

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 12-20-79 meeting.

CALENDAR ITEM

32.

12/79
W 503.944
Rusconi
BLA 197

APPROVAL OF LAND EXCHANGE IN COMPROMISE AND SETTLEMENT OF LITIGATION INVOLVING FILLED TIDE AND SUBMERGED LANDS IN THE CITY OF STOCKTON, SAN JOAQUIN COUNTY, DARRAH V. STATE OF CALIFORNIA, ET AL., SAN JOAQUIN COUNTY SUPERIOR COURT NO. 137481.

In April of 1978, litigation was instituted against the State of California, State Lands Commission, by Guard C. Darrah, to quiet title to a parcel of land containing the filled Old Channel of the Calaveras River, San Joaquin County. In June of 1979, Lois Darrah was joined as a party plaintiff.

An exchange agreement has now been reached which will result in the settlement of the present litigation. In exchange for the State releasing its interest in a portion of the filled section of the Old Channel of the Calaveras River the Darrah's will convey to the State fee title, subject to a life estate in Mr. Darrah, Darrah Island and his access rights from the upland. Darrah Island is approximately one acre in size and located downstream in the Calaveras River from the complaint parcel. Being surrounded by water and with access from the nearby upland, Darrah Island is more suitable for public use and ownership than the filled Old Channel of the Calaveras River located within the complaint parcel. The State is also receiving quitclaims from the Darrahs to any interest which they may have in the present Channel of the Calaveras River.

Mr. Darrah is also desirous of repositioning the outfall drain for Reclamation District No. 1614 in return for conveyance to the Darrah's of the maintenance easement which the District has over the complaint parcel. This will involve some slight fill on the presently wet outfall channel which the Darrahs agree is owned by the State and is not part of the proposed exchange. At the time when Mr. Darrah's plans are formalized, he will return to the Commission for approval for this project.

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE SETTLEMENT OF THE ABOVE LITIGATION AND THE EXCHANGE AGREEMENT BETWEEN THE STATE OF CALIFORNIA,

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 20 1979	
FBI - STOCKTON	

CALENDAR ITEM NO. 32. (CONTD)

STATE LANDS COMMISSION, AND GUARD C. AND LOIS DARRAH SUBSTANTIALLY IN THE FORM ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION.

2. DETERMINE AND DECLARE THAT THE STATE HAS IDENTIFIED THE LANDS DESCRIBED IN EXHIBIT "B" OF THE EXCHANGE AGREEMENT AS LANDS THAT MEET THE REQUIREMENTS OF THE NATURE, QUALITY AND VALUE PRESCRIBED IN SECTION 6307 OF THE PUBLIC RESOURCES CODE AND AGREE TO ACCEPT CONVEYANCE OF THE LANDS.
3. DETERMINE AND DECLARE, PURSUANT TO AND IN ACCORDANCE WITH SECTION 6307 OF THE PUBLIC RESOURCES CODE THAT THE SUBJECT EXCHANGE OF STATE AND PRIVATE TITLES IS IN THE BEST INTERESTS OF THE STATE AND THAT THE PARCEL OF LAND DESCRIBED IN EXHIBIT "A" OF THE EXCHANGE AGREEMENT HAS BEEN FILLED AND RECLAIMED AND HAS THEREBY BEEN EXCLUDED FROM THE PUBLIC CHANNELS AND IS NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR COMMERCE, NAVIGATION AND FISHING, IS NO LONGER, IN FACT, TIDELANDS OR SUBMERGED LANDS AND UPON RECORDATION OF THE STATE'S CONVEYANCE PURSUANT TO THE SUBJECT EXCHANGE AGREEMENT SHALL BE FREE FROM THE PUBLIC TRUST FOR COMMERCE, NAVIGATION AND FISHERIES.
4. DECLARE AND DETERMINE THAT THE VALUE OF THE PRIVATE INTERESTS IT IS RECEIVING IN DARRAH ISLAND IS EQUAL TO OR GREATER THAN THE VALUE OF THE STATE'S INTEREST BEING GIVEN UP IN THAT AREA DESCRIBED IN EXHIBIT "A" OF THE EXCHANGE AGREEMENT.
5. AUTHORIZE EXECUTION ON BEHALF OF THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, OF THE PROPOSED EXCHANGE AGREEMENT AND OTHER APPROPRIATE TITLE DOCUMENTS, AND DELIVERY OF SAID AGREEMENT AND OTHER DOCUMENTS INTO EXCROW FOR RECORDATION IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SAN JOAQUIN.
6. AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO FILE, IN ANY PENDING ACTION TO QUIET TITLE BROUGHT BY THE DARRAH'S, OR IN ANY FUTURE ACTION TO QUIET TITLE BROUGHT BY THE DARRAH'S PURSUANT TO THE PROPOSED EXCHANGE AGREEMENT, A DISCLAIMER BY THE STATE OF CALIFORNIA ON BEHALF OF THE STATE LANDS COMMISSION OF ANY RIGHT, TITLE OR INTEREST IN OR TO THOSE CERTAIN LANDS DESCRIBED IN EXHIBIT "A" TO SAID AGREEMENT.
7. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY OR APPROPRIATE TO EFFECTUATE THE PROPOSED SETTLEMENT.

SEARCHED	INDEXED
SERIALIZED	FILED
204	
2152	

CALENDAR ITEM NO. 32. (CONTD)

8. FIND THAT THE PROPOSED EXCHANGE AGREEMENT IS IN SETTLEMENT OF TITLE AND BOUNDARY LITIGATION AND PROVISIONS OF CEQA ARE INAPPLICABLE.

205
2003

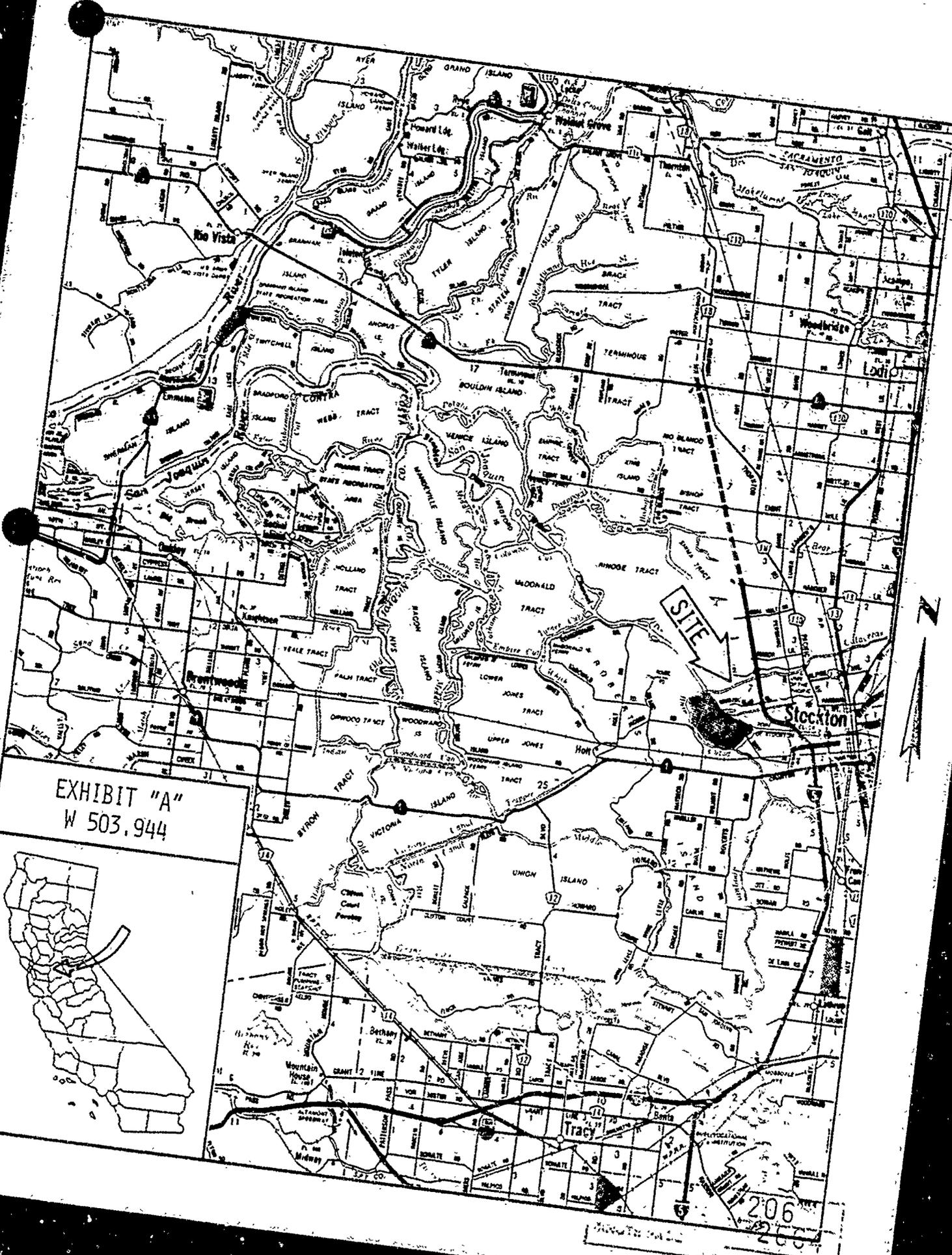


EXHIBIT "A"
W 503,944



206
206