

MINUTE ITEM

This Calendar Item No. 32
was approved as Minute Item
No. 32 by the State Lands
Commission by a vote of 3
to 0 at its 9-26-79
meeting.

CALENDAR ITEM

32.

9/79
W 21235
Frank

AUTHORIZATION FOR EXECUTIVE OFFICER TO ACCEPT
ON BEHALF OF COMMISSION GRANT DEED
FROM GUIDI STAGI, ET AL. FOR TULE ISLAND
SAN JOAQUIN COUNTY, ASSESSOR'S PARCEL NO. 071-010-21

Since 1977, negotiations have been underway between the State Lands Commission staff and several private claimants to resolve conflicting title claims to Rindge Tract and surrounding berms. Negotiations are proceeding satisfactorily and, hopefully, an informal settlement will be achieved whereby the State will obtain the private parties' claims to the berms and certain easement rights to Rindge Tract in exchange for releasing the existing sovereign title claims to portions of the interior of Rindge Tract.

Recently, staff and the Attorney General's office became aware of an action brought against the private Rindge Tract claimants by a third party to quiet title to one of the affected berms. The berm in question, known as Tule Island, encompasses approximately 20 acres, is located directly west of Rindge Tract and east of the Stockton Deepwater Channel, and bears San Joaquin County Assessor's parcel No. 071-010-21. It is anticipated that trial of this action will take place in the near future. Since the berm is planned under the terms of the proposed Rindge Tract settlement agreement to be quieted in the State, the private claimants are not anxious to undertake the time and expense necessary to defend their interests in the litigation. At the same time, it is in the State's interest to see that the present case is vigorously defended. Moreover, assumption of the defense of this action by the State will avoid the necessity of separate litigation at a later time to perfect the State's pre-existing title claims to Tule Island.

Staff and the Attorney General's office thus propose that the Commission authorize the acceptance of a deed granting the private Rindge Tract claimants' interest in Tule Island to the Commission, acting on behalf of the State in advance of the formal Rindge Tract settlement agreement. Private claimants have indicated that, in the event the final Rindge Tract agreement for any reason is not consummate, they are prepared to accept a retransfer of Tule Island and reimburse the Commission for its full court costs and attorney fees expended in defense of the pending quiet title action. Staff further propose that this understanding be memorialized in a written agreement to be executed concurrently with the grant deed to Tule Island.

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EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE EXECUTIVE OFFICER TO ACCEPT AND RECORD A DEED FROM GUIDI STAGI, ET AL. TO TULE ISLAND AND TAKE SUCH OTHER RELATED ACTION AS DEEMED NECESSARY TO DEFEND THE STATE'S INTEREST IN THE PARCEL ON PENDING LITIGATION.
2. DETERMINE THAT THIS MATTER IS EXEMPT FROM THE PROVISIONS OF CEQA PURSUANT TO P.R.C. SECTION 21084 AND 14 CAL. ADM. CODE SECTION 15101.

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