

MINUTE ITEM

26

06/26/85  
W 23553  
Townsend

APPROVAL OF FIRST AMENDMENT TO COMPROMISE  
TITLE SETTLEMENT SLL 103 AGREEMENT AND  
GENERAL LEASE - COMMERCIAL USE

Calendar Item 26, attached, was pulled from the agenda prior to  
the meeting.

Attachment: Calendar Item 26.

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CALENDAR ITEM

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06/26/85  
W 23553  
SLL 103  
Townsend

APPROVAL OF FIRST AMENDMENT TO COMPROMISE  
TITLE SETTLEMENT AGREEMENT SLL 103 AND  
APPROVAL OF A GENERAL LEASE - COMMERCIAL USE

APPLICANT: Cal-Pox, Inc.  
P. O. Box 2126  
San Rafael, California 94901

AREA, TYPE LAND AND LOCATION:  
The parcel consists of 0.73 acres of filled  
Board of Tideland Commissioners Lots located in  
the City of San Rafael, Marin County.

LAND USE: Construction and maintenance of a vehicular  
parking lot.

TERMS OF PROPOSED LEASE:  
Initial period: 30 years beginning July 1,  
1985.  
Surety bond: \$5,000.  
Public liability insurance: Combined single  
limit coverage of \$1,000,000.

CONSIDERATION: \$2,146 per annum; with the State reserving the  
right to fix a different rental on each fifth  
anniversary of the lease.

BASIS FOR CONSIDERATION:  
Pursuant to 2 Cal. Adm. Code 2003.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:  
Filing fee has been received.

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STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

07/17/85.

OTHER PERTINENT INFORMATION:

1. By its action of September 28, 1983, Minute Item 17, the State Lands Commission authorized the approval of a Compromise Title Settlement Agreement between the State and Cal-Pox, Inc. resolving titles to real property located in the City of San Rafael, Marin County. The Agreement was fully executed by Cal-Pox and the State, and recorded on June 28, 1984.
2. As partial settlement of the title dispute, Cal-Pox deeded to the State a Perpetual Easement, consisting of 0.025 acres, for a minimum 20-foot vehicular accessway which was to provide ingress and egress from the then proposed cul de sac extension of Mitchell Boulevard to the State's adjacent parcel.
3. Cal-Pox has subsequently submitted an application to the State to lease a portion of the State's parcel for a vehicular parking lot in conjunction with their development of the Mitchell Office Plaza Complex. The proposed parking was initially to be located entirely on the Cal-Pox property; however, due to difficulties with site conditions, it was necessary to shift the proposed parking slightly to the west, placing a portion of it on the State's parcel.
4. To accommodate the change in Cal-Pox's plans and further development of the State's parcel in the future, Cal-Pox and staff mutually propose that the State's existing easement be relocated to extend

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approximately 244 feet along the easterly boundary of the State's parcel. Cal-Pox shall reserve the right to use all or a portion of the easement for parking purposes provided their use does not prohibit vehicular access to the adjoining State parcel.

5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutory exempt project. The project is exempt because it involves settlements of title and boundary problems.

Authority: P.R.C. 21080.11.

6. The State has evaluated its interest in the proposed relocated easement, consisting of 0.135 acre, and determined that the value of the proposed relocated easement is equal to or greater than the value of the State's interest being given up in the existing easement. Based on the configuration of the State's parcel and the potential increased benefit for future development, staff recommends the Commission approve the First Amendment to Compromise Title Settlement Agreement SLL 103 to relocate the State's easement, in the form on file in the principal office of the Commission. All other terms and provisions of the Agreement shall remain in full force and effect.
7. Staff further recommends the approval of a 30-year General Lease - Commercial Use, to Cal-Pox, for use of the State's property for parking purposes. Construction of the project is to commence no later than July 1, 1985, and must be completed no later than December 31, 1985.

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8. The City of San Rafael has done an environmental assessment of the Cal-Pox project and has determined that this minor extension onto State lands for the parking area is not significant for further environmental analysis.
9. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 11, Accessory Structures, 14 Cal. Adm. Code 15311.

Authority: P.R.C. 21084 and 14 Cal. Adm. Code 15300.

APPROVALS OBTAINED:

City of San Rafael.

EXHIBITS:

- A. Land Description of Lease Premises.
- B. Plat of Relocated Easement.
- C. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE PROPOSED AMENDMENT TO COMPROMISE TITLE SETTLEMENT AGREEMENT SLL 103 AND LAND TRANSFER ARE EXEMPT FROM CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.
2. DETERMINE AND DECLARE THAT THE SUBJECT AMENDMENT TO COMPROMISE TITLE SETTLEMENT AGREEMENT SLL 103 TO RELOCATE THE EASEMENT RECEIVED BY THE STATE IS IN THE BEST INTERESTS OF THE STATE.
3. DECLARE AND DETERMINE THAT THE STATE WILL RECEIVE INTERESTS IN LAND SUBJECT TO AN AMENDMENT OF THE COMPROMISE TITLE SETTLEMENT AGREEMENT SLL 103 OF GREATER VALUE THAN THE STATE'S INTEREST BEING GIVEN UP IN THE EXISTING EASEMENT.
4. AUTHORIZE THE ISSUANCE OF A STATE PATENT TO CAL-POX, RELEASING ALL OF ITS INTERESTS IN THE EXISTING EASEMENT, AND ACCEPTANCE OF THE RELOCATED PERPETUAL EASEMENT PARCEL.

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5. AUTHORIZE EXECUTION ON BEHALF OF THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, OF THE PROPOSED FIRST AMENDMENT TO COMPROMISE TITLE SETTLEMENT AGREEMENT SLL 103 IN SUBSTANTIALLY THE FORM ON FILE WITH THE COMMISSION AND FOR RECORDATION OF THE AMENDED AGREEMENT AND OTHER DOCUMENTS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MARIN.
6. AUTHORIZE THE EXECUTIVE OFFICER OR HER DESIGNEE AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY OR APPROPRIATE TO EFFECTUATE THE PROPOSED FIRST AMENDMENT TO THE SETTLEMENT AGREEMENT INCLUDING EXECUTION OF ALL DOCUMENTS AS REQUIRED.
7. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 11, ACCESSORY STRUCTURES, 14 CAL. ADM. CODE 15311.
8. AUTHORIZE ISSUANCE TO CAL-POX, INC. OF A 30-YEAR GENERAL LEASE - COMMERCIAL USE, BEGINNING JULY 1, 1985; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$2,146, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$5,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR CONSTRUCTION AND MAINTENANCE OF A VEHICULAR PARKING LOT ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"  
LAND DESCRIPTION

W23553

Real property situate in the City of San Rafael, County of Marin, State of California, described as follows:

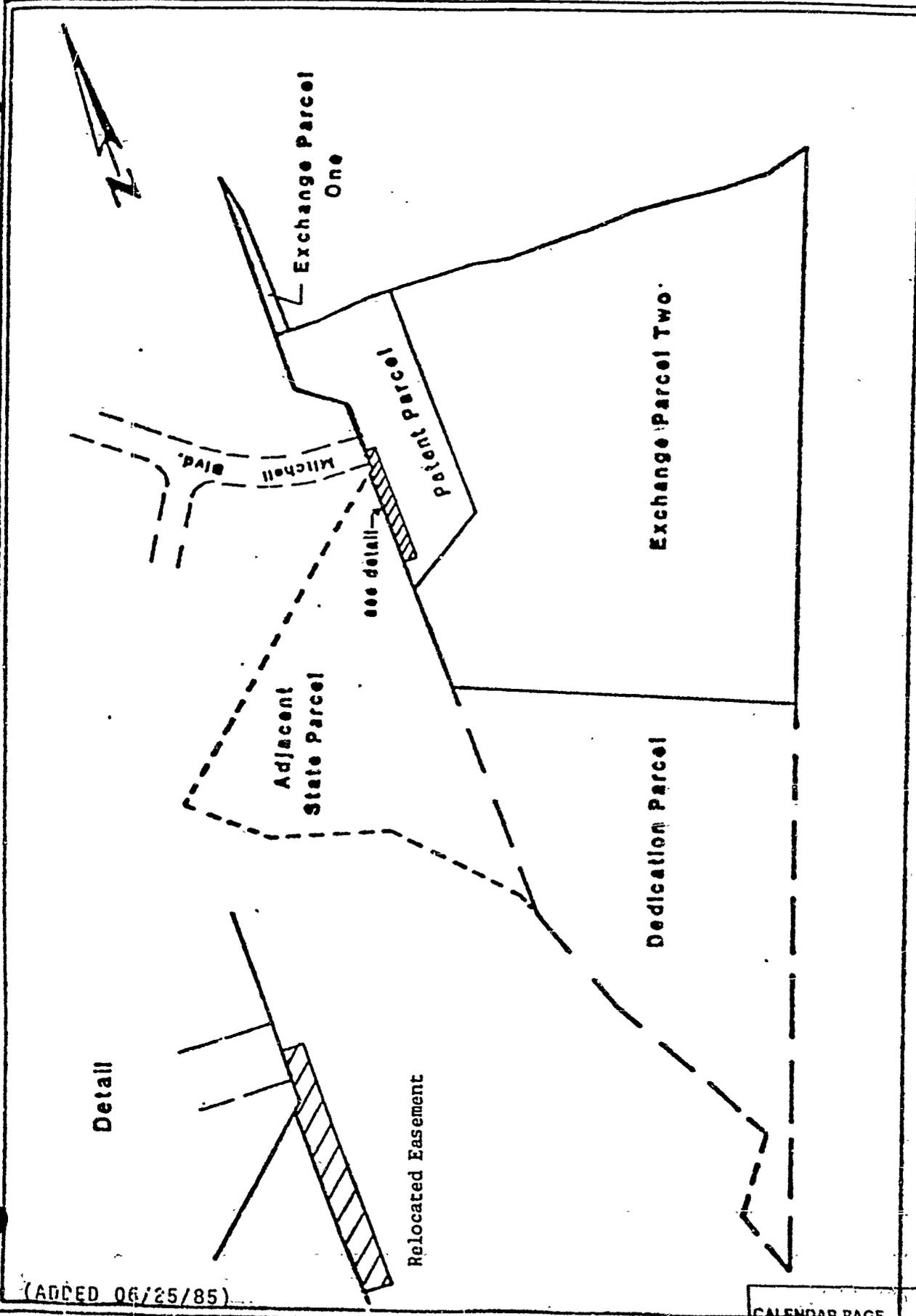
COMMENCING at a standard street monument which marks the centerline of Mitchell Boulevard, said monument being at the westerly terminus of the course "N 88° 42' 00" E, 75.81 feet", the same as shown and delineated on that certain map entitled "Map of Northgate Industrial Park in the City of San Rafael, California", filed for record in Book 12 of Maps, at Page 11, Marin County Records; thence along said centerline of Mitchell Boulevard (12 Maps 11) N 88° 42' 00" E, 75.81 feet to a point on the easterly boundary of said Northgate Industrial Park (12 Maps 11); thence leaving said centerline (12 Maps 11) along said easterly boundary (12 Maps 11) South, 45.51 feet, and thence S 46° 30' 00" W, 5.65 feet to the POINT OF BEGINNING; thence leaving said easterly boundary (12 Maps 11) S 0° 05' 00" E, 168.92 feet; thence S 89° 55' 00" W, 20.00 feet; thence N 0° 05' 00" W, 150.00 feet to a point on said easterly boundary (12 Maps 11); thence along said easterly boundary (12 Maps 11) N 46° 30' 00" E, 27.53 feet to the point of beginning.

END OF DESCRIPTION

REVIEWED MAY 6, 1985, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

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EXHIBIT "B"

SLL 103

PLAT OF RELOCATED EASEMENT

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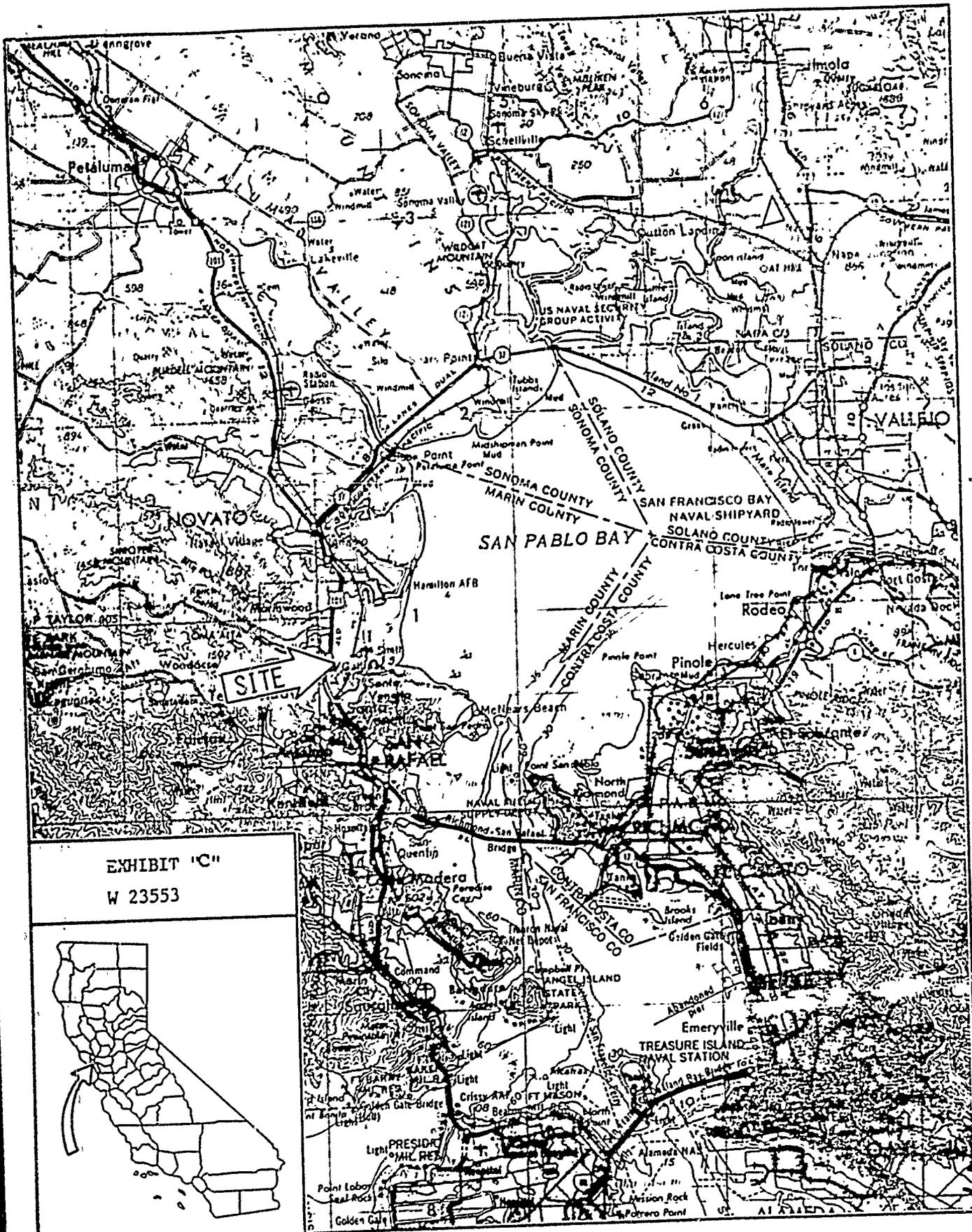


EXHIBIT 'C'  
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