

MINUTE ITEM

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38. DISCLAIMER IN THEODORE R. STEPMAN V. FIRST DOE,
ET AL., CONTRA COSTA COUNTY, SUPERIOR COURT
NO. 202513

Calendar Item C38 attached was pulled from the agenda
prior to the meeting.

Attachment: Calendar Item C38.

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DISCLAIMER IN THEODORE R. STEPMAN VS. FIRST DOE, ET AL., CONTRA COSTA COUNTY, SUPERIOR COURT NO. 202513.

The State Lands Commission is a party defendant to a quiet title action brought by Theodore R. Stepman to quiet title to a parcel of land, adjoining his upland property, in Fisherman's Cut, Bradford Island, Contra Costa County, California.

Upon examination of the Commission's records pertinent to the area it was determined by staff that the parcel of land which is the subject of this action was granted to the State of California by the United States pursuant to the Arkansas Swamp Land Act of September 28, 1850 (9 Stat. 519). United States S & O Patent #1, Sacramento Land District was issued July 26, 1872, with a correctory and confirmatory repatent, United States S & O Patent #180, issued June 13, 1918.

S & O Survey #287, Contra Costa County, was approved by the Surveyor General on January 30, 1869, with Certificate of Purchase #2721, issued February 2, 1869. The original applicant Jesse W. Bradford assigned the Certificate of Purchase on February 9, 1869, to A. C. Bradford. Certificate of Purchase #2721 was fully paid by Reclamation District No. 2 on June 12, 1871, and Patent was issued to Judge A. C. Bradford on June 22, 1871.

The area patented as S & O Survey #287 was the subject of prior S & O Surveys #34, 136, 235, 244 and 245, all of Contra Costa County and all forfeited or cancelled.

A comprehensive review of information available to the staff of the Commission has uncovered no evidence of sovereign tide or submerged lands or any other possible interest involving State Lands Commission jurisdiction within the subject parcel.

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The parcel in question from all available evidence is submerged due to reclamation efforts between 1871 and 1901 which created Fisherman's Cut through dredging operations and levee building. Due to its existence as an artificially created waterway it is subject to a public navigational easement.

Inasmuch as this suit involves land over which the Commission has no ownership claim, it is recommended that a disclaimer be filed on behalf of the State Lands Commission disclaiming all rights, title or interest in the area of the subject quiet title action.

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE ATTORNEY GENERAL TO FILE A DISCLAIMER ON BEHALF OF THE STATE LANDS COMMISSION IN THE CASE OF THEODORE R. SHEPMAN V. FIRST DOE, ET AL., CONTRA COSTA COUNTY, STATE OF CALIFORNIA, SUPERIOR COURT NO. 202513.

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