

MINUTE ITEM

36

10/23/86
W 21735
Louie
Hadly

TITLE SETTLEMENT AND EXCHANGE AGREEMENT

Calendar Item 36, attached, was pulled from the agenda prior to the meeting.

Attachment. Calendar Item 36.

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TITLE SETTLEMENT AND EXCHANGE AGREEMENT

PARTIES: Hal A. Davis,
1815 West 18th Street
Santa Ana, California 92706

Susan Anderson and
Clinton E. Anderson
c/o Norman Anderson
Route 1, Box 842
Blythe, California 92225

APPLICANT: California Department
of Fish and Game
1416 Ninth Street
Sacramento, California 95814

BACKGROUND:

This title settlement covers a 1930 abandoned channel of the Colorado River located at the easterly end of 6th Avenue north of Blythe in Riverside County. The staff has studied the subject site and believes the 1930 channel is the last natural location of the River. The abandoned channel has been filled and leveled over the years and is no longer necessary or useful for purposes of navigation and fishing.

CURRENT SITUATION:

Hal A. Davis, Susan Anderson and Clinton E. Anderson, hereinafter referred to as "Private Parties", wish to settle title with the State by entering into a title settlement and land exchange agreement covering all State interest within their respective upland parcels, hereinafter referred to as "subject" parcels, and shown on Exhibit "B", Site Map of the Agreement Area, attached.

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The Private Parties and Commission staff have negotiated a settlement, the principal terms of which are as follows:

1. Hal A. Davis will grant to the State a fee interest in that parcel of real property shown as the "island" parcel on Exhibit "B". Mr. Davis will quitclaim to the State all of his right, title and interest in the "water" parcel shown on Exhibit "B" except for any accretions that may attach to his upland parcel and for maintenance of improvements. Mr. Davis will also contribute \$7,700 to the Land Bank Fund established by P.R.C. Section 8600, et seq.
2. Susan Anderson and Clinton E. Anderson will quitclaim to the State all right, title and interest in the water parcel and the island parcel, except any accretions that may attach to their upland parcel and for maintenance of improvements.
3. In consideration of public use and benefit, the State will grant a 49-year public agency permit for the island parcel and the water parcel to the California Department of Fish and Game for management of wildlife and fishing resources and their habitat and incidental public recreational use associated with those resources, to become effective on the date of close of escrow.
4. The State will quitclaim all of its right, title and interest by reason of its sovereignty in the "subject" parcels belonging to Hal Davis and the Andersons as shown on Exhibit "B".
5. The agreement will remove all public trust rights for commerce, navigation and fisheries, from the subject parcels.
6. Escrow will be opened for all necessary action to effect the agreement.

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

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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, as to the transfer of property rights, 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 and because it involves an action taken pursuant to the Land Bank Act, P.R.C. 8600, et seq.

Authority: P.R.C. 21080.11 and P.R.C. 8631.

The staff has also determined, as to the lease to the California Department of Fish and Game, that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is under Class 13, Acquisition of Lands for Wildlife Conservation. (14 Cal. Adm. Code 15313).

Authority: P.R.C. 21084 and 14 Cal. Adm. Code 15313.

2. In this matter, the Commission is also acting as trustee for the Land Bank Fund.

EXHIBITS:

- A. Location Map.
- B. Site Map of Agreement Area.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND, AS TO THE TRANSFER OF PROPERTY INTERESTS, 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 AND P.R.C. 8631, AN ACTION TAKEN PURSUANT TO THE LAND BANK ACT, P.R.C. 8600, ET SEQ.
2. FIND, AS TO THE LEASE TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME, THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 13, 14 CAL. ADM. CODE 15313.

3. AUTHORIZE THE EXECUTION AND RECORDATION ON BEHALF OF THE COMMISSION OF A TITLE SETTLEMENT AND LAND EXCHANGE AGREEMENT BETWEEN HAL A. DAVIS, SUSAN ANDERSON AND CLINTON E. ANDERSON, AND THE STATE SUBSTANTIALLY IN THE FORM ON FILE IN THE PRINCIPAL OFFICE OF THE STATE LANDS COMMISSION.
4. AUTHORIZE ISSUANCE TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME OF A 49-YEAR GENERAL PERMIT - PUBLIC AGENCY USE BEGINNING ON THE DATE OF CLOSE OF ESCROW; 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; FOR MANAGEMENT OF WILDLIFE AND FISHING RESOURCES AND THEIR HABITAT AND INCIDENTAL PUBLIC RECREATIONAL USE ASSOCIATED WITH THE ISLAND PARCEL AND WATER PARCEL SHOWN ON EXHIBIT "B".
5. FIND THAT UPON THE RECORDATION OF THE SUBJECT TITLE SETTLEMENT AND LAND EXCHANGE AGREEMENT (AGREEMENT) AND THE CLOSING OF ESCROW:
 - (A) THE PORTIONS OF THE ABANDONED CHANNEL OF THE COLORADO RIVER WITHIN THE SUBJECT PARCELS DESCRIBED IN THE AGREEMENT, HAVE BEEN IMPROVED, FILLED AND RECLAIMED AND HAVE THEREFORE BEEN EXCLUDED FROM THE PUBLIC CHANNELS AND ARE NO LONGER AVAILABLE, USEFUL OR SUSCEPTIBLE TO BEING USED FOR NAVIGATION AND FISHING, AND ARE, IN FACT, NO LONGER TIDELANDS OR SUBMERGED LANDS; AND THEREFORE ARE FREED FROM THE PUBLIC TRUST FOR COMMERCE, NAVIGATION AND FISHERIES.
 - (B) THE LANDS, INTERESTS IN LANDS OR FUNDS PAID PURSUANT TO THE LAND BANK ACT, P.R.C 8600 ET SEQ., ACQUIRED BY THE STATE ARE GREATER THAN OR EQUAL IN VALUE TO THE LANDS OR INTERESTS IN LANDS BEING CONVEYED TO THE PRIVATE PARTIES.
 - (C) THE LANDS, OR INTEREST IN LANDS BEING CONVEYED TO THE STATE PURSUANT TO THIS AGREEMENT SHALL BE SOVEREIGN LANDS OF THE STATE AND, AS SUCH, ARE SUBJECT TO THE PUBLIC TRUST FOR COMMERCE, NAVIGATION AND FISHERIES.

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6. AUTHORIZE THE STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE TERMS AND PROVISIONS OF THIS AGREEMENT, INCLUDING, BUT NOT LIMITED TO, PREPARATION, EXECUTION AND RECORDATION OF ALL DOCUMENTS, MAPS, DEEDS, TITLE AND ESCROW INSTRUCTIONS AND APPEARANCES IN ANY LEGAL PROCEEDINGS NECESSARY TO FINALIZE THIS AGREEMENT.
7. AUTHORIZE THE DEPOSIT OF MONIES RECEIVED PURSUANT TO THIS SETTLEMENT INTO THE LAND BANK TRUST FUND ADMINISTERED BY THE STATE LANDS COMMISSION.

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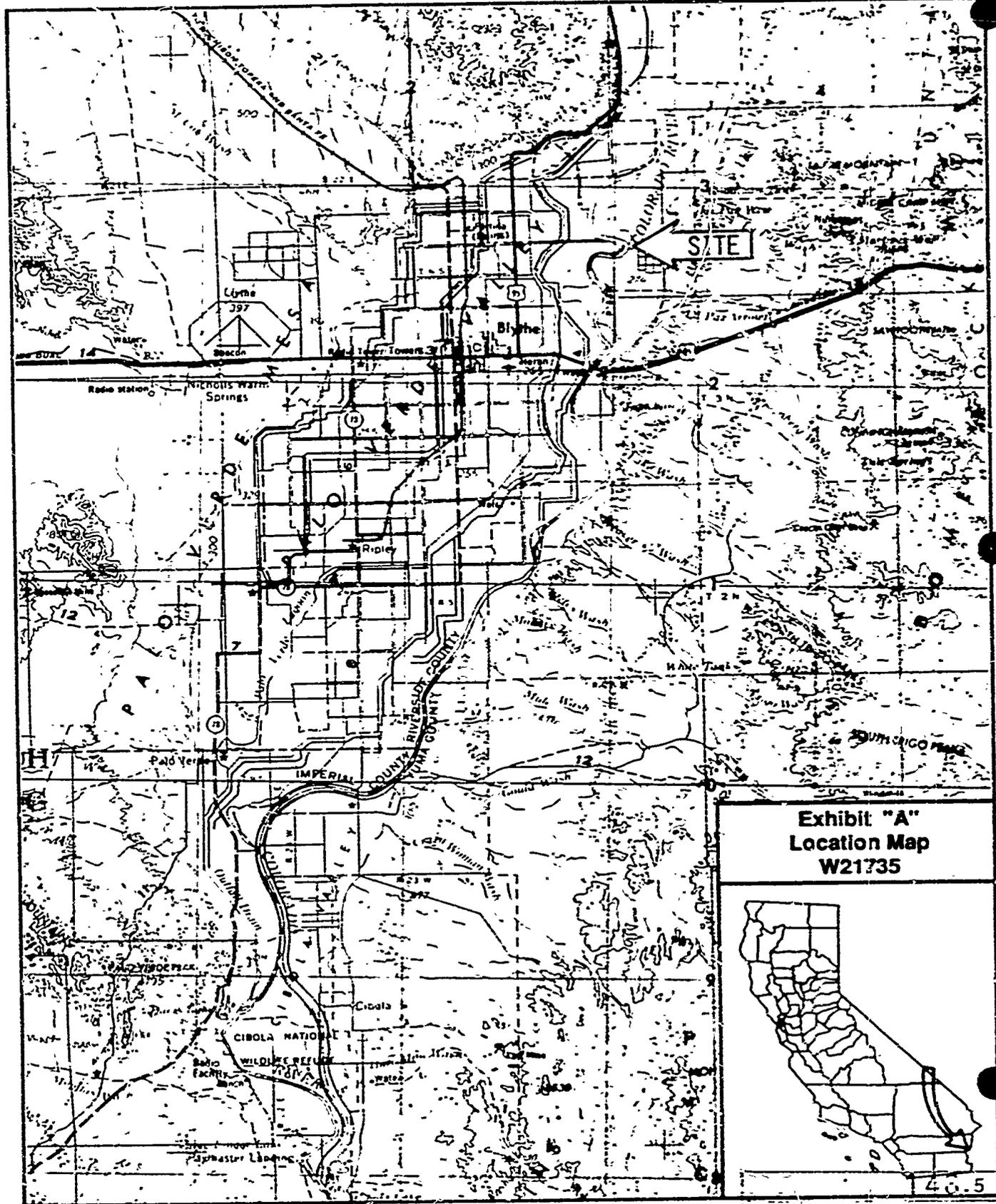


Exhibit "A"
Location Map
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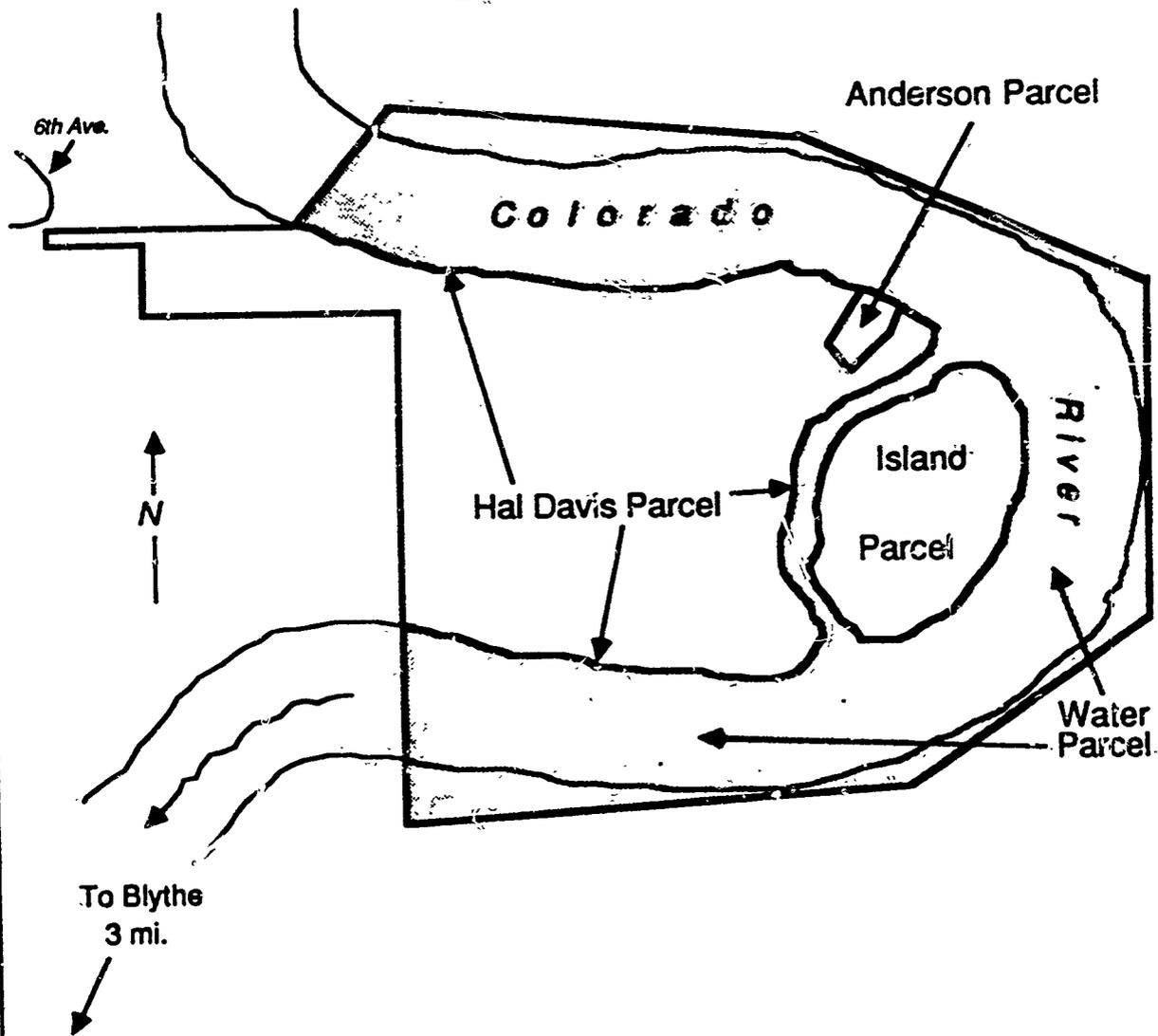


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EXHIBIT "B"



SITE MAP OF AGREEMENT AREA

STATE LANDS COMMISSION
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