

MINUTE ITEM
This Calendar Item No. C37
was approved as Minute Item
No. 37 by the State Lands
Commission by a vote of 3
to 0 at its 4/6/94
meeting.

CALENDAR ITEM
C37

A 8
S 4

PRC 7846 04/06/94
W 25015
AD 213
N. Smith

APPROVAL OF A COMPROMISE TITLE SETTLEMENT AGREEMENT
CITY OF SUISUN, SOLANO COUNTY

APPLICANT:

Redevelopment Agency
City of Suisun
701 Civic Center Boulevard
Suisun, California 94585

A title dispute exists between the State, in its sovereign capacity, and the Redevelopment Agency, City of Suisun, concerning ownership of approximately 10.582 acres of real property located in Solano County. The subject real property is referred to as the Trust Termination Parcel, and is depicted on Exhibit "C" and described in Exhibit "A". The legal description in Exhibit "A" is subject to staff review for technical accuracy.

The Redevelopment Agency is the current record owner of the Trust Termination Parcel as successor in interest to a party who purchased a State swamp and overflowed lands patent.

The Redevelopment Agency contends that the State patent conveyed all right, title and interest of the State within the Trust Termination Parcel without any reservations to the State, express or implied, and that it now holds title to the property free and clear of any State right, title or interest. The staff of the State Lands Commission has conducted a study of the evidence of title to the Trust Termination Parcel and has drawn a number of factual conclusions, including those summarized below:

1. The parcel includes filled and reclaimed historic wetlands which formerly consisted of marsh and sloughs.
2. It was in its last natural state covered, at least in part, by the ordinary tides of Little Duck Slough, a tributary of Suisun Slough and Suisun Bay, the precise extent of coverage being the subject to dispute.

The staff is of the opinion that the title evidence and the applicable legal principles lead to the conclusion that the State, in its sovereign capacity, is the owner of a public trust right, title or interest in the Trust Termination Parcel. The exact location extent and nature of the State's interest is, however, subject to uncertainty and dispute by the Redevelopment Agency.

The property has been filled and reclaimed, and is no longer covered by the water of Little Duck Slough.

The Redevelopment Agency has offered to resolve the title dispute by written agreement in compromise settlement of the legal and evidentiary issues. The staff of the State Lands Commission recommends approval of the settlement in substantially the form of the agreement now on file with the Commission. While the agreement sets forth all the specific terms and conditions of the settlement, a brief summary of some of the principal terms and conditions of the settlement is set forth below, as follows:

1. The Redevelopment Agency will grant to the State a parcel of land approximately 3.59 acres, abutting State owned lands adjacent to Suisun Slough. This property is referred to as the Agency Exchange Parcel and is depicted and described for reference purposes in Exhibits "C" and "B" (attached to this calendar item and incorporated as a part of it by this reference).
2. In exchange for the above transfer of property by the Redevelopment Agency to the State, the State will quitclaim to the Redevelopment Agency all of its sovereign right, title and interest, free of the public trust in the Trust Termination Parcel.
3. The agreement provides for an escrow and will be effective upon its recordation. Escrow fees and any title insurance will be without cost to the State.

Staff has appraised the Trust Termination Parcel and has evaluated the law and evidence bearing on the title dispute, and is of the opinion that the Agency Exchange Parcel is equal to or greater than the value of the State's interest in the Trust Termination Parcel.

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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: 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 because it falls within the statutory exemption for settlements of title and boundary problems.

Authority: P.R.C. 21080.11.

2. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmental significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by 2 Cal. Code Regs. 2954 is not applicable.
3. The Redevelopment Agency, as part of its waterfront development project, desires to lease the Agency Exchange Parcel for a public promenade, road, and wetland habitat.

EXHIBITS:

- A. Trust Termination Parcel Description
- B. Agency Exchange Parcel Description
- C. Site Map of Trust Termination and Agency Exchange Parcels
- D. Location Map of Trust Termination and Agency Exchange Parcels

CALENDAR ITEM NO. C37 (CONT'D)

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 UNDER THE STATUTORY EXEMPTION FOR SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS TO P.R.C. 21080.11.
2. FIND THAT WITH RESPECT TO THE PROPOSED COMPROMISE TITLE SETTLEMENT AGREEMENT, INCLUDING THE EXCHANGE OF THE STATE'S INTEREST IN THE TRUST TERMINATION PARCEL FOR THE AGENCY EXCHANGE PARCEL:
 - A. THE AGREEMENT IS IN THE BEST INTEREST OF THE STATE FOR THE IMPROVEMENT OF NAVIGATION; THE ENHANCEMENT OF THE CONFIGURATION OF THE SHORELINE FOR THE IMPROVEMENT OF THE WATER AND THE UPLAND; AND THE PROTECTION, PRESERVATION, AND ENHANCEMENT OF THE TIDELANDS AND SUBMERGED LANDS AND PUBLIC ACCESS THERETO, PURSUANT TO THE PUBLIC TRUST.
 - B. THAT THE AGENCY EXCHANGE PARCEL TO BE RECEIVED BY THE STATE IS OF A VALUE EQUAL TO OR GREATER THAN THE VALUE OF THE INTERESTS IN THE TRUST TERMINATION PARCEL BEING RELINQUISHED BY THE STATE.
 - C. THE TRUST TERMINATION PARCEL HAS BEEN IMPROVED, RECLAIMED AND FILLED, HAS BEEN EXCLUDED FROM THE PUBLIC CHANNELS, AND IS NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR NAVIGATION AND FISHING AND IS NO LONGER IN FACT TIDELANDS OR SUBMERGED LANDS.
 - D. THE PARTIES HAVE A GOOD FAITH AND BONA FIDE DISPUTE AS TO THEIR RESPECTIVE INTERESTS WITHIN THE TRUST TERMINATION PARCEL.
 - E. THE PROPOSED AGREEMENT CONSTITUTES A COMPROMISE OF THE CONTESTED ISSUES OF LAW AND EVIDENCE UPON WHICH THE DISPUTE IS BASED.
 - F. THE AGREEMENT IS IN LIEU OF THE COSTS, DELAYS AND UNCERTAINTIES OF TITLE LITIGATION, IS CONSISTENT WITH AND IS AUTHORIZED BY THE REQUIREMENTS OF LAW.

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- G. ON THE EFFECTIVE DATE OF THE AGREEMENT AND CONSISTENT WITH ITS TERMS, THE TRUST TERMINATION PARCEL WILL NO LONGER BE NECESSARY OR USEFUL FOR THE PURPOSES OF THE PUBLIC TRUST AND THE PUBLIC TRUST INTEREST MAY BE TERMINATED.
3. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGEMENT, AND RECORDATION ON BEHALF OF THE COMMISSION OF THE FOLLOWING DOCUMENTS:
- A. THE COMPROMISE TITLE SETTLEMENT AGREEMENT IN SUBSTANTIALLY THE FORM OF THE COPY OF SUCH AGREEMENT ON FILE THE COMMISSION.
- B. A PATENT OF THE TRUST TERMINATION PARCEL IN SOLANO COUNTY, CALIFORNIA, DESCRIBED IN EXHIBIT "A" FREE OF THE PUBLIC TRUST.
- C. RECORDATION OF A DEED OF THE AGENCY EXCHANGE PARCEL TO THE STATE LANDS COMMISSION.
4. AUTHORIZE ISSUANCE OF A GENERAL LEASE - PUBLIC AGENCY USE TO THE CITY OF SUISUN REDEVELOPMENT AGENCY FOR 30 YEARS, BEGINNING MAY 1, 1994, FOR ROAD MAINTENANCE, PUBLIC PROMENADE, AND WETLAND HABITAT ON THE AGENCY EXCHANGE PARCEL, ATTACHED AS EXHIBIT "B".
5. 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, ACCEPTANCE, AND RECORDATION OF ALL DOCUMENTS AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE COMPROMISE TITLE SETTLEMENT 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"
(TRUST TERMINATION PARCEL)

W 25015

LAND DESCRIPTION

A Portion of the Lands of City of Suisun City

All that certain real property situate in the City of Suisun City, County of Solano, State of California, being a portion of Parcel "A" as shown on that certain Parcel Map entitled, "A Division of Fairfield - Suisun Sewer District Land, being a portion of Section 25 & 36, T 5 N, R.2 W, M. D. B. & M. into 3 Parcels, City of Suisun City, Solano County, California", as filed in Book 8 of Parcel Maps at Page 74, Solano County Records and being more particularly described as follows:

BEGINNING at the southeasterly corner of Parcel "A" as shown on said "Parcel Map"; thence northerly along the easterly boundary of said Parcel "A" N 00°37' 00" E 786.90 ft. to the common boundary line between said Parcel "A" and the "Chaplin Subdivision No. 1" as filed in BOOK 5 of Maps at Page 5, Solano County Records; thence westerly along said common boundary line N 89° 46' 00" W 729.19 ft. to the easterly line of the "Cedar Street Extension Easement" as shown on said "Parcel Map"; thence southerly along said easterly line S 16° 14' 00" E 645.65 ft.; thence continuing along said easterly line along a tangent curve concave to the left with a radius of 27.00 ft. through a central angle of 45° 21' 21" for an arc length of 21.37 ft.; thence along a reverse curve concave to the right with a radius of 47.00 ft. through a central angle of 113° 22' 02" for an arc length of 93.00 ft. to the common boundary line between said Parcel "A" and Parcel "B" as shown on said "Parcel Map"; thence easterly along said common boundary between Parcels "A" & "B", S 89°38' 39" E 180.86 ft.; thence S 26° 19' 08" E 26.30 ft.; thence S 89° 28' 33" E 107.91 ft.; thence S 00° 04' 36" W 47.72 ft.; thence S 89° 27' 57" E 220.08 ft. to the POINT OF BEGINNING.

CONTAINING: 10.582 Acres, More or Less.

END OF DESCRIPTION

**PREPARED NOVEMBER 10, 1993 BY MCKAY & SOMPS; REVIEWED
MARCH 1994 BY SFBCC**

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EXHIBIT "B"
(AGENCY EXCHANGE PARCEL)

W 25015

LAND DESCRIPTION

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF SUISUN CITY, COUNTY OF SOLANO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING ALL OF PARCEL 1 AS SHOWN ON THE RECORD OF SURVEY FILED JUNE 28, 1984 IN BOOK 17, SURVEYS, PAGE 14, SOLANO COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHEASTERLY CORNER OF SAID PARCEL 1, SAID POINT BEING ON THE ORDINARY HIGH WATER MARK OF SUISUN SLOUGH AS SHOWN ON SAID RECORD OF SURVEY; THENCE WESTERLY ALONG THE ORDINARY HIGH WATER MARK OF SAID SUISUN SLOUGH THE FOLLOWING COURSES AND DISTANCES: N 51° 06' 09" W 165.08 FEET, N 83° 46' 16" W 99.18 FEET, N 70° 50' 19" W 102.41 FEET, S 58° 48' 03" W 96.50 FEET, S 73° 17' 21" W 64.85 FEET, N 70° 45' 04" W 141.85 FEET, N 05° 55' 47" W 79.25 FEET, N 73° 13' 07" W 54.34 FEET AND N 11° 10' 24" E 131.01 FEET; THENCE LEAVING SAID ORDINARY HIGH WATER MARK ALONG THE NORTHERLY LINE OF SAID PARCEL 1, S 89° 26' 45" E 640.56 FEET TO THE MOST NORTHEASTERLY CORNER OF SAID PARCEL 1; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID PARCEL 1, S 00° 33' 15" W 343.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.59 ACRES, MORE OR LESS

THE BASIS OF BEARINGS FOR THE ABOVE DESCRIPTION IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 2, 1927 NAD. DISTANCES ARE GROUND, TO OBTAIN GRID DISTANCE MULTIPLY BY A SCALE FACTOR OF 1.0000242 AT LATITUDE 38° 14'.

END OF DESCRIPTION

**PREPARED BY JOHNSON LAND SURVEYS; REVIEWED MARCH 1994
BY SFBCC**

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