

RESOLUTION NO. 2016-2080

A RESOLUTION OF THE LAS GALLINAS VALLEY SANITARY DISTRICT AUTHORIZING THE GENERAL MANAGER TO ENTER INTO NEGOTIATIONS WITH THE STATE LANDS COMMISSION TO AMEND GENERAL LEASE PRC 6201.9 FOR THE SITE AND PARCELS 1, 2 & 3 AS DESCRIBED IN EXHIBIT "A" AND SHOWN ON EXHIBIT "B"

LAS GALLINAS VALLEY SANITARY DISTRICT

WHEREAS, the District entered into separate lease agreements with the State Lands Commission ("SLC"), Lease No. PRC 6201.9 for Parcel 2 and Lease No. PRC 2882.9 for Parcel 3, as described in Exhibit "A" and shown on Exhibit "B," attached hereto and made a part hereof; and

WHEREAS, Lease No. PRC 2882.9, has expired and that the District and the SLC jointly desire to amend Lease No. 6201.9 to include Parcel 1 and Parcel 3, as described in Exhibit "A" and shown on Exhibit "B".

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Las Gallinas Valley Sanitary District (District) as follows:

THAT the District hereby authorizes the General Manager to enter into negotiations with the State Lands Commission regarding the terms and conditions of an amendment to Lease No. PRC 6201.9 with the State Lands Commission for the property identified as Parcel 1, Parcel 2, and Parcel 3 as described in Exhibit A and shown on Exhibit B, attached hereto and made a part hereof.


\* \* \* \* \*

I hereby certify that the forgoing is a full, true, and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of the Las Gallinas Valley Sanitary District, Marin County, California, at a meeting thereof held on the 13th day of October 2016, by the following vote of the members thereof:

AYES, and in the favor thereof, Members: Clark, Elias, Greenfield, Murray and Schriebman  
NOES, Members: None.  
ABSENT, Members: None.  
ABSTAIN, Members: None.

ATTEST:  
  
Teresa L. Lerch, District Secretary  
Las Gallinas Valley Sanitary District

APPROVED: (SEAL)

  
Judy Schriebman, Board President  
Las Gallinas Valley Sanitary District



RECORDED AT THE REQUEST OF  
AND WHEN RECORDED MAIL TO:  
STATE OF CALIFORNIA  
State Lands Commission  
Attn: Title Unit  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

**STATE OF CALIFORNIA**  
**OFFICIAL BUSINESS**  
Document entitled to free recordation  
pursuant to Government Code Section 27383

*SPACE ABOVE THIS LINE FOR RECORDER'S USE*

A.P.N. 155-011-15, 155-011-18, 155-011-23,  
157-190-05  
County: Marin

**STATE OF CALIFORNIA**  
**STATE LANDS COMMISSION**

**FIRST AMENDMENT OF LEASE NO. PRC 6201.9**

**WHEREAS**, the State of California, acting through the State Lands Commission, hereinafter called Lessor, and, Las Gallinas Valley Sanitary District hereinafter called the Lessee, have heretofore entered into an agreement designated as Lease No. PRC 6201.9 (Lease), authorized by the State Lands Commission on August 26, 1982 and executed by the State Lands Commission on June 21, 1991, whereby Lessor granted to Lessee a 49-year term covering certain State lands (Lease Premises), described as Parcel 2 on Exhibit A and shown on Exhibit B (for reference purposes only), attached hereto and made a part hereof, situated in Marin County; and

**WHEREAS**, Section 4, Paragraph 15(e) provides that the Lease may be terminated and its terms, covenants and conditions amended, revised or supplemented only by mutual written agreement of the Lessor and the Lessee (hereinafter referred to as the Parties); and

**WHEREAS**, the current sediment accumulation in Lower Miller Creek is reducing discharge efficiencies for Lessee's outfall, Lessee has planned a project to improve the flood and sediment capacity of Lower Miller Creek; and

**WHEREAS**, an estimated 9,450 cubic yards will be removed from an approximately 2,655-foot long channel covering 3.25 acres along Miller Creek upstream of Reclamation Bridge and will be reused on levees and as fill at the existing gravel parking area at Lessee's facilities, and

**WHEREAS**, Lessor acquired title to property adjacent to the Lease Premises through a Title Settlement Agreement (AD 222) with the Catholic Youth Organization of the Archdiocese of San Francisco (CYO) as authorized by Lessor on December 21, 1994, wherein the CYO conveyed to Lessor certain lands along the existing Miller Creek (described as Parcel 1 on Exhibit A and shown on Exhibit B (for reference

purpose only), and

**WHEREAS**, Lessee desires to install a cattle exclusion fence on Lessor's adjacent property (Parcel 1) to prevent cattle from entering Miller Creek and newly planted native vegetation, and

**WHEREAS**, Lessor desires Lessee to manage, maintain, and preserve Parcels 1 for the installation and maintenance of a cattle exclusion fence and the management of wildlife habitat, open space preservation, public access, and drainage improvements, and

**WHEREAS**, by reason of the foregoing, it is now the desire of the Parties to amend the Lease.

**NOW THEREFORE**, the Parties hereto agree as follows:

1. Delete Section 3 Land Description and replace with Exhibit A Land Description and Exhibit B Site and Location Map (for reference purposes only), attached and by this reference made a part hereof.
2. Modify and supplement Section 1 of Basic Provisions, to include the following:

**LAND USE OR PURPOSE:** Management of wildlife habitat, open space preservation, public access, and drainage improvements, as required in the existing bed of Miller Creek.

As to Parcel 1 only: Installation and maintenance of a cattle exclusion fence atop the west levee of Lower Miller Creek.

3. Amend Section 2 of the lease to add the following paragraphs:
  1. Lessee's use of the Lease Premises and any Improvements thereon is at Lessee's sole and exclusive risk.
  2. Lessee shall notify Lessor immediately in case of any accident, injury, or casualty on the Lease Premises.
  3. Lessee shall submit an application for an amendment to the lease for any Miller Creek drainage maintenance project on State marsh land adjacent to the Lease Premises including copies of all applications, permits, and approvals from all other agencies with jurisdiction.

In the event of a conflict between the terms of this First Amendment and the original Lease, the provision of this Amendment shall control.

The effective date of this Amendment to the Lease shall be, October 13, 2016.

This Amendment is a portion of Lease No. PRC 6201.9, with a beginning date of August 26, 1982, consisting of four (4) sections with a total of 16 pages.

All other terms and conditions of the Lease shall remain in full force and effect.

This Amendment will become binding on the Lessor only when duly executed on behalf of the State Lands Commission of the State of California.

**IN WITNESS WHEREOF**, the parties hereto have executed this First Amendment as of the dates hereafter affixed.

LESSEE:  
LAS GALLINAS VALLEY  
SANITARY DISTRICT

LESSOR:  
STATE OF CALIFORNIA  
STATE LANDS COMMISSION

By: \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Robert Brian Bugsch, Chief  
Land Management Division

Date: \_\_\_\_\_

**ATTACH NOTARY ACKNOWLEDGEMENT**

This Lease was authorized by the  
California State Lands Commission on

\_\_\_\_\_  
(Month Day Year)

## EXHIBIT A

PRC 6201.9

### LAND DESCRIPTION

Three (3) parcels of submerged lands, tidelands and sovereign lands situate near the City of San Rafael, adjacent to the protracted Sections 2, 3, 10, 11 and 15 of Township 2 North, Range 6 West, MDM as shown on the Official Government Township Plat, approved July 24<sup>th</sup>, 1871, County of Marin, State of California, and more particularly described as follows:

#### Parcel 1 (PARCEL ONE - AD 122)

That parcel of land as described in "EXHIBIT 1" of that grant deed to the State of California by the Catholic Youth Organization of the Archdiocese of San Francisco, recorded on March 18, 1998 in Document No. 98-016821, Official Records of said county.

#### Parcel 2

BEGINNING at the Northeast corner of that certain parcel of land described in the deed from Saint Vincent's Roman Catholic Orphan Asylum of San Francisco for Boys to the Las Gallinas Valley Sanitary District recorded December 20, 1965 in Book 2009 at Page 464, Marin County Records, said point being also on the line designated "Limit of Jurisdiction of the Tide Land Commissioners" as shown on that certain map entitled "Map No. 3, Salt Marsh and Tide Lands" surveyed by G. F. Allardt in 1870, running thence from said POINT OF BEGINNING along said Limit of Jurisdiction line the following courses and distances: North 62°22'08" East 243.27 feet, North 63°43'08" East 869.88 feet, North 65°27'08" East 732.60 feet, North 67°03'08" East 723.36 feet, North 68°36'08" East 714.78 feet, North 69°26'03" East 74.64 feet, North 70°12'39" East 632.83 feet, North 71°41'26" East 671.22 feet; thence leaving said Limit of Jurisdiction line and running North 15°27'17" West 162.12 feet, North 47°24'01" East 118.19 feet, North 31°19'43" East 134.63 feet, North 22°22'48" East 110.31 feet, North 3°04'49" West 223.32 feet, North 9°52'36" West 227.37 feet, North 44°05'26" West 44.55 feet, North 76°10'17" West 401.64 feet, North 15°31'27" West 112.09 feet, North 56°20'01" East 273.06 feet to a point hereinafter referred to as Point "A", running thence North 17°42'39" East 294.29 feet, North 26°54'40" East 2,428.24 feet, North 1°44'58" East 2,593.49 feet, more or less, to the boundary line between the lands of St. Vincent's School For Boys and the United States Government Hamilton Air Force Base, said point hereinafter referred to as Point "B", running thence westerly along said boundary line North 88°41'18" West 1,900.46 feet, thence leaving said boundary line and running South 2°04'31" East 3,067.31 feet, South 89°50'22" West 1,161.52 feet, South 0°09'38" East 1,924.24 feet, North 82°46'32" West 357.84 feet, South 2°28'18" West 920.86 feet, South 87°21'32" West 850.83 feet, South 34°01'26" West 703.78 feet, South 67°03'08" West 1,279.46 feet, more or less to the West boundary of Survey No. 130 of Swamp and Overflow Lands, Marin County, California, running thence southerly along said westerly boundary, South 1°10'38" West 907.26 feet, more or less, to the most northerly corner of said lands of the Las Gallinas Valley Sanitary District (2009 OR 464); running

thence along the northeasterly boundary of said lands of the Las Gallinas Valley Sanitary District South  $51^{\circ}14'08''$  East 430.15 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM all those validly patented tidelands and swamp and overflowed lands falling within the boundaries of the above described "Parcel 2"

**Parcel 3 (Portion of PARCEL TWO – AD 122)**

That parcel of land as described in "EXHIBIT 1" of that quitclaim deed to the State of California by the Catholic Youth Organization of the Archdiocese of San Francisco, recorded on March 18, 1998 in Document No. 98-016820, Official Records of said county.

EXCEPTING THEREFROM all those lands lying northerly of the following described line:

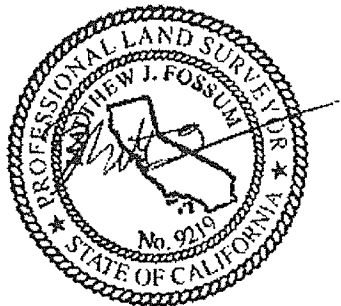
BEGINNING at a point which bears North  $17^{\circ}42'39''$  East 294.29 feet from the above described "Point A"; thence East to the easterly line of the above described parcel in "EXHIBIT 1".

BASIS OF BEARING of the above description "Parcel 2" is CCS27, Zone 3. All distances are ground distances.

The above description, "Parcel 2" is taken from that original description by Boundary and Title Unit, Leroy Weed, Supervisor on August 2, 1982 as found in Section 3 of Lease No. PRC 6201.9 authorized on August 26, 1982.

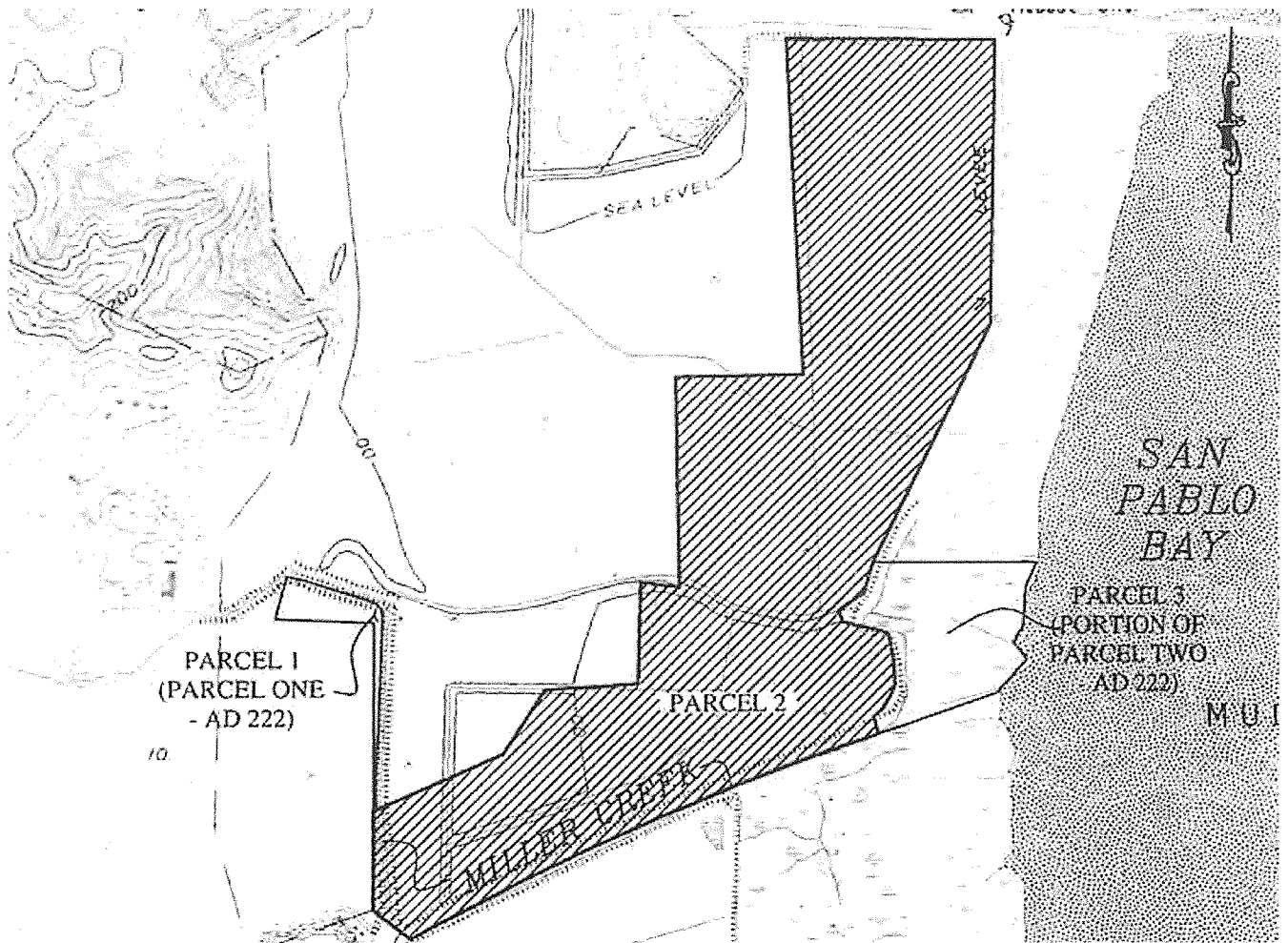
**END OF DESCRIPTION**

PREPARED 9/30/16 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

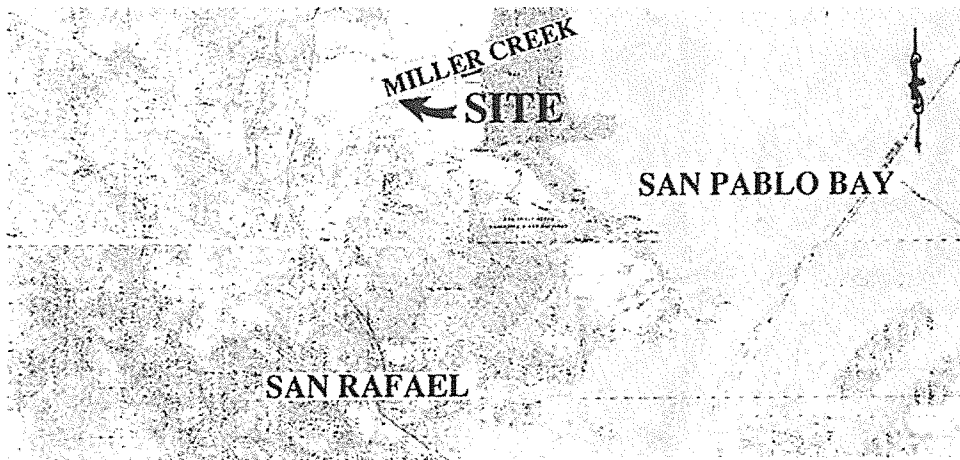
**SITE**



MILLER CREEK, NEAR SAN RAFAEL

NO SCALE

**LOCATION**



MAP SOURCE: USGS QUAD

**Exhibit B**

PRC 6201.9  
 LAS GALLINAS VALLEY  
 SANITARY DISTRICT  
 GENERAL LEASE -  
 PUBLIC AGENCY USE  
 MARIN COUNTY



MJF 9/30/16

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.