

MINUTE ITEM

This Calendar Item No. 26
was approved as Minute Item
No. 26 by the State Lands
Commission by a vote of 3
to 0 at its 12/16/82
meeting.

CALENDAR ITEM

: 26 :

12/82
W 22825
Grimmett
Stevenson
PPC 6366

APPROVAL OF AN EXCHANGE AGREEMENT AMONG THE
NOYO HARBOR DISTRICT, WHARF, INC., AND THE
STATE LANDS COMMISSION, AFFECTING A 0.87 ACRE PARCEL IN
NOYO HARBOR, MENDOCINO COUNTY, WITH A LEASE BACK TO THE
NOYO HARBOR DISTRICT

By Chapter 555, Statutes of 1961, the Noyo Harbor District,
Mendocino County, was granted all tide and submerged lands
within its boundaries. The District has held and administered
its grant continuously since then.

In August 1981, the U. S. Coast Guard contacted the State
Lands Commission to determine and settle sovereign claims
to a parcel of land (SUBJECT PARCEL) in Noyo Harbor which
it plans to acquire for a search and rescue station. The
SUBJECT PARCEL is shown, for reference purposes only, on
Exhibit B, which is incorporated by reference as a part
of this calendar item. A review by State Lands Commission
staff of the topographic, hydrographic, and survey data
relating to SUBJECT PARCEL shows it to have included sovereign
tide and/or submerged lands which did not pass by U. S. patent
to the uplands along the Noyo River.

As a result of the Coast Guard policy that it not acquire
land and build structures without clear title, an exchange

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agreement was negotiated among the private claimant of the property (Wharf, Inc.), the Noyo Harbor District, and the State Lands Commission. A copy of this agreement is on file at the offices of the Commission and is incorporated by reference as a part of this calendar item. The agreement provides that:

1. The Noyo Harbor District quitclaim its granted lands interest back to the State Lands Commission as to the SUBJECT PARCEL so that the State can make an exchange of lands pursuant to P.R.C. Section 6407. This is done because Chapter 555, Statutes of 1961, does not include language authorizing the District to exchange its property.
2. Wharf, Inc., will quitclaim to the State all its interest in the PARCEL TO STATE which is a portion of the SUBJECT PARCEL and shown, for reference only, on Exhibit B. The PARCEL TO STATE includes a small inlet off the Noyo River which the Coast Guard plans to use to moor a search and rescue vessel. Wharf, Inc., will also quitclaim to the State any interest it claims in the Noyo River waterward of the SUBJECT PARCEL.
3. The State Lands Commission will quitclaim to Wharf, Inc., the State's sovereign interest in the TRUST TERMINATION PARCEL (which is also a part of the SUBJECT PARCEL and shown for reference only in Exhibit B). The TRUST TERMINATION PARCEL is land which will be used by the Coast Guard for structures and other support facilities.
4. As part of the exchange agreement, the State will lease the PARCEL TO STATE back to the Noyo Harbor District at no fee for the purposes enumerated in its granted lands statute. The District will, in turn, sublease the land to the Coast Guard for its search and rescue station.

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The Commission staff has evaluated the exchange proposal and has concluded that:

1. The TRUST TERMINATION PARCEL has been filled pursuant to and in the course of a highly beneficial public program of harbor development;
2. The TRUST TERMINATION PARCEL is no longer susceptible to use for commerce, navigation, and fisheries;
3. The TRUST TERMINATION PARCEL has ceased to be tide and submerged land;
4. The TRUST TERMINATION PARCEL constitutes a relatively small part of Noyo Harbor; and
5. The value of the land to be acquired by the State is greater than or equal to the value of sovereign interests given up by the State.

The Commission staff recommends approval of the exchange if it occurs substantially in the form of the exchange agreement which is now on file in Commission offices and which is incorporated by reference as a part of this calendar item. If completed, this exchange will clear the way for a needed Coast Guard facility while protecting State sovereign rights in the tract of land involved.

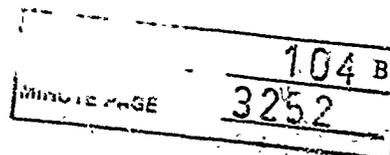
EXHIBITS:

- A. Site map.
- B. Map showing SUBJECT PARCEL (composed of TRUST TERMINATION PARCEL and PARCEL TO STATE) for reference only.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGEMENT, AND RECORDATION ON BEHALF OF THE COMMISSION OF THE FOLLOWING DOCUMENTS:
 - A. THE EXCHANGE AGREEMENT IN SUBSTANTIALLY THE FORM OF AGREEMENT NOW ON FILE IN THE COMMISSION OFFICES AND INCORPORATED AS A PART OF THIS APPROVAL AND AUTHORIZATION BY THIS REFERENCE.

Added 12/14/82



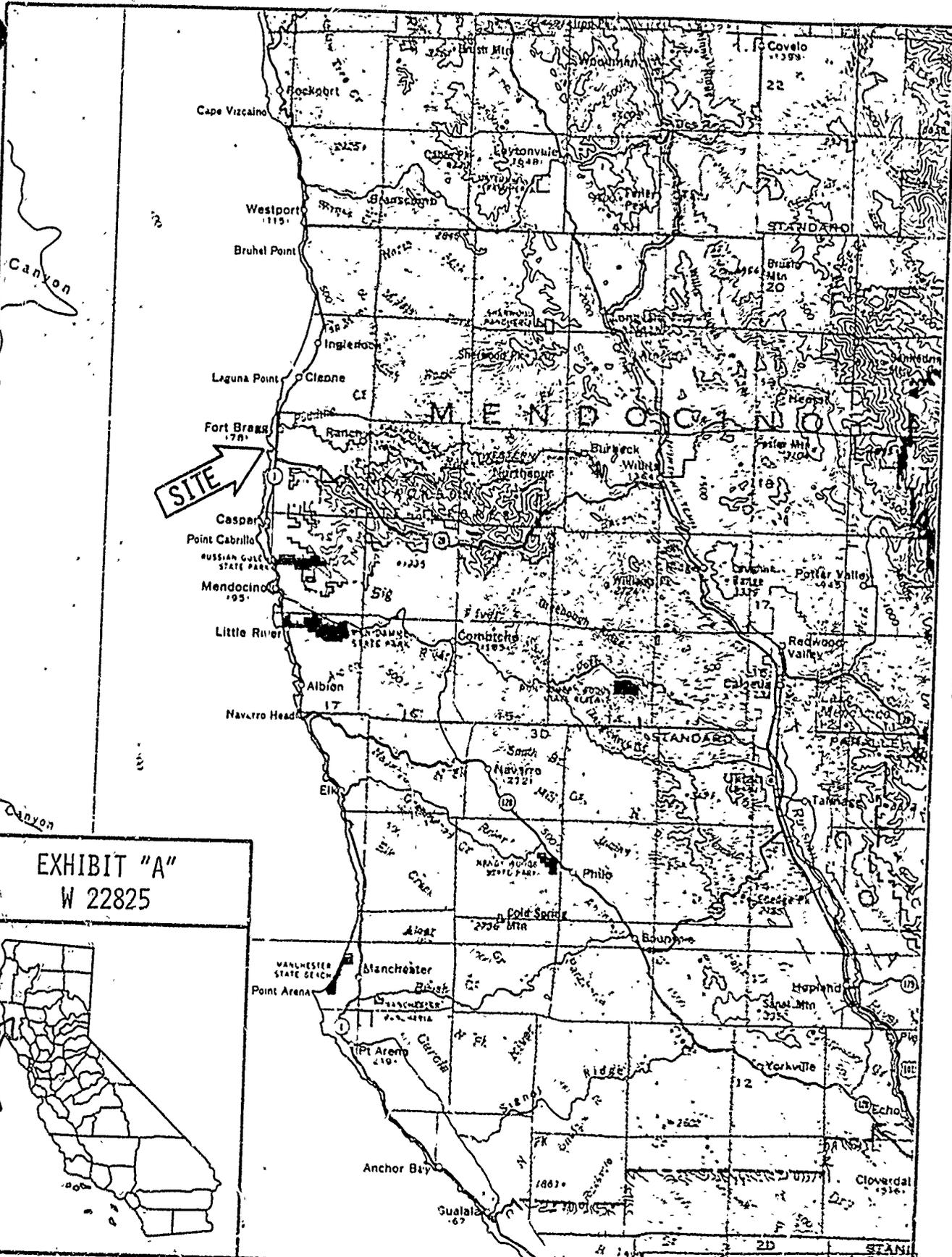
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- B. A LEASE BACK TO THE NOYO HARBOR DISTRICT OF THE PARCEL TO STATE IN SUBSTANTIALLY THE FORM OF LEASE INCORPORATED INTO THE EXCHANGE AGREEMENT.
2. FIND THAT:
- A. THE TRUST TERMINATION PARCEL HAS BEEN FILLED PURSUANT TO AND IN THE COURSE OF A HIGHLY BENEFICIAL PUBLIC PROGRAM OF HARBOR DEVELOPMENT;
- B. THE TRUST TERMINATION PARCEL IS NO LONGER SUSCEPTIBLE TO USE FOR COMMERCE, NAVIGATION AND RECREATION;
- C. THE TRUST TERMINATION PARCEL HAS CEASED TO BE TIDE AND SUBMERGED LAND;
- D. THE TRUST TERMINATION PARCEL CONSTITUTES A RELATIVELY SMALL PART OF NOYO HARBOR; AND
- E. THE VALUE OF THE LAND TO BE ACQUIRED BY THE STATE IS GREATER THAN OR EQUAL TO THE VALUE OF SOVEREIGN INTERESTS GIVEN UP BY THE STATE.
3. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS WHICH THEY DEEM NECESSARY, INCLUDING, BUT NOT LIMITED TO, FILING LEGAL DOCUMENTS AND APPEARING IN COURT, TO EFFECTUATE THIS EXCHANGE AGREEMENT.
4. FIND THAT THE PROPOSED AGREEMENT IS IN SETTLEMENT OF A TITLE AND BOUNDARY DISPUTE AND CEQA IS THEREFORE INAPPLICABLE.

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EXHIBIT "A"
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