MINUTE ITEM
This Calendar Item No. C75
was approved as Minute Item
No. 75 by the State Lands
Commission by a vote of 3
to Ø at its 02/12/97
meeting.

CALENDAR ITEM
C75

A 8

S 4

02/12/97
PRC 4769.1
L. Kiley
D. Eagan

CONSIDER AMENDMENT TO COMPROMISE TITLE SETTLEMENT AGREEMENT BETWEEN THE CITY OF BENICIA AND THE CALIFORNIA STATE LANDS COMMISSION

PARTIES: City of Benicia
c/o Washburn, Briscoe & McCarthy
55 Francisco Street, Suite 600
San Francisco, California 94133
ATTN: Anne E. Mudge, Esq.

California State Lands Commission

BACKGROUND:
The Commission, at its regular meeting on March 1, 1995, approved a compromise title settlement between the City of Benicia (City) and the California State Lands Commission. The principal objects of the compromise settlement were to clarify the status of title to certain lands in the City, in order to provide secure land title for past and planned private development within the City, and to confirm the boundaries and status of certain lands granted to the City in trust for recognized public trust purposes.

The City has now requested that the previously approved settlement be modified to accommodate certain changes to development plans for the area and to incorporate changes to access requirements negotiated between the City and the San Francisco Bay Conservation and Development Commission (BCDC). The net effect of the changes proposed would be: (1) the area to be freed of the public trust to provide for private development would be reconfigured and comprise less acreage than originally contemplated, and (2) in exchange, the City would acquire title, in trust, to a significantly larger area than originally contemplated. The increase in public trust area is a result of the fact that more access improvements required by BCDC would be included within the trust area.

EXHIBITS
A. Site Map

PERMIT STREAMLINING ACT DEADLINE:
N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project to Public Resources Code section 21080.11, settlement of title and boundary problems.

   Authority: Public Resources Code section 21065.

2. This activity involves lands indentified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. but will not affect those signficant lands.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION . 21080.11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS.

2. AUTHORIZE THE EXECUTIVE OFFICER TO ENTER INTO THE COMPROMISE TITLE SETTLEMENT AGREEMENT IN SUBSTANTIALLY THE FORM ON FILE IN THE OFFICE OF THE COMMISSION.

3. FIND THAT, EFFECTIVE UPON RECORDATION OF THE AGREEMENT AND THE CONVEYANCES PURSUANT THERETO:

   A. THE TRUST TERMINATION PARCELS HAVE BEEN IMPROVED, FILLED AND RECLAIMED; HAVE BEEN REMOVED FROM THE PUBLIC CHANNELS; ARE NOT AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR COMMERCE, NAVIGATION, FISHERIES, WATER-ORIENTED RECREATION, OR PRESERVATION IN A NATURAL STATE; ARE NOT IN FACT TIDE AND SUBMERGED LANDS; AND ARE FREE FROM THE PUBLIC TRUST FOR COMMERCE, NAVIGATION, FISHERIES, WATER-ORIENTED RECREATION, OR OTHER

RECOGNIZED PUBLIC TRUST USES; AND THIS AGREEMENT WILL CONFIRM IN BENICIA SUBSTANTIAL PUBLIC TRUST INTERESTS WHICH WILL SAFEGUARD PUBLIC TRUST USES OF THE TRUST LANDS WHICH ARE OF SIGNIFICANT VALUE FOR SUCH USES.

B. THIS AGREEMENT IS IN THE BEST INTERESTS OF THE STATE FOR:
   (1) THE IMPROVEMENT OF NAVIGATION;
   (2) THE ENHANCEMENT OF THE CONFIGURATION OF THE SHORELINE FOR THE IMPROVEMENT OF THE WATER AND THE UPLAND; AND
   (3) THE PROTECTION, PRESERVATION, AND ENHANCEMENT OF THE TIDELANDS AND SUBMERGED LANDS AND PUBLIC ACCESS THERETO PURSUANT TO THE PUBLIC TRUST.

C. THE CONVEYANCES MADE IN THIS AGREEMENT WILL NOT SUBSTANTIALLY INTERFERE WITH THE RIGHTS OF FISHING AND NAVIGATION IN SAN FRANCISCO BAY OR ITS TRIBUTARIES;

D. THE VALUE OF CLAIMED STATE INTERESTS IN THE TRUST TERMINATION PARCELS IS LESS THAN OR EQUAL TO THE VALUE OF PRIVATE INTERESTS IN THE TRUST PARCEL; AND

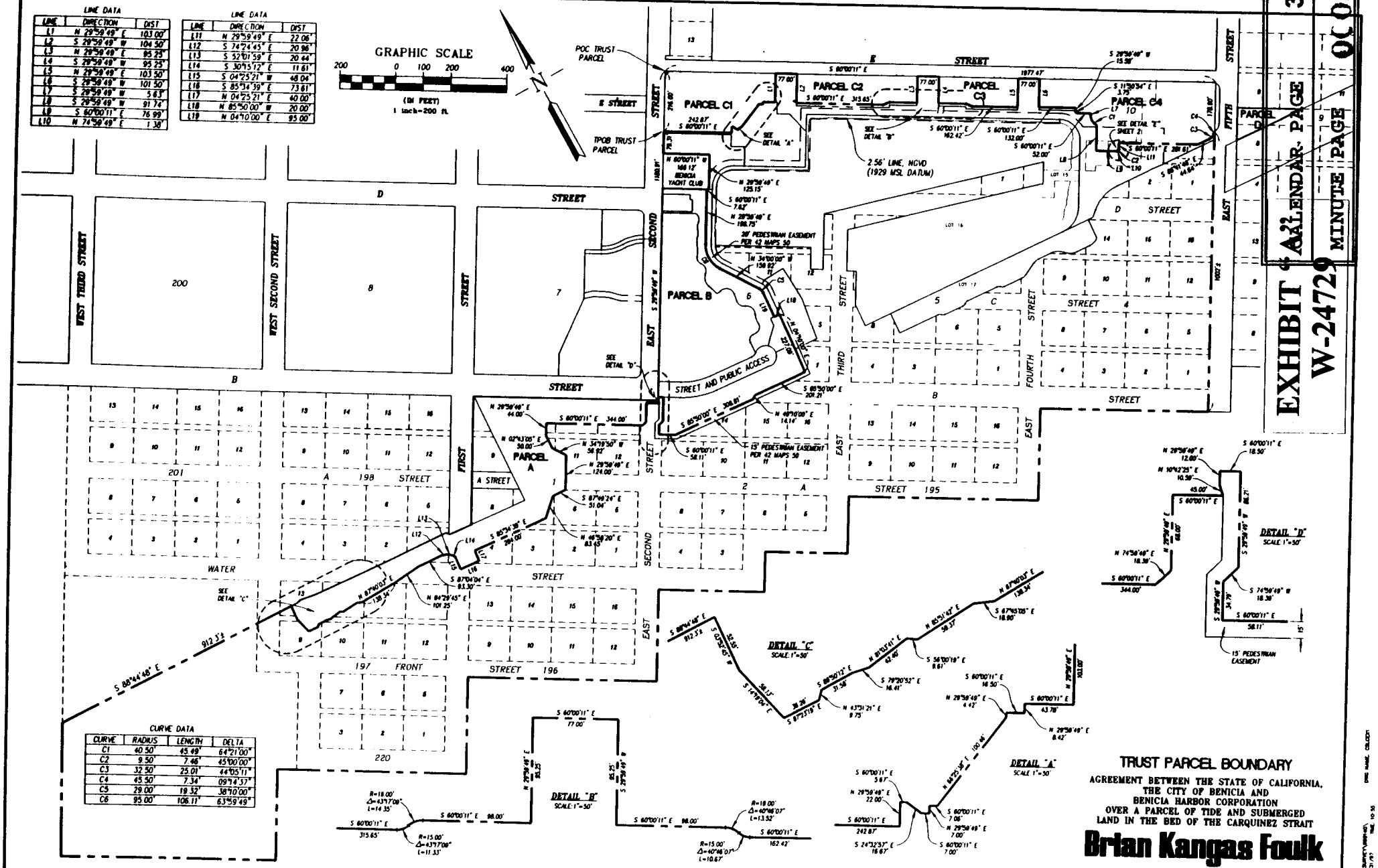
E. THIS AGREEMENT IS IN SETTLEMENT OF A TITLE DISPUTE AND IS THEREFORE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.11.

4. AUTHORIZE THE STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE TERMS OF THE AGREEMENT, INCLUDING, BUT NOT LIMITED TO, EXECUTION OF SUBSEQUENT DOCUMENTS AND AGREEMENTS, DOCUMENT RECORDING AND COURT ACTIONS AND APPEARANCES.

LINE DATA		
LINE	DIRECTION	DIST
L1	N 29°59'49" E	103.00'
L2	S 29°59'49" W	104.50'
L3	N 29°59'49" E	95.25'
L4	S 29°59'49" W	95.25'
L5	N 29°59'49" E	103.50'
L6	S 29°59'49" W	101.50'
L7	S 29°59'49" W	5.63'
L8	S 29°59'49" W	91.74'
L9	S 60°00'11" E	76.99'
L10	N 74°59'49" E	1.38'

LINE DATA		
LINE	DIRECTION	DIST
L11	N 29°59'49" E	22.06'
L12	S 74°74'45" E	20.96'
L13	S 52°01'59" E	20.44'
L14	S 30°55'12" E	11.61'
L15	S 04°25'21" W	48.04'
L16	S 85°34'39" E	73.61'
L17	N 04°25'21" E	40.00'
L18	N 85°50'00" W	20.00'
L19	N 04°10'00" E	95.00'

CURVE DATA			
CURVE	RADIUS	LENGTH	DELTA
C1	40.50'	45.49'	64°21'00"
C2	9.50'	7.46'	45°00'00"
C3	32.50'	25.01'	44°05'11"
C4	45.50'	7.34'	09°14'37"
C5	29.00'	19.32'	38°10'00"
C6	95.00'	106.11'	63°59'49"



TRUST PARCEL BOUNDARY

AGREEMENT BETWEEN THE STATE OF CALIFORNIA, THE CITY OF BENICIA AND BENICIA HARBOR CORPORATION OVER A PARCEL OF TIDE AND SUBMERGED LAND IN THE BED OF THE CARQUINEZ STRAIT

Brian Kangas Foulk

CONSULTING ENGINEERS

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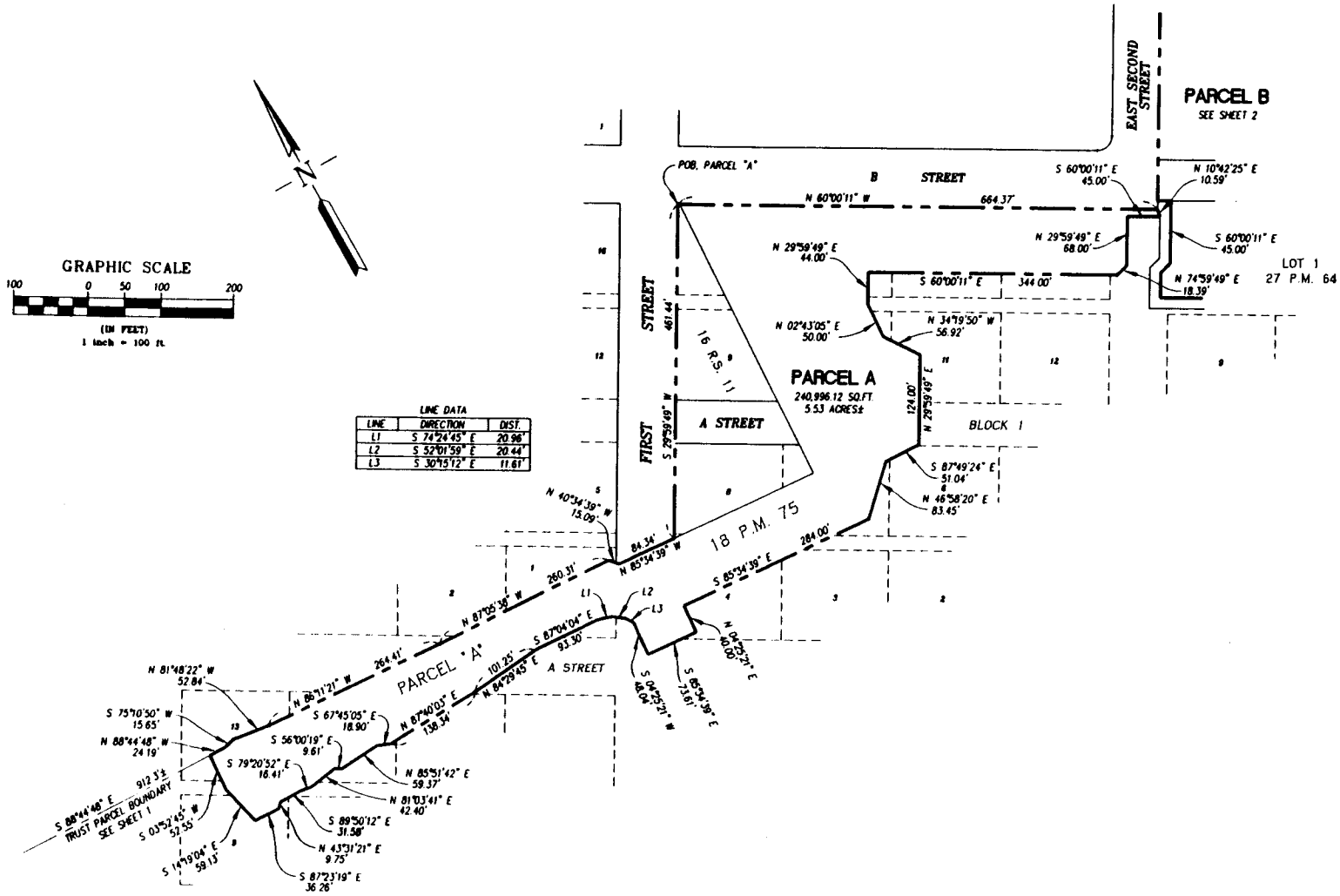
EXHIBIT A
W-24729

CALENDAR PAGE 326
MINUTE PAGE
OC 0350



AGREEMENT PARCEL BOUNDARY

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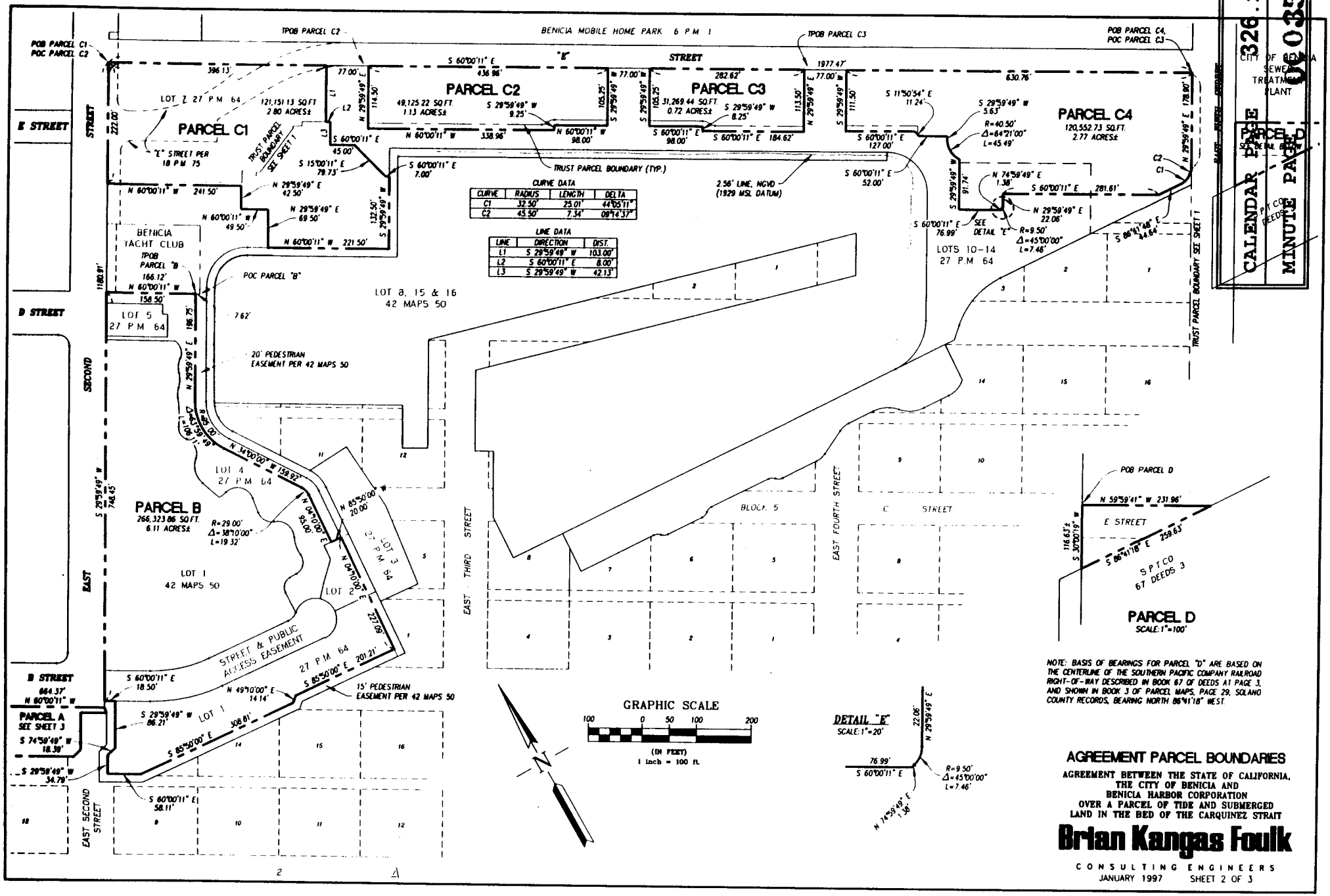
JANUARY 1997 SHEET 3 OF 3



CURVE	RADIUS	LENGTH	DELTA
C1	32.50'	25.01'	44°05'11"
C2	45.50'	7.34'	08°14'37"

LINE DATA

LINE	DIRECTION	DIST.
L1	S 29°59'49" W	103.00'
L2	S 60°00'11" E	8.00'
L3	S 29°59'49" W	42.13'

NOTE: BASIS OF BEARINGS FOR PARCEL "D" ARE BASED ON THE CENTERLINE OF THE SOUTHERN PACIFIC COMPANY RAILROAD RIGHT-OF-WAY DESCRIBED IN BOOK 67 OF DEEDS AT PAGE 3, AND SHOWN IN BOOK 3 OF PARCEL MAPS, PAGE 29, SOLANO COUNTY RECORDS, BEARING NORTH 86°41'18" WEST.

AGREEMENT PARCEL BOUNDARIES

AGREEMENT BETWEEN THE STATE OF CALIFORNIA, THE CITY OF BENICIA AND BENICIA HARBOR CORPORATION OVER A PARCEL OF TIDE AND SUBMERGED LAND IN THE BED OF THE CARQUINEZ STRAIT

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