

MINUTE ITEM

This Calendar Item No. 26
was approved as Minute Item
No. 26 by the State Lands
Commission by a vote of 2
to 0 at its 11/23/81
meeting.

CALENDAR ITEM

26

11/23/81
W 503.1075
Kiley

APPROVAL OF EXCHANGE PARCEL
FOR SETTLEMENT OF CASE OF
AMERICAN SAVINGS V. STATE OF CALIFORNIA,
MARIN COUNTY SUPERIOR COURT NO. 88601

BACKGROUND: The Commission, at its meeting on August 20, 1981, approved in concept an agreement and exchange in settlement of the subject litigation. The Commission directed staff to obtain the Commission's approval of any proposed exchange parcel prior to the release of the State's interest. At that time, it was contemplated that American Savings would deposit \$30,000 into an interest bearing escrow account until a suitable exchange parcel could be located. The Commission subsequently, at its September 29, 1981 meeting, approved the Hayward Land Bank Agreement, which made available a suitable exchange parcel for settlement of the pending litigation.

AB 884: N/A.

EXHIBIT: A. Land Description.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE REVISED FORM OF EXCHANGE AGREEMENT ON FILE AT THE OFFICE OF THE STATE LANDS COMMISSION.
2. FIND THAT THE PROPOSED EXCHANGE AGREEMENT IS IN SETTLEMENT OF TITLE AND BOUNDARY LITIGATION AND THAT CEQA IS THEREBY INAPPLICABLE.
3. FIND THAT A 25.58 PERCENT UNDIVIDED INTEREST IN THE HAYWARD LAND BANK PARCEL DESCRIBED IN EXHIBIT A IS OF EQUAL OR GREATER VALUE THAN THE INTEREST TO BE PATENTED TO AMERICAN SAVINGS.
4. DETERMINE THAT THE UNDIVIDED INTEREST IN THE HAYWARD LAND BANK PARCEL SHALL BE ACCEPTED AS SOVEREIGN LAND SUBJECT TO THE TERMS AND CONDITION OF THE PUBLIC TRUST FOR NAVIGATION AND FISHING.

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5. FIND THAT THE PROPOSED EXCHANGE IS IN THE BEST INTEREST OF THE STATE.
6. FIND THAT THE LANDS TO BE EXCHANGED BY THE STATE HAVE BEEN FILLED, IMPROVED AND RECLAIMED, HAVE BEEN EXCLUDED FROM THE PUBLIC CHANNELS, ARE NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR NAVIGATION AND FISHING, AND SHALL BE FOREVER FREED OF THE PUBLIC TRUST FOR NAVIGATION AND FISHING UPON RECORDING OF THE DEEDS PURSUANT TO THE EXCHANGE AGREEMENT.
7. AUTHORIZE STAFF TO TAKE ALL STEPS NECESSARY TO CONSUMMATE THE EXCHANGE, INCLUDING EXECUTION AND RECORDING OF DOCUMENTS AS REQUIRED.

EXHIBIT "A"

LAND DESCRIPTION

All that certain real property in the Township of Eden, County of Alameda, State of California, described as follows:

A portion of the land conveyed to the City of Hayward by deed dated June 19, 1978 and recorded August 3, 1978 in Reel 5516 of Official Records of Alameda County, Image 237, (78-148844), described as follows:

COMMENCING at the most northern corner of said land, being the most eastern corner of the 235 acre, more or less, parcel of land conveyed to the City of Hayward by Deed dated May 21, 1965 and recorded September 24, 1965 in Reel 1604 of Official Records of Alameda County, Image 694, (AX 132369), said corner being marked by a bolt shown on Record of Survey No. 508, filed in Book 3 of Record of Surveys at Page 32, in the Office of the Alameda County Recorder; run thence southeasterly along the general eastern line of said land, (78-148844), 914.22 feet to an angle point therein marked by a "Found Concrete Monument per R/S - 3/32" shown on said Record of Survey No. 508, said point being the POINT OF BEGINNING of this description; and running thence southwesterly parallel with the southeastern line of said 235 acre parcel of land S 66° 16' 58" W 993.54 feet, to the northern line of the southeast 1/4 of the northeast 1/4 of Section 36, Township 3 South, Range 3 West, Mount Diablo Meridian; thence West along last said line 350.00 feet, to the western line of said southeast 1/4, being the western line of said land (78-148844); thence South along last said line 2640.00 feet to the southern line of said land; thence East along last said line 800.00 feet; thence N 45° E 650.00 feet to a line drawn South from the actual point of beginning; thence North 2580.00 feet to the point of beginning.

Containing 77.7 acres, more or less.

END OF DESCRIPTION.

PREPARED SEPTEMBER 11, 1981 BY GARRY A. WELDON L.S. 3752

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