MINUTE ITEM

This Calendar Item No. 31.
was approved as Minute Item
No. 31 by the State Lands
Commission by a vote of 3
0 at its 6-27-79
meeting.

MINUTE ITEM

6/79
Sandefur

31. AUTHORIZE ACCEPTANCE AS STATE SOVEREIGN LANDS OF DEED

During consideration of Calendar Item 31 attached, Mr. William F. Northrop, Executive Officer, noted for the record that if Senate Bill 664 (Nielson) is enacted, the Commission's ability to enter into these types of boundary settlements may be jeopardized.

Upon motion duly made and carried, the resolution as presented in Calendar Item 31 was adopted by a vote of 3-0.

Attachment: Calendar Item 31.

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CALENDAR ITEM

31.

6/79
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BLA 189

PRC 5426

COMPROMISE TITLE SETTLEMENT
(LAND EXCHANGE AND AMENDMENT OF
LEASE PRC 5426)

A title dispute exists between the State, in its sovereign capacity, the City of San Mateo, as trustee of the State's sovereign rights, and Joseph Koret and Stephanie Koret, his wife, concerning a parcel of real property of 15.6 acres located in the southerly part of the City of San Mateo, San Mateo County, California, more particularly described in the attached Exhibit "A", and graphically shown on Exhibit "B", and is herein called Title Settlement Parcel.

The Korets contend that the Title Settlement Parcel is of the legal character of Swamp and Overflowed Lands under the Federal Arkansas Swamp Land Act approved September 20, 1850 (9 Stat. 519); that they are successors in interest to the State's S&OS 14 patent dated October 30, 1863; that the said patent conveyed all right, title, and interest of the State within the Title Settlement Parcel without any reservations, express or implied; and that they hold title to said real property in fee simple absolute, free and clear of any State right, title, or interest therein.

The State Lands Commission staff has conducted a study of the evidence of title to the Title Settlement Parcel and has concluded:

1. The parcel was covered, at least in part, by the tidal water of San Francisco Bay.

2. Due to artificial changes, the parcel is now, and since 1931, has been reclaimed, leveed, and cut-off from tidal waters of San Francisco Bay.

3. The Parcel is presently improved with 328 apartment units.

4. The City of San Mateo is trustee of the State's sovereign rights in the Title Settlement Parcel pursuant to the 1976 Legislative Trust Grant (Ch. 1099 Stats. 1976).

The Korets have offered to resolve such title dispute by an agreement in compromise settlement of such title dispute.

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The State Lands Commission staff and the City of San Mateo recommend approval of the settlement in substantially the form of agreement which is now on file with the State Lands Commission.

While the agreement sets forth all the specific terms and conditions of the settlement, for purposes of convenience, a brief summary of some of the principal terms and conditions are set forth below.

1. The City of San Mateo will quitclaim all its right, title, and interest within Title Settlement Parcel to State.

2. The State will patent its right, title, and interest within Title Settlement Parcel to the Korets.

3. The Korets will convey or cause to be conveyed to the State an undivided 0.646% interest in Brown's Island, Contra Costa County, as described in Exhibit "C" and depicted on Exhibit "D".

4. The Korets will provide a standard form of CLTA title insurance in the amount of $1,000, insuring the State's title to the undivided 0.646% interest in Brown's Island.

The Brown's Island parcel shall be held by the State in its sovereign capacity as tidelands and submerged lands subject to the public trust for commerce, navigation, and fisheries, as defined in the case of Marks v. Whitney, 6 Cal. 3rd 251.

The State shall lease the undivided 0.646% interest in Brown's Island to the East Bay Regional Park District pursuant to the Land Bank Option and Lease Back Agreement (W 21372) with the East Bay Regional Park District, approved by the State Lands Commission at its regular meeting on December 19, 1977, Minute Item No. 21.

The settlement will consolidate State titles in a manner which will be beneficial to the environment and ecology.

The State will receive the mineral rights in the Brown's Island parcel being conveyed to the State, and, pursuant to Section 6307 of the P.R.C., is releasing the mineral rights which the State may have due to its sovereign ownership claims in the Title Settlement Parcel.

The agreement and conveyances thereunder are authorized by Division 6 of the P.R.C, with particular reference to Sections 6107 and 6307.

Since the exchange is for the purpose of settling a title dispute, it is exempt from the preparation of an EIR.

An evaluation has been made by the Commission's staff which shows that the State will receive lands and interests in lands equal or greater in value than those lands and interests in lands claimed by the State and to be surrendered by this agreement. The staff estimate of the dollar amount of our interest in subject property being no more than $872.

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

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

The staff believes the proposal is in the best interests of the State.

EXHIBITS:
A. Description of Title Study Parcel.
B. Exhibit Plat of Title Study Parcel.
C. Description of Brown's Island.
D. Exhibit Plat of Brown's Island.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE EXCHANGE AS PROPOSED, AND AUTHORIZE THE EXECUTION OF THE COMPROMISE TITLE SETTLEMENT AGREEMENT BETWEEN THE COMMISSION, THE KORETS, AND THE CITY OF SAN MATEO, IN SUBSTANTIALLY THE FORM OF THE COPY OF THE AGREEMENT ON FILE WITH THE COMMISSION.

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 INTEREST 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 INTERESTS IN LANDS RELINQUISHED BY THE STATE PURSUANT TO SAID AGREEMENT.

3. ACCEPT AND AUTHORIZE THE RECORDATION OF A QUITCLAIM TO THE TITLE SETTLEMENT PARCEL AS DESCRIBED IN EXHIBIT "A" AND DEPICTED ON EXHIBIT "B" FROM THE CITY OF SAN MATEO.

4. AUTHORIZE EXECUTION OF A STATE PATENT OF ITS SOVEREIGN INTERESTS TO JOSEPH AND STEPHANIE KORET OF THE TITLE STUDY PARCEL AS DESCRIBED IN EXHIBIT "A" AND DEPICTED ON EXHIBIT "B".

5. ACCEPT AND AUTHORIZE THE RECORDATION OF THE CONVEYANCE TO THE STATE OF AN UNDIVIDED 0.646% INTEREST IN THE BROWN'S ISLAND PARCEL AS DESCRIBED IN EXHIBIT "C" AND AS DEPICTED ON EXHIBIT "D".

6. FIND AND DECLARE THAT UPON THE DELIVERY OF THE PATENT, AND THE RECORDATION THEREOF IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO 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 THE PUBLIC TRUST.

7. AUTHORIZE THE STATE LANDS COMMISSION 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, EXECUTION OF DOCUMENTS OF TITLE AND ESCROW INSTRUCTIONS AND APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.

8. AUTHORIZE THE AMENDMENT OF LEASE PRC 5426 TO THE EAST BAY REGIONAL PARK DISTRICT TO INCLUDE THE UNDIVIDED 0.646% INTEREST IN BROWN'S ISLAND CONSISTENT WITH THE LAND BANK OPTION AGREEMENT APPROVED BY THE COMMISSION ON DECEMBER 19, 1977, MINUTE ITEM NO. 21.

9. FIND THAT THIS TRANSACTION IS IN SETTLEMENT OF TITLE AND BOUNDARY LITIGATION AND THE PROVISIONS OF CEQA ARE INAPPLICABLE.

TITLE SETTLEMENT PARCEL

All that certain real property situate in the City of San Mateo, County of San Mateo, State of California, described as follows:

PARCEL ONE:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, block lettered "A", as designated on the map entitled "Lauriedale Unit No. 1, City of San Mateo, San Mateo County, California", which map was filed in the Office of the Recorder of the County of San Mateo, State of California, on March 4, 1963, in Book 58 of Maps at page 6.

PARCEL TWO:

Parcel "A", as designated on the map entitled "No. 32 Parcel Map being all of Lots 1 and 2, Block "C", and Lot 1, Block "D", Lauriedale Unit No. 1, as recorded in Volume 58 of Maps at page 6. Official Records, and a portion of Section 3, T. 59 R. 4 W., M.D.M., City of San Mateo, San Mateo County, California", which map was filed in the Office of the Recorder of the County of San Mateo, State of California, on January 6, 1970, in Book 11 of Parcel Maps at page 43.

PARCEL THREE:

Parcel B, as designated on the map entitled "No. 32 Parcel Map being all of Lots 1 and 2, Block "C", and Lot 1, Block "D", Lauriedale Unit No. 1, as recorded in Volume 58 of Maps at page 6, Official Records, and a portion of Section 3, T. 59 R. 4 W., M.D.M., City of San Mateo, San Mateo County, California", which map was filed in the Office of the Recorder of the County of San Mateo, State of California, on January 6, 1970, in Book 11 of Parcel Maps at page 43.

PARCEL FOUR:

Lots 1, 2, 3, 4, 5, 6, 7, and 8, block lettered "B", as designated on the map entitled "Lauriedale Unit No. 1, City of San Mateo, San Mateo County, California", which map was filed in the Office of the Recorder of the County of San Mateo, State of California, on March 4, 1963, in Book 58 of Maps at page 6.

EXHIBIT A

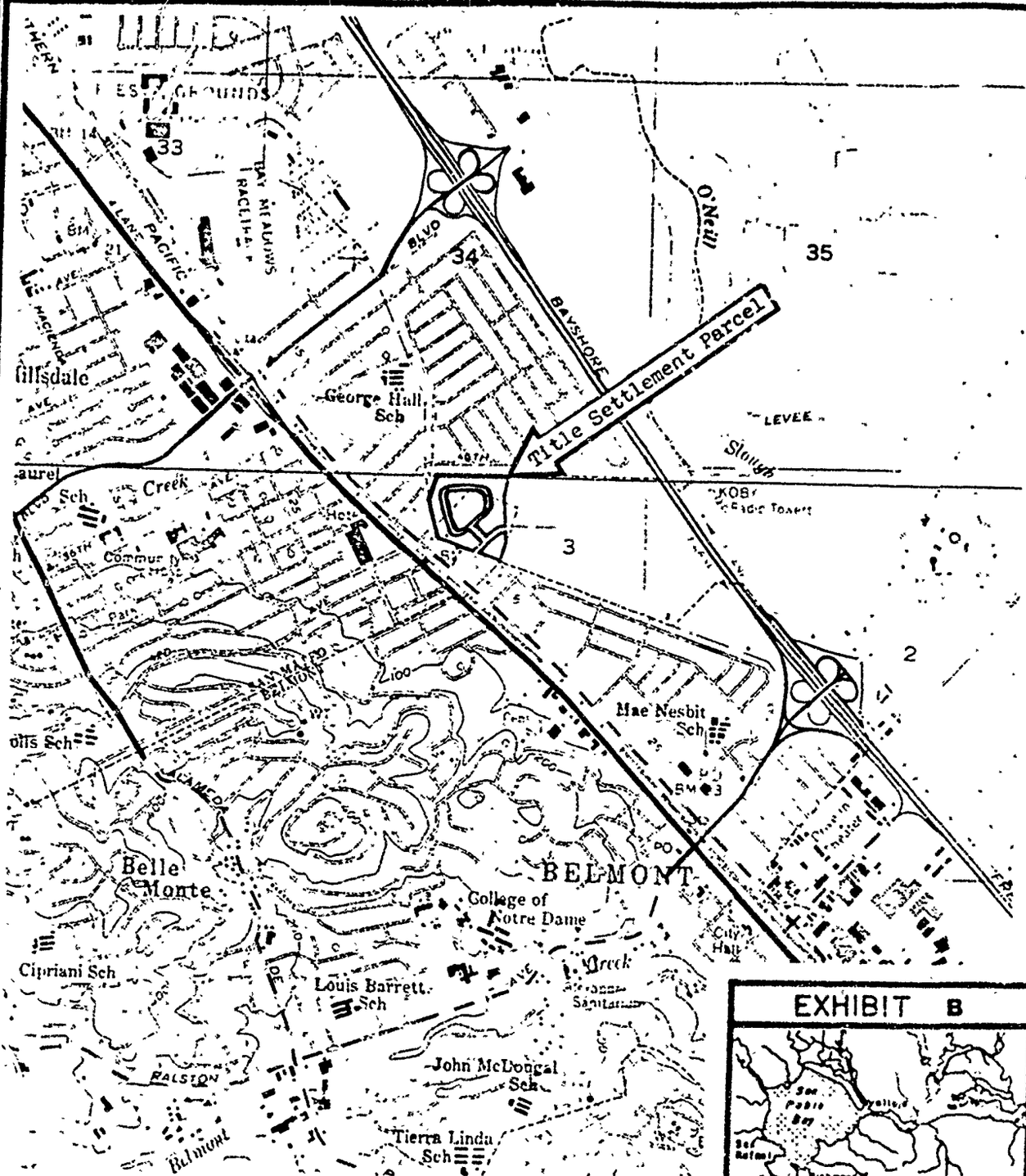
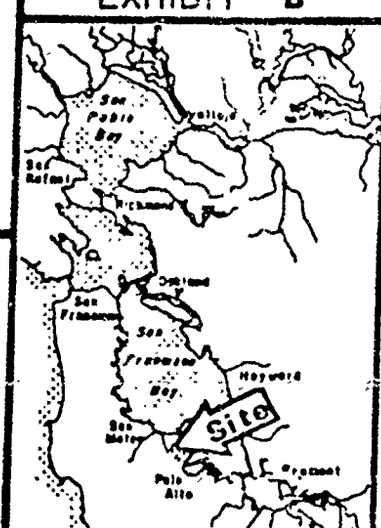


EXHIBIT B



STATE LANDS COMMISSION

PORTION OF U.S.G.S. QUADRANGLE

SAN MATEO 1956

PHOTOREVISED 1968 & 1973

Prepared by: Alexander Date: 3/9/79

Title Study: TAUBE ASSOC.—BELMONT SLOUGH W 22055

Z3-N 38-E146

CALENDAR PAGE 00137

MINUTE PAGE 1121

DESCRIPTION OF PROTEUS ISLAND

The land referred to herein is situated in the State of California, County of Contra Costa, City of Pittsburg, described as follows:

Surveys Nos. 176, 177, 178, 179 and 180, Swamp and Overflowed Lands, Contra Costa County, Township 2 North, Range 1 East, Mount Diablo Base and Meridian, as particularly described in the patents from the State of California, recorded in Book 1 of Patents, pages 144, 151, 142, 146 and 161, respectively, in the office of the County Recorder of Contra Costa County, reference being hereby made to the record thereof for a complete description.

Excepting therefrom: The following described parcel, being the parcel conveyed by C. A. Hooper & Co. to City of Stockton by deed dated July 15, 1929, recorded August 6, 1929, in Book 191 of Official Records, page 271, in the office of the County Recorder of Contra Costa County, and containing, according to said deed, 100 acres, more or less, and particulary described as follows:

"All that certain real property in the County of Contra Costa, State of California, described as follows:

Sections 3, 4, 9 and 10, Township 2 North, Range 1 East, Mount Diablo Base and Meridian, as delineated in Book 23 of Deeds, page 550, Contra Costa County Records, being portions of Lots "D", "E", "F", "G", "I", "K", "L", "M", & "N", of New York Island, lying on the northerly side of New York Slough and more particulary described as follows:

Beginning at a point on the boundary line between Lots "C" and "D", 1150 feet northerly, measured along said boundary line from the low water line of New York Slough; thence from said point of beginning, continuing in a northerly direction along said boundary line and along said boundary line extended, a distance of 1355 feet; thence east 1325 feet, more or less, to the boundary line between Lots "M" and "L"; thence in a northerly direction along said boundary line between Lots "M" and "L", 1925 feet, more or less, to the low water line of Suisun Bay; thence in an easterly direction, along the low water line of Suisun Bay to a point on a line parallel to and 50 feet distant from said boundary line between Lots "M" and "L";

EXHIBIT C

JUN 1 6 1979

thence leaving the low water line of Suisun Bay in a southerly direction, along said line parallel to and 50 feet distant from said boundary line between Lots "M" and "L", 1925 feet, more or less, to a point of intersection with the above mentioned course, "East 1325 feet", extended; thence east 1250 feet, more or less, to a point on the northerly portion of the boundary line between Lots "F" and "G", extended thence in a southerly direction along said extension of boundary line and along the boundary line between Lots "F" and "G", 1675 feet, thence West 1775 feet; thence North 69° 22' West, 908.2 feet, more or less, to the point of beginning.

Also excepting therefrom the following described real property situated in the County of Contra Costa, State of California, being more particularly described as follows:

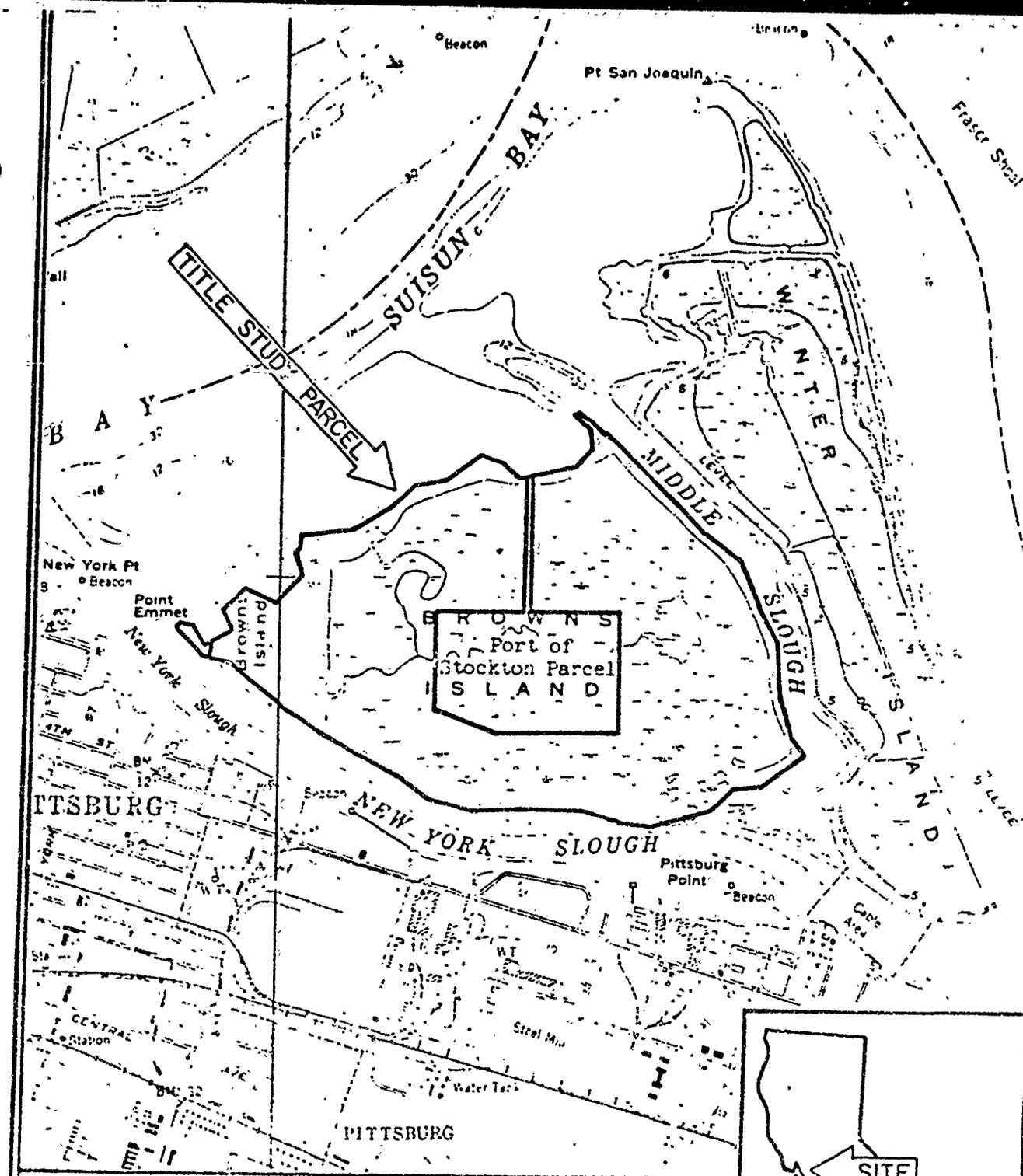
Commencing at the most southerly corner of Survey No. 180 Swamp and Overflowed Lands, Contra Costa County; thence northwesterly along the southwesterly line of said survey, North 54° 06' West, 1023.00 feet; thence North 53° 04' West, 563.64 feet; thence North 65° 51' West, 366.12 feet; thence leaving said southwesterly line North 15° 36' 05" East, 69.54 feet to the point of beginning for this description, basis of bearing for this description is the Lambert Grid, Zone 3, State of California; thence from said point of beginning South 15° 36 05" West; 69.54 feet to a point on the aforesaid S. & O. Survey 180; thence westerly and northeasterly along said survey line North 65° 51' West, 113.70 feet; thence North 48° 16' West, 539.22 feet; thence North 35° 29' East, 107.58 feet; thence North 81° 54' East, 217.80 feet; thence South 36° 11' East, 374.22 feet; thence North 65° 29' East, 86.96 feet to a point; thence leaving said survey line South 15° 36' 05" West, 198.11 feet to the point of beginning.

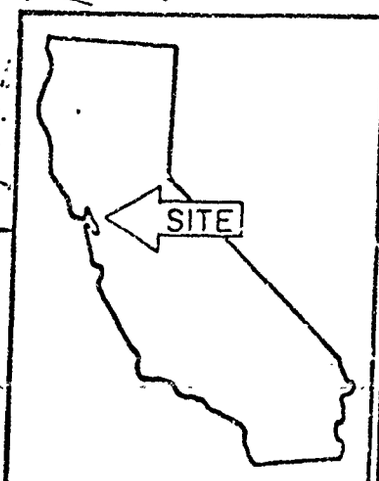
Being the westerly portion of aforesaid S. & O. Survey No. 180 and situated in Section 8, Township 2 North, Range 1 East, Mount Diablo Base and Meridian, Contra Costa County, California.

Together with any and all other right, title, or interest of East Bay Regional Park District acquired by reason of that certain deed recorded August 11, 1977 in Book 8459, page 25, Official Records of Contra Costa County.

JUN 1 0 1978

EXHIBIT C





STATE LANDS DIVISION

PORTION OF U.S.G.S. QUADRANGLES
ANTIOCH NORTH 1953 PHOTOREVISED 1968
HONKER BAY 1953 PHOTOREVISED 1968 & 1973

Prepared by: B Lee Date: 6-10-77

Title Study: BROWN'S ISLAND W 21372

EXHIBIT D

W 21372

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