

MINUTE ITEM

This Calendar Item No. 48
was approved as Minute Item
No. 48 by the State Lands
Commission by a vote of 3
to 0 at its 10/26/83
meeting.

CALENDAR ITEM

48

10/26/83
W 23236
Grimes
Stevenson
SLL 112

APPROVAL OF SETTLEMENT OF
TITLE DISPUTE AFFECTING A 24-ACRE PARCEL IN
THE SOUTH VALLEJO INDUSTRIAL PARK
CITY OF VALLEJO, SOLANO COUNTY

In May of this year the staff of the State Lands Commission was contacted by the Redevelopment Agency of the City of Vallejo regarding title to a 24-acre tract of land in Vallejo known as the South Vallejo Industrial Park. This property has been the subject of a development and disposition agreement between the Redevelopment Agency of the City of Vallejo and the C. B. Maris Corporation, a limited partner of Vallejo Associates I. Record title to 19 acres of the tract is held by the Vallejo Redevelopment Agency and is shown as TRUST TERMINATION PARCEL 1 on Exhibit "B" (which is attached to this Calendar Item and incorporated by this reference). The remaining five acres are in the record ownership of Vallejo Associates I and are shown as TRUST TERMINATION PARCEL 2 on Exhibit "B". An exception for commerce, navigation, and fisheries in the preliminary title policy for the two parcels has impeded their improvement by making lending difficult to obtain.

Once contacted, the staff of the Commission completed a thorough title study of the parcel which showed that:

1. In their natural state, TRUST TERMINATION PARCELS 1 and 2 were comprised of tide and submerged lands;

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2. The majority of TRUST TERMINATION PARCELS 1 and 2 were included within the perimeter descriptions of Tideland Survey Patent Nos. 2, 20, and 25(25A) for Solano County. The remainder passed by uplands sale from the United States Government;
3. The State of California, by Chapter 311, Statutes of 1913, granted in trust to the City of Vallejo any and all sovereign right, title and interests within TRUST TERMINATION PARCELS 1 and 2;
4. A program for filling TRUST TERMINATION PARCELS 1 and 2 began in 1914;
5. Beginning in 1920, the City of Vallejo initiated litigation to declare invalid the tidelands patents along the Vallejo waterfront. The State of California was not a party to these suits. Vallejo's position in these suits was that title had not passed to the holders of the patents because the land surveyed was submerged, not tidal, in a natural state. The City asserted that the first and only grant of the submerged land from the State was that of its trust grant, Chapter 311, Statutes of 1913.
6. The staff of the State Lands Commission contends that these lawsuits were settled in a manner which reserved the sovereign public trust easement in TRUST TERMINATION PARCELS 1 and 2, excepting the portion which was historically uplands.

At the request of the other parties to this transaction, the staff of the State Lands Commission has completed an appraisal of TRUST TERMINATION PARCELS 1 and 2. Based upon that appraisal, the completed title work-up, and a legal analysis of this matter, the staff has reached the conclusion that the value of the sovereign interests in both of these parcels is \$130,000.

A proposed Agreement has been drafted to clear title to TRUST TERMINATION PARCELS 1 and 2. It is now on file in the offices of the State Lands Commission. The basic terms of the Agreement are as follows:

1. The City of Vallejo will quitclaim its granted lands interest in TRUST TERMINATION PARCELS 1 and 2 to the State. This interest derives from Chapter 311, Statutes of 1913, as amended;

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2. The State will then quitclaim all sovereign interests in TRUST TERMINATION PARCELS 1 and 2. This quitclaim will be to the Redevelopment Agency of the City of Vallejo as to TRUST TERMINATION PARCEL 1 and Vallejo Associates I as to TRUST TERMINATION PARCEL 2; and
3. The Redevelopment Agency of the City of Vallejo and/or Vallejo Associates I will contribute \$130,000 to the Kapiloff Land Bank Fund (Public Resources Code Sections 8600-8633) in exchange for the State's quitclaim of TRUST TERMINATION PARCELS 1 and 2.

The staff of the State Lands Commission recommends the approval and execution of the proposed Exchange Agreement in a form similar to that now on file in the Commission's offices. The property to be cleared of public trust interests has long since been filled above the tides and is far removed from the present day Vallejo waterfront. Property more appropriate for public trust uses will be purchased with the contribution made by the parties to this transaction.

- EXHIBITS:
- A. General Site Map.
 - B. Specific Site Map showing TRUST TERMINATION PARCELS 1 and 2.

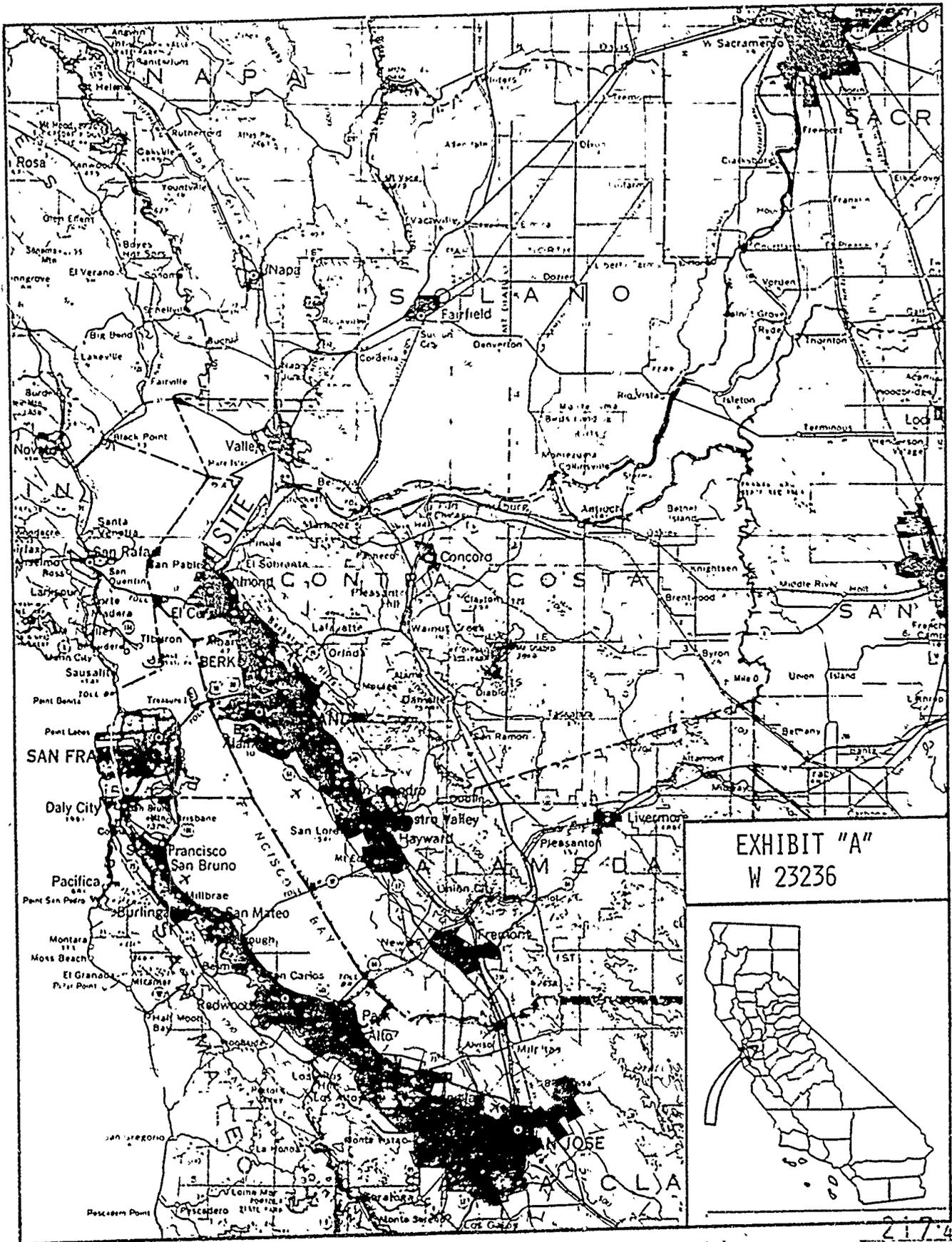
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE PROPOSED AGREEMENT IS IN SETTLEMENT OF TITLE AND BOUNDARY QUESTIONS AND THAT CEQA IS THEREFORE INAPPLICABLE.
2. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE AND TO DELIVER INTO ESCROW FOR RECORDATION IN THE OFFICE OF THE COUNTY RECORDER OF SOLANO COUNTY THE SUBJECT EXCHANGE AGREEMENT IN A FORM SIMILAR TO THAT NOW ON FILE WITH THE OFFICE OF THE STATE LANDS COMMISSION.
3. AUTHORIZE THE EXECUTIVE OFFICER TO ACCEPT, AS PROVIDED IN THE EXCHANGE AGREEMENT, THE QUITCLAIM OF THE CITY OF VALLEJO'S GRANTED LAND INTEREST FOR TRUST TERMINATION PARCELS 1 AND 2.
4. FIND THAT TRUST TERMINATION PARCELS 1 AND 2 HAVE BEEN FILLED AND RECLAIMED IN CONNECTION WITH THE DEVELOPMENT OF MARE ISLAND STRAITS AND THE VALLEJO WATERFRONT ARE NO LONGER BELOW THE PRESENT LINE OF MEAN HIGH TIDE AND ARE NOT NECESSARY OR USEFUL FOR COMMERCE, NAVIGATION, OR FISHERIES.

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5. AUTHORIZE THE EXECUTIVE OFFICER OR HER DESIGNEE AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS SHE/THEY DEEM NECESSARY OR APPROPRIATE TO EFFECTUATE THIS EXCHANGE AGREEMENT INCLUDING REPRESENTATION OF THE COMMISSION IN ANY LEGAL ACTION TO DETERMINE THE LEGALITY OF THIS AGREEMENT.

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Added 10/25/83

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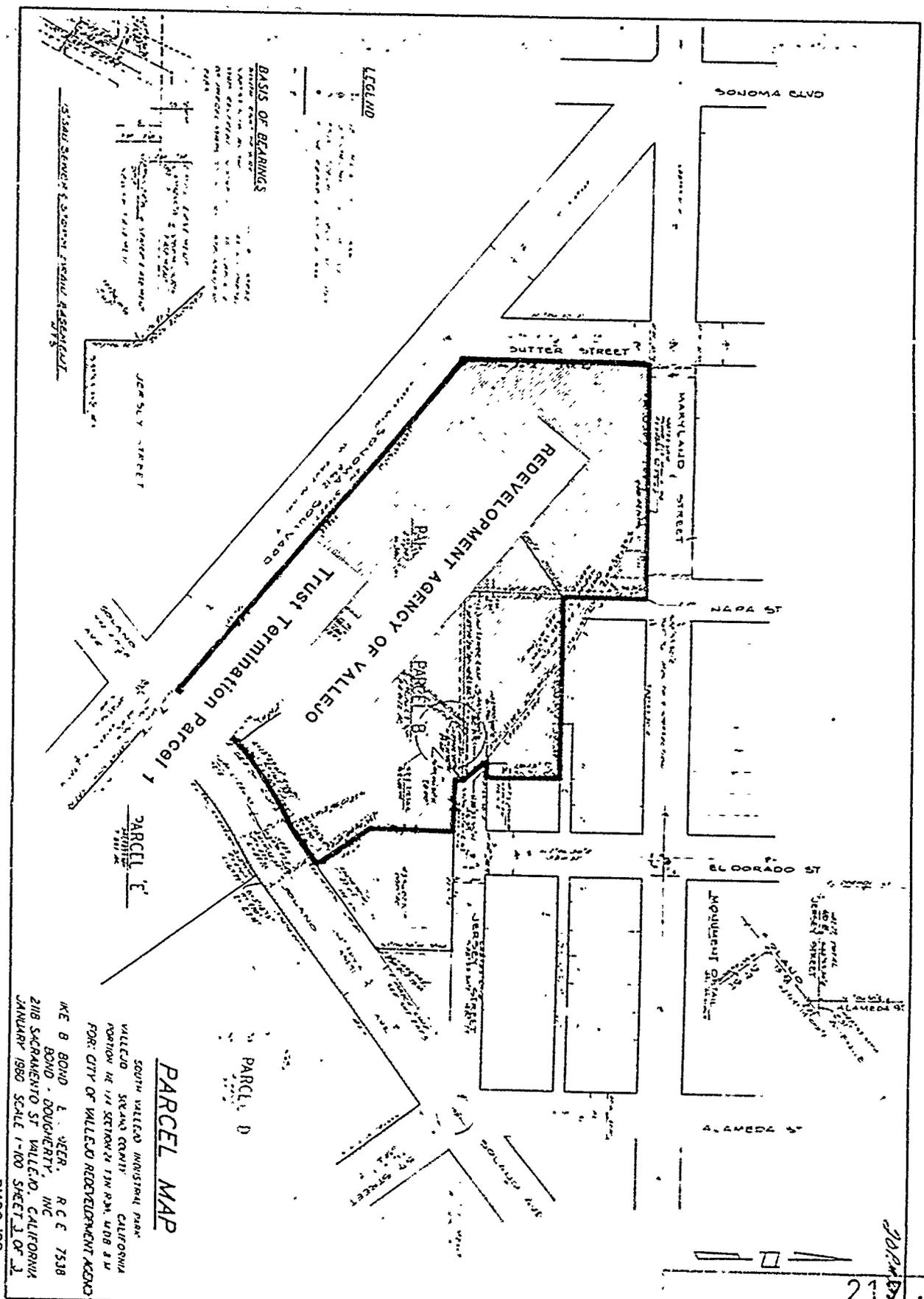


EXHIBIT 'B'

Added 10/25/83

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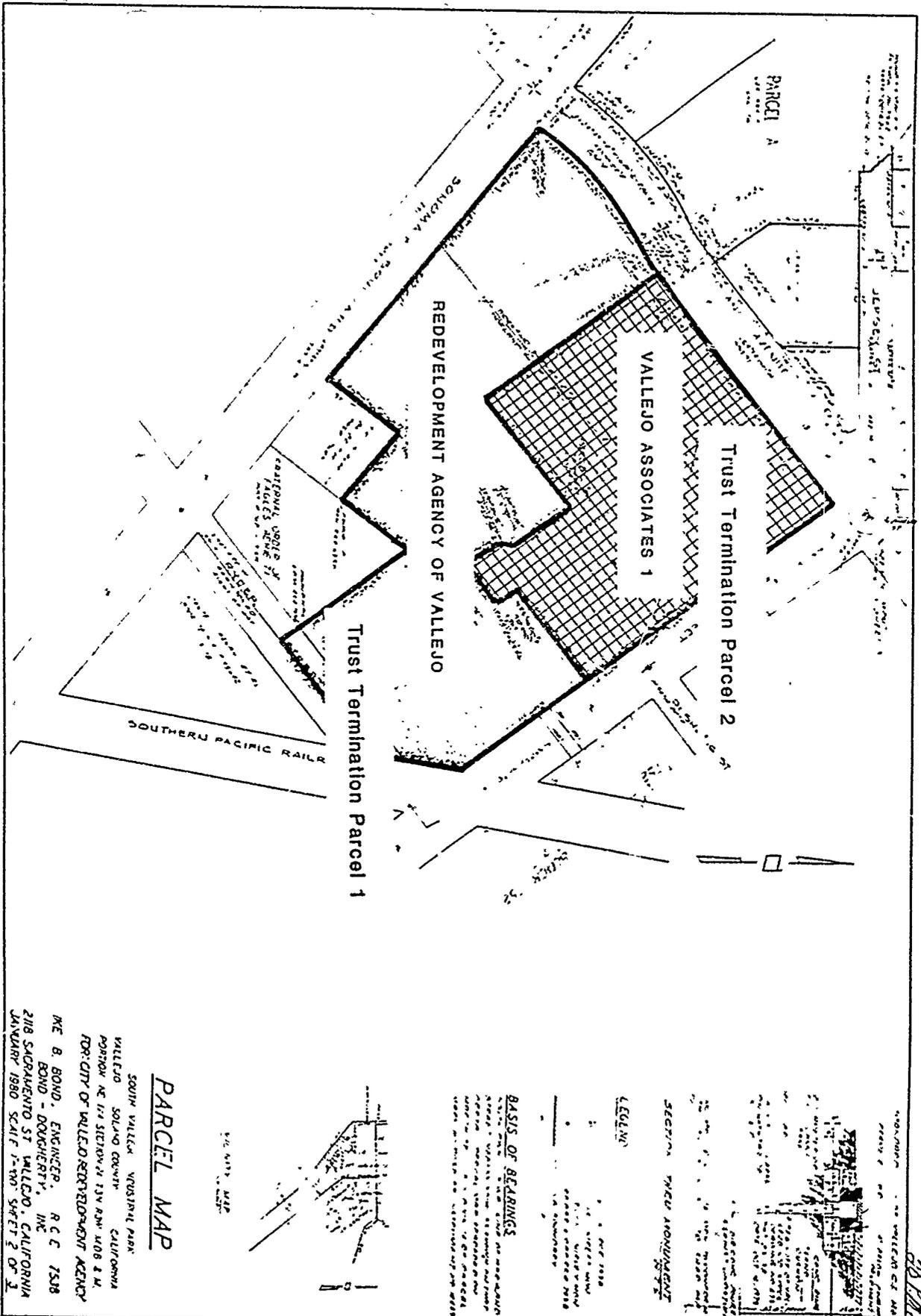


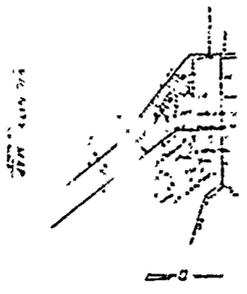
EXHIBIT 'B'

PARCEL MAP

SOUTH VALLEJO INDUSTRIAL PARK
 VALLEJO SOLANO COUNTY CALIFORNIA
 PORTION NE 1/4 SECTION 21 T34N R24W 4008 & M.
 FOR CITY OF VALLEJO REDEVELOPMENT AGENCY

ME B. BOND, ENGINEER, R C C 7538
 BOND - BOURGHERY, INC
 2118 SACRAMENTO ST VALLEJO, CALIFORNIA
 JANUARY 1980 SCALE 1"=50' SHEET 2 OF 3

PM20-101



BASIS OF BEARINGS

ALL BEARINGS ARE TO THE CENTER OF THE EARTH AS DETERMINED BY THE NATIONAL BUREAU OF STANDARDS. THE BEARINGS ARE TO THE CENTER OF THE EARTH AS DETERMINED BY THE NATIONAL BUREAU OF STANDARDS. THE BEARINGS ARE TO THE CENTER OF THE EARTH AS DETERMINED BY THE NATIONAL BUREAU OF STANDARDS.

LEGEND

1. TRUST TERMINATION PARCEL 1
 2. TRUST TERMINATION PARCEL 2

SECTION TWO ADJUMENT

TO THE CITY OF VALLEJO, CALIFORNIA
 BY ME B. BOND, ENGINEER, R C C 7538
 BOND - BOURGHERY, INC
 2118 SACRAMENTO ST VALLEJO, CALIFORNIA
 JANUARY 1980

Added 10/25/83

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