



# MEMORANDUM

**Date:** February 18, 2000

**To:** Regional Manager  
Central Coast Region  
California Department of Fish and Game  
P.O. Box 47  
Yountville, CA 94599  
Attn: Carl Wilcox, Environmental Program Manager

**From:** Department of General Services – Real Estate Services Division  
Asset Planning and Enhancement Branch  
1102 Q Street, Suite 6000, Sacramento, CA 95814-6280

**Subject:** BYRON CONSERVATION BANK – SUBMITTALS PER AGREEMENT

RECEIVED  
FEB 22 10 09 13

Pursuant to conditions of the Byron Conservation Bank Implementation Agreement we are submitting two original copies of a Transfer of Control Document (TOC) executed by the Department of General Services and a final policy of the title insurance.

The TOC is submitted for signatures on behalf of your Department to meet requirements of Clause 3(B)(b) and to provide for a certificate of acceptance in accordance with Clause 3 (E). Please date the first page on both copies. The signature on the document marked "NOTARIZE" needs to be witnessed by a Notary with an Acknowledgment form attached, and should be returned to my attention for recordation. Please retain the other copy for your processing and for preparation of the certificate of acceptance.

Additional submittals as required by the Agreement will be forthcoming. Thank you for your attention to this matter.

LARRY M. BUCZYK, Senior Real Estate Officer  
Asset Planning and Enhancement Branch

LMB:ts:Larry2-18-00ToWilcox.doc

cc: Juliet Virtue, California Department of Fish and Game  
Agnews Team

**AGREEMENT FOR THE TRANSFER OF CONTROL AND POSSESSION OF  
STATE OWNED REAL PROPERTY**

BY THIS AGREEMENT, made and entered into this        day of        , by and between the Department of General Services (TRANSFEROR) and the Department of Fish and Game (TRANSFEREE), hereinafter collectively referred to as "The Parties";

**WITNESSETH**

WHEREAS, TRANSFEROR by Grant Deed dated August 3, 1999 and recorded as document number 99316425 in Official Records of Alameda ( shown as attached Exhibit "1") acquired real property (the property) on behalf of the State of California and thereby has control and possession of the property;

WHEREAS, The Parties have previously entered into agreements known as the "Mitigation Agreement" dated April 6, 1998 and the "Byron Conservation Bank Implementation Agreement" dated February 9, 2000 to provide for transfer of the property to the TRANSFEREE;

WHEREAS, The Parties desire to transfer the property to be used solely for the following purpose in accordance with the conditions as specified herein as follows:

EXCEPT AS OTHERWISE PROVIDED HEREIN, THE DEPARTMENT OF FISH AND GAME, ITS DESIGNEE OR SUCCESSOR SHALL HOLD TITLE TO AND PROTECT THE LANDS TRANSFERRED HEREIN SOLELY FOR THE PURPOSES OF CONSERVATION, PROTECTION, RESTORATION AND ENHANCEMENT OF WILDLIFE SPECIES KNOWN AS: (1) THE WESTERN BURROWING OWL; (2) THE CALIFORNIA TIGER SALAMANDER; (3) THE CALIFORNIA RED-LEGGED FROG; (4) THE WESTERN POND TURTLE; (5) THE SAN JOAQUIN KIT FOX.

THIS COVENANT SHALL RUN WITH THE LAND AND NO USE OF SUCH LAND SHALL BE PERMITTED BY THE DEPARTMENT OF FISH AND GAME OR ANY SUBSEQUENT TITLE HOLDER OR ASSIGNEE WHICH IS IN CONFLICT WITH THE STATED CONSERVATION PURPOSES HEREIN DESCRIBED. THE DEPARTMENT OF FISH AND GAME, ITS DESIGNEE OR SUCCESSOR MAY ALLOW SOME WETLAND CREATION AND OR LIMITED GRAZING ON THE PROPERTY IF SAID USES DO NOT CONFLICT IN ANY WAY WITH THE CONSERVATION GOALS FOR THE NAMED SPECIES.

THE PURPOSES, USES AND CONDITIONS AS DESCRIBED HEREIN ABOVE SHALL BE APPLICABLE TO THE ENTIRE PROPERTY WITH THE EXCEPTION OF AN EXISTING BUILDING/STRUCTURE INCLUDING APPROXIMATELY 1 ACRE OF SURROUNDING LAND LOCATED AT THE SOUTH EAST CORNER OF THE PROPERTY AND SHOWN ON THE ATTACHED EXHIBIT "2" PLAT MAP.

WHEREAS, upon acceptance of this Transfer to TRANSFEREE, it is the intention of the TRANSFEROR to record in the official records of the County of Alameda a Memorandum of Agreement to make this transfer and the uses and conditions specified herein a matter of public record;

NOW THEREFORE, in consideration of the foregoing, TRANSFEROR hereby transfers unto TRANSFEREE and TRANSFEREE accepts the control and possession of the property described as follows and as depicted on the attached Exhibit "2" plat map:

REAL PROPERTY in the City of Mountain House School, County of Alameda, State of California described as follows:

The Southeast quarter of Section 35, in Township 1 South, in Range 3 East of the Mount Diablo Base and Meridian, according to the United States Public Survey thereof.

Excepting therefrom: Those portions thereof described in the deed from Arden Hans Christensen, a single man, to the State of California, dated November 8, 1963, recorded May 20, 1964, on Reel 1207, Image 941, Series No. AW-80211, Alameda County Records.

Also excepting therefrom that portion thereof described in the Deed from Arden Christensen to Franklin D. Beck and D'Ette G. Beck, dated January 21, 1972, recorded February 1, 1972, Series No. 72-13886, Reel 3051, Image 958, Alameda County Records.

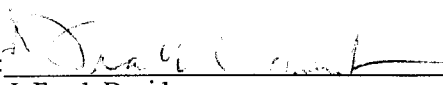

Also excepting therefrom: All oil, gas, casinghead gasoline and other hydrocarbons and mineral substances below a point 500 feet below the surface of the land, hereinabove described together with the right to take, remove, mine, pass through and dispose of all oil, gas, casinghead gasoline and other hydrocarbons and mineral substances but without any right whatsoever to enter upon the surface of said land, as reserved in the Deed from Ida B. Hayes Christensen, a widow, recorded June 30, 1988, Series No. 88-157279.

A.P. No. : 099B-7010-002-09

IN WITNESS WHEREOF, the parties hereto, by their respective officers thereunto duly authorized, have executed this agreement the day and year first above written.

**TRANSFEROR:**

DEPARTMENT OF GENERAL SERVICES

BY: J. Frank Davidson  

ASSISTANT CHIEF ASSET, PLANNING AND ENHANCEMENT BRANCH  
REAL ESTATE SERVICES DIVISION

**TRANSFEREE:**

DEPARTMENT OF FISH AND GAME

BY: Brian Hunter  
REGIONAL MANAGER

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

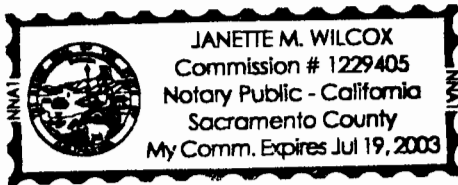
State of California }  
 County of SACRAMENTO } ss.

On 2/17/2000, before me, JANETTE M. WILCOX,  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared J. FRANK DAVIDSON,  
Name(s) of Signer(s)

- personally known to me  
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Janette M Wilcox  
Signature of Notary Public

Place Notary Seal Above

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: AGREEMENT FOR THE TRANSFER OF CONTROL AND POSSESSION OF STATE OWNED REAL PROPERTY

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

Signer's Name: J. FRANK DAVIDSON

- Individual  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Attorney in Fact  
 Trustee  
 Guardian or Conservator  
 Other: \_\_\_\_\_

Signer Is Representing: DEPT OF GENERAL SERVICES

**RIGHT THUMBPRINT OF SIGNER**

Top of thumb here

First American Title Guaranty Company  
Order No. SP851408  
Escrow No. 515923

13.00

99316425 08:30am 08/18/99

004 890170 38 27 000065  
A03 3 7.00 6.00 0.00 0.00 0.00 0.00 0.00 0.00  
0.00

WHEN RECORDED MAIL TO:  
State of California  
Department of General Services  
1102 Q Street, Suite 6000  
Sacramento, Ca. 95814-6511  
Attn: Larry M. Buczyk

3  
VL

EXHIBIT "1"

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

The undersigned grantor(s) declare(s):  
CITY TRANSFER TAX \$  
DOCUMENTARY TRANSFER TAX \$  
SURVEY MONUMENT FEE \$

SAME AS ABOVE

Computed on the consideration or value of property conveyed; OR  
Computed on the consideration or value less liens or encumbrances  
remaining at time of sale.

APN 099B-7010-002-09

GRANT DEED

STATE OF CALIFORNIA -  
OFFICIAL BUSINESS  
Document entitled to free  
recording pursuant to Governmen  
Code Section 6103.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Selwyn D.J. Vos and Loretta Soderlund Vos, husband and wife,

hereby GRANT(S) to

State of California,

the real property in the City of  
County of

Mountain House School,  
Alameda

, State of California, described as

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART HEREOF

Dated August 3, 1999

STATE OF CALIFORNIA )  
COUNTY OF Contra Costa )ss.

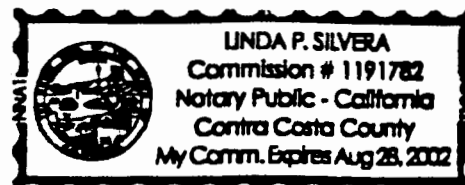
Selwyn D.J. Vos  
Selwyn D.J. Vos  
Loretta Soderlund Vos  
Loretta Soderlund Vos

On August 3, 1999  
before me, Linda P. Silvera, personally  
appeared Selwyn D.J. Vos and Loretta  
Soderlund Vos

personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s) or the entity upon behalf of which the  
person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Linda P. Silvera



My Comm. Expires Aug. 28, 2002

## LEGAL DESCRIPTION

REAL PROPERTY in the City of Mountain House School, County of Alameda, State of California, described as follows:

The Southeast quarter of Section 35, in Township 1 South, in Range 3 East of the Mount Diablo Base and Meridian, according to the United States Public Survey thereof.

Excepting therefrom: Those portions thereof described in the deed from Arden Hans Christensen, a single man, to State of California, dated November 8, 1963, recorded May 20, 1964, on Reel 1207, Image 941, Series No. AW-80211, Alameda County Records.

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A.P. No.: 099B-7010-002-09

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**EXHIBIT A**

AGENCY: Department of General Services

PROJECT: Agnews Mitigation Acquisition


PARCEL: DGS 9860; PROJECT MF 037

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Grant Deed dated August 3, 1999 from Selwyn D.J. Vos and Loretta Soderlund Vos to the State of California pursuant to Government Code Section 11011.21(c), is hereby accepted by the undersigned officer on behalf of the State of California and the grantee consents to the recordation thereof by its duly authorized officer.

STATE OF CALIFORNIA  
DEPARTMENT OF GENERAL SERVICES

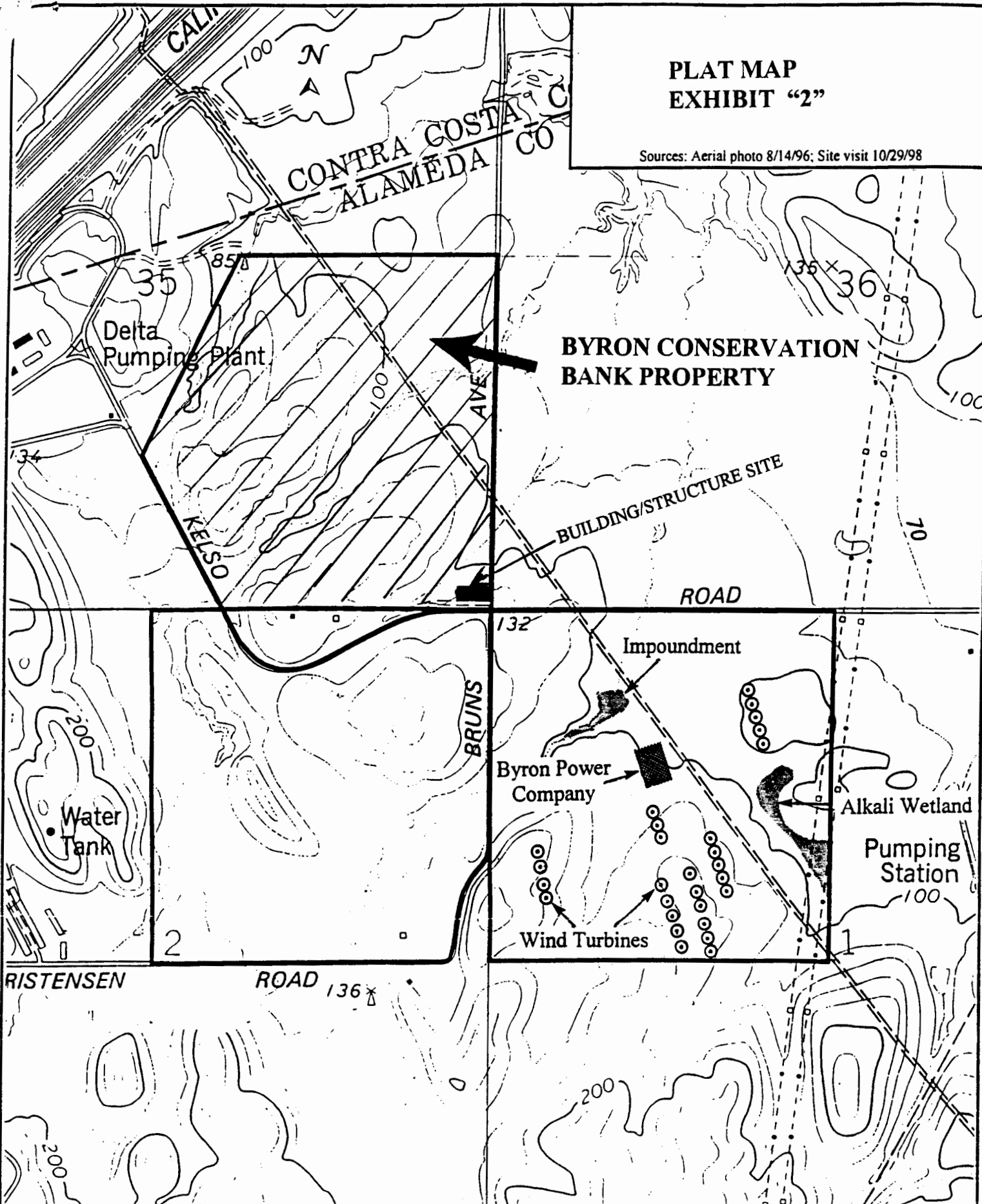
Dated: August 16, 1999

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

J. Frank Davidson  
Assistant Chief  
Department of General Services  
Real Estate Services Division  
Asset Planning and Enhancement

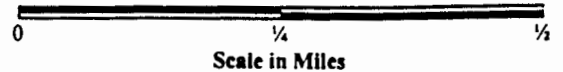
**PLAT MAP  
EXHIBIT "2"**

Sources: Aerial photo 8/14/96; Site visit 10/29/98



Burrowing Owl Habitat  
Assessment – APN: Alameda Co. 099B  
-7020-1-8; -7010-002-07; -7010-002-09

Biosearch Wildlife Surveys  
P.O. Box 8043  
Santa Cruz, CA 95060



Source: Clifton Court Forebay USGS 7.5' Series Quadrangle



Form No. 1402.92  
(10/17/92)  
ALTA Owner's Policy



# POLICY OF TITLE INSURANCE



ISSUED BY

## *First American Title Insurance Company*

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

*First American Title Insurance Company*

BY *Parker S. Kennedy* PRESIDENT

ATTEST *Mark R. Arsen* SECRETARY