

MINUTE ITEM  
21  
21  
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meeting.  
12/20/78

CALENDAR ITEM

21.

12/78  
W 20101  
Cook  
PRC 5616

APPROVE ASSIGNMENT BY THE NATURE CONSERVANCY TO UNITED STATES FISH AND WILDLIFE SERVICE OF RIGHT TO LEASE FROM THE STATE AN AREA OF IMPROVEMENTS AT LOWER TUBBS ISLAND, SONOMA COUNTY; RESCIND PRIOR LEASE AUTHORITY; AND AUTHORIZE A LEASE TO THE UNITED STATES FISH AND WILDLIFE SERVICE

Pursuant to Compromise Settlement Agreement (BLA 153, recorded in Book 3435 at page 432, Official Records of Sonoma County Recorder), between the Nature Conservancy and the State of California, approved and authorized by the Commission at its regular public meeting on December 5, 1976, Minute Item No. 29, the State agreed, as part of the title settlement, (paragraph 15) to lease to the Nature Conservancy certain real property of the State of 0.98 acres, more or less upon which improvements were located, as shown on the attached Exhibit "A". The Nature Conservancy is the owner of the upland parcel shown on Exhibit "A" while the State is the owner of the adjoining land, the parties boundary being depicted by the heavy black line.

The overall title settlement established by the said agreement is depicted on the attached Exhibit "B".

While the lease has been executed by the Nature Conservancy and the State, it has not been delivered and has not become effective pending receipt of a certificate of insurance upon which it is conditioned. This lease, while not yet effective, should be rescinded to clear the record.

Since the settlement agreement, the Nature Conservancy has agreed to convey its interest in Lower Tubbs Island (as established by the settlement) to the United States Fish and Wildlife Service as part of the Federal San Pablo Bay Wildlife Refuge. As part of such conveyance the Nature Conservancy has agreed to assign to the United States its right to the lease.

ATTACHMENTS: A. Lease Area. B. Settlement Area.

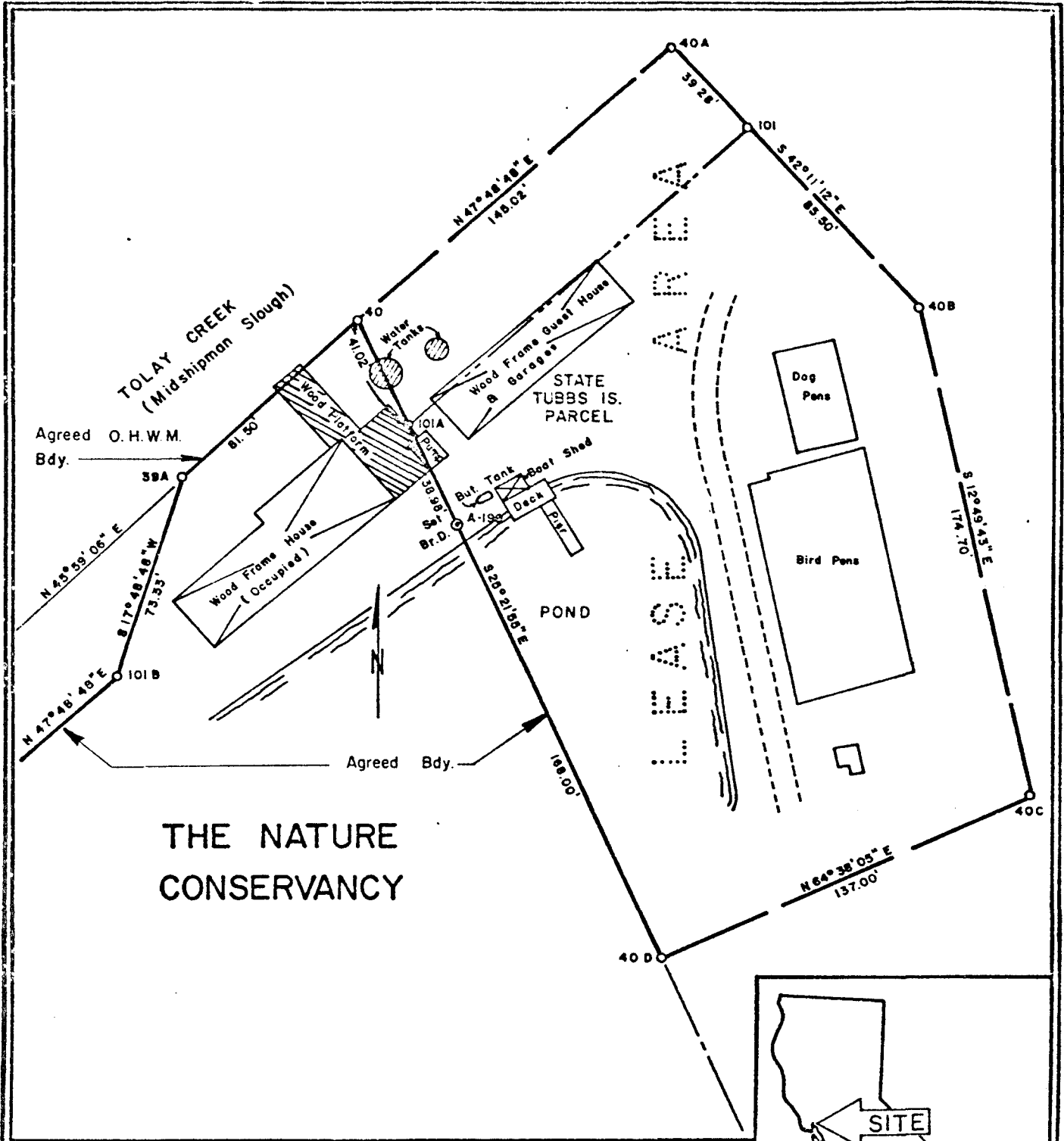
IT IS RECOMMENDED THAT THE COMMISSION:

- 1. RESCIND THE AUTHORITY TO LEASE INCLUDED IN COMMISSION MINUTE ITEM NO. 29 OF DECEMBER 15, 1976.

A 8  
S 4

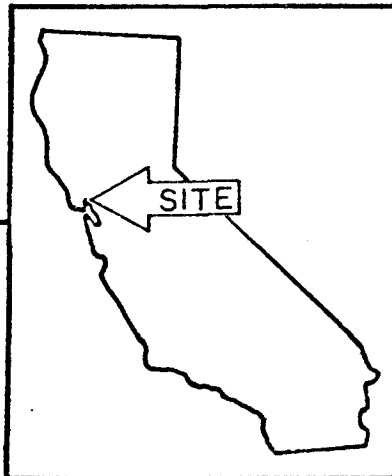
CALENDAR ITEM NO. 21. (CONTD)

2. APPROVE THE ASSIGNMENT BY THE NATURE CONSERVANCY TO THE UNITED STATES OF ITS CONTRACTUAL RIGHT TO LEASE SET FORTH IN PARAGRAPH 15 OF THE SAID AGREEMENT BETWEEN THE STATE AND NATURE CONSERVANCY, RECORDED IN BOOK 3432 AT PAGE 432, OF OFFICIAL RECORDS, SONOMA COUNTY RECORDER.
3. FIND THAT THE ISSUANCE OF A 49-YEAR LEASE, IN SUBSTANTIALY THE FORM OF THE COPY OF THE LEASE ON FILE WITH THE COMMISSION, TO THE UNITED STATES FISH AND WILDLIFE SERVICE OF THE REAL PROPERTY SHOWN IN STATE OWNERSHIP IN EXHIBIT "A" FOR PURPOSES OF THE FEDERAL WILDLIFE REFUGE WITHOUT RENTAL CHARGE IS REQUIRED BY SAID AGREEMENT AND IS IN THE BEST INTEREST OF THE STATE AND AUTHORIZE ITS ISSUANCE.
4. FIND THAT THE LEASE IS REQUIRED BY COMPROMISE AGREEMENT MADE IN LIEU OF LITIGATION IN FURTHERANCE OF THE FINAL SETTLEMENT OF A TITLE AND BOUNDARY DISPUTE AND THE PROVISIONS OF CEQA ARE INAPPLICABLE PURSUANT TO SECTION 6371 OF THE P.R.C.



THE NATURE  
CONSERVANCY

STATE LANDS DIVISION  
LEASE AREA  
Containing 0.98 ACRES

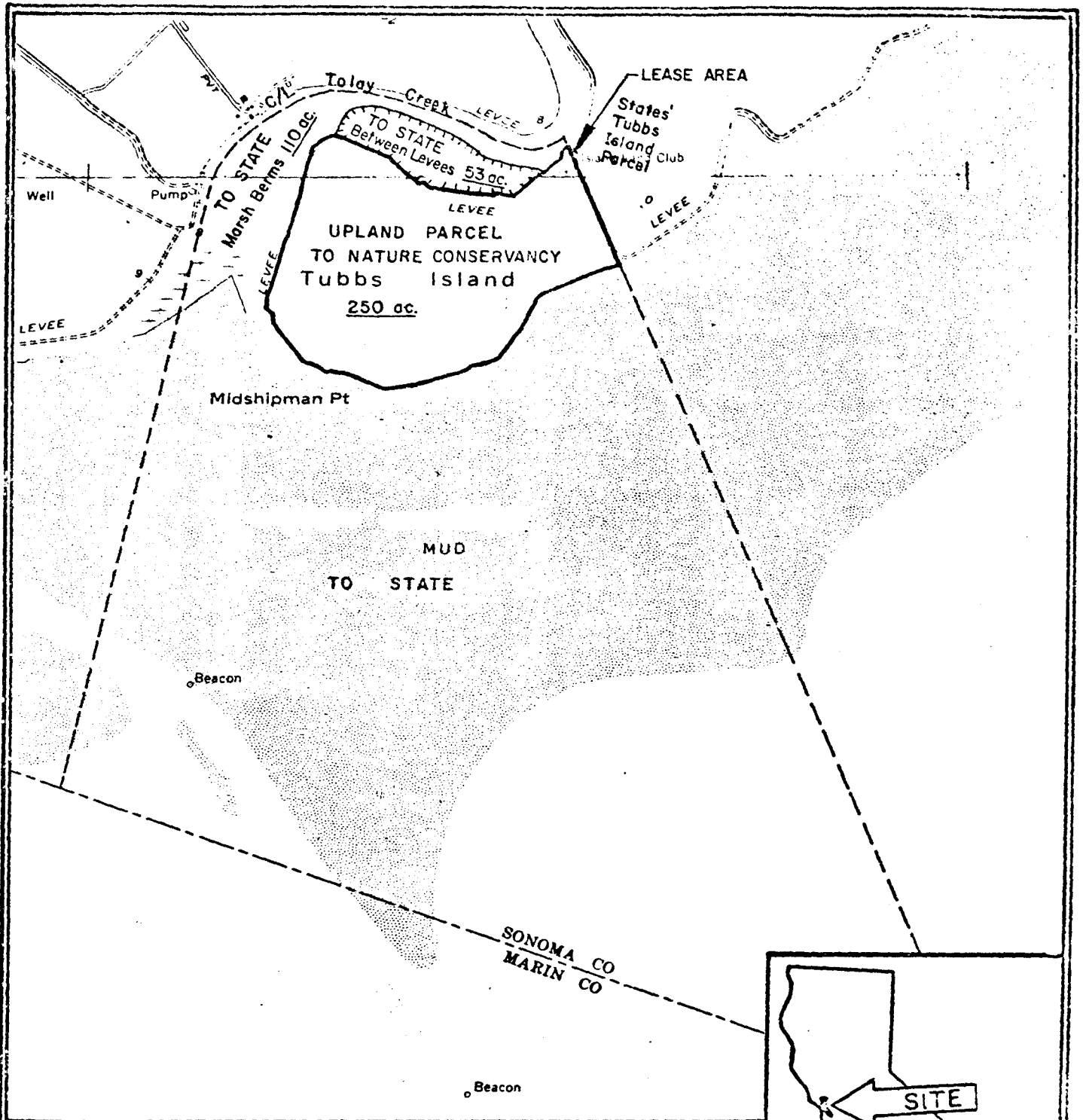


Prepared by: B. Lee Date: 3-18-77

Title Study: LOWER TUBBS ISLAND

EXHIBIT A

W 20101



STATE LANDS DIVISION  
 PORTION OF U.S.G.S. QUADRANGLES —  
 SEARS POINT 1951 & PETALUMA POINT 1959  
 PHOTOREVISED 1968

Prepared by: B. Lee Date: 12-3-76

Title Study: LOWER TUBBS ISLAND

EXHIBIT B

W 20101