



MEMORANDUM

Date: August 18, 2000

To: Mr. Ron Pelzman
Department of Fish and Game
Land and Facilities Branch
1416 Ninth Street
Sacramento, CA 95814

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

Subject: CONTROL AND POSSESSION DOCUMENT FOR BYRON CONSERVATION
LAND BANK

RECEIVED

AUG 24 2000

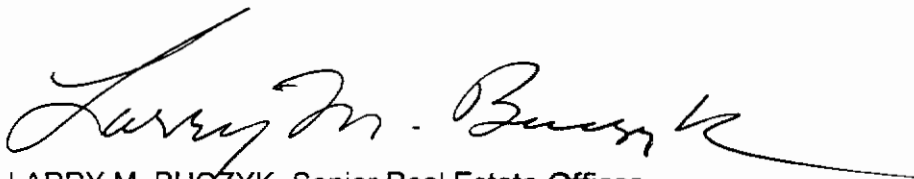
LEGAL AFFAIRS DIVISION
DEPARTMENT OF FISH AND GAME

By memorandum dated February 29, 2000, Brian Hunter forwarded a Transfer of Control document executed by the Department of General Services (DGS) for your processing on property known as the Byron Conservation Bank. This property is to be transferred to the Department of Fish and Game (CDFG) from DGS pursuant to an Agreement between our agencies (tracking number 1803-1999-035-3). Under the terms and conditions of the Agreement, the Director of CDFG was to execute an acceptance of the property within 60 days of receiving the Transfer of Control document from DGS, subject to approval of the Fish and Game Commission and/or the Wildlife Conservation Board. Based on discussions with CDFG staff from the Central Coast Region, we expected that the Commission approval would be obtained at the June meeting. We now find that the earliest this item can be presented to the Commission or Board is at the next meeting scheduled for October.

Due to time commitments, DGS has made sales of mitigation credits pursuant to the Agreement to the third parties and anticipates making additional sales in the forthcoming months, with monies provided to CDFG for endowment funds. Additionally, we anticipate closing escrow shortly on a major sale of state surplus land, requiring performance under a separate Mitigation Agreement and a corresponding transfer of mitigation credits at Byron pursuant to the Conservation Bank Agreement.

We request that you expedite your processing of this internal document (Transfer of Control) and the acceptance of the property by your Department. Since the Agreement allows for either approval of the Commission or Board, can this be placed on one of these entity's agenda for a September meeting, if one is scheduled?

Your assistance in concluding this transaction would be appreciated.



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

LMB:ts:Lary8-18-00toPelman.doc

cc: Agnews Team
Carl Wilcox, Department of Fish and Game, Central Coast Region
Juliet Virtue, Department of Fish and Game, Legal Office ✓
Ron Small, Department of General Services, Legal Office

Mr. Ron Pelzman
Lands and Facilities Branch

February 29, 2000

Byron Conservation Bank, Acceptance of Transfer of Control
Document for Bank Site from Department of General Services

Attached are the documents necessary for transfer of the subject property as required in the Byron Conservation Bank Agreement, (Tracking Number 1803-1999-035-3). Department of Fish and Game personnel request that you initiate the process for acceptance of the property by the Department. The signed banking agreement and supporting documents, including preliminary title report and Phase I site assessment, were transmitted by separate cover on February 9, 2000.

Questions concerning this property should be directed to Mr. Carl Wilcox, Habitat Conservation Manager, at (707) 944-5525.

\$

Brian Hunter
Regional Manager
Central Coast Region

Attachment

cc: Mr. Larry Buczyk
Department of General Services
Real Estate Services Division
Asset Planning and Enhancement Branch
1102 Q Street, Suite 6000
Sacramento, California 95814-6280

bc: Ms. Juliete Virtue, Legal
Ms. Caitlin Bean, HCPB
Mr. Jim Swanson, Ms. Teresa Leblanc, CCR

CW/pm



MEMORANDUM

JV

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

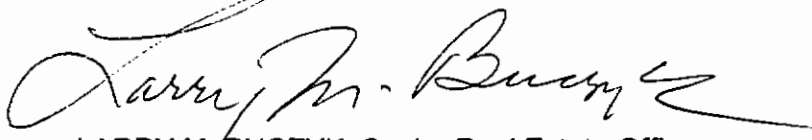
Subject: BYRON CONSERVATION BANK – SUBMITTALS PER AGREEMENT

RECEIVED
FEB 23 2000
REAL AFFAIRS DIVISION
STATE OF CALIFORNIA

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



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

GOVERNOR'S OFFICE
FEB 18 2000 1:13 PM

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.

A handwritten signature in cursive script, reading 'Larry M. Buczyk', is written over a horizontal line.

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 (TRANSFEE), 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 TRANSFEE;

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 TRANSFEE, 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.

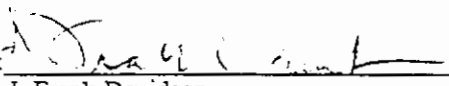

Also excepting therefrom: All oil, gas, casinghead gasoline and other hydrocarbons and mineral substances below a point 500 feet below the surface of the land, hereinabove described together with the right to take, remove, mine, pass through and dispose of all oil, gas, casinghead gasoline and other 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: 
~~REGIONAL MANAGER~~
REGIONAL MANAGER

Approved as to form.

Deputy General Counsel.

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:

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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

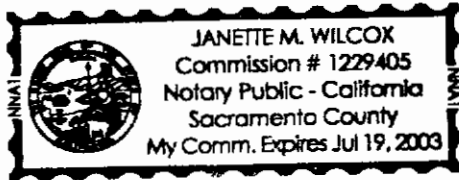
County of SACRAMENTO } ss.

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

EXHIBIT "1"

3
✓

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 Governme
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

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

Loretta Soderlund Vos
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:

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

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

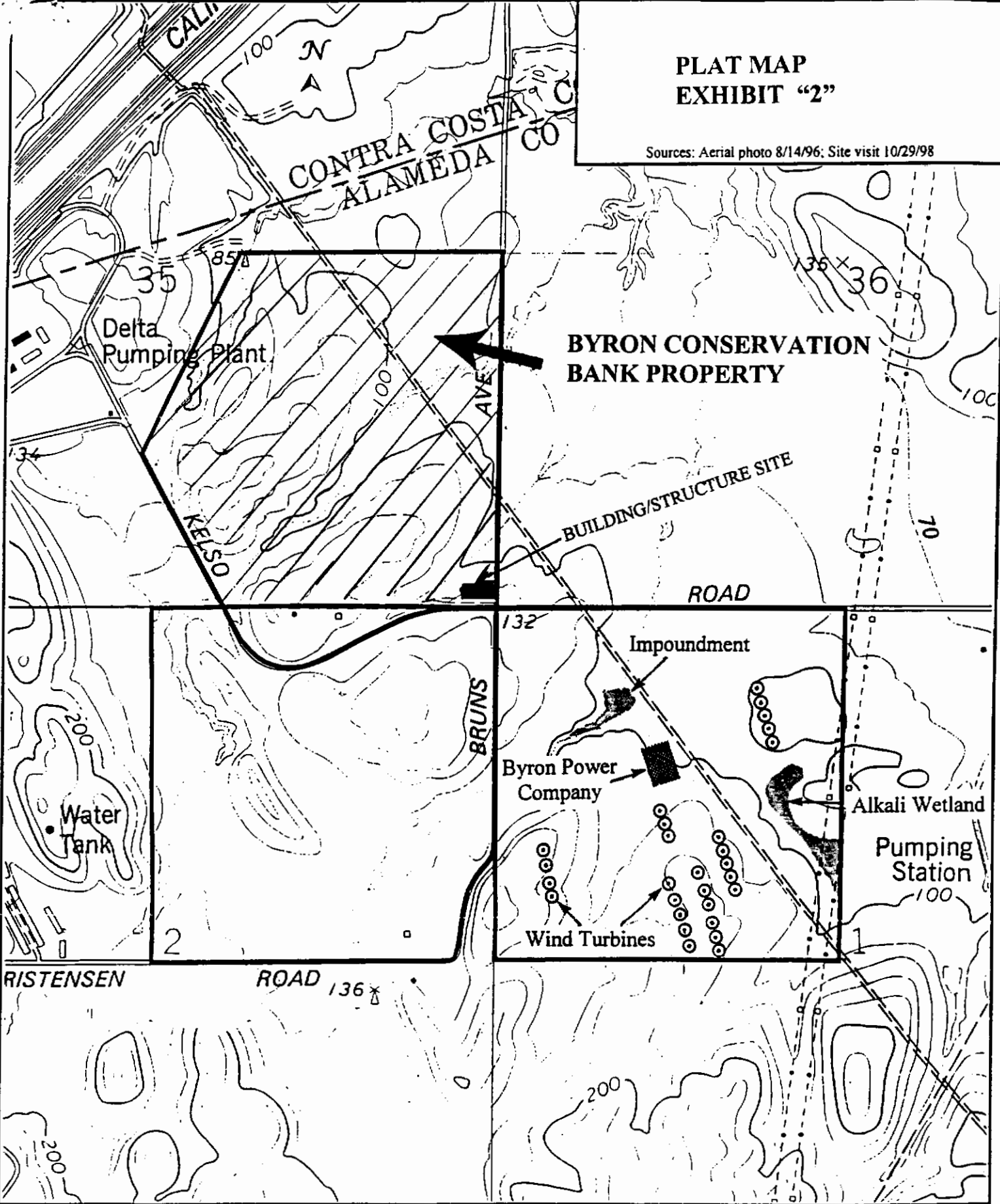
Dated: August 16, 1999

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



**BYRON CONSERVATION
BANK PROPERTY**

BUILDING/STRUCTURE SITE
ROAD

Impoundment

Byron Power
Company

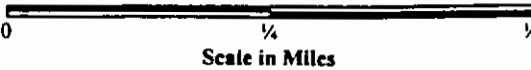
Wind Turbines

Alkali Wetland

Pumping
Station

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



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. Arney* SECRETARY