

MINUTE ITEM

This Calendar Item No. 26  
was approved as Minute Item  
No. 26 by the State Lands  
Commission by a vote of 2  
to 0 at its 8/29/85  
meeting.

A 9  
S 3

CALENDAR ITEM

26

08/29/85  
SLL 103  
W 23553  
Townsend

AMENDMENT OF COMPROMISE TITLE SETTLEMENT  
AGREEMENT SLL 103 AND DENIAL OF APPLICATION FOR LEASE

PRIVATE PARTY/APPLICANT:

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

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. (SLL 103) resolving titles to real property located in the City of San Rafael, Marin County. The property is located adjacent to the easterly boundary of the Northgate Industrial Park. A plat of the Settlement Parcel is attached as Exhibit "A".

Cal-Pox is developing the Patent Parcel with two office buildings and has submitted an application for lease to the State for a portion of the parking proposed to be located on the State's adjacent parcel. Cal-Pox has also requested that the Settlement Agreement be amended to relocate the State's perpetual easement parcel. A plat depicting the proposed parking parcel and relocated easement is attached as Exhibit "B".

It is the opinion of staff that a lease for parking purposes is not compatible with established public trust uses; however, that portion of the State's parcel which is proposed for parking has been filled and reclaimed, and is no longer needed, available or susceptible of being used for public trust purposes.

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To facilitate the acquisition of lands more suitable for public trust uses, staff recommends the following:

1. Pursuant to the requirements of Government Code Section 65920, et seq., deny the lease application of Cal-Pox, Inc. (W 23553).
2. Authorize the amendment of Compromise Title Settlement Agreement SLL 103 in substantially the form on file in the offices of the State Lands Commission. Amendment of the Agreement will include an exchange of the Perpetual Easement parcels and the acceptance of funds to be placed into the Land Bank Trust Fund. This will allow the Commission to acquire other lands more reasonably susceptible to use for public trust purposes. Cal-Pox shall reserve the right to use a portion of the relocated easement for parking purposes provided such use does not prohibit vehicular access to the State's parcel. Cal-Pox shall enter into an Easement Agreement for maintenance, indemnity, and use of the easement.

The staff has reviewed an appraisal of the parcel being conveyed to Cal-Pox and the relocated easement. It is the opinion of staff that the sum of \$20,250 combined with the value of the relocated easement is equal to or greater than the value of the interests in the subject parcels being relinquished by the State.

AB 884: 10/17/85 (90X).

OTHER PERTINENT INFORMATION:

1. (14 Cal. Adm. Code 15061), the staff has determined that denial of the Cal-Pox application is exempt from the requirements of the CEQA because CEQA does not apply to projects which a public agency rejects or disapproves.

Authority: P.R.C. 21080(b)(5) and 14 Cal. Adm. Code 15270.

(REVISED 08/22/85)

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2. 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 4, Minor Alteration to Land, 14 Cal. Adm. Code 15304.

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

EXHIBITS:

- A. Plat of Compromise Title Settlement.
- B. Plat of Parking Parcel and Relocated Easement.
- C. Location Plat.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT DENIAL OF THE APPLICATION IS AN ACTIVITY EXEMPT FROM CEQA BECAUSE CEQA DOES NOT APPLY TO PROJECTS WHICH A PUBLIC AGENCY REJECTS OR DISAPPROVES PURSUANT TO 14 CAL. ADM. CODE 15270.
2. DENY THE APPLICATION OF CAL-POX, INC. FOR A LEASE FOR PARKING PURPOSES IN THE CITY OF SAN RAFAEL, MARIN COUNTY (W 23553) IN COMPLIANCE WITH THE STANDARDS FOR DENIAL SET FORTH IN STATE ADMINISTRATIVE MANUAL SECTION 109.
3. AUTHORIZE STAFF TO ADVISE CAL-POX, INC. OF THE COMMISSION'S ACTION TO DENY.
4. 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 4, MINOR ALTERATION TO LAND, 14 CAL. ADM. CODE 15304
5. FIND THAT:
  - A) THE PROPOSED AMENDMENT OF COMPROMISE TITLE SETTLEMENT AGREEMENT, INCLUDING THE EXCHANGE OF THE STATE'S INTEREST IN THE SUBJECT PARCELS FOR THE RELOCATED PERPETUAL EASEMENT PARCEL AND THE DEPOSIT OF FUNDS INTO THE LAND BANK TRUST FUND, IS IN THE BEST INTERESTS OF THE STATE;

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- B) THE RELOCATED PERPETUAL EASEMENT PARCEL AND THE SUM TO BE DEPOSITED INTO THE LAND BANK TRUST FUND, PURSUANT TO SAID AMENDED AGREEMENT, IS EQUAL TO OR GREATER THAN THE VALUE OF THE INTERESTS IN THE SUBJECT PARCELS BEING RELINQUISHED BY THE STATE; AND
- C) ON THE EFFECTIVE DATE OF THE AMENDED AGREEMENT AND CONSISTENT WITH ITS TERMS, THE SUBJECT PARCELS WILL NO LONGER BE NECESSARY OR USEFUL FOR THE PURPOSES OF THE PUBLIC TRUST AND THE PUBLIC TRUST MAY BE TERMINATED; THE SUBJECT PARCELS HAVE BEEN REMOVED FROM THE PUBLIC WATERWAYS AND ARE NO LONGER, IN FACT, TIDELANDS OR SUBMERGED LANDS.
6. 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 ALL DOCUMENTS AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE AMENDMENT TO COMPROMISE TITLE SETTLEMENT AGREEMENT SLL 103 AND AN EASEMENT AGREEMENT, AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE AGREEMENT.

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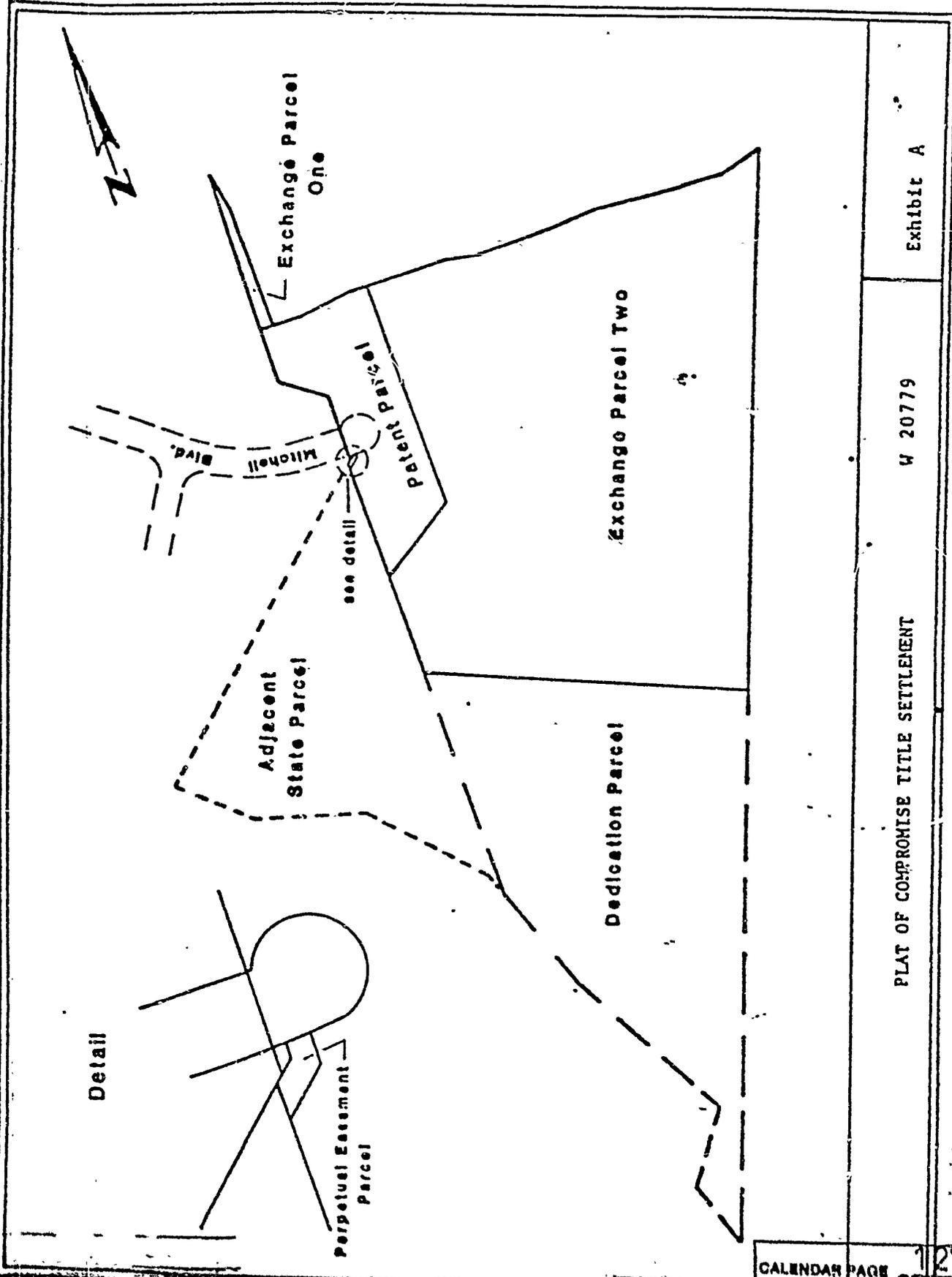


Exhibit A

W 20779

PLAT OF COMPROMISE TITLE SETTLEMENT

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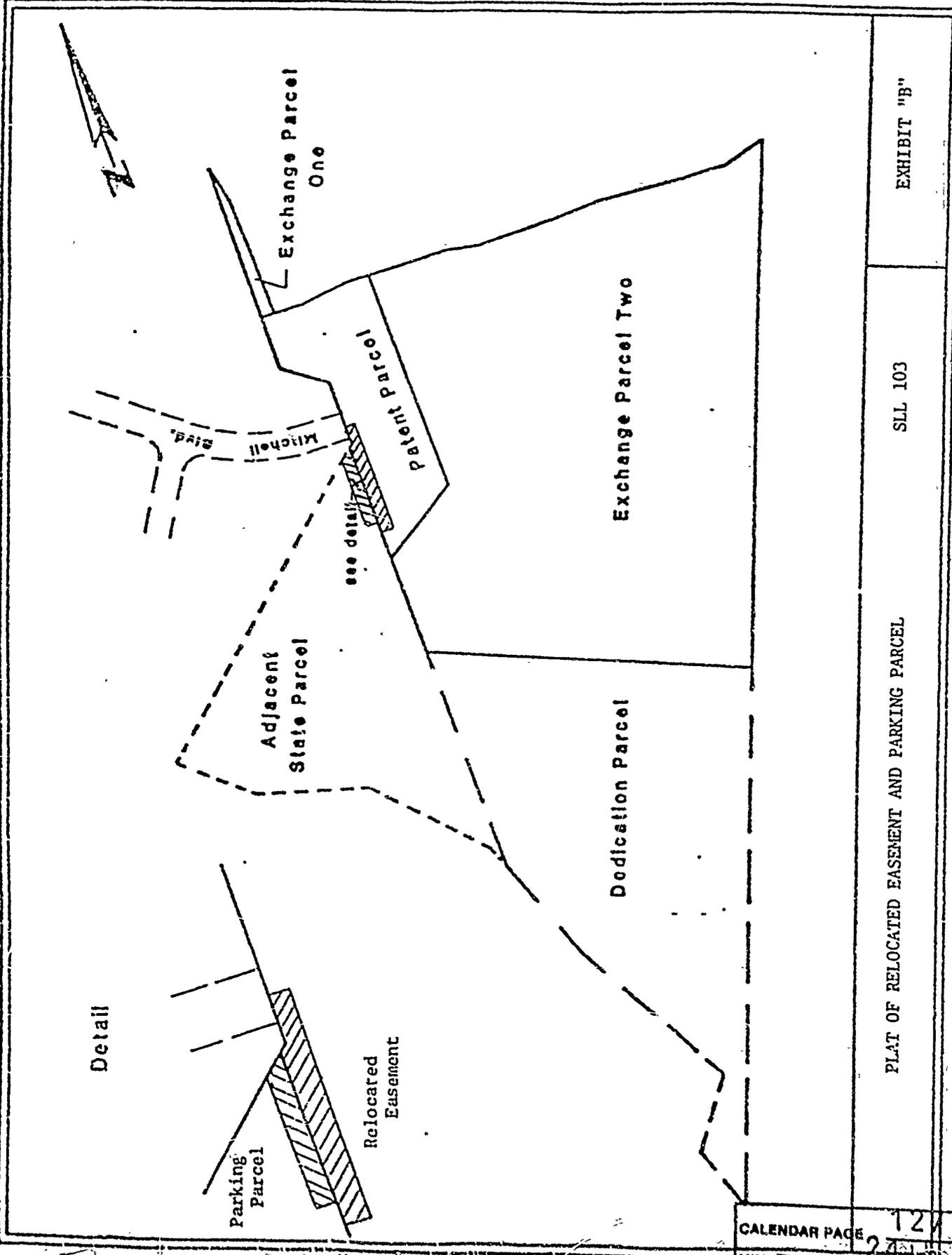


EXHIBIT "B"

SLL 103

PLAT OF RELOCATED EASEMENT AND PARKING PARCEL

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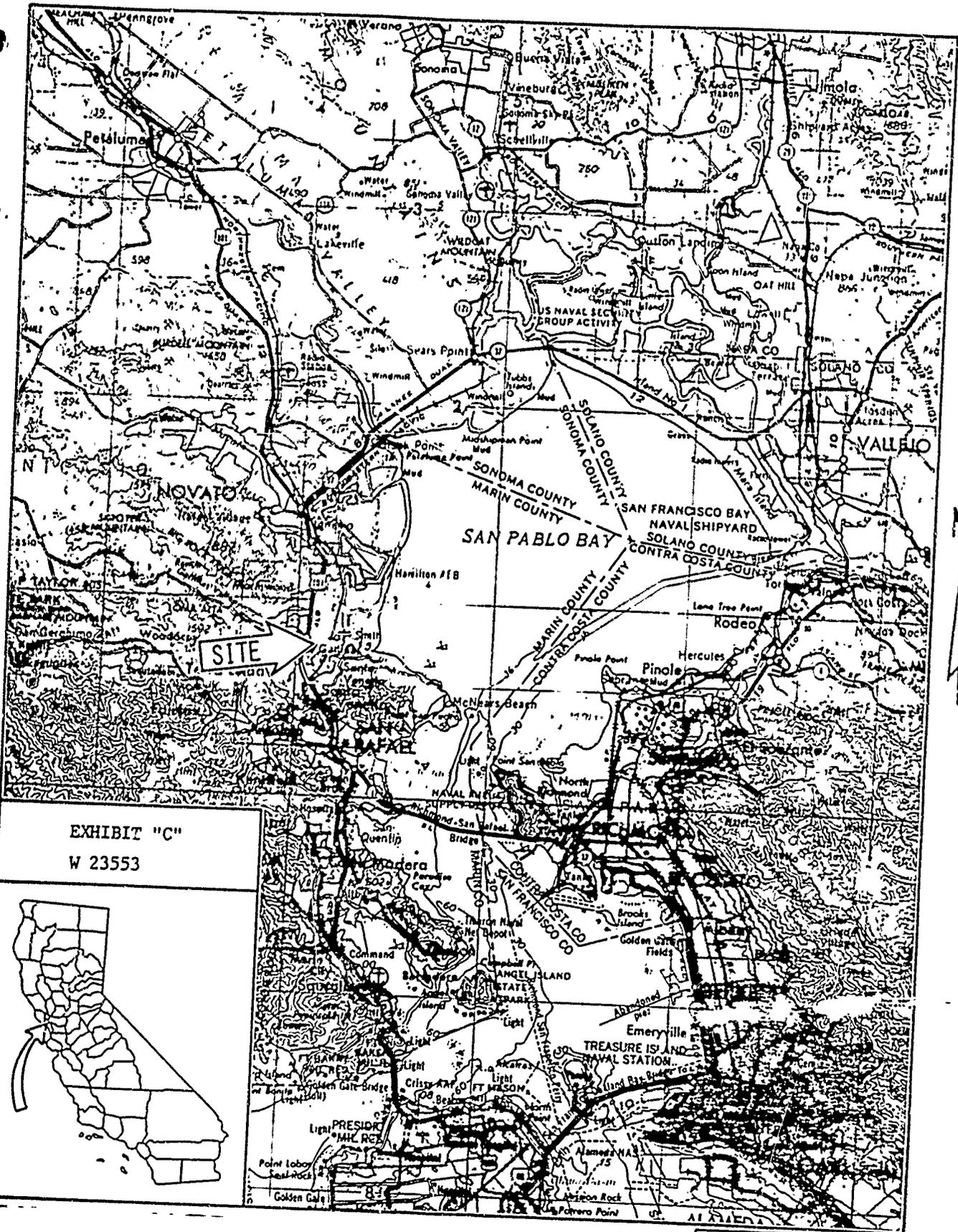


EXHIBIT "C"  
W 23553



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