MINUTE ITEM

This Calendar Item No. 35 was approved as Minute Item No. 22 by the State Lands Commission by a vote of 3 to 0 at its 5/26/83 meeting.

CALENDAR ITEM

35

2/24/83
W 22778
Valentine
SLL 93

TITLE SETTLEMENT AGREEMENT

Jimmy W. Genn, James L. Reading and Velma M. Reading have requested that the State Lands Commission propose a title settlement agreement to resolve existing uncertainties as to public/private ownership to about four acres of real property in Vallejo, Solano County. The property involved is located along the east side of Mare Island Strait just south of the Highway 37 Bridge. The property has been partially filled and has been improved with a single family residence, an outbuilding and a recreational boating pier. Slightly over two-thirds of the property presently consists of tidal wetlands. The residence is occupied by Mr. Genn. Mr. Genn and Mr. and Mrs. Reading are successors in interest to the purchasers of a tideland patent. The location of the present day and historic lines of ordinary high and low water are uncertain and open to dispute.

Staff has made a proposal for settlement of the existing title questions concerning this property and the proposal has been endorsed by Mr. Genn and Mr. and Mrs. Reading. A copy of the agreement is on file with staff. The agreement provides that for purposes of this settlement the subject parcel is to be divided into three sub-parcels. See the attached plat of settlement parcel. Pursuant to the agreement the sub-parcel designated as the Quiclaim Parcel, consisting of approximately 1.3 acres of historic submerged lands will be conveyed by the applicants by quitclaim deed to be held by the State as sovereign tide and submerged lands. The Public Trust Easement Parcel, consisting of approximately 1.4 acres of historic and present day tidal wetlands, will be patented to applicants by the State, reserving therefrom a public trust easement for commerce, navigation and fisheries.

A 8

S 4

Non-Substantive Revision 4/4/83

The Trust Termination Parcel, consisting of the balance of the settlement parcel, will be patented to applicants thereby terminating the public trust interest on the filled parcel but reserving to the State at the north and south boundaries of the parcel, a ten feet wide strip for non-motorized public access. In furtherance of the settlement and pursuant to the request of applicants, the State Lands Commission is to exercise the State's public trust interest in the River and Easement Parcels for preservation of these sub-parcels in their natural condition as open space wetlands and wildlife habitat. Applicants have filed with s f an application for a recreational pier permit for boating pier which extends across the Public Trust Easement Parcel onto the Quitclaim Parcel.

Applicants will obtain at their own expense a standard CLTA policy of title insurance for the State's interest in the Public Trust Easement and Quitclaim Parcels. Applicants are to be permitted to maintain and preserve the fill and improvements on the Trust Termination Parcel as is necessary to the beneficial use and possession of said parcel by applicants or their successors. Staff has secured an appraisal of the settlement parcel and is of the opinion that the interest being acquired by the State in the Public Trust Easement and Quitclaim Parcels over and above existing State interest is equal to or greater than the State interest being extinguished in the Trust Termination Parcel.

AB 884: N/A.

EXHIBITS: A. Plat of Settlement Parcel.
B. Descriptions of Settlement Parcels.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE AND AUTHORIZE EXECUTION, ACKNOWLEDGEMENT AND RECORDATION ON BEHALF OF THE COMMISSION OF THE FOLLOWING DOCUMENTS:

   A. THE COMPROMISE TITLE SETTLEMENT AGREEMENT IN SUBSTANTIALLY THE FORM OF THE AGREEMENT PRESENTLY ON FILE WITH THE COMMISSION.

   B. STATE'S PATENT TO THE TRUST TERMINATION PARCEL AS DEPICTED ON EXHIBIT "A" AND DESCRIBED ON EXHIBIT "B".

C. STATE'S PATENT TO THE PUBLIC TRUST EASEMENT PARCEL, AS DEPICTED ON EXHIBIT "A" AND DESCRIBED ON EXHIBIT "B", RESERVING THEREFROM A PUBLIC TRUST EASEMENT.

D. CERTIFICATES OF ACCEPTANCE AND CONSENT TO RECORD A QUITCLAIM DEED AND GRANT DEED FROM APPLICANTS TO THE QUITCLAIM PARCEL AND PUBLIC TRUST EASEMENT OVER THE PUBLIC TRUST EASEMENT PARCEL.

2. AUTHORIZE AND DIRECT THE STAFF OF THE STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGEMENT AND RECORDATION OF DOCUMENTS OF TITLE, CONVEYANCES, STIPULATIONS, ESCROW INSTRUCTIONS, DEEDS, AGREEMENTS, TRANSFER OF CONTROL AND POSSESSION, CERTIFICATES OF ACCEPTANCE AND CONSENTS TO RECORDATION, AND SUCH OTHER DOCUMENTS AS MAY BE REASONABLE AND CONVENIENT TO CARRY OUT THE COMPROMISE TITLE SETTLEMENT AGREEMENT AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE AGREEMENT.

3. FIND THAT:

A. THE PARTIES HAVE A GOOD FAITH AND BONA FIDE DISPUTE RESPECTING THE PRIVATE AND STATE TITLES WITHIN THE SUBJECT PARCEL.

B. THE PROPOSED AGREEMENT CONSTITUTES A COMPROMISE OF THE CONTESTED ISSUES OF LAW AND EVIDENCE UPON WHICH THE DISPUTE IS BASED.

C. THE AGREEMENT IS IN THE LIEU OF THE COSTS, DELAYS AND UNCERTAINTIES OF TITLE LITIGATION.

D. THE AGREEMENT IS CONSISTENT WITH AND IS AUTHORIZED BY THE REQUIREMENTS OF LAW INCLUDING DIVISION 6 OF THE P.R.C., AND SECTION 6307 THEREOF, AND IS CONSISTENT WITH THE STATE'S POWER TO RESOLVE AND SETTLE A CONTROVERSY IN LIEU OF LITIGATION.

E. ON RECORDATION OF THE AGREEMENT AND CONSISTENT WITH ITS TERMS, THE TRUST TERMINATION PARCEL WILL NO LONGER BE NECESSARY OR USEFUL FOR THE PURPOSES OF THE PUBLIC TRUST AND THE PUBLIC TRUST MAY BE TERMINATED THEREON.

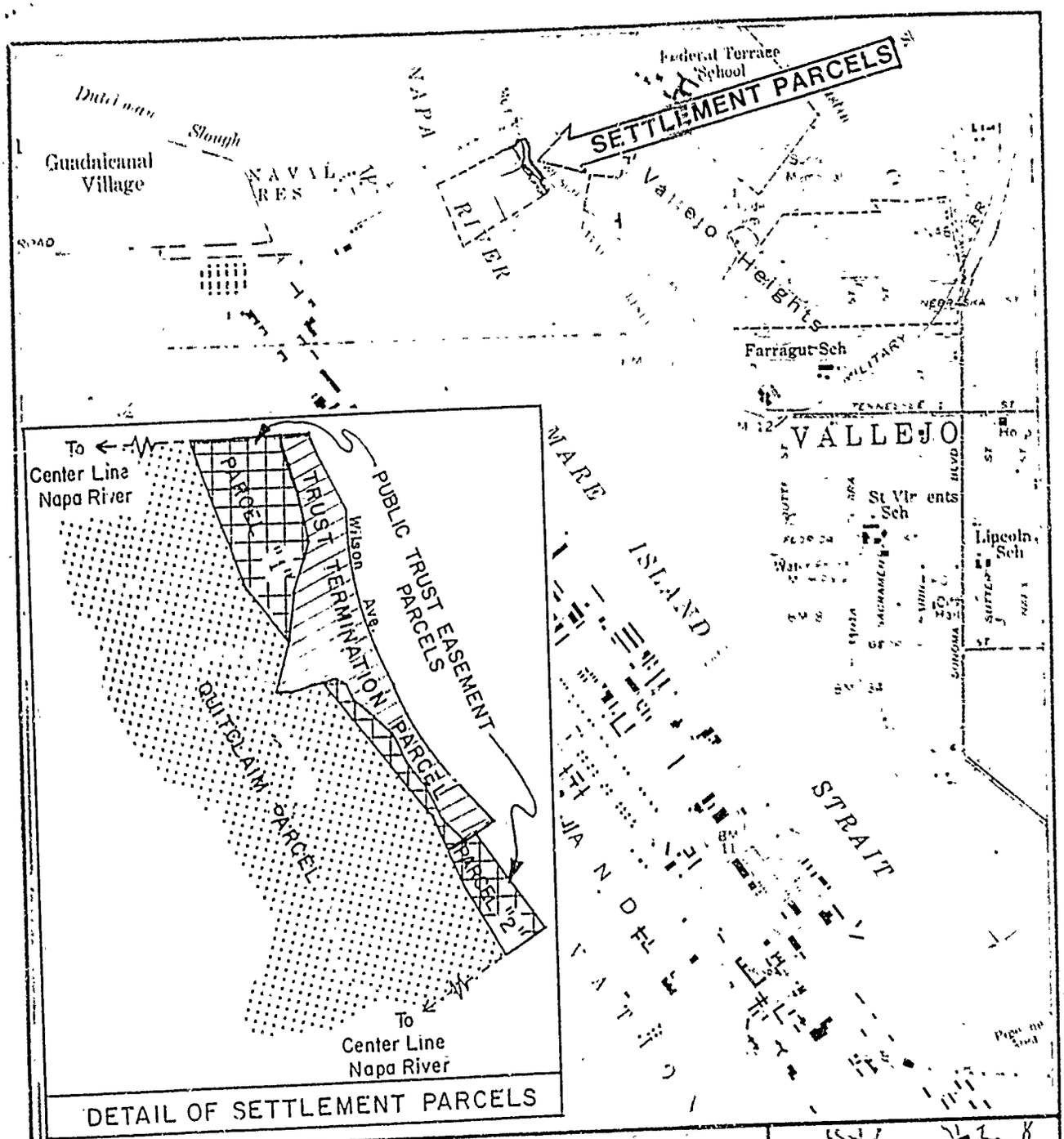
F. THE PROPOSED AGREEMENT IS IN THE BEST INTERESTS OF THE STATE AND THE STATE IS RECEIVING INTEREST IN LAND OF EQUAL OR GREATER VALUE THAN THE INTEREST BEING CONVEYED TO THE PRIVATE PARTIES.

G. IT IS IN THE BEST INTEREST OF THE STATE THAT THE PUBLIC TRUST INTEREST OF THE STATE IN THE QUITCLAIM AND THE PUBLIC TRUST EASEMENT PARCELS BE EXERCISED FOR THE PURPOSE OF PRESERVATION IN THEIR NATURAL CONDITION AS OPEN SPACE WETLANDS AND WILDLIFE HABITAT.

H. NO ENVIRONMENTAL DOCUMENT HAS BEEN PREPARED REGARDING THIS MATTER SINCE ONE IS NOT REQUIRED PURSUANT TO CEQA, P.R.C. 21080.11 ET SEQ.

4. EXERCISE THE PUBLIC TRUST INTEREST IN THE QUITCLAIM AND PUBLIC TRUST EASEMENT PARCELS, AS DEPICTED AND DESCRIBED ON THE ATTACHED EXHIBITS, FOR PRESERVATION IN THEIR NATURAL CONDITION AS OPEN SPACE WETLANDS AND WILDLIFE HABITAT.

5. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION TO ENTER INTO A LEASE OF THE STATE'S INTEREST IN THE QUITCLAIM AND PUBLIC TRUST EASEMENT PARCELS TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME FOR MANAGEMENT AS A WETLAND WILDLIFE HABITAT AND REFUGE.



STATE LANDS COMMISSION

PLAT OF SETTLEMENT PARCEL

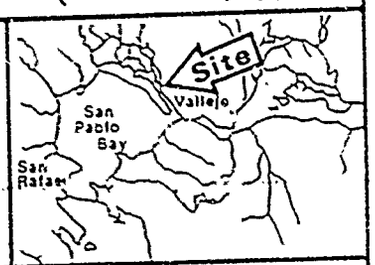


EXHIBIT A

Prepared by A.A. Shimonauff Date 2/4/83 A 8 4

Title Study Genn-Vallejo W 22778

T2 -N16-E192

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EXHIBIT "B"

LAND DESCRIPTION

TRUST TERMINATION PARCEL

A parcel of land situated in the City of Vallejo, County of Solano, State of California, being a portion of Tidelands Survey 19 in the S 1/2 of Section 11, T3N, R4W, MDM, more particularly described as follows:

COMMENCING at a point on the East-West Quarter Section line of Section 11, T3N, R4W, MDM, which is also the beginning point of Tidelands Survey 19, recorded June 8, 1868 in Patent Book 1, Official Records, Solano County, page 292, and Tidelands Survey 34, recorded November 17, 1890 in Patent Book 6, Official Records, Solano County, page 38, said point of commencement bears N 72° 12' 11" E, 38.9 feet from Station E-49 on the survey of the Mean High Tide Line (MHTL) as said station is shown on the map entitled, "Survey of the Ordinary Low Water Mark and Mean High Tide Line ... of May 1955", said map on file with the State Lands Commission per Work Order No. 1942; thence along the common boundary line of said Tidelands Survey 19 and Tidelands Survey 34, West, 3.3 feet more or less to a point on the west boundary line of Parcel No. 7 described in Quitclaim Deed, recorded April 2, 1958, in Book 921 of Official Records, Solano County, page 319; said point also being the POINT OF BEGINNING of the here-in-after described parcel; thence along said west boundary line of Parcel No. 7, S 13° 40' E, 11.4 feet more or less; thence S 24° 47' E, 110.93 feet to a point on the west Right-of-Way line of County Road No. 617 (Wilson Ave.) as said Right-of-Way existed on June 18, 1980; thence leaving said Parcel No. 7 southerly along said Right-of-Way on a non-tangent curve to the left, the radial line of said curve bears S 88° 35' E, with a radius of 465.5 feet, a central angle of 31° 11' 18", and an arc distance of 253.39 feet to a point on a second non-tangent curve to the left, said point also being the northerly corner of that parcel described in Grant Deed, recorded October 4, 1957, in Book 900 of Official Records, Solano County, page 531, Instrument No. 16144; thence along said curve and along the south-westerly boundary line of said Grant Deed, the radial line of said curve bears N 67° 20' 38" E, with a radius of 480 feet, a central angle of 20° 28' 39", and an arc distance of 171.55 feet; thence S 43° 08' E, 66.28 feet to a point on the northwesterly boundary line of parcel described in Grant Deed (joint tenancy), recorded August 15, 1950 in Book 539 of Official Records, Solano County, page 458, Instrument No. 10423; thence along said northwesterly boundary line and its southwesterly projection S 59° 15' W, 47.9 feet more or less to a point on the survey of the above said Mean High Tide Line (MHTL); thence northerly along said (MHTL) survey line N 45° 47' 45" W, 47.1 feet more or less; thence N 24° 37' 25" W, 52.80 feet; thence N 36° 19' 37" W, 42.20 feet; thence N 22° 42' 52" W, 46.62 feet; thence N 47° 12' 09" W, 73.59 feet; thence N 22° 55' 56" W, 28.23 feet; thence N 71° 33' 54" W, 15.81 feet; thence S 76° 36' 27" W, 64.76 feet; thence N 86° 59 14" W, 19.03 feet; thence N 16° 41' 57" E, 73.08 feet; thence N 06° 14' 31" E, 64.38 feet; thence N 19° 23' 52" E, 75.27 feet; thence N 10° 22' 33" W, 72.18 feet; thence N 19° 35' 32" W, 62.63 feet; thence N 09° 32' 12" W, 11.9 feet more or less to a point on the above said common boundary line of Tidelands Survey 19 and Tidelands Survey 34, said line also being the East-West Quarter Section line of Section 11, T3N, R4W, MDM; thence leaving said (MHTL) survey line along said common boundary line, East. 35.7 feet more or less to the point of beginning.

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END OF DESCRIPTION

PREPARED BY BOUNDARY AND TITLE UNIT, FEBRUARY 7, 1989 LEROY WEED, SUPERVISOR.

EXHIBIT "B"

LAND DESCRIPTION

PUBLIC TRUST EASEMENT PARCELS

Two parcels of land situated in the City of Vallejo, County of Solano, State of California, being a portion of Tidelands Survey 19 in the S 1/2 of Section 11, T3N, R4W, MDM, more particularly described as follows:

PARCEL 1

COMMENCING at a point on the East-West Quarter Section line of Section 11, T3N, R4W, MDM, which is also the beginning point of Tidelands Survey 19, recorded June 8, 1868 in Patent Book 1, Official Records, Solano County, Page 292, and Tidelands Survey 34, recorded November 17, 1890 in Patent Book 6, Official Records, Solano County, page 38, said point of commencement bears N 72° 12' 11" E,38.9 feet from Station E-49 on the survey of the Mean High Tide Line (MHTL) as said station is shown on the map entitled, "Survey of the Ordinary Low Water Mark and Mean High Tide Line ... of May 1955", said map on file with the State Lands Commission per Work Order No. 1942; thence along the common boundary line of said Tidelands Survey 19 and Tidelands Survey 34, West, 39.0 feet more or less to a point on the survey of the above said Mean High Tide Line (MHTL), said point also being the POINT OF BEGINNING of the here-in-after described parcel; thence southerly along said (MHTL) survey line S 09° 32' 12" E, 11.9 feet more or less; thence S 19° 35' 32" E, 62.63 feet; thence S 10° 22' 33" E, 72.18 feet; thence S 19° 23' 52" W, 75.27 feet; thence S 06° 14' 31" W, 64.38 feet; thence S 16° 41' 57" W, 3.0 feet more or less; thence leaving said (MHTL) survey line N 37° 46' 15" W, 101.4 feet; thence N 19° W, 180.0 feet; thence N 14° 15' W, 30.0 feet more or less to a point on the above said common boundary line of Tidelands Survey 19 and Tidelands Survey 34, said line also being the East-West Quarter Section line of Section 11, T3N, R4W, MDM; thence along said common boundary line East, 125.0 feet more or less to the point of beginning.

PARCEL 2

COMMENCING at a point on the East-West Quarter Section line of Section 11, T3N, R4W, MDM, which is also the beginning point of Tidelands Survey 19, recorded June 8, 1868 in Patent Book 1, Official Records, Solano County, page 292, and Tidelands Survey 34, recorded November 17, 1890 in Patent Book 6, Official Records, Solano County, page 38, said point of commencement bears N 72° 12' 11" E,38.9 feet from Station E-49 on the survey of the Mean High Tide Line (MHTL) as said station is shown on the map entitled, "Survey of the Ordinary Low Water Mark and Mean High Tide Line ... of May 1955", said map on file with the State Lands Commission per Work Order No. 1942; thence along the common boundary line of said Tidelands Survey 19 and Tidelands Survey 34, West, 39.0 feet more or less to a point on the survey of the above said Mean High Tide Line (MHTL); thence southerly along said (MHTL) survey line S 09° 32' 12" E, 11.9 feet more or less; thence S 19° 35' 32" E, 62.63 feet; thence S 10° 22' 33" E, 72.18 feet; thence S 19° 23' 52" W, 75.27 feet; thence S 06° 14' 31" W, 64.38 feet; thence S 16° 41' 57" W, 73.08 feet; thence S 86° 59' 14" E, 19.03 feet; thence N 76° 36' 27" E, 64.76 feet to the POINT OF BEGINNING of the here-in-after described parcel; thence continuing along said (MHTL) survey line, S 71° 33' 54" E, 15.81 feet; thence S 22° 55' 56" E, 28.23 feet;

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thence S 47° 12' 09" E, 73.59 feet; thence S 22° 42' 52" E, 46.62 feet; thence S 36° 19' 37" E, 42.20 feet; thence S 24° 37' 25" E, 52.80 feet; thence S 45° 47' 45" E, 47.1 feet more or less to the southwesterly projection of the northwesterly boundary line of the parcel described in Grant Deed, recorded August 15, 1950 in Book 539, Official Records, Solano County, page 458, Instrument No. 10423; thence leaving said (MHTL) survey line northeasterly along said southwesterly projection, N 59° 15' E, 17.2 feet more or less to the northwesterly corner of said Grant Deed; thence along the southwesterly boundary line of said Grant Deed S 35° 10" E, 163.38 feet to a point on a boundary line of the parcel described in Correction Deed, recorded January 13, 1947 in Book 387, Official Records, Solano County, page 58, Instrument No. 595; thence leaving said Grant Deed and along the boundary line of said Correction Deed S 59° 15' W, 68.2 feet to a point; thence leaving said boundary line N 29° 30' W, 107.0 feet; thence N 22° W, 115.0 feet; thence N 37° 46' 15" W, 247.6 feet more or less to a point on the above said (MHTL) survey line; thence along said (MHTL) survey line N 76° 36' 27" E, 18.1 feet more or less to the point of beginning.

END OF DESCRIPTION

PREPARED BY BOUNDARY AND TITLE UNIT, FEBRUARY 7, 1983, LEROY WEED, SUPERVISOR.

EXHIBIT "B"

LAND DESCRIPTION

QUITCLAIM PARCELS

Three parcels of land situated in the City of Vallejo, County of Solano, State of California, and being a portion of Tidelands Survey 19 in the S 1/2 of Section 11, T3N, R4W, MDM, and also a portion of the bed of Napa River, more particularly described as follows:

PARCEL 1

COMMENCING at a point on the East-West Quarter Section line of Section 11, T3N, R4W, MDM, which is also the beginning point of Tidelands Survey 19, recorded June 8, 1868 in Patent Book 1, Official Records, Solano County, page 292, and Tidelands Survey 34, recorded November 17, 1890 in Patent Book 6, Official Records, Solano County, page 38, said point of commencement bears N 72° 12' 11" E, 38.9 feet from Station E-49 on the survey of the Mean High Tide Line (MHTL) as said station is shown on the map entitled, "Survey of the Ordinary Low Water Mark and Mean High Tide Line . . of May 1955", said map on file with the State Lands Commission per Work Order No. 1942; thence along the common boundary line of said Tidelands Survey 19 and Tidelands Survey 34, West, 164.0 feet to the POINT OF BEGINNING of the here-in-after described parcel; thence S 14° 15' E, 30.0 feet; thence S 19° E, 180.0 feet; thence S 37° 46' 15" E, 101.4 feet more or less to a point on the above said Mean High Tide Line (MHTL); thence along said (MHTL) survey line S 16° 41' 57" W, 70.08 feet; thence S 86° 59' 14" E, 19.03 feet; thence N 76° 36' 27" E, 46.66 feet; thence leaving said (MHTL) survey line S 37° 46' 15" E, 247.6 feet more or less; thence S 22° E, 115.0 feet; thence S 29° 30' E, 107.0 feet more or less to a point on a boundary line of the parcel described in Correction Deed, recorded January 13, 1947 in Book 387, Official Records, Solano County, page 58, Instrument No. 596, thence southwesterly along said boundary line and the southwesterly projection thereof, S 59° 15' W to the center line of the Napa River; thence northwesterly along the Napa River center line to a point on the westerly projection of the above mentioned common boundary of Tidelands Survey 19 and Tidelands Survey 34, said line also being the westerly projection of the East-West Quarter Section line of Section 11, T3N, R4W, MDM; thence East along said westerly projections, and along said common boundary line to the point of beginning.

PARCEL 2

A non-exclusive public water access easement; COMMENCING at a point on the East-West Quarter Section line of Section 11, T3N, R4W, MDM which is also the beginning point of Tidelands Survey 19, recorded June 8, 1868 in Patent Book 1, Official Records, Solano County, page 292, and Tidelands Survey 34, recorded November 17, 1890 in Patent Book 6, Official Records, Solano County, page 38, said point of commencement bears N 72° 12' 11" E, 38.9 feet from Station E-49 on the survey of the Mean High Tide Line (MHTL) as said station is shown on the map entitled, "Survey of the Ordinary Low Water Mark and Mean High Tide Line ... of May 1955", said map on file with the State Lands Commission per Work Order No. 1942; then along the common boundary line of said Tidelands Survey 19 and Tidelands Survey 34, West, 164.0 feet to the POINT OF BEGINNING of the here-in-after described parcel; thence S 14° 15' E, 10.3 feet; thence East 160.6 feet more or less to a point on the west boundary line of Parcel No. 7 described in Quitclaim Deed, recorded April 2, 1958, in Book 921 of Official Records, Solano County, page 319; thence along ~~said west~~

boundary line of Parcel No. 7, N 13° 40' W, 10.3 feet more or less to a point on the above said common boundary line of Tidelands Survey 19 and Tidelands Survey 34, said line also being the East-West Quarter Section line of Section 11, T3N, R4W, MDM; thence leaving the west line of said Parcel No. 7, along said common boundary line, West 160.7 feet more or less to the point of beginning.

PARCEL 3

A non-exclusive public water access easement; COMMENCING at a point on the East-West Quarter Section line of Section 11, T3N, R4W, MDM, which is also the beginning point of Tidelands Survey 19, recorded June 8, 1868 in Patent Book 1, Official Records, Solano County, page 292, and Tidelands Survey 34, recorded November 17, 1890 in Patent Book 6, Official Records, Solano County, page 38, said point of commencement bears N 72° 12' 11" E, 38.9 feet from Station E-49 on the survey of the Mean High Tide Line (MHTL) as said station is shown on the map entitled, "Survey of the Ordinary Low Water Mark and Mean High Tide Line ... of May 1955", said map on file with the State Lands Commission per Work Order No. 1942; thence along the common boundary line of said Tidelands Survey 19 and Tidelands Survey 34, West, 3.3 feet more or less to a point on the west boundary line of Parcel No. 7 described in Quitclaim Deed, recorded April 2, 1958, in Book 921 of Official Records, Solano County, page 319; thence along said west boundary line of Parcel No. 7, S 13° 40' E, 11.4 feet more or less; thence S 24° 47' E, 110.93 feet to a point on the west Right-of-Way line of County Road No. 617 (Wilson Ave.) as said Right-of-Way existed on June 18, 1980; thence leaving said Parcel No. 7 southerly along said Right-of-Way on a non-tangent curve to the left, the radial line of said curve bears S 88° 35' E, with a radius of 465.5 feet, a central angle of 31° 11' 18", and an arc distance of 253.39 feet to a point on a second non-tangent curve to the left, said point also being the northerly corner of that parcel described in Grant Deed, recorded October 4, 1957, in Book 900 of Official Records, Solano County, page 531, Instrument No. 16144; thence along said curve and along the south westerly boundary line of said Grant Deed, the radial line of said curve bears N 67° 20' 38" E, with a radius of 480 feet, a central angle of 20° 28' 39", and an arc distance of 171.55 feet; thence S 43° 08' E, 66.28 feet to a point on the northwesterly boundary line of parcel described in Grant Deed (joint tenancy), recorded August 15, 1950 in Book 539 of Official Records, Solano County, page 458, Instrument No. 10423, said point also being the POINT OF BEGINNING of the here-in-after described parcel; thence along said north-westerly boundary line and its southwesterly projection S 59° 15' W, 75.2 feet more or less to a point on the easterly line of the above described Quitclaim Parcel 1, said line N 22° E, 10.2 feet; thence N 59° 15' E, 71.5 feet more or less to a point on the southwesterly boundary line of that parcel described in Grant Deed, recorded October 4, 1957, in Book 900 of Official Records, Solano County, page 531, Instrument No. 16144; thence along the westerly boundary line of said Grant Deed, S 43° 08' E, 10.2 feet more or less to the point of beginning.

END OF DESCRIPTION

PREPARED BY BOUNDARY AND TITLE UNIT, FEB. 11, 1983, ROY WEED, SUPERVISOR.

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