

**PREPARED FOR THE CALIFORNIA WATER COMMISSION
AMENDED RESOLUTION OF NECESSITY
DEPARTMENT OF WATER RESOURCES (DWR) STAFF REPORT – ENCUMBRANCES
March 20, 2013**

RON No.: 2012-10
Adoption Date: February 15, 2012
Project: Geotechnical Activities in support of the Bay Delta Conservation Plan (BDCP)
APN: 001-111-004-6; 001-111-005-3
DWR Parcel No.: DCAT-685/DCAP-532
Owner(s): Coney Island Farms, Inc.
Rights to be Acquired: Permanent Non-Exclusive Easement, Temporary Construction Easement, and Temporary Access Easement

AMENDMENT PURPOSE

The purpose of this amendment is to include additional findings in the Resolution of Necessity regarding the impacts of the acquisition on the existing encumbrances as identified in California Code of Civil Procedure Sections 1240.510 and 1240.610.

“Any person authorized to acquire property for a particular use by eminent domain may exercise the power of eminent domain to acquire for that use property appropriated to public use if the proposed use will not unreasonably interfere with or impair the continuance of the public use as it then exists or may reasonably be expected to exist in the future. Where property is sought to be acquired pursuant to this section, the complaint, and the resolution of necessity if one is required, shall refer specifically to this section.” California Code Civil Procedure Section 1240.510.

“Any person authorized to acquire property for a particular use by eminent domain may exercise the power of eminent domain to acquire for that use the property appropriated to public use if the use for which the property is sought to be taken is a more necessary public use than the use to which the property is appropriated. Where property is sought to be acquired pursuant to this section, the complaint, and the resolution of necessity if one is required, shall refer specifically to this section.” California Code Civil Procedure Section 1240.610.

PARCEL INFORMATION

Detailed Parcel Description: The subject property is an irregularly shaped parcel containing 480+ acres and improved with a large 4,940 square foot, single family residence and is currently planted to irrigated field crops. The property is located in an unincorporated area of Contra Costa County on Coney Island. Coney Island, consisting of two parcels, is a secluded private island surrounded by a slough. Situated southeast of Byron, the property is accessed from West Clifton Court Road, a local two-lane county maintained road.

Current Use: Agriculture – Irrigated Field Crops

FIRST AMERICAN TITLE GUARANTEE NO. 0623-3624588

DATED FEBRUARY 16, 2012

1-5. MISC TAXES

6. **RIGHTS OF THE PUBLIC** IN AND TO THAT PORTION OF THE LAND LYING WITHIN STREET, ROAD OR HIGHWAY.

7. AN EASEMENT FOR POLES TO P.G.& E., RECORDED JANUARY 31, 1929 AS BOOK 167, PAGE 190.

8. AN EASEMENT FOR UNDERGROUND CONDUITS TO PACIFIC TELEPHONE AND TELEGRAPH COMPANY RECORDED JUNE 10, 1966 AS INSTRUMENT NO. 43080 IN BOOK 5138, PAGE 195.
EXACT LOCATION CANNOT BE DETERMINED

9. TEMPORARY EASEMENT AND RIGHT OF WAY FOR PLACEMENT OF VELOCITY METERS TO STATE OF CALIFORNIA RECORDED JULY 23, 1969 AS AS INSTRUMENT NO. 51986 IN BOOK 5925, PAGE 72.
THE DOES NOT AFFECT-EASEMENT TERMINATED IN 1978.

10. AN EASEMENT FOR UNDERGROUND WIRES TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, TOGETHER WITH THE RIGHT OF INGRESS / EGRESS, RECORDED OCTOBER 14, 1969 AS INSTRUMENT NO. 72451 IN BOOK 5981, PAGE 541.

11. DEPARTMENT OF THE ARMY PERMIT TO MAINTAIN AN EXISTING FLOAT AND TO LAY A 220 VOLT SUBMARINE CABLE FROM CONEY ISLAND TO THE SOUTHERN END OF QUINN ISLAND RECORDED FEBRUARY 26, 1975, AS INSTRUMENT NO. 15599 IN BOOK 7440, PAGE 475.

*12. C.C.& R'S CONTAINED IN A DOCUMENT EXECUTED PURSUANT TO THE CA. LAND CONSERVATION ACT OF 1965 (WILLIAMSON ACT) AND RECORDED FEBRUARY 15, 1977 AS INSTRUMENT NO. 19437 IN BOOK 8204, PAGE 401.

*13. C.C.& R'S AND EASEMENTS IN THE DOCUMENT RECORDED JANUARY 07, 1987 AS INSTRUMENT NO. 87-3316 IN BOOK 13373, PAGE 705.

*14. PROCEEDINGS IN THE UNITED STATES DISTRICT COURT BETWEEN USA VS CONEY ISLAND FARMS, ET AL, CASE NO.C89-1096 SAW, DECLARATION OF TAKING AN EASEMENT RECORDED JUNE 13, 1989, INSTRUMENT NO. 89-109164 IN BOOK 15128, PAGE 155.

15. CONTRACT AND GRANT OF EASEMENT TO U.S.A. RECORDED NOVEMBER 01, 1990 AS INSTRUMENT NO. 90-229173 IN BOOK 16222, PAGE 35.

16. DECLARATION REGARDING **WATER QUALITY** FOR HERB SPECKMAN DOMESTIC WATER WELL PERMIT NO. D92-0105 RECORDED NOVEMBER 10, 1992 AS INSTRUMENT NO. 92-298195 IN BOOK 18015, PAGE 919.

*17. ORDINANCE NO. 97-30 REVISION OF EASTERN CONTRA COSTA SUB-REGIONAL TRANSPORTATION MITIGATION FEES RECORDED AUGUST 06, 1997 AS INSTRUMENT NO. 1997-140390.

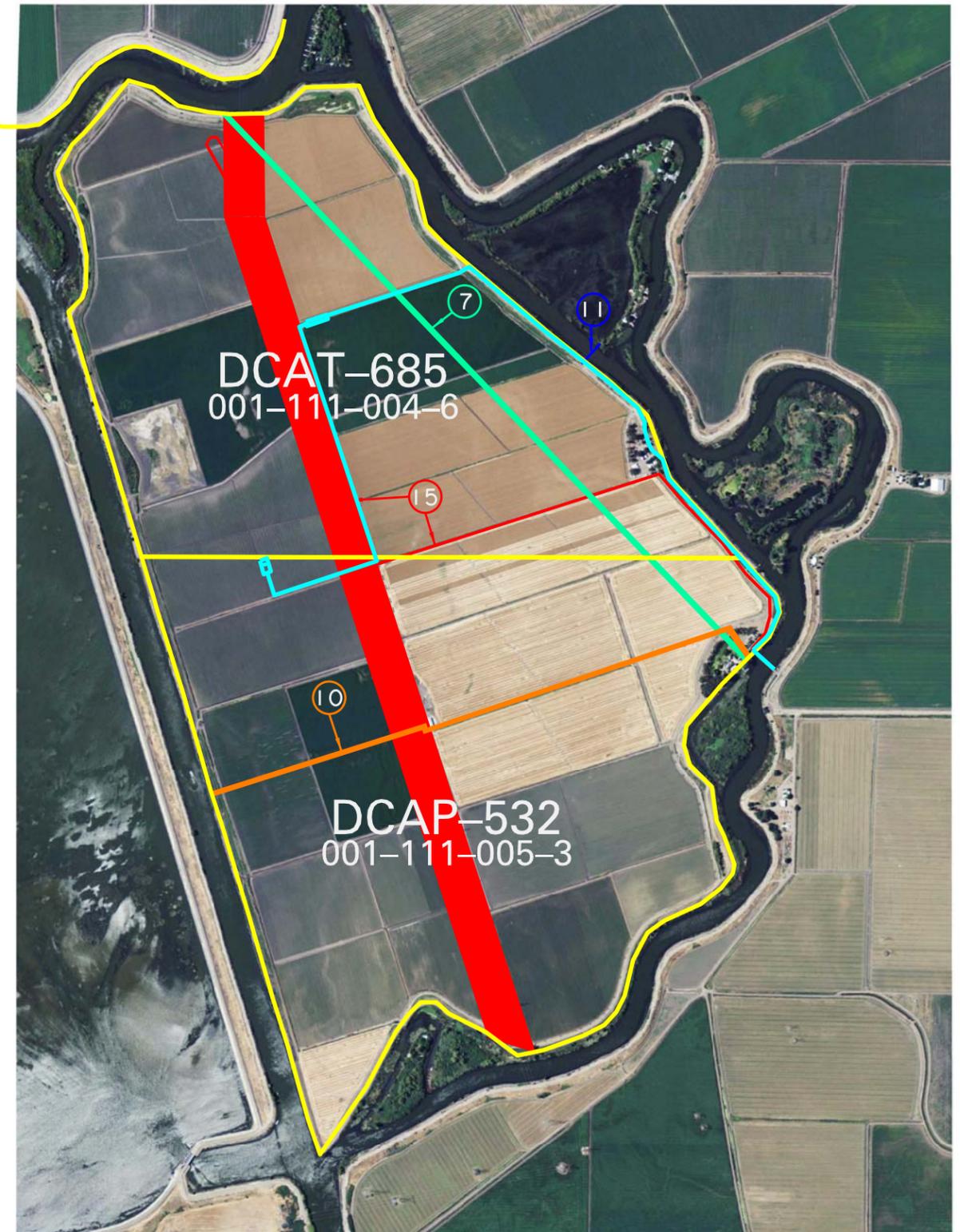
*18. ORDINANCE NO. 97-29 URGENCY MEASURE FOR INTERIM AUTHORIZATION TO REVISE EASTERN CONTRA COSTA SUB-REGIONAL TRANSPORTATION MITIGATION FEES RECORDED AUGUST 06, 1997 AS INSTRUMENT NO. 1997-140391.

*19. RESOLUTION AND ORDINANCE TO EXTEND THE URGENCY ORDINANCE FOR THE EASTERN CONTRA COSTA SUB-REGIONAL TRANSPORTATION MITIGATION FEE PROGRAM RECORDED AUGUST 18, 1997 AS INSTRUMENT NO. 1997-148355.

20-22. RIGHTS, CLAIMS OR TITLE NOT SHOWN BY THE PUBLIC RECORDS-**BLANKET TITLE COMPANY EXCEPTIONS**



LEGEND:
PROPERTY LINE ———
ACQUISITION LINE ———
* AFFECTS ENTIRE PARCEL



PREPARED 11/28/12

CONTRA COSTA COUNTY

STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
DIVISION OF ENGINEERING – GEODETIC BRANCH
THIS EXHIBIT DOES NOT REPRESENT A SURVEY AND IS FOR INFORMATIONAL PURPOSES ONLY

**DELTA HABITAT CONSERVATION
AND CONVEYANCE PROGRAM
PARCEL TITLE EXCEPTIONS**