MINUTE ITEM

This Calendar Item No. 27 was approved as Minute Item No. 27 by the State Lands Commission by a vote of 2 to 0 at its 3/27/86 meeting.

CALENDAR ITEM

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GLENN COUNTY - STIPULATION TO DISMISSAL OF QUIET TITLE ACTION INVOLVING SOVEREIGN LANDS/AMENDMENT OF A GENERAL PERMIT - PUBLIC AGENCY USE

Glenn County has instituted an action (Glenn County v. State of California, et al., Glenn County Superior Court No. 19922) to quiet title to two areas of land (A and C) depicted on Exhibit "A" upon which it has built a public boat launching facility. Both areas are in and adjacent to the bed of the Sacramento River and include sovereign lands.

The County seeks to quiet title to area A to define the boundary between State sovereign lands and adjacent uplands owned by the County (area B). The County also seeks to determine title to area C, a second adjacent portion of land that extends into the bed of the Sacramento River, as against our co-defendant Sacramento and San Joaquin Drainage District.

The Commission has already approved a general permit to Glenn County for a portion of the land upon which the boat launching facility has been built. On October 25, 1984, prior to construction of the facility, the Commission approved a permit (PRC 6739) for a 49-year term commencing October 1, 1984, for a 0.04-acre parcel of submerged lands. That parcel is part of a once-unmaintained slough providing a direct channel to the main channel of the Sacramento River. Because the State's ownership claims in that reach of the river were undetermined, that earlier lease specifically provides that whatever interest, right or title the State may have in that parcel is leased to the County.

The earlier lease contemplated construction (now completed) of a public boat launching facility comprised of a one-lane ramp, paved parking and access areas, portable sanitary facilities, a

boarding float and other ancillary facilities. The Commission, in approving the earlier lease, considered the Negative Declaration under CEQA prepared and adopted by Glenn County, and determined that the project as approved, will not have a significant effect on the environment. The Commission also found that the activity, which involved lands possessing significant environmental values pursuant to P.R.C. Section 6370, et seq. was consistent with those use classifications.

In reviewing the present quiet title action, Commission staff determined that defining with certainty the boundary between county-owned uplands and State sovereign lands would be extremely difficult and expensive. As an alternative, Commission staff, the Attorney General's Office and Glenn County have negotiated a settlement whereby Glenn County will stipulate to dismissing the quiet title action against the State in exchange for amendment of the present 49-year public agency lease. Such amended lease commencing April 1, 1986, will include leasing any right, title and interest the State might have in lands to which the County sought to quiet title, in addition to the 0.04-acre parcel already leased under the terms of the original lease.

The Sacramento and San Joaquin Drainage District has already reached a settlement with the County, wherein it will enter into a stipulated judgment providing in pertinent part that the County has title to area C subject to the sovereign interests of the State of California to the bed of the Sacramento River.

The staff of the Commission and the Attorney General's Office recommends approval of the settlement agreement, the stipulation and the amendment of the lease (all on file in the office of the State Lands Commission and the Attorney General) as outlined above.

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: N/A.

OTHER PERTINENT INFORMATION:

1. 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.

2. The annual rental value of the site is estimated to be $250.

EXHIBITS:

A. Site Map.
B. Location Map.

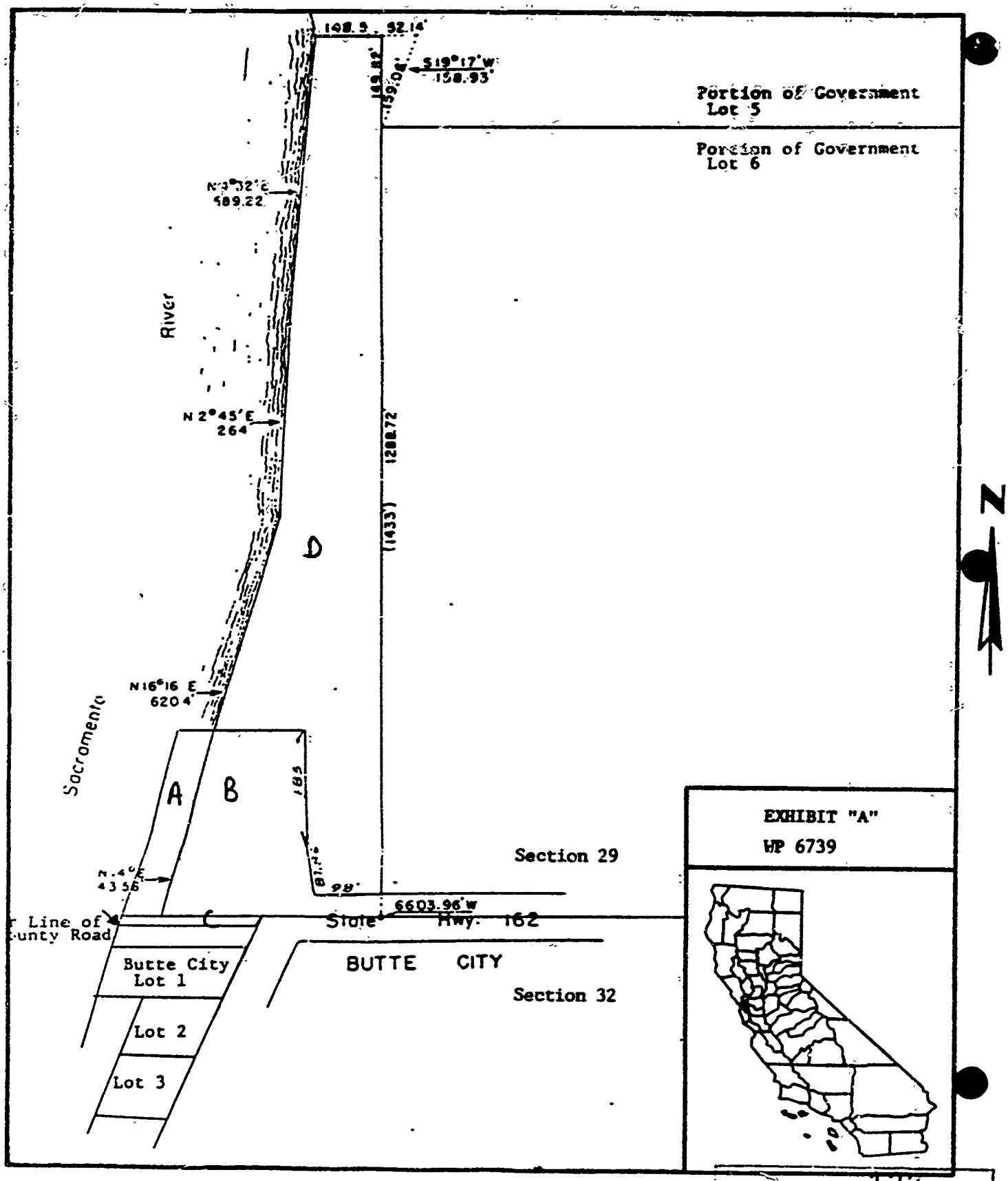
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE 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. APPROVE AND AUTHORIZE EXECUTION OF THE STIPULATION OF DISMISSAL SUBSTANTIALLY IN THE FORM ON FILE IN THE OFFICE OF THE ATTORNEY GENERAL AND THE STATE LANDS COMMISSION, AS OUTLINED ABOVE, BY AND BETWEEN THE STATE LANDS COMMISSION AND THE COUNTY OF GLENN.

3. 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 SETTLEMENT AGREEMENT.

4. AUTHORIZE ISSUANCE TO COUNTY OF GLENN OF AN AMENDED 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE BEGINNING APRIL 1, 1986; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.



Portion of Government Lot 5
Portion of Government Lot 6
S19°17'W 158.93'
N 2°45'E 264
N16°16 E 620.4'
River
Sacramento
D
A
B
C
Section 29
Section 32
State Hwy. 162
BUTTE CITY
Butte City Lot 1
Lot 2
Lot 3
6603.96'W
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EXHIBIT "A"
WP 6739

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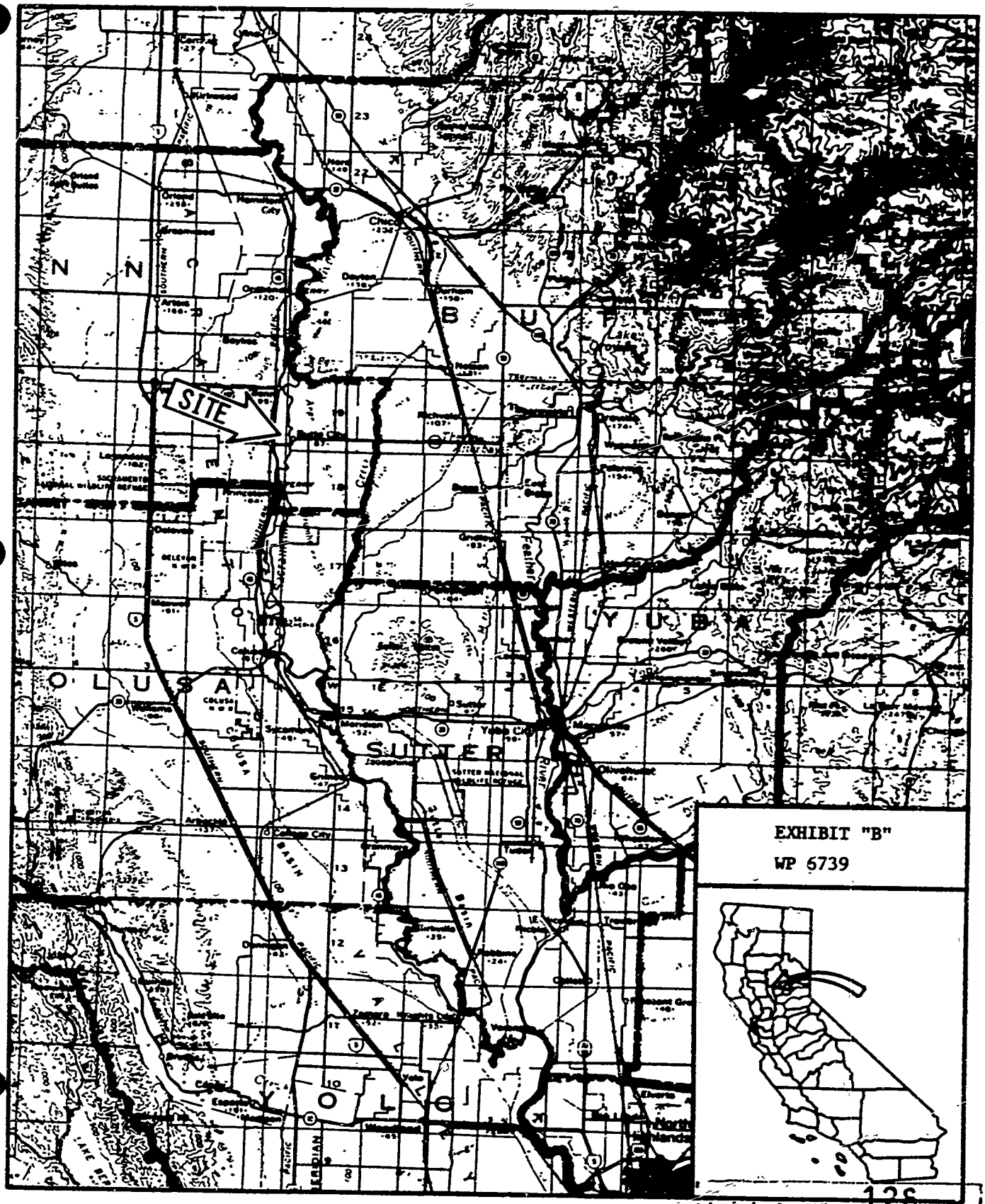
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WP 6739