia and Charles Maridon, dated May 9, 1946 and recorded May 14, 1946 in Book 1358 of Official Records, page 101, Santa Clara County Records, said point of commencement lying in the Northeasterly line of the Santa Clara-Alviso Road (60' wide); thence along said Northeasterly line, North 28° 15' West 1505.00 feet; thence at right angles to last said course, South 61° 45' West 60 feet to the Southwesterly line of said Santa Clara-Alviso Road (60' feet wide); thence Northerly and along said Southwesterly line, North 28° 15' West 928.49 feet to a point on said Southwesterly line lying South 61° 45' West 60.00 feet from the intersection of the Northeasterly line of the said Santa Clara-Alviso Road (60' wide), with the Southerly line of the parcel of land described first in Parcel 6 in that certain Action entitled, "Case No. 100135, The People of the State of California, Plaintiff vs. William Curtis Swabey, et al, Defendants", in the Superior Court of the State of California, in and for the County of Santa Clara, a certified copy of which was filed for record in the office of the Recorder of the County of Santa Clara, State of California, on September 19, 1956 in Book 3608 of Official Records, page 496; thence North 61° 45' East 60.00 feet to the said intersection; thence along said Southerly line, North 19° 31' 18" West 323.92 feet; thence North 5° 37' 11" West 291.65 feet; thence North 75° 56' 53" East 367.63 feet; thence along a tangent curve to the left, having a radius of 300.00 feet, through a central angle of 47° 19' 56", an arc distance of 247.83 feet; thence on a tangent bearing North 28° 36' 57" East 144.98 feet; thence along a tangent curve to the right, having a radius of 200.00 feet, through a central angle of 56° 13' 50", an arc distance of 196.28 feet; thence on a tangent bearing North 84° 50' 47" East 337.10 feet; thence North 86° 44' 05" East 547.97 feet; thence North 86° 44' 05" East 178.88 feet; thence North 88° 54' 23" East 419.70 feet to the True Point of Beginning; thence from said True Point of Beginning, South 06° 17' 30" East 139.44 feet; thence South 25° 57' 30" West 303.60 feet; thence South 34° 27' 30" West 107.90 feet; thence North 68° 30' 00" East 70.98 feet to the Westerly line of Parcel 2, as shown upon that certain Record of Survey Map entitled, Record of Survey of the Lands of C.J. Sylvia, which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, in Book 99 of Maps, page 48, under Recorder's File No. 1543690; thence along said Westerly line North 24° 01' 07" East 419.37 feet; thence North 06° 28' 50" West 94.24 feet to the Southerly line of the State of California Freeway, Route No. 9; thence along said Southerly line South 84° 57' 19" West 18.40 feet; thence South 88° 54' 23" West 29.12 to the True Point of Beginning.

EXHIBIT B

PARCEL 1:

Beginning at a 3/4" iron pipe on the Northerly line of that certain 42.50 acre tract of land described in the Deed from Kenneth R. Burrell, et ux, to M. Rancadore, dated November 17, 1943 and recorded December 16, 1943 in Book 1177 of Official Records, page 265, Santa Clara County Records, distant thereon South 89° 00' West 1808.87 feet from a brass plug in the center line of the San Jose and Alviso Road at the Northeast corner of said 42.50 acre tract; thence leaving said last named line and running South 27° 58' 30" West 125.50 feet to an iron pipe; running thence South 51° 45' 14" West 104.31 feet to an iron pipe; thence North 29° 34' 13" West 143.90 feet to an iron pipe on the Northerly line of the said 42.50 acre tract; running thence along said last named line, North 68° 30' East 96.56 feet to an iron pipe, North 70° 34' East 40.26 feet to an iron pipe and North 89° 00' East 84.01 feet to the point of beginning, and being a portion of the Rancho Rincon de los Esteros, (Alviso Portion).

PARCEL 2:

A non-exclusive easement appurtenant to Parcel 1 above described, for the purpose of ingress and egress, over a strip of land 10.00 feet in width, the Southerly line of which is more particularly described as follows:

Beginning at an iron pipe set in the Northerly line of the above described 0.452 acre tract, distant thereon South 89° 00' West 84.01 feet from the Easternmost corner thereof; said point of beginning being in the Northerly line of that certain 42.50 acre tract of land described in the Deed from Kenneth R. Burrell, et ux, to M. Rancadore, dated November 17, 1943 and recorded December 16, 1943 in Book 1177 of Official Records, at page 265, Santa Clara County Records; thence from said point of beginning North 89° 00' East and along the Northerly line of said 42.50 acre tract, 1835.05 feet to the point of intersection thereof with the Southwesterly line of the San Jose-Alviso Road and the terminus of said easement.

PARCEL 3:

All of Parcel 2, as shown upon that certain Record of Survey Map entitled, Record of Survey of the Lands of C.J. Sylvia, which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California in Book 99 of Maps, page 48, under Recorder's File No. 1543690.

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PARCEL 4:

Beginning at the true point of intersection of the Southerly line of California State Freeway, Route No. 9, with the Southwesterly line of San Jose-Alviso Road, as now exists; thence from said point of beginning, South  $46^{\circ} 38' 20''$  East and along said Southwesterly line of San Jose-Alviso Road, 592.93 feet to an iron pipe set in the Northerly line of that certain 42.50 acre tract of land described in the Deed from Kenneth R. Burrell, et ux, to M. Rancadore, dated November 17, 1943 and recorded December 16, 1943 in Book 1177 of Official Records, page 265, Santa Clara County Records; said point being distant South  $89^{\circ} 00'$  West 57.21 feet from a brass plug set at Station 286+66.29 County Engineer's Transit Book No. 52, page 30, in the center line of said San Jose-Alviso Road; thence South  $89^{\circ} 00'$  West along the Northerly line of said 42.50 acre tract, 1643.04 feet to an iron pipe and the true point of beginning of the tract of land to be described; thence from said true point of beginning, continuing South  $89^{\circ} 00'$  West 108 feet to an iron pipe; thence South  $27^{\circ} 58' 30''$  West 125.50 feet to an iron pipe; thence South  $51^{\circ} 45' 14''$  West 104.31 feet to an iron pipe; thence North  $29^{\circ} 34' 13''$  West 143.86 feet to an iron pipe; thence South  $68^{\circ} 30'$  West 218.78 feet to a point in the center line of the Guadalupe River; thence following the said center line of the Guadalupe River for the following courses and distances: South  $31^{\circ} 02'$  West 172.84 feet; South  $5^{\circ} 10'$  East 272.97 feet; South  $38^{\circ} 38'$  West 156.68 feet; South  $3^{\circ} 20'$  West 106.15 feet; South  $25^{\circ} 40'$  East 130.88 feet; South  $52^{\circ} 50'$  East 382.49 feet; South  $57^{\circ} 54'$  East 170.73 feet; North  $83^{\circ} 52'$  East 150.03 feet; North  $23^{\circ} 12'$  East 243.16 feet; North  $11^{\circ} 42'$  East 200.41 feet; North  $30^{\circ} 44' 30''$  East 83.26 feet; North  $47^{\circ} 19'$  East 168.72 feet; North  $37^{\circ} 07' 21''$  East 77.88 feet; North  $63^{\circ} 05'$  East 113.52 feet and South  $68^{\circ} 09'$  East 128.70 feet; thence leaving said center line of the Guadalupe River and running North  $66^{\circ} 03' 41''$  East 105.06 feet to an iron pipe set in the Northerly bank of the said Guadalupe River, which bears South  $52^{\circ} 06'$  East from the said true point of beginning; thence North  $52^{\circ} 06'$  West 798.50 feet to the true point of beginning, as surveyed and monumented in August 1958, by Don Reinoehl, Civil Engineer and Surveyor, and being a portion of the Rancho Rincon de los Esteros.

EXCEPTING THEREFROM that portion conveyed by Deed dated August 28, 1963 and recorded October 11, 1967 in Book 7888 of Official Records, at page 225, from Department of Veterans Affairs of the State of California et al, to the Santa Clara County Flood Control and Water Conservation District.

ALSO EXCEPTING THEREFROM all that portion thereof conveyed by Deed to Mobile Housing Environments, recorded January 7, 1972 in Book 9659 of Official Records, page 382, and being more particularly described as follows:

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Beginning at the most Easterly corner of Parcel 1, as shown upon that certain Map entitled, "Record of Survey, Lands of C.J. Sylvia", which Map was filed for record in the office of the Recorder of the County of Santa Clara, State of California on November 17, 1958 in Book 99 of Maps, at page 48; thence from said point of beginning and along the Southeasterly line of said Parcel 1, South 86° 03' 41" West 105.06 feet and North 68° 09' 10" West 20.53 feet to the most Easterly corner of that certain 2.000 acre parcel of land, as described in the Deed from the Santa Clara County Flood Control and Water Conservation District, State of California, a body politic and corporate, to the Department of Veterans Affairs of the State of California, dated March 2, 1964, and recorded October 11, 1967 in Book 7888 of Official Records, at page 215, Santa Clara County Records; thence along the Southeasterly line of said 2.000 acre parcel of land, South 40° 54' 18" West 787.21 feet to a point on the Northeasterly line of the Guadalupe River, as relocated and as described as Parcel 2 in the Deed from the Department of Veterans Affairs of the State of California, to the Santa Clara County Flood Control and Water Conservation District, dated August 23, 1963 and recorded October 11, 1967 in Book 7888 of Official Records, at page 225, Santa Clara County Records; thence along last said line, North 34° 57' 37" West 490.19 feet to a point; thence leaving last said line, North 31° 30' 07" East 170.27 feet; thence North 34° 57' 37" West 70.90 feet; thence North 31° 30' 07" East 553.30 feet to a point on the Northeasterly line of said Parcel 1; thence along said Northeasterly line, South 52° 06' East 727.39 feet to the Point of Beginning.

AND ALSO EXCEPTING THEREFROM that portion conveyed by Deed dated March 28, 1974 and recorded May 30, 1974 in Book 0919 of Official Records, at page 604, from Charles J. Sylvia and Maedene D. Sylvia, his wife, to Santa Clara Valley Water District, as follows:

Being a portion of Parcels 1 and 3, as said parcels are described in the Deed recorded in Book 9638 of Official Records, at page 594, in the office of the Recorder, County of Santa Clara, State of California, to wit:

Beginning at the Northwesterly corner of said Parcel 3; thence along the Northerly line of said Parcel 3, N. 86° 44' 05" E., 30.48 feet; thence leaving said line, along a line parallel with and distant Northeasterly 30.00 feet from the Southwesterly line of said lands, S. 13° 23' 39" E., 61.37 feet; thence along a tangent curve to the left, having a radius of 795.00 feet, through a central angle of 03° 31' 31", for an arc distance of 48.91 feet; thence leaving said line, N. 73° 04' 50" E., 30.00 feet; thence along a curve to the left from a tangent which bears S. 16° 55' 10" E., having a radius of 765.00 feet, through a central angle of 09° 22' 32" for an arc distance of 125.18 feet; thence S. 63° 42' 18" W., 30.00 feet

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to a line parallel with and distant Northeasterly 30.00 feet from the aforesaid Southwesterly line of said lands; thence along a curve to the left from a tangent which bears S. 26° 17' 42" E., having a radius of 795.00 feet, through a central angle of 08° 53' 10", for an arc distance of 123.30 feet; thence S. 35° 10' 52" E., 881.31 feet to the Southeasterly line of the aforesaid Parcel 1; thence along said line, S. 31° 16' 52" W., 32.72 feet to the Southwesterly line of the aforesaid Parcel 1; thence along said line, N. 35° 10' 52" W., 894.39 feet; thence along a tangent curve to the right, having a radius of 825.00 feet, through a central angle of 21° 47' 13", for an arc distance of 313.71 feet; thence N. 13° 23' 39" W., 66.72 feet to the point of beginning.

PARCEL 5:

Commencing at a 3/4" iron pipe at the most Southerly corner of that certain 40 acre tract of land described in the Deed from Gallagher Fruit Company, a corporation, to James Caviglia and Charles Maridon, dated May 9, 1946 and recorded May 14, 1946 in Book 1358 of Official Records, page 101, Santa Clara County Records, said point of commencement lying in the Northeasterly line of the Santa Clara-Alviso Road (60' wide); thence along said Northeasterly line, North 28° 15' West 1505.00 feet; thence at right angles to last said course, South 61° 45' West 60 feet to the Southwesterly line of said Santa Clara-Alviso Road (60' wide); thence Northerly and along said Southwesterly line, North 28° 15' West 928.49 feet to a point on said Southwesterly line lying South 61° 45' West 60.00 feet from the intersection of the Northeasterly line of the said Santa Clara-Alviso Road (60' wide), with the Southerly line of the parcel of land described first in Parcel 6 in that certain Action entitled, "Case No. 100135, The People of the State of California, Plaintiff vs. William Curtis Swabey, et al, Defendants", in the Superior Court of the State of California, in and for the County of Santa Clara, a certified copy of which was filed for record in the office of the Recorder of the County of Santa Clara, State of California on September 19, 1956 in Book 3608 of Official Records, page 496; thence North 61° 45' East 60.00 feet to the said intersection; thence along said Southerly line, North 19° 31' 18" West 323.92 feet; thence North 5° 37' 11" West 291.65 feet; thence North 75° 56' 53" East 367.63 feet; thence along a tangent curve to the left, having a radius of 300.00 feet, through a central angle of 47° 19' 56", an arc distance of 247.83 feet; thence on a tangent bearing North 28° 36' 57" East 144.98 feet; thence along a tangent curve to the right, having a radius of 200.00 feet, through a central angle of 56° 13' 50", an arc distance of 196.28 feet; thence on a tangent bearing North 84° 50' 47" East 337.10 feet; thence North 86° 44' 05" East 547.97 feet to the true point of beginning of this description; thence from said true point of beginning, North 86° 44' 05" East 178.88 feet; thence North 88° 54' 23" East 419.70 feet; thence South 6° 17' 30" East 139.44 feet; thence South 25° 57' 30" West 303.60 feet; thence South 34° 27' 30" West 266.51 feet; thence North 35° 10' 52" West 322.99 feet; thence along a tangent curve to the right, having a radius of 825.00 feet, through a central angle of 21° 47' 13", an arc distance of 313.71 feet; thence on a tangent bearing North 13° 23' 39" West 66.72 feet to the true point of beginning.

EXCEPTING THEREFROM that portion conveyed by Deed dated March 28, 1974 and recorded May 30, 1974 in Book 0919 of Official Records, at page 604, from Charles J. Sylvia and Maedene D. Sylvia, his wife, to Santa Clara Valley Water District, as follows:

Being a portion of Parcels 1 and 3, as said parcels are described in the Deed recorded in Book 9638 of Official Records, at page 594, in the office of the Recorder, County of Santa Clara, State of California, to wit:

Beginning at the Northwesterly corner of said Parcel 3; thence along the Northerly line of said Parcel 3, N. 86° 44' 05" E., 30.48 feet; thence leaving said line, along a line parallel with and distant Northeasterly 30.00 feet from the Southwesterly line of said lands, S. 13° 23' 39" E., 61.37 feet; thence along a tangent curve to the left, having a radius of 795.00 feet, through a central angle of 03° 31' 31", for an arc distance of 48.91 feet; thence leaving said line, N. 73° 04' 50" E., 30.00 feet; thence along a curve to the left from a tangent which bears S. 16° 55' 10" E., having a radius of 765.00 feet, through a central angle of 09° 22' 32" for an arc distance of 125.18 feet; thence S. 63° 42' 18" W., 30.00 feet to a line parallel with and distant Northeasterly 30.00 feet from the aforesaid Southwesterly line of said lands; thence along a curve to the left from a tangent which bears S. 26° 17' 42" E., having a radius of 795.00 feet, through a central angle of 08° 53' 10", for an arc distance of 123.30 feet; thence S. 35° 10' 52" E., 881.31 feet to the Southeasterly line of the aforesaid Parcel 1; thence along said line, S. 31° 16' 52" W., 32.72 feet to the Southwesterly line of the aforesaid Parcel 1; thence along said line, N. 35° 10' 52" W., 894.39 feet; thence along a tangent curve to the right, having a radius of 825.00 feet, through a central angle of 21° 47' 13", for an arc distance of 313.71 feet; thence N. 13° 23' 39" W., 66.72 feet to the point of beginning.

PARCEL 6:

Parcel A:

All those certain parcels of land described in the Deeds, No. 16452 and No. 16453, to the State of California, recorded respectively on November 21, 1956 in Volume 3664 at page 285, and on June 11, 1959 in Volume 4446 at page 287, both of Official Records of Santa Clara County, and being described as a whole as follows:

Commencing at the most Westerly corner of said parcel (4446 OR 287); thence along the Southwesterly line of last said parcel and along the general Southerly line of said parcel (3664 OR 285), S. 46° 00' 58" E., 187.65 feet, along a tangent curve to the left, with a radius of 82.00 feet, through an angle of 57° 30' 14", an arc length of 82.30 feet, N. 76° 28' 48" E., 77.21 feet and N. 38° 18' 02" E., 40.00 feet to the Northwesterly line of last said parcel; thence along last said line and along the Northeasterly line of said parcel (4446 OR 287), N. 51° 41' 58" W., 166.18 feet to the Northerly line of last said parcel; thence along last said line, S. 89° 33' 32" W., 180.59 feet to the point of commencement.

Parcel B:

All of that portion of N. 1st Street (formerly San Jose-Alviso Road) extending Northwesterly from the Northerly line of said parcel (4446 OR 287), and terminating on the Southwesterly prolongation of the course described as "N.  $43^{\circ} 59' 02''$  E., 40.00 feet", in the Director's Deed to David Froese, et ux, recorded September 14, 1970 in Volume 9051 at page 497, Official Records of said County.

The bearings and distances used in the above descriptions are on the California Coordinate System, Zone 3. Multiply the above distances by 1.0000530 to obtain ground level distances.

EXHIBIT C

The land referred to herein is situated in the State of California, County of Contra Costa, City of Pittsburg, described as follows:

Surveys Nos. 176, 177, 178, 179 and 180, Swamp and Overflowed Lands, Contra Costa County, Township 2 North, Range 1 East, Mount Diablo Base and Meridian, as particularly described in the patents from the State of California, recorded in Book 1 of Patents, pages 144, 151, 142, 146 and 161, respectively, in the office of the County Recorder of Contra Costa County, reference being hereby made to the record thereof for a complete description.

Excepting therefrom: The following described parcel, being the parcel conveyed by C. A. Hooper & Co. to City of Stockton by deed dated July 15, 1929, recorded August 6, 1929, in Book 191 of Official Records, page 271, in the office of the County Recorder of Contra Costa County, and containing, according to said deed, 100 acres, more or less, and particularly described as follows:

"All that certain real property in the County of Contra Costa, State of California, described as follows:

Sections 3, 4, 9 and 10, Township 2 North, Range 1 East, Mount Diablo Base and Meridian, as delineated in Book 23 of Deeds, page 550, Contra Costa County Records, being portions of Lots "D", "E", "F", "G", "I", "K", "L", "M", & "N", of New York Island, lying on the northerly side of New York Slough and more particularly described as follows:

Beginning at a point on the boundary line between Lots "C" and "D", 1150 feet northerly, measured along said boundary line from the low water line of New York Slough; thence from said point of beginning, continuing in a northerly direction along said boundary line and along said boundary line extended, a distance of 1355 feet; thence east 1325 feet, more or less, to the boundary line between Lots "M" and "L"; thence in a northerly direction along said boundary line between Lots "M" and "L", 1925 feet, more or less, to the low water line of Suisun Bay; thence in an easterly direction, along the low water line of Suisun Bay to a point on a line parallel to and 50 feet distant from said boundary line between Lots "M" and "L";

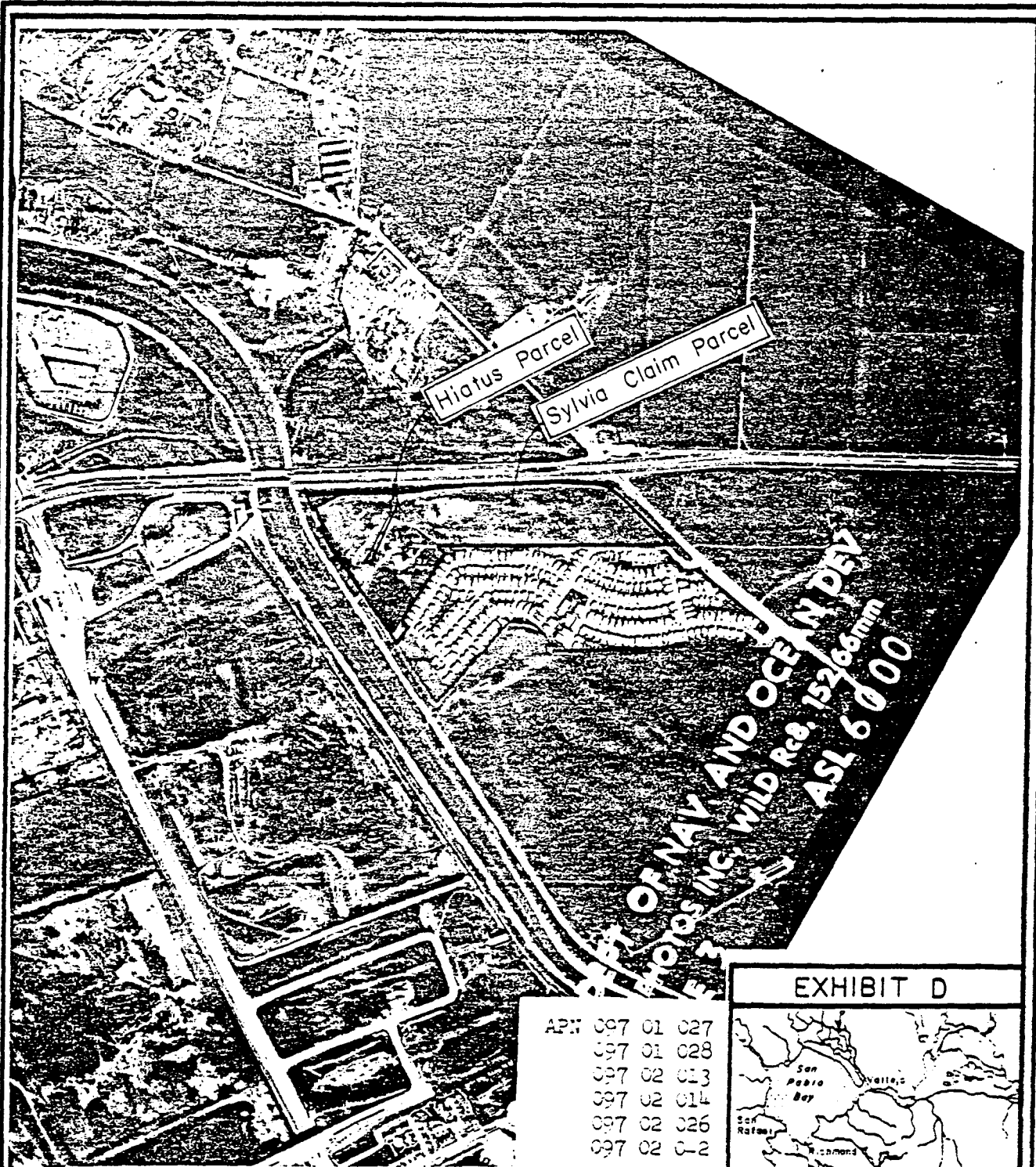
thence leaving the low water line of Suisun Bay in a southerly direction, along said line parallel to and 50 feet distant from said boundary line between Lots "M" and "L", 1925 feet, more or less, to a point of intersection with the above mentioned course, "East 1325 feet", extended; thence east 1250 feet, more or less, to a point on the northerly portion of the boundary line between Lots "F" and "G", extended thence in a southerly direction along said extension of boundary line and along the boundary line between Lots "F" and "G", 1675 feet, thence West 1775 feet; thence North 69° 22' West, 908.2 feet, more or less, to the point of beginning.

Also excepting therefrom the following described real property situated in the County of Contra Costa, State of California; being more particularly described as follows:

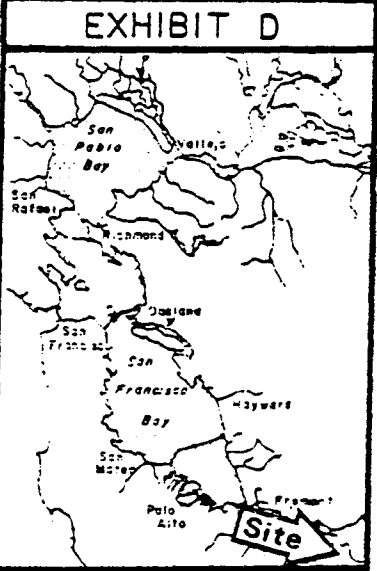
Commencing at the most southerly corner of Survey No. 180 Swamp and Overflowed Lands, Contra Costa County; thence northwesterly along the southwesterly line of said survey, North 54° 06' West, 1023.00 feet; thence North 53° 04' West, 563.64 feet; thence North 65° 51' West, 366.12 feet; thence leaving said southwesterly line North 15° 36' 05" East, 69.54 feet to the point of beginning for this description, basis of bearing for this description is the Lambert Grid, Zone 3, State of California; thence from said point of beginning South 15° 36' 05" West, 69.54 feet to a point on the aforesaid S. & O. Survey 180; thence westerly and northeasterly along said survey line North 65° 51' West, 113.70 feet; thence North 48° 16' West, 539.22 feet; thence North 35° 29' East, 107.58 feet; thence North 81° 54' East, 217.80 feet; thence South 36° 11' East, 374.22 feet; thence North 65° 29' East, 86.96 feet to a point; thence leaving said survey line South 15° 36' 05" West, 198.11 feet to the point of beginning.

Being the westerly portion of aforesaid S. & O. Survey No. 180 and situated in Section 8, Township 2 North, Range 1 East, Mount Diablo Base and Meridian, Contra Costa County, California.

Together with any and all other right, title, or interest of East Bay Regional Park District acquired by reason of that certain deed recorded August 11, 1977 in Book 8459, page 25, Official Records of Contra Costa County.



APN 097 01 027  
 097 01 028  
 097 02 013  
 097 02 014  
 097 02 026  
 097 02 0-2



STATE LANDS COMMISSION  
 AIR PHOTO PLAT  
 EXPOSURE NO. 27  
 of DNOD FLIGHT NO. AFU-2-C  
 on FEB. 25, 1977

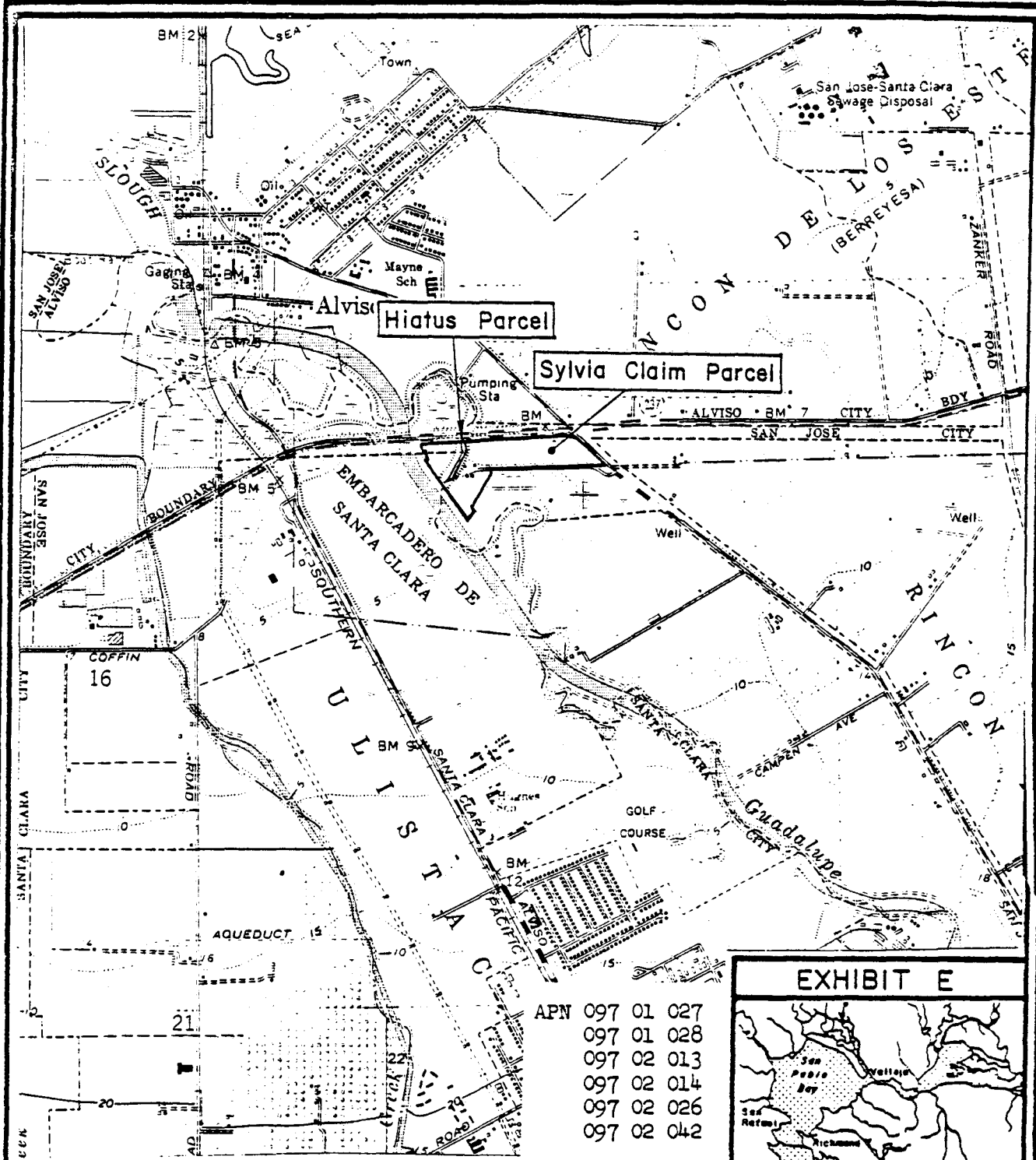
Prepared by: jsf

Date: 8-25-78

Title Study: SYLVIA

W 21550

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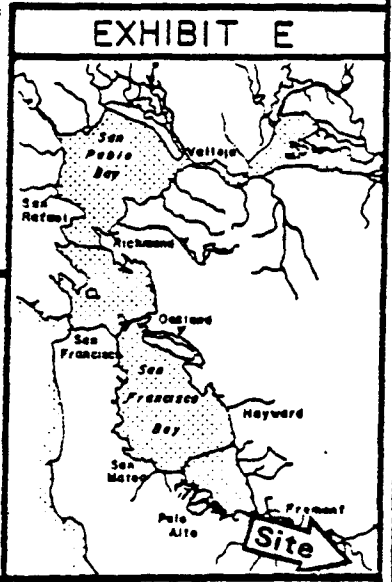
- APN 097 01 027
- 097 01 028
- 097 02 013
- 097 02 014
- 097 02 026
- 097 02 042

**STATE LANDS COMMISSION**  
**PORTION OF U.S.G.S. QUADRANGLE**  
**MILPITAS 1961**  
**PHOTOREVISED 1968 & 1973**

Prepared by: jsf  
 Title Study: SYLVIA

Date: 8-27-78

W 21550



Z 3-N 33-E 157



