

MINUTE ITEM

This Calendar Item No. 34
was approved as Minute Item
No. 34 by the State Lands
Commission by a vote of 3
to 0 at its 2/28/83
meeting.

CALENDAR ITEM

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2/24/83
W 21885
E. Ludlow
G. Davis
SLL 92

APPROVAL OF COMPROMISE TITLE SETTLEMENT AGREEMENT

INTRODUCTION:

The State Lands Commission staff recommends Commission approval of a Compromise Title Settlement Agreement with the Ernest W. Hahn Corporation involving an approximately 41-acre parcel of land (Settlement Parcel) located in the Town of Corte Madera, County of Marin. The proposed agreement contemplates the State patenting its interest in the Settlement Parcel in return for the sum of \$45,000. That sum will be deposited in the Land Bank Fund pursuant to Public Resources Code Section 8025(a). This money would then be available to purchase property more suitable for trust purposes.

BACKGROUND AND PRESENT SITUATION:

The Ernest W. Hahn Corporation intends to build townhouses and a shopping center on the Settlement Parcel which is located between U. S. Highway 101 and the Northwestern

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REVISED 2/23/83)

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Pacific Railroad right of way in close proximity to San Francisco bay and is depicted on the attached Settlement Plat which is marked Exhibit "A".

The source of the State's title claim in the Settlement Parcel is the existence of historic sloughs which covered approximately 2.76 acres. Those sloughs are now dry and are not suitable for trust purposes. Further, there is no land of equal or greater value within the Settlement Parcel suitable for trust purposes and which is available for exchange. Therefore, the Compromise Title Settlement Agreement contemplates the State patenting its interest in the Settlement Parcel to the Ernest W. Hahn Corporation in exchange for the sum of \$45,000, which will be deposited in the Land Bank Fund. The specific terms and conditions of the Compromise Title Settlement are set forth in the proposed form of agreement, a copy of which is on file with the State Lands Commission.

CONCLUSION:

The staff of the Commission has reviewed and evaluated the title evidence and the various legal principles applicable to this case. It has concluded that the proposed agreement is a reasonable compromise solution to this title dispute, is in compliance with all legal requirements and is within the statutory authority of the State Lands Commission.

Ab 884: Y/A.

EXHIBITS:

- A. Plat of Compromise Title Settlement.
- B. Land Description of the 41⁺-acre Settlement Parcel.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE AND DECLARE THAT THE SUBJECT COMPROMISE TITLE SETTLEMENT AGREEMENT IS IN THE BEST INTERESTS OF THE STATE AND THAT THE SETTLEMENT PARCEL 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 COMPROMISE TITLE SETTLEMENT AGREEMENT SHALL BE FREE FROM THE PUBLIC TRUST FOR COMMERCE, NAVIGATION AND FISHERIES.
2. DECLARE AND DETERMINE THAT THE SUM OF \$45,000 THE STATE IS RECEIVING PURSUANT TO THE SUBJECT COMPROMISE TITLE SETTLEMENT AGREEMENT IS EQUAL TO OR GREATER THAN THE VALUE OF THE STATE'S INTEREST BEING GIVEN UP IN THE SETTLEMENT PARCEL.
3. DETERMINE AND DECLARE THAT THE SUBJECT COMPROMISE TITLE SETTLEMENT IS BEING MADE IN LIEU OF LITIGATION, IS A TITLE SETTLEMENT WITHIN THE MEANING OF PUBLIC RESOURCES CODE SECTION 8601(d) AND AUTHORIZE ACCEPTANCE OF THE SUM OF \$45,000 TO BE DEPOSITED IN THE LAND BANK FUND PURSUANT TO PUBLIC RESOURCES CODE SECTION 8625(a).
4. AUTHORIZE EXECUTION ON BEHALF OF THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, OF THE PROPOSED COMPROMISE TITLE SETTLEMENT AGREEMENT IN SUBSTANTIALLY THE FORM ON FILE WITH THE COMMISSION AND OTHER APPROPRIATE TITLE DOCUMENTS, AND DELIVERY OF SAID AGREEMENT AND OTHER DOCUMENTS INTO ESCROW FOR RECORDATION IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MARIN.
5. 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 INCLUDING PARTICIPATION IN A QUIET TITLE ACTION IN ORDER TO OBTAIN A DECREE CONFIRMING THE PROVISIONS OF THE COMPROMISE TITLE SETTLEMENT AGREEMENT.
6. FIND THAT THE PROPOSED COMPROMISE TITLE SETTLEMENT AGREEMENT IS EXEMPT FROM CEQA PURSUANT TO PUBLIC RESOURCES CODE SECTION 8631 AND 21080.11.

EXHIBIT "A"

Description of SETTLEMENT PARCEL

All that certain real property situate in the Town of Corte Madera, County of Marin, State of California, described as follows:

BEGINNING at a point on the westerly boundary of the Northwestern Pacific Railroad, as described in the parcel designated "First Tract" in the deed from Thomas B. Valentine to San Francisco & San Rafael Railroad Company, recorded June 2, 1886 in Book 3 of Deeds at Page 399, Marin County Records, being also the westerly boundary of Parcel 3 of the deed from Southern Pacific Transportation Company, a Delaware corporation, to One Market Street Properties, Inc., a corporation, recorded March 9, 1976 in Volume 3003 of Official Records at Page 146, Marin County Records, at the southeasterly corner of Lot 7 and the northeasterly corner of Parcel A, as said Lot and Parcel are shown on the "Map of Seaside Unit One in the Town of Corte Madera, Marin County, California", filed December 9, 1968 in Book 14 of Maps at Page 39, Marin County Records; thence along said westerly boundary (3 Deeds 399) N 5° 41' 38" W, 1897.00 feet (N 6° 59' 00" W per (14 RM 39); thence leaving said westerly boundary (3 Deeds 399) S 84° 18' 22" W, 60.00 feet; thence N 33° 15' 38" W, 82.60 feet; thence S 84° 18' 22" W, 263.30 feet; thence S 39° 18' 22" W, 450.65 feet; thence S 84° 18' 22" W, 168.00 feet; thence westerly along a tangent curve to the right whose center bears N 5° 41' 38" W, having a radius of 240 feet, through a central angle of 30° 30' 00", an arc length of 127.76 feet; thence along a tangent curve to the right whose center bears N 24° 48' 22" E, having a radius of 100 feet, through a central angle of 58° 13' 18", an arc length of 101.62 feet to the easterly boundary of State Highway U.S. 101 Frontage Road as described in the following deeds; Parcel 1 - First and Parcel 1 - Third of the Final Order of Condemnation obtained by the People of the State of California, plaintiff, vs. Frank Rusalem, et al, defendants, recorded July 1, 1958, in Volume 1199 of Official Records at Page 381, Marin County Records; Parcel 1 of the deed from Alfonso M. Boro, trustee for Alfonso M. Boro, et al, to the State of California, recorded January 19, 1956 in Volume 1001 of Official Records at Page 32, Marin County Records; deed from H.C. Wood et ux, to the State of California, recorded July 30, 1958 in Volume 1206 of Official Records at Page 259, Marin County Records; and deed from the State of California to H.C. Wood and Lorraine E.M. Wood, as joint tenants, recorded October 23, 1958 in Volume 1228 of Official Records at Page 233, Marin County Records; thence along said easterly boundary of said Frontage Road (1199 OR 381, 1001 OR 32, 1206 OR 259 and 1228 OR 233) the following courses and distances: S 6° 58' 20" E (1199 OR 381) 542.00 feet; thence along a tangent curve to the left whose center bears N 83° 01' 40" E, having a radius of 14973 feet, through a central angle of 3° 25' 14", an arc length of 893.89 feet (1199 OR 381) and 1001 OR 32); thence along a tangent curve to the left whose center bears N 79° 36' 26" E, having a radius of 320 feet, through a central angle of 50° 06' 26", an arc length of 279.85 feet (1199 OR 381 and 1206 OR 259); thence S 60° 30' 00" E, 236.31 feet (236.23 feet per 1206 OR 259 and 1228 OR 233); thence along a tangent curve to the left whose center bears N 29° 30' 00" E, having a radius of 173 feet, through a central angle of 54°

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32' 50", an arc length of 164.70 feet (1228 OR 233), and thence N 64° 57' 10" E, 64.26 feet (1228 OR 233) to the southwest corner of Lot 6 of said "Map of Seaside Unit One" (14 RM 39); thence leaving said easterly boundary of said U.S. 101 Frontage Road (1199 OR 381, 1001 OR 32, 1206 OR 259 and 1228 OR 233), along the common boundary between said Lot 6 (14 RM 39) and U.S. 101 Frontage Road as described in Parcel 1 - Second of said Final Order of Condemnation (1199) OR 381) N 64° 57' 10" E, 63.72 feet (1199 OR 381); N 63° 38' 30" E, 63.72 feet per 14 RM 39), and thence along a tangent curve to the right whose center bears S 25° 02' 50" E (S 26° 21' 30" E per 14 RM 39), having a radius of 77 feet, through a central angle of 90° 00' 00", an arc length of 120.95 feet (14 RM 39 and 1199 OR 381) to the northwesterly corner of said Parcel A of said "Map of Seaside Unit One" (14 RM 39); thence leaving said common boundary (14 RM 39 and 1199 OR 381), along the northerly boundary of said Parcel A (14 RM 39) along a tangent curve to the left whose center bears N 64° 57' 10" E (N 63° 38' 30" E per 14 RM 39), having a radius of 25 feet, through a central angle of 90° 00' 00", an arc length of 39.27 feet (14 RM 39), and thence N 64° 57' 10" E, 238.57 feet (N 63° 38' 30" E, 238.57 feet per 14 RM 39) to the Point of Beginning.

END OF DESCRIPTION

REVIEWED BY BOUNDARY AND TITLE SECTION, LEROY WEED, SUPERVISOR.

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