

MINUTE ITEM

This Calendar Item No. 45
was approved as Minute Item
No. 45 by the State Lands
Commission by a vote of 2
to 0 at its 2/9/82
meeting.

CALENDAR ITEM

45

1/28/82
G 04-02
Grimes
Stevenson
SLL 83

APPROVAL OF SETTLEMENT
OF HLRC INVESTMENT GROUP TITLE DISPUTE,
CITY OF EUREKA

Pursuant to Chapter 1085 of the Statutes of 1970, the City of Eureka is empowered to negotiate and complete the settlement of sovereign lands disputes within the grant to the City of Eureka subject to the prior approval of the State Lands Commission.

The staff of the State Lands Commission has received a request from the City of Eureka to approve a proposed sovereign lands settlement agreement it has negotiated with HLRC Investment Group, record owner of a parcel of land subject to a sovereign lands claim. The parcel dealt with in this settlement is described in the attached Exhibit "A", is shown in its general locality on the attached Exhibit "B", and will be referred to throughout this item as SUBJECT PARCEL. The settlement agreement is on file at the offices of the Commission and is incorporated as a part of this Calendar Item by this reference.

Review by the staff has shown that the SUBJECT PARCEL lies within the perimeter description of Tideland Patent No. 25 and is subject to an easement in favor of commerce, navigation, and fisheries. The SUBJECT PARCEL lies completely above the line of the present mean high tide and is bounded by streets on two sides and other fast land on the remaining two sides.

The essential terms of the settlement agreement provide that:

1. The City of Eureka, with the approval of the State Lands Commission, will quitclaim all of its right, title, and interest as trust grantee in the SUBJECT PARCEL. Under Chapter 1085 of the Statutes of 1970, this quitclaim, if effectuated, will operate to also extinguish all sovereign right, title, and interest of the State of California in the SUBJECT PARCEL;

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2. In consideration of the quitclaim by the City, the current record owners will pay \$1,000 to the Eureka Tidelands Fund;
3. All monies deposited into the Fund will be held in trust and can only be used for the purchase of tide and submerged lands or interests or for the purchase of other lands or interests in land which are useful for public trust purposes;
4. Withdrawal of monies from Fund will be made only when a suitable parcel is found and the State Lands Commission and the City of Eureka certify that the parcel meets the requirements specified above;
5. Any land purchased with money from the Fund will become sovereign land of the State, subject to the provisions and limitations of the applicable granting statutes to the City of Eureka and to the common law public trust for commerce, navigation, and fisheries.

The City of Eureka, with the assistance of Commission staff and the review of the Office of the Attorney General, has completed an investigation and appraisal of sovereign lands interests within the SUBJECT PARCEL and has concluded that the value of those interests does not exceed \$1,000. The cost of litigation to prove sovereign rights in the SUBJECT PARCEL would exceed the value of those rights. The Commission's staff and the Office of the Attorney General recommend approval of this settlement as the best means of promoting sovereign lands interests within the Eureka grant.

EXHIBITS: A. Land Description.
 B. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION, IN ACCORDANCE WITH CHAPTER 1085 OF THE STATUTES OF 1970:

1. FIND THAT THE PROPOSED AGREEMENT IN FILE IN THE OFFICE OF THE COMMISSION IS IN SETTLEMENT OF TITLE AND BOUNDARY QUESTIONS AND THAT CEQA IS THEREFORE INAPPLICABLE.
2. DETERMINE AND DECLARE, PURSUANT TO AND IN ACCORDANCE WITH SECTION 2(b) OF CHAPTER 1085, THAT THE SUBJECT PARCEL TO THE EXTENT SAID PARCEL WAS SOVEREIGN TIDELANDS AND SUBMERGED LANDS AND NOT UPLANDS, HAS BEEN IMPROVED IN CONNECTION WITH THE DEVELOPMENT OF THE HUMBOLDT

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BAY AREA, AND IN THE PROCESS OF SUCH DEVELOPMENT HAS BEEN FILLED AND RECLAIMED, IS NO LONGER SUBMERGED OR BELOW THE PRESENT LINE OF MEAN HIGH TIDE, AND IS NO LONGER NECESSARY OR USEFUL FOR COMMERCE, NAVIGATION OR FISHERIES, OR FOR SUCH USES OR TRUSTS AS ARE, OR HAVE BEEN, IMPOSED BY THE STATUTORY GRANTS OF TIDE AND SUBMERGED LANDS FROM THE STATE TO THE CITY, AND WILL BE FREED FROM SUCH STATUTORY AND COMMON LAW TRUSTS UPON THE EFFECTIVE DATE OF THIS SETTLEMENT AGREEMENT.

3. IN ACCORDANCE WITH SECTION 6 OF CHAPTER 1085 OF THE STATUTES OF 1970, APPROVE THE SETTLEMENT AGREEMENT, IN A FORM SUBSTANTIALLY AS THAT NOW ON FILE IN THE STATE LANDS COMMISSION OFFICES AND INCORPORATED HEREIN BY THIS REFERENCE AND THE CONVEYANCES PROVIDED FOR THEREIN, AND APPROVE THE CITY, AS TRUSTEE OF THE STATUTORY AND COMMON LAW TIDELAND TRUST, CONVEYING TO OWNERS ALL OF THE RIGHT, TITLE AND INTEREST OF THE STATE OF CALIFORNIA AND ALL OF THE RIGHT, TITLE AND INTEREST OF THE CITY OF EUREKA HELD BY VIRTUE OF CHAPTER 225 OF THE STATUTES OF 1945 AND CHAPTER 1086 OF THE STATUTES OF 1970, IN AND TO ALL OF THAT REAL PROPERTY DESCRIBED AS THE SETTLEMENT AREA IN EXHIBIT "A" HEREIN.
4. FURTHER FIND AND DECLARE THAT THE CONSIDERATION BEING PAID TO THE CITY PURSUANT TO THIS AGREEMENT HAS A VALUE EQUIVALENT TO OR EXCEEDING THE VALUE OF THE INTEREST OF THE STATE AND CITY BEING CONVEYED TO OWNERS HEREUNDER, AND APPROVE OF THE ADEQUACY OF THE CONSIDERATION AS DETERMINED BY THE CITY WITH RESPECT TO THE SETTLEMENT PROVIDED FOR HEREIN, IN ACCORDANCE WITH SECTION 4 OF CHAPTER 1085.
5. AUTHORIZE THE EXECUTION AND DELIVERY INTO ESCROW FOR RECORDATION IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF HUMBOLDT, PURSUANT TO AND IN ACCORDANCE WITH SECTIONS 2(b) AND 5 OF CHAPTER 1085, STATUTES OF 1970, THE SUBJECT SETTLEMENT AGREEMENT WHICH CERTIFIES THE LANDS WITHIN THE SUBJECT PARCEL DESCRIBED IN EXHIBIT "A" ARE LANDS ABOVE THE PRESENT LINE OF MEAN HIGH TIDE AND HAVE BEEN FOUND TO BE NO LONGER NECESSARY OR USEFUL FOR COMMERCE, FISHERIES OR NAVIGATION, UPON THE RECORDATION OF WHICH SETTLEMENT AGREEMENT AND THE LANDS WITHIN SAID SUBJECT PARCEL SHALL BE FREED OF THE PUBLIC USE AND TRUST FOR COMMERCE, FISHERY, AND NAVIGATION, AND FROM SUCH USES, TRUSTS, CONDITIONS AND RESTRICTIONS AS ARE, OR HAVE BEEN, IMPOSED BY CHAPTER 187, STATUTES OF 1927, CHAPTER 225, STATUTES OF 1945, AND CHAPTER 1085, STATUTES OF 1970, AS SUBSEQUENTLY AMENDED AND MODIFIED.

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6. AUTHORIZE THE EXECUTIVE OFFICER OF HIS DESIGNEE AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS WHICH THEY DEEM NECESSARY OR APPROPRIATE TO EFFECTUATE THE SETTLEMENT AGREEMENT INCLUDING REPRESENTATION OF THE COMMISSION IN ANY LEGAL ACTION TO DETERMINE THE LEGALITY OF THIS ACTION.

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EXHIBIT "A"
LAND DESCRIPTION

BEGINNING at the southeast corner of First and S Streets, as established according to the official surveys and monuments of the City of Eureka;

thence south along S Street, 110 feet to the alley in Block 8 of the Eddy Tract Addition to the City of Eureka;

thence east along the alley, 120 feet to the point midway between S and T Streets;

thence at right angles North 110 feet to First Street;

thence west along First Street, 120 feet more or less to the point of beginning.

A.P. # 2-053-01

THIS DESCRIPTION WAS RETYPED IN TECHNICAL SERVICES FROM A DOCUMENT PROVIDED BY STAFF COUNSEL ON JANUARY 12, 1982.

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