

MINUTE ITEM

36. APPROVAL OF STIPULATION FOR JUDGMENT IN QUIET-TITLE ACTION, CROCKER LAND COMPANY VS. STATE, SAN MATEO COUNTY, SUPERIOR COURT NO. 87658 - W.O. 503.347, GEN. DATA-LITIGATION.

After consideration of Calendar Item 44 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO EXECUTE THE PROPOSED STIPULATION FOR JUDGMENT FOR SETTLEMENT OF THE CROCKER LAND COMPANY VS. STATE, QUIET-TITLE ACTION, IN THE SUPERIOR COURT, IN AND FOR THE COUNTY OF SAN MATEO, CASE NO. 87658, IN THE FORM SET FORTH IN EXHIBIT "A" ATTACHED HERETO. NEITHER PARTY IS TO RECOVER COSTS AGAINST THE OTHER.

Attachment

Calendar Item 44 (2 pages)

CALENDAR ITEM

44.

APPROVAL OF STIPULATION FOR JUDGMENT IN QUIET TITLE ACTION, CROCKER LAND COMPANY VS. STATE, SAN MATEO COUNTY, SUPERIOR COURT NO. 87658 - W.O. 503.347.

On June 11, 1958 (Minute Item 5, pages 4058-60), the State Lands Commission authorized the sale of certain of the lands, hereinafter described, to the predecessor in interest of the Crocker Land Company at a cash price of \$28,644, subject to all statutory reservations including minerals. This action was authorized by Chapter 1701, Statutes of 1957. The patent issued pursuant to the authorization contained a reservation in favor of the people of the State to fish upon the land, as required by Section 25 of Article I of the Constitution of the State. A quiet title action was instituted because the Plaintiffs felt that the encumbrance upon the patented land of the public right to fish therefrom constitutes an encumbrance which was not contemplated by the sale. The quiet title action sought to eliminate the effects of the constitutional reservation of the right to fish. Such quiet title action was authorized by Chapter 1611 of the Statutes of 1959.

However, in consideration of the legal problems involved in eliminating the public right to fish, the Plaintiffs are now willing to accede to the constitutional requirement if a judgment can be obtained in their favor as to all other interests in the land.

The office of the Attorney General has approved the form of the judgment and stipulation therefor, as set forth in part in Exhibit "A" attached hereto.

The Plaintiffs have asked that the Commission indicate its approval of the judgment and stipulation therefor.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE THE PROPOSED STIPULATION FOR JUDGMENT FOR SETTLEMENT OF THE CROCKER LAND COMPANY VS. STATE, QUIET TITLE ACTION, IN THE SUPERIOR COURT, IN AND FOR THE COUNTY OF SAN MATEO, CASE NO. 87658, IN THE FORM SET FORTH IN EXHIBIT "A" ATTACHED HERETO. NEITHER PARTY IS TO RECOVER COSTS AGAINST THE OTHER.

Attachment
Exhibit "A"

EXHIBIT "A"

NOW, THEREFORE, IT IS HEREBY ORDERED ADJUDGED AND DECREED that at the time of the commencement of this action and at the time of this judgment, the title to that certain real property situated in the County of San Mateo, State of California, and more particularly described hereafter in this judgment, was and now is vested in the plaintiff Crocker Land Company, a corporation, as owner in fee simple absolute, subject, however, to and subordinate to the following reservations:

(a) All oil, gas, oil shale, coal, phosphate, sodium, gold, silver and all other mineral deposits contained in said land, reserved to the State of California by its deed to the Crocker Estate Company dated July 11, 1958 and recorded July 28, 1958 in Book 3 of Official Records of San Mateo County, California, at page 723; and

(b) The right reserved by said deed to the State of California and persons authorized by the State, to drill for and extract such deposits of oil and gas, or gas, and to prospect for, mine and remove such deposits of other minerals from said land and to occupy and use so much of the surface of said land as may be required therefor, upon compliance with the conditions and subject to the provisions and limitations of Chapter 5, Part I, Division 6 of the Public Resources Code; and

(c) The absolute right of the People of the State of California to fish upon and from said land as provided by Section 25 of Article I of the Constitution of the State of California.

That the judgment herein does not affect the rights of the parties in and to the land underlying the following described right of way:

The 152.50-foot wide right of way of California State Highway Division IV, San Mateo County, Route 68, Section A as said Highway right of way is particularly delineated on the map entitled "State of California, Department of Public Works, Division of Highways, Map showing additional ungranted or sovereign lands of the State of California in San Mateo County across Guadalupe Creek, needed as a Right of Way for the protection of State Highway Road IV-SM-68-A" which was approved for the State Lands Commission on June 20, 1951, by Rufus W. Putnam, Executive Officer and filed March 26, 1958, in the office of the County Recorder of San Mateo County in Volume 4 of State Highway Map Books at Page 14.