

MINUTE ITEM

This Calendar Item No. 18
was approved as Minute Item
No. 18 by the State Lands
Commission by a vote of 3
to 0 at its 10/26/78
meeting.

CALENDAR ITEM

18.

LAND EXCHANGE

10/78
W 21671
Rump
PRC 5662
BLA 181

An exchange of lands located within the City of Union City, Alameda County has been proposed to resolve title uncertainties concerning the former bed of Alameda Creek.

Alameda Creek, at the location in question, was historically natural, navigable and subject to tidal action. The State's claim therefore, is as sovereign owner of the creek bed located between the Rancho de la Alameda and Rancho Potrero de los Cerritos.

The private parties have questioned the creek's former existence, extent, and location with regard to their property. Also, they urge that the old creek bed has become filled, reclaimed and is no longer of any sovereign use.

Alameda Creek presently flows through a realigned flood control channel adjoining the property to the east.

Standard Pacific - Northern California, a developer, has contacted the Commission's staff in the interest of resolving the title problem. Negotiations have proceeded and an exchange proposal made in accordance with P.R.C. Section 6307. The proposed exchange would be of equivalent value lands on-site. The parcel to be received by the State would be leased to the City of Union City for use as a public park.

The major points of the proposed settlement are as follows:

1. Standard Pacific would grant to the State an approximately 2.241 acre parcel of land on site.
2. The State would relinquish, by patent, its sovereign interests within the private parties vesting description.
3. The State would receive title insurance, without cost, for the parcel it is to receive.

An evaluation has been made by the staff which shows that the State will receive land equal or greater in value than those lands to be relinquished by this agreement.

The agreement has been reviewed and approved by the Office of the Attorney General.

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The proposed exchange is for the purpose of settling a title dispute and the private party remains subject to all lawful requirements of public agencies for permits, mitigation, use, or otherwise, independent of this agreement.

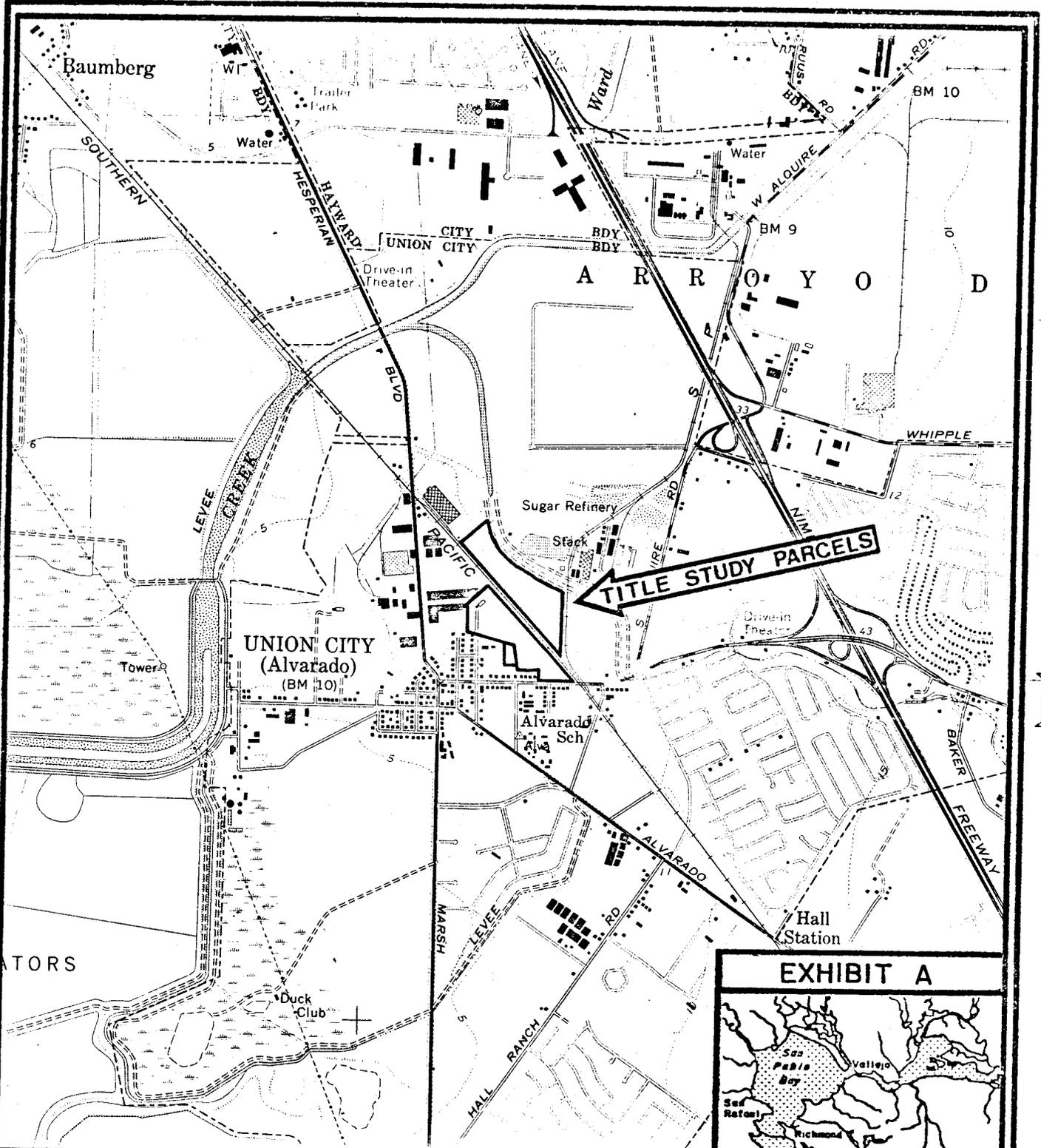
EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE EXCHANGE AS PROPOSED AND AUTHORIZE THE EXECUTION OF THE EXCHANGE AGREEMENT BETWEEN THE COMMISSION, AND THE PRIVATE PARTY. A COPY OF THE AGREEMENT IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE THERETO IS MADE A PART HEREOF.
2. FIND THAT THE EXCHANGE OF LANDS, INTERESTS IN LANDS, AND RIGHTS SET FORTH IN THE AGREEMENT REFERRED TO IN PARAGRAPH 1 ABOVE, ARE IN THE BEST INTERESTS OF THE STATE FOR AID IN RECLAMATION; THAT IT WILL NOT SUBSTANTIALLY INTERFERE WITH THE RIGHTS OF NAVIGATION AND FISHING IN THE WATERS INVOLVED, AND THAT THE STATE WILL RECEIVE LANDS AND INTERESTS IN LANDS EQUAL TO OR GREATER IN VALUE THAN ANY LANDS OR INTEREST IN LANDS RELINQUISHED BY THE STATE PURSUANT TO SAID AGREEMENT.
3. AUTHORIZE THE EXECUTION OF A STATE PATENT TO THE PRIVATE PARTY OF THE REAL PROPERTY DESCRIBED IN THE AGREEMENT.
4. ACCEPT AND AUTHORIZE THE RECORDATION OF CONVEYANCES TO THE STATE AS PROVIDED IN THE AGREEMENT.
5. AUTHORIZE THE ISSUANCE OF A 49-YEAR PUBLIC AGENCY PERMIT TO THE CITY OF UNION CITY FOR THE PARCEL RECEIVED BY THE STATE.
6. FIND AND DECLARE THAT UPON THE DELIVERY OF THE PATENT, AND THE RECORDATION THEREOF IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, THE REAL PROPERTY DESCRIBED IN SAID PATENT:
 - a. HAS BEEN CUT OFF FROM NAVIGABLE WATERS, IMPROVED, FILLED, AND RECLAIMED BY THE PRIVATE PARTY OR PREDECESSORS IN INTEREST;
 - b. HAS THEREBY BEEN SEVERED FROM THE PUBLIC CHANNELS AND WATERWAYS AND IS NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR COMMERCE, NAVIGATION, AND FISHING, AND IS NO LONGER IN FACT TIDELANDS OR SUBMERGED LANDS AND THEREFORE SHALL BE FREED FROM SUCH PUBLIC TRUST.

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7. AUTHORIZE THE COMMISSION'S STAFF, AND/OR THE OFFICE OF THE ATTORNEY GENERAL, TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE TRANSACTION DESCRIBED ABOVE, INCLUDING BUT NOT LIMITED TO. APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE TRANSACTION.
8. FIND THAT THE TRANSACTION IS IN SETTLEMENT OF TITLE AND BOUNDARY LITIGATION AND THE PROVISIONS OF CEQA ARE INAPPLICABLE.



STATE LANDS COMMISSION
 PORTION OF U.S.G.S. QUADRANGLE
 NEWARK 1959
 PHOTOREVISED 1968 & 1973

Prepared by: B. Lee Date: 1-25-78

Title Study: STANDARD PACIFIC W21671

