

MINUTE ITEM

This Calendar Item No. 29
was approved as Minute Item
29 by the State Lands
Commission by a vote of 3
to 0 at its 9/28/83
meeting.

CALENDAR ITEM

29 -4

9/22/83
W 22632
Valentine
SLL 93

APPROVAL OF AN EXTENSION TO
COMPROMISE TITLE SETTLEMENT AGREEMENT
CITY OF NEWARK, ALAMEDA COUNTY

PRIVATE PARTIES:

Salvatore Niosi and Silvano Vial

A title dispute exists between the State in its sovereign capacity and Salvatore Niosi and Silvano Vial ("private parties") concerning ownership of a 3.6-acre portion of a larger 12.67-acre parcel of real property located in the City of Newark, Alameda County. The property is just south of Mayhews Landing Road and bounded by Thornton Avenue on the east, Willow Street on the west, and Sunset Avenue on the south. The real property is referred to as the subject parcel, and is described in Exhibit "A", and is depicted on Exhibit "B".

By Minute Item 33, at its March 24, 1983 meeting, the State Lands Commission approved the Compromise Title Settlement Agreement between the State and Mr. Salvatore Niosi and Mr. Silvano Vial, as partners. At that time, however, Mr. Niosi and Mr. Vial had not acquired the property from Mr. Carr. In light of this fact and due to the long period during which the State's settlement offer had been outstanding without any change, the Commission required that the property be acquired in fee, excluding existing State interest, within ninety (90) days of Commission consideration of the transaction.

The private party is still in the process of acquiring the subject parcel as successor in interest to the State's Tideland Patent of Survey No. 73 issued in 1865, which included part of the subject parcel. Staff feels it is in the best interest of the State to extend the ninety (90) day period to October 31, 1983.

AB 884: N/A.

EXHIBITS: A. Subject Parcel Description.
B. Subject Parcel Plat.

IT IS THEREFORE RECOMMENDED THAT THE COMMISSION:

1. EXTEND UNTIL OCTOBER 31, 1983, THE TIME FOR CLOSING THE ESCROW IN W 22632.

A 25

S 11

| | |
|-------------|------|
| MINUTE PAGE | -261 |
| MINUTE PAGE | 2255 |

CALENDAR ITEM NO. 29. (CONT'D)

2. AUTHORIZE DEPOSIT OF THE MONIES RECEIVED PURSUANT TO THIS SETTLEMENT INTO THE LAND BANK TRUST FUND ADMINISTERED BY THE STATE LANDS COMMISSION.

| | |
|-------------|-----------------|
| CALL NO. | 262 |
| MINUTE PAGE | 2256 |

EXHIBIT A
 LAND DESCRIPTION
 TRUST TERMINATION PARCEL

A parcel of land within a portion of projected Section 2, T5S, R2W, MDM, in the City of Newark, County of Alameda, State of California, described as follows:

All that land described in that certain Grant Deed, recorded March 24, 1966 in Reel 1733, image 411, Alameda County Records.

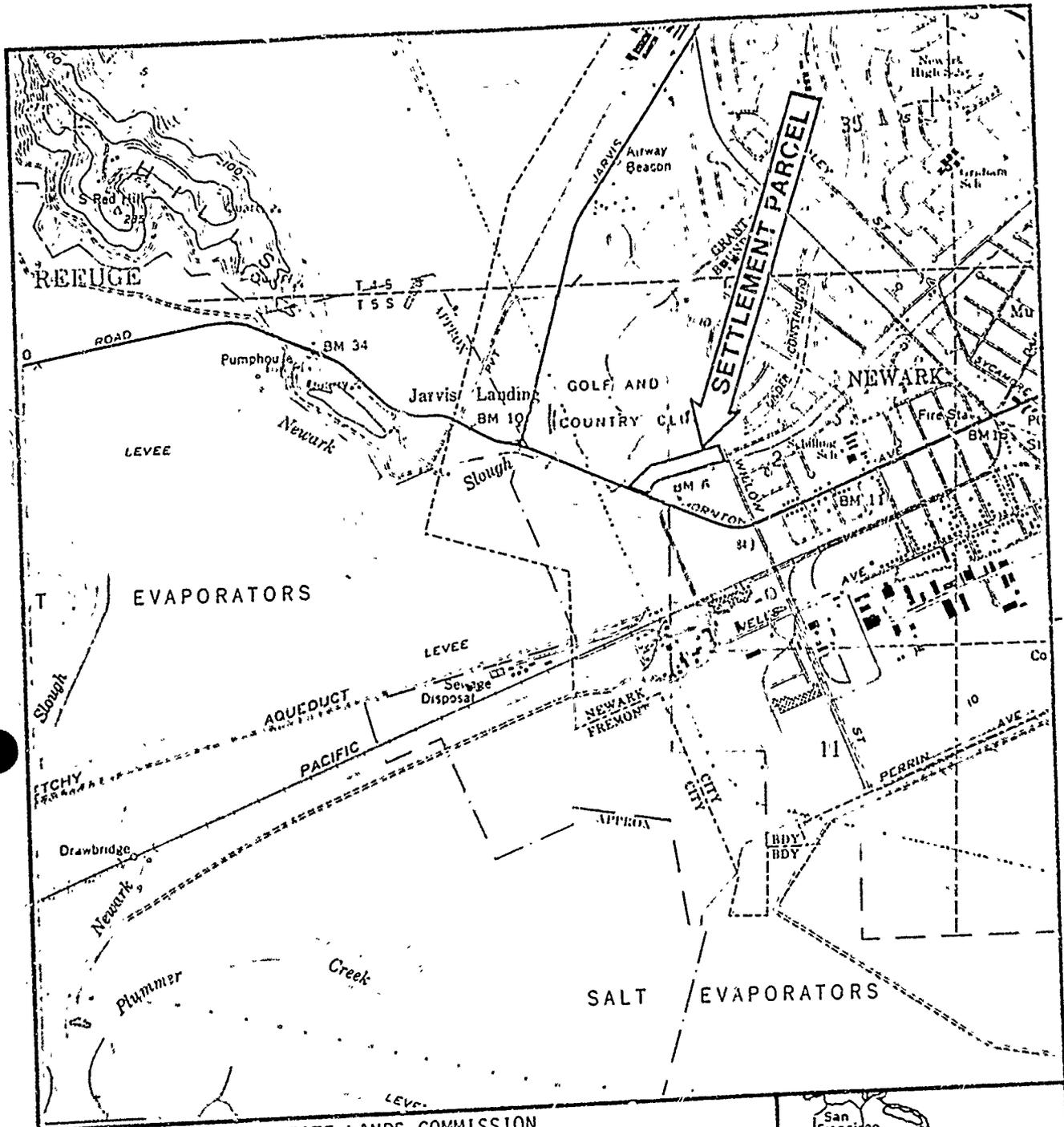
EXCEPTING THEREFROM any portion lying northwesterly of a line that is parallel with and measures 16.5 feet distant northwesterly from the original centerline of the county road known as Mayhews Landing Road, as said road is designated on the "Map Showing the Town of Newark", filed April 27, 1880, in Map Book 17, page 42, Alameda County Records.

ALSO EXCEPTING THEREFROM any portion lying southwesterly of the northwesterly line of Thornton Avenue (formerly Dumbarton Road) as said line is described in that certain Indenture recorded April 12, 1926 in Book 1279, page 119, Alameda County Records.

END OF DESCRIPTION

PREPARED BY THE BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

| | |
|--------------|------|
| DATE OF SALE | 263 |
| PLAT NUMBER | 2257 |



STATE LANDS COMMISSION
 SUBJECT PARCEL PLAT
 Portion of U.S.G.S. quadrangle
 Newark, 1959
 Photorevised 1980



Prepared by: A.A. Shimonauuff Date: 2/22/83 A:25 S:11

EXHIBIT B

Title Study: DUMBARTON OAKS

W 22632

73-N 37-154, 155

264

2258