

MINUTE ITEM

This Calendar Item No. 32
was approved as Minute Item
No. 32 by the State Lands
Commission by a vote of 3
to 0 at its 5/7/84
meeting.

CALENDAR ITEM

A 9

32 4.

S 5

05/07/84
W 503.1029
SLL 111
Grimes
Stevenson
Flushman

REQUEST FOR AUTHORIZATION TO
AMEND SETTLEMENT AGREEMENT TO
ALLOW RESTRICTIONS UPON
STATE PROPERTY IN EXCHANGE FOR PROPERTY AT
HAMILTON AIR FORCE BASE AND
BLACKPOINT, MARIN COUNTY

At its November 29, 1982 meeting, the Commission authorized the settlement of the lawsuit entitled State of California, ex. rel., State Lands Commission v. United States of America, et al. (United States District Court, Northern District of California, No. C-79-1865-RPA). This lawsuit was filed by the Commission in 1979 to protect its claimed title to Hamilton Air Force Base (Base). The basic terms of the settlement provided that:

1. An ordinary high water mark would be established pursuant to Public Resources Code Section 6357 along the bay side of the most waterward levee of the Base. This line is shown for reference only on Exhibit "B" to this item.
2. The North Antennae Field, 267 acres in size and contiguous to the Base, would pass to the State with access.
3. The State would quitclaim to the United States all its right, title, and interest landward of the ordinary high water mark shown for reference only on Exhibit "B".

At the time the settlement was originally made, the Base was being disposed of as surplus property by the United States General Services Administration. Further, in an important ruling, the United States District Court held that the federal quiet title statute of limitations did not apply to the sovereign state seeking to protect its title to sovereign trust lands. Subsequently, the United States Supreme Court held in Block v. North Dakota (1983) U. S. _____ that states were

subject to statute of limitations that conditioned the United States' waiver of sovereign immunity in quiet title lawsuits. Also, the Base was removed from surplus by request of the United States Army. Because of these two events, the settlement was renegotiated and modifications were made as follows:

1. Previously unimpeded access to the North Antennae Field (shown on Exhibit "B" for reference) may now be only for administrative purposes so long as the Base is used for aviation, and
2. The State will grant, confirm and ratify an easement over land waterward of the ordinary high water mark for water outfalls, aviation lights, and an extension of the runway.
3. In exchange for these limitations on the property to be quieted in the State, the Federal Government has offered to convey 135 acres of land at Blackpoint, Marin County, in fee to the State with access. The Blackpoint parcel is shown for reference only on Exhibit "C" to this item.

The staff of the Commission has considered the proposed amended settlement and has conducted a title study and appraisal of the Blackpoint property. The staff has concluded that the value of that parcel, (with full access) along with the North Antennae Field (with limited access) more than offsets the diminishment in value of the area waterward of the ordinary high water mark caused by the grant, confirmation, and ratification of an easement for aviation improvements.

A copy of the settlement agreement amended to reflect these recent changes is on file in the Commission's Sacramento office. The staff recommends that this lawsuit be settled using the agreement in a form substantially similar to that on file.

Pursuant to the Commission's delegation of authority and State CEQA Guidelines (14 Cal. Adm. Code 15601), the staff has determined that this settlement is a statutorily exempt project because it involves settlement of title and boundary problems. See P.R.C. Section 21080.11.

EXHIBITS: A. Site Map.
 B. Map of Hamilton Air Force Base Vicinity.
 C. Map of Blackpoint Vicinity.

IT IS RECOMMENDED THAT THE COMMISSION:

CALENDAR ITEM NO. 32 CONT'D

1. APPROVE THE SETTLEMENT OF THE HAMILTON AIR FORCE BASE CASE BY AUTHORIZING THE EXECUTIVE OFFICER AND THE OFFICE OF THE ATTORNEY GENERAL TO EXECUTE A LITIGATION AND BOUNDARY LINE SETTLEMENT AGREEMENT SUBSTANTIALLY IN THE FORM ON FILE AT THE COMMISSION'S OFFICE.
2. AUTHORIZE EXECUTION OF AND DELIVERY INTO ESCROW OF A MINUTE ITEM EVIDENCING THE APPROVAL OF THE COMMISSION OF THE SETTLEMENT AGREEMENT AND ACCEPTANCE OF THE QUITCLAIM DEEDS PROVIDED FOR IN THE AGREEMENT FOR RECORDATION WITH THE COUNTY RECORDER OF MARIN COUNTY.
3. AUTHORIZE THE EXECUTIVE OFFICER OR HER DESIGNEE AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS WHICH THEY DEEM NECESSARY OR APPROPRIATE TO EFFECTUATE THE PROPOSED SETTLEMENT AND BOUNDARY LINE AGREEMENT, INCLUDING ACCEPTANCE OF QUITCLAIM DEED; AND
4. FIND THAT THE PROPOSED AGREEMENT IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORILY EXEMPT PROJECT. SEE P.R.C. SECTION 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.

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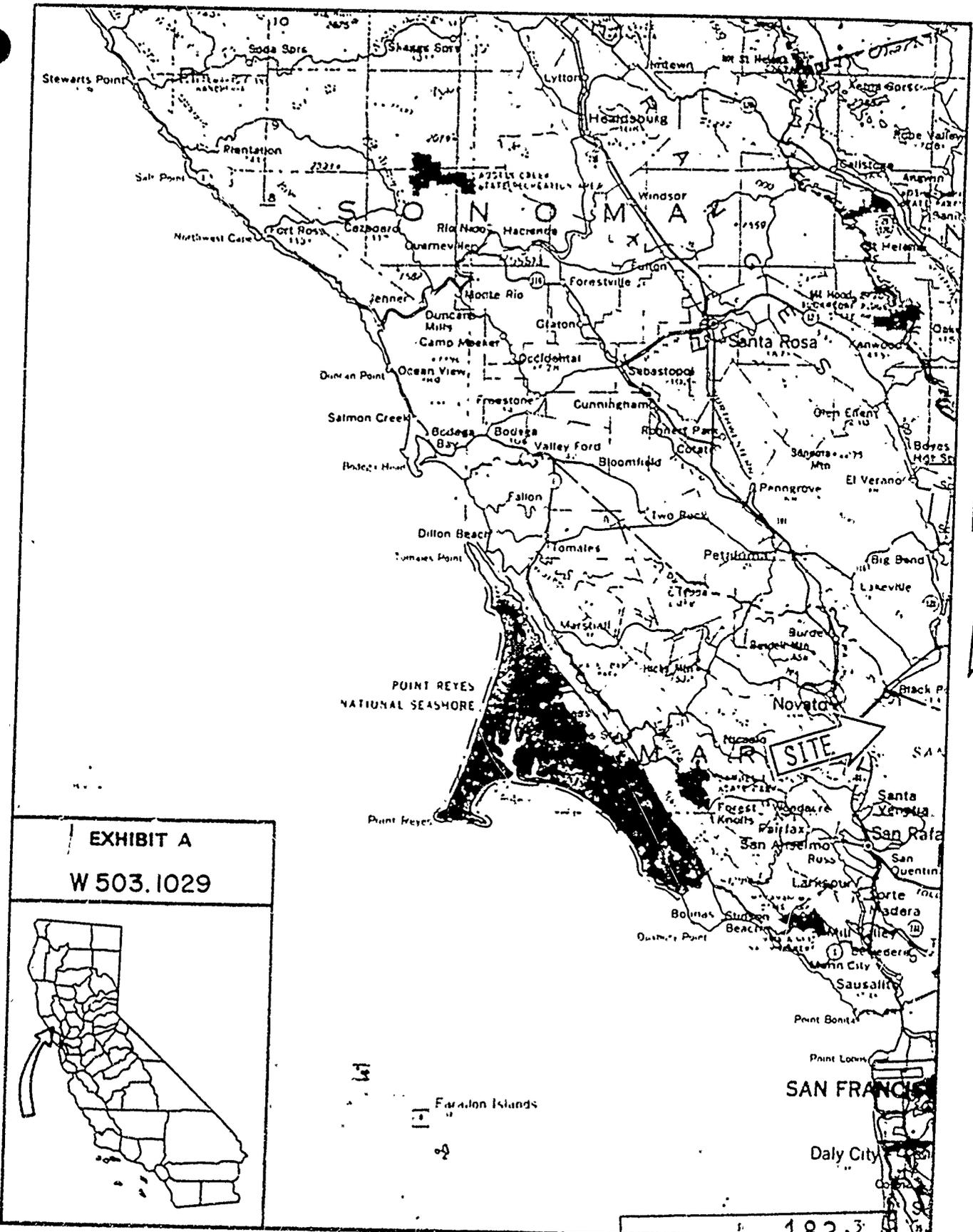


EXHIBIT A
W 503.1029



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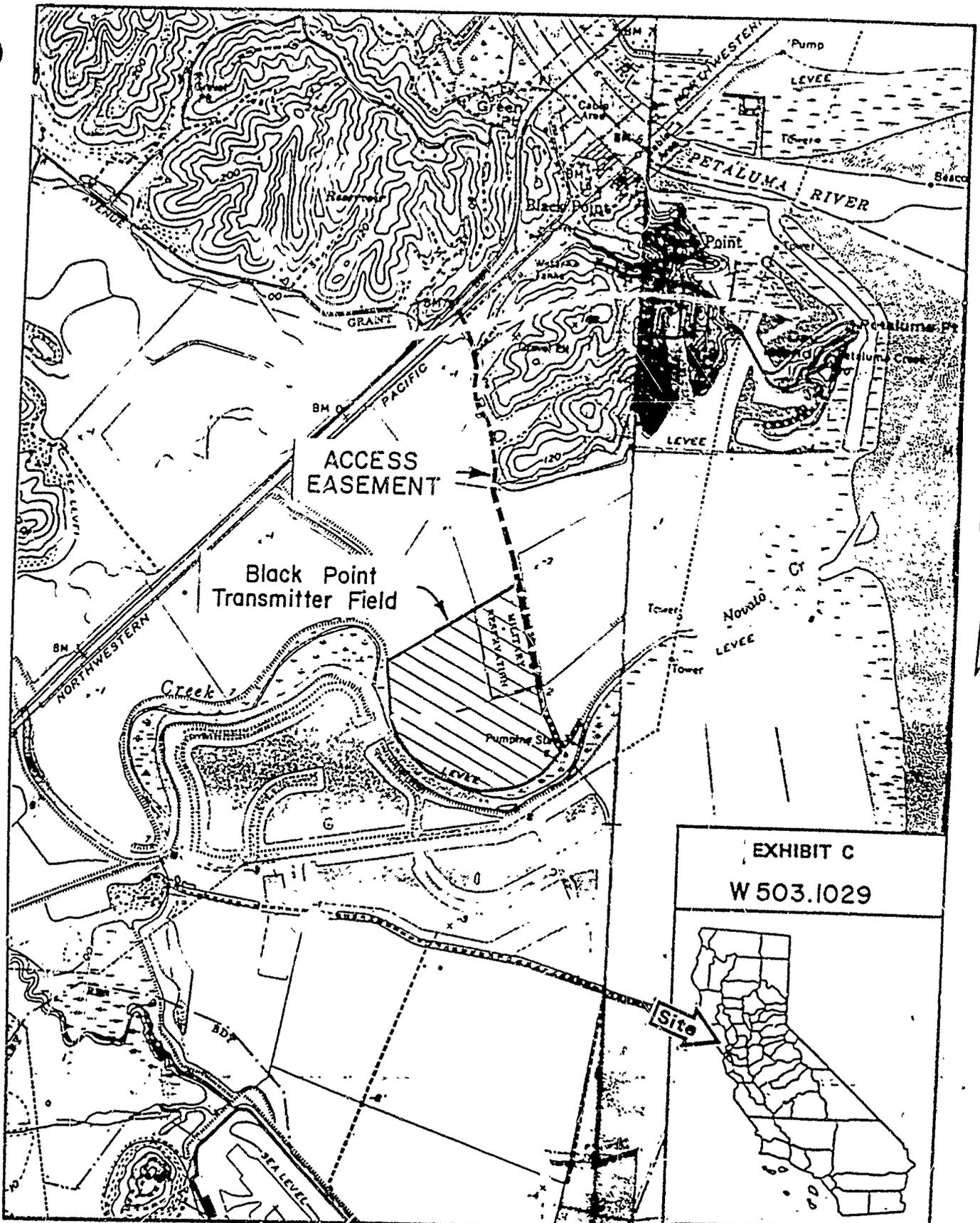
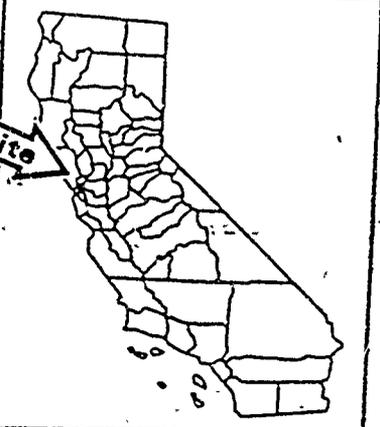


EXHIBIT C
W 503.1029



CALENDAR PAGE	183.5
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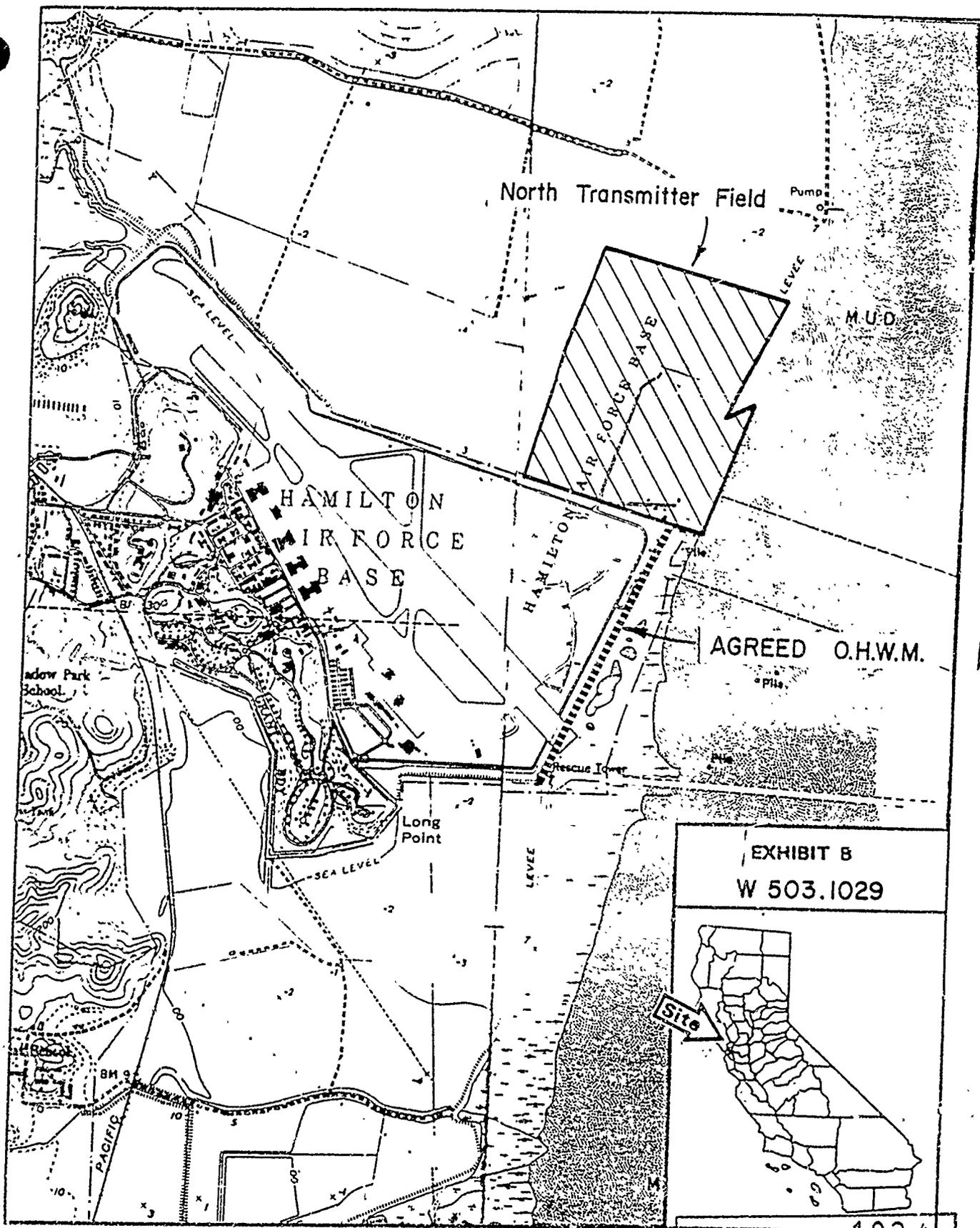


EXHIBIT B
W 503.1029



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