

MINUTE ITEM
This Calendar Item No. C101
was approved as Minute Item
No. 101 by the State Lands
Commission by a vote of 3
to 0 at its 6-19-98
meeting.

CALENDAR ITEM
C101

A 30
S 16

06/19/98
W 23049
AD 20
AD 311
Maricle
McKown
Fossum
R. Nobles

**CONSIDER APPROVAL AND EXECUTION OF A TITLE SETTLEMENT AND
EXCHANGE AGREEMENT, RESOLVING TITLE TO REAL PROPERTY IN AND
ALONG THE SOUTH FORK OF THE KINGS RIVER, KINGS COUNTY**

APPLICANT:

Ruble Farms, Inc.,
A California Corporation
31216 Road 132
Visalia, California 93277

BACKGROUND:

In 1982, the staff was contacted by a surveying firm engaged in a boundary survey for John H. Crosswell and Crosswell Pollination Service (Crosswell), regarding ownership and title to property located along the South Fork of the Kings River, in Kings County.

Discussions and subsequent research disclosed that Crosswell was using filled sovereign land which was part of the historic bed of the South Fork of the Kings River, and that some of Crosswell's land was within the present channel. Further research revealed that these conditions were caused by a re-alignment project by the Corps of Engineers in the 1960's prior to Crosswell's occupation of the property.

Crosswell and the staff negotiated an agreement as to the sovereign lands involved. The State Lands Commission by its approval of Minute Item #23 at its March 28, 1985 meeting authorized a title settlement agreement with Mr. Crosswell. In the agreement, UPLAND PARCELS 1, 2 and 3 (shown in their general locations on Exhibit A) were to be conveyed to Crosswell free of any sovereign interest. In exchange, Crosswell was to convey to the State RIVER PARCELS A, B, C, and D, ACCESS PARCEL E, also shown generally on Exhibit A, and deposit \$3,900 into the Kapiloff Land Bank Fund. Parcels A through D are in the present South Fork of the Kings River, as realigned; Parcel E is an upland parcel

CALENDAR ITEM NO. C101 (CONT'D)

which adjoins the River and a public highway. The land conveyance to Crosswell would have totaled 6.47 acres; the land to be conveyed to the State totaled 4.28 acres; the \$3,900 payment from Crosswell was to go to the Land Bank Fund pursuant to Section 8625 of the Public Resources Code.

The prior agreement with Crosswell was never fully executed and Crosswell conveyed the property to Ruble Farms, Inc. (Ruble) in 1990. Ruble now seeks a title settlement agreement with the Commission. Thirteen years have passed since the prior Commission action, therefore a re-evaluation of the property was conducted by staff. Their conclusion was that the difference in value between the exchange parcels now equaled \$4,500. The newly proposed settlement includes an exchange as proposed above, and in addition quitclaims any interest each party may have on opposing sides of an agreed and fixed common boundary line.

The proposed agreement has been drafted to include removal of any public trust claims to the Upland Parcels utilizing Division 6 and 7, (including but not limited to Sections 6307 and 8625) of the Public Resources Code. The staff recommends Commission approval and execution of the Exchange Agreement in a form substantively to that now on file in the Commission's offices. The UPLAND PARCELS, as referred to above, have been filled and cut-off from the waters of the South Fork of the Kings River. The RIVER PARCELS and ACCESS PARCEL, as referred to above, to be conveyed to the State will provide State ownership within the present waterway and adjacent banks and access from a public road to and along a portion of the left bank of the River. A dedicated roadway presently exists to both the left and right banks of the river within the subject area. For purposes of clearing title to all lands involved the UPLAND PARCELS have been consolidated with the adjacent lands and are described in Exhibit C as UPLAND PARCEL. The RIVER PARCELS and ACCESS PARCEL have likewise been consolidated in Exhibit D and referred to as RIVER PARCEL. These parcels are depicted on Exhibit E.

Staff has appraised the UPLAND PARCEL and the RIVER PARCEL to be conveyed to the State and has found that the state's interest in the UPLAND PARCEL to be more valuable by \$4,500. The contribution of that amount will make up for the difference in value.

PERMIT STREAMLINING ACT DEADLINE:

N/A

CALENDAR ITEM NO. C101 (CONT'D)

OTHER PERTINENT INFORMATION:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project. The project is exempt because it involves settlements of title and boundary problems.

Authority: Public Resources Code section 21080.11.

EXHIBITS:

- A. Site Map showing the UPLAND PARCELS, AND THE RIVER PARCELS and ACCESS PARCEL per 1985 proposed agreement.
- B. Description of agreed and fixed common boundary
- C. Land Description of UPLAND PARCEL
- D. Land Description of RIVER PARCEL
- E. Site Map showing proposed settlement agreement

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061, AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080. 11, SETTLEMENT OF TITLE AND BOUNDARY PROBLEMS, AND PUBLIC RESOURCES CODE SECTION 8631, AN ACTION TAKEN PURSUANT TO THE KAPILOFF LAND BANK ACT, PUBLIC RESOURCES CODE SECTIONS 8600, ET SEQ.
2. RESCIND APPROVAL OF THE UNEXECUTED AGREEMENT APPROVED BY MINUTE ITEM #23 AT THE MARCH 23, 1985 MEETING OF THE COMMISSION.
3. FIND THAT, WITH RESPECT TO THE PROPOSED TITLE SETTLEMENT AGREEMENT, INCLUDING THE EXCHANGE OF THE STATE'S INTEREST WITHIN THE AREA DESCRIBED IN EXHIBIT C OF THIS CALENDAR ITEM FOR THE LANDS DESCRIBED IN EXHIBIT D PLUS \$4,500 IN FUNDS WITH WHICH TO ACQUIRE OR OTHER INTERESTS IN REAL PROPERTY OF BENEFIT TO THE PUBLIC TRUST:
 - A. THE AGREEMENT IS IN THE BEST INTERESTS OF THE STATE AND CONSISTENT WITH PUBLIC TRUST NEEDS.

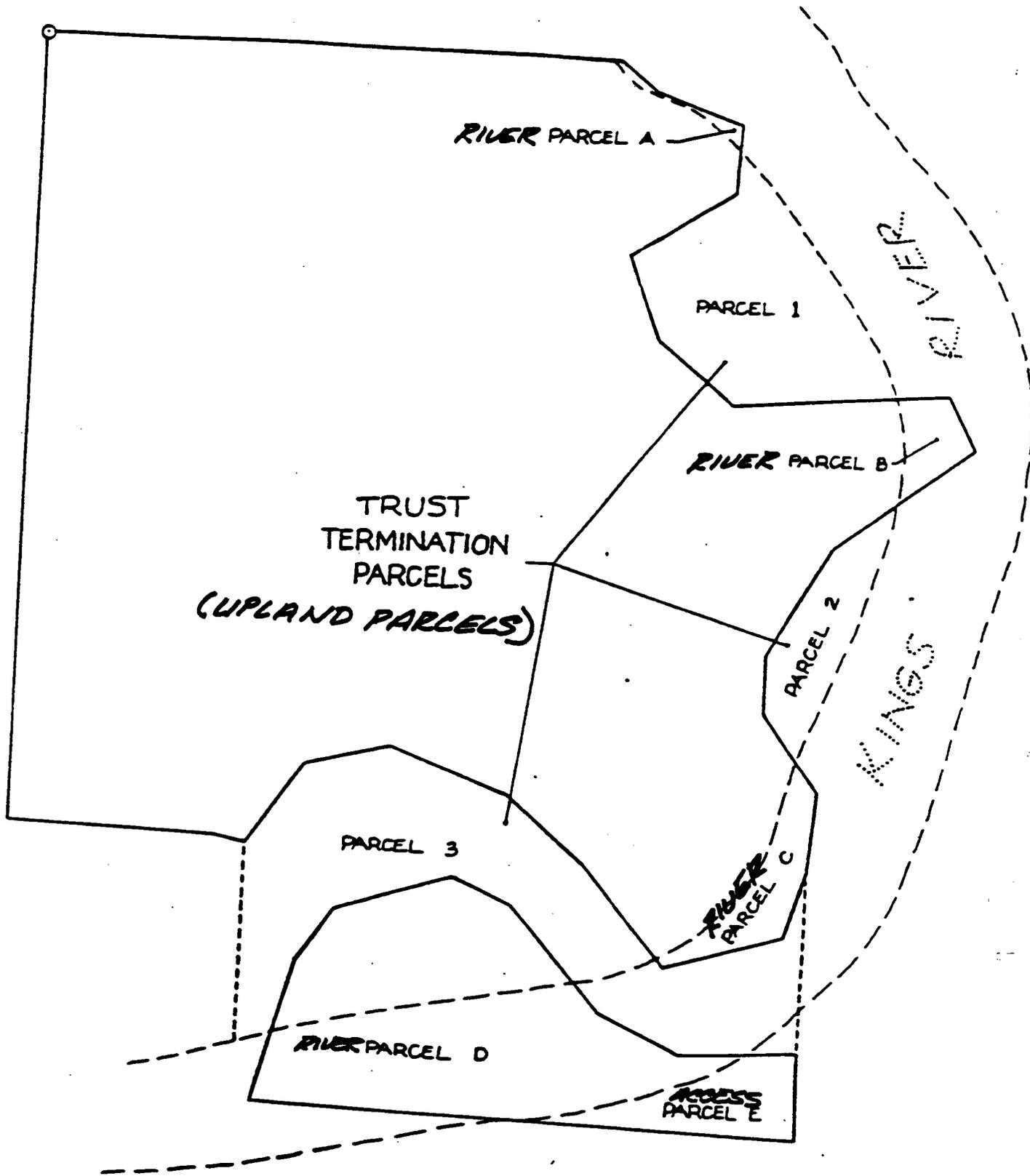
CALENDAR ITEM NO. C101 (CONT'D)

- B. THAT THE LANDS DESCRIBED IN EXHIBIT D PLUS THE \$4,500 TO BE PLACED IN THE KAPILOFF LAND BANK FUND IS EQUAL TO, OR GREATER THAN, THE VALUE OF THE INTEREST IN THE LANDS DESCRIBED IN EXHIBIT C BEING RELINQUISHED BY THE STATE.
- C. THE AREA OF INTERESTS IN LANDS BEING CLAIMED BY THE STATE TO BE RELINQUISHED, WHICH IS A RELATIVELY SMALL AREA (APPROXIMATELY 6.47 ACRES) HAS, PURSUANT TO A PROJECT FOR IMPROVEMENT OF NAVIGATION, RECREATION, FLOOD CONTROL PROTECTION, AND ENHANCEMENT AND CONFIGURATION OF THE SHORELINE FOR THE IMPROVEMENT OF THE WATERS AND UPLANDS, BEEN EXCLUDED FROM THE PUBLIC CHANNELS, AND IS NO LONGER AVAILABLE OR SUSCEPTIBLE OF BEING USED FOR NAVIGATION AND FISHING AND IS NO LONGER IN FACT SUBMERGED LANDS IN THE PRESENT BED OF THE SOUTH FORK OF THE KINGS RIVER.
- D THE CONVEYANCES PROPOSED BY THE AGREEMENT WILL NOT INTERFERE WITH BUT RATHER ENHANCE THE PUBLIC'S RIGHTS OF ACCESS TO AND FISHING AND NAVIGATING IN THE SOUTH FORK OF THE KINGS RIVER.
- E. THE PARTIES HAVE A GOOD FAITH AND BONA FIDE DISPUTE AS TO THEIR RESPECTIVE INTERESTS AND CLAIMS WITHIN THE AGREEMENT AREA.
- F. THE PROPOSED SETTLEMENT AGREEMENT CONSTITUTES A COMPROMISE OF THE CONTESTED ISSUES OF LAW AND FACT UPON WHICH THE DISPUTE IS BASED.
- G. THE AGREEMENT IS IN LIEU OF THE COSTS, DELAYS, AND UNCERTAINTIES OF TITLE LITIGATION, AND IS CONSISTENT WITH AND IS AUTHORIZED BY THE REQUIREMENTS OF LAW.
- H. ON THE DATE PROVIDED FOR IN THE TITLE SETTLEMENT AGREEMENT AND CONSISTENT WITH ITS TERMS, THE TRUST TERMINATION PARCEL, DESCRIBED IN EXHIBIT C, WILL BE FOUND TO NO LONGER BE NECESSARY OR USEFUL FOR THE PURPOSES OF THE PUBLIC TRUST AND THE PUBLIC TRUST EASEMENT WILL BE TERMINATED.

CALENDAR ITEM NO. C101 (CONT'D)

4. APPROVE AND AUTHORIZE THE EXECUTION, ACKNOWLEDGMENT, AND RECORDATION ON BEHALF OF THE CALIFORNIA STATE LANDS COMMISSION OF THE RUBLE FARMS TITLE SETTLEMENT AGREEMENT IN SUBSTANTIALLY THE FORM OF THE COPY OF SUCH AGREEMENT ON FILE WITH THE COMMISSION.

5. AUTHORIZE AND DIRECT THE STAFF OF THE CALIFORNIA STATE LANDS COMMISSION AND/OR THE CALIFORNIA ATTORNEY GENERAL TO TAKE ALL NECESSARY OR APPROPRIATE ACTION ON BEHALF OF THE CALIFORNIA STATE LANDS COMMISSION, INCLUDING THE EXECUTION, ACKNOWLEDGMENT, ACCEPTANCE, AND RECORDATION OF ALL DOCUMENTS AND PAYMENTS AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT THE TITLE SETTLEMENT AGREEMENT; AND TO APPEAR ON BEHALF OF THE COMMISSION IN ANY LEGAL PROCEEDINGS RELATING TO THE SUBJECT MATTER OF THE AGREEMENT.



ADDED 03/25/85)

CALENDAR PAGE	EXHIBIT A 72.5
MINUTE PAGE	003796

**EXHIBIT B
AGREED COMMON BOUNDARY**

BEGINNING at a point on the northerly line of Lot 13 as said Lot is shown on that Map of Laguna de Tache Grant, recorded in Book 2 at Page 97, Fresno County Records, distant along said northerly line S 89°48'00"E. 894.75 feet from the northwest corner of said Lot 13, said northwest corner bears North, 1320.10 feet along the center line of 18 3/4 Avenue from the southeast corner of Lot 12 of said Grant as said corner is shown on RECORD OF SURVEY filed in Book 11 of Licensed Surveyors Plats at Page 61, Kings County Records;
thence S 39°17'39" E, a distance of 33.36 feet; thence S 64°04'47" E, a distance of 93.08 feet;
thence S 66°07'43" E, a distance of 120.94 feet; thence S 41°49'40" E, a distance of 262.39 feet;
thence S 36°31'15" E, a distance of 149.08 feet; thence S 20°26'53" E, a distance of 130.63 feet;
thence S 11°38'38" E, a distance of 67.09 feet; thence S 1°54'54" E, a distance of 48.04 feet;
thence S 4°17'32" W, a distance of 114.90 feet; thence S 15°10'51" W, a distance of 49.65 feet;
thence S 24°16'07" W, a distance of 68.74 feet; thence S 18°47'56" W, a distance of 82.06 feet;
thence S 17°37'51" W, a distance of 119.80 feet; thence S 24°56'21" W, a distance of 100.33 feet;
thence S 1°46'13" W, a distance of 58.27 feet; thence S 15°20'14" W, a distance of 59.95 feet;
thence S 31°10'14" W, a distance of 35.50 feet; thence S 35°51'05" W, a distance of 69.95 feet;
thence S 40°32'27" W, a distance of 133.07 feet; thence S 61°59'52" W, a distance of 104.86 feet;
thence S 74°45'19" W, a distance of 144.56 feet; thence S 80°31'27" W, a distance of 221.74 feet;
thence S 78°01'08" W, a distance of 153.28 feet; thence S 71°14'36" W, a distance of 151.92 feet;
to a point on the east line of Flint Avenue, a county road 60.00 feet in width, as shown on said RECORD OF SURVEY filed in Book 11 of Licensed Surveyors Plats at Page 61, Kings County Records.

END OF DESCRIPTION

June 18, 1998

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**EXHIBIT C
UPLAND PARCEL**

All those portions of Lots 13 and 14 and the Bed of the South Fork of the Kings River lying adjacent to said Lots as said River and Lots are shown on Map of a portion of Laguna de Tache Grant recorded in Book 2 at Page 97, Fresno County Records lying westerly of the following described line:

BEGINNING at a point on the northerly line of Lot 13 as said Lot is shown on that Map of Laguna de Tache Grant, recorded in Book 2 at Page 97, Fresno County Records, distant along said northerly line S 89°48'00"E, 894.75 feet from the northwest corner of said Lot 13, said northwest corner bears North, 1320.10 feet along the center line of 18 3/4 Avenue from the southeast corner of Lot 12 of said Grant as said corner is shown on RECORD OF SURVEY filed in Book 11 of Licensed Surveyors Plats at Page 61, Kings County Records;
thence S 39°17'39" E, a distance of 33.36 feet; thence S 64°04'47" E, a distance of 93.08 feet;
thence S 66°07'43" E, a distance of 120.94 feet; thence S 41°49'40" E, a distance of 262.39 feet;
thence S 36°31'15" E, a distance of 149.08 feet; thence S 20°26'53" E, a distance of 130.63 feet;
thence S 11°38'38" E, a distance of 67.09 feet; thence S 1°54'54" E, a distance of 48.04 feet;
thence S 4°17'32" W, a distance of 114.90 feet; thence S 15°10'51" W, a distance of 49.65 feet;
thence S 24°16'07" W, a distance of 68.74 feet; thence S 18°47'56" W, a distance of 82.06 feet;
thence S 17°37'51" W, a distance of 119.80 feet; thence S 24°56'21" W, a distance of 100.33 feet;
thence S 1°46'13" W, a distance of 58.27 feet; thence S 15°20'14" W, a distance of 59.95 feet;
thence S 31°10'14" W, a distance of 35.50 feet; thence S 35°51'05" W, a distance of 69.95 feet;
thence S 40°32'27" W, a distance of 133.07 feet; thence S 61°59'52" W, a distance of 104.86 feet;
thence S 74°45'19" W, a distance of 144.56 feet; thence S 80°31'27" W, a distance of 221.74 feet;
thence S 78°01'08" W, a distance of 153.28 feet; thence S 71°14'36" W, a distance of 151.92 feet;
to a point on the east line of Flint Avenue, a county road 60.00 feet in width as shown on said RECORD OF SURVEY filed in Book 11 of Licensed Surveyors Plats at Page 61, Kings County Records.

EXCEPTING THEREFROM that portion of said Bed of the South Fork of the Kings River lying westerly of said east line of Flint Avenue.

ALSO EXCEPTING THEREFROM that portion of said Lot 13 lying North and West of the Branch Island Canal.

ALSO EXCEPTING THEREFROM the South 208.708 feet of the West 208.708 feet of said Lot 13.

END OF DESCRIPTION

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CALENDAR PAGE	472.7
MINUTE PAGE	003798

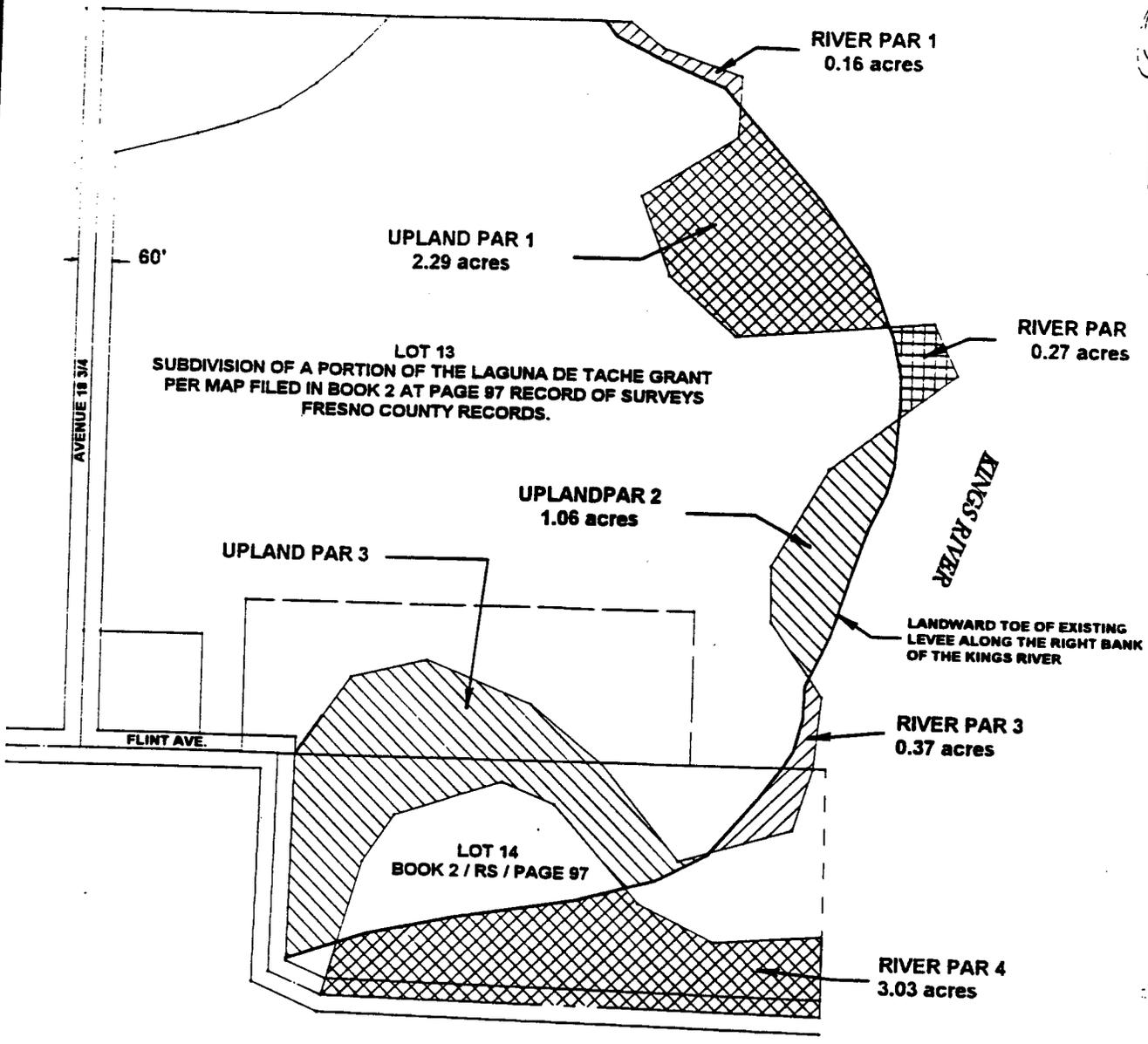
**EXHIBIT D
RIVER PARCEL**

All those portions of Lots 13 and 14 as said Lots are shown on Map of a portion of Laguna de Tache Grant recorded in Book 2 at Page 97. Fresno County Records and any portion of the present bed or historic bed of the Kings River lying easterly of the following described line:

BEGINNING at a point on the northerly line of Lot 13 as said Lot is shown on that Map of Laguna de Tache Grant. recorded in Book 2 at Page 97. Fresno County Records. distant along said northerly line S 89°48'00"E. 894.75 feet from the northwest corner of said Lot 13. said northwest corner bears North, 1320.10 feet along the center line of 18 3/4 Avenue from the southeast corner of Lot 12 of said Grant as said corner is shown on RECORD OF SURVEY filed in Book 11 of Licensed Surveyors Plats at Page 61, Kings County Records;
thence S 39°17'39" E, a distance of 33.36 feet; thence S 64°04'47" E, a distance of 93.08 feet;
thence S 66°07'43" E, a distance of 120.94 feet; thence S 41°49'40" E, a distance of 262.39 feet;
thence S 36°31'15" E, a distance of 149.08 feet; thence S 20°26'53" E, a distance of 130.63 feet;
thence S 11°38'38" E, a distance of 67.09 feet; thence S 1°54'54" E, a distance of 48.04 feet;
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thence S 1°46'13" W, a distance of 58.27 feet; thence S 15°20'14" W, a distance of 59.95 feet;
thence S 31°10'14" W, a distance of 35.50 feet; thence S 35°51'05" W, a distance of 69.95 feet;
thence S 40°32'27" W, a distance of 133.07 feet; thence S 61°59'52" W, a distance of 104.86 feet;
thence S 74°45'19" W, a distance of 144.56 feet; thence S 80°31'27" W, a distance of 221.74 feet;
thence S 78°01'08" W, a distance of 153.28 feet; thence S 71°14'36" W, a distance of 151.92 feet;
to a point on the east line of Flint Avenue, a county road 60.00 feet in width as shown on said RECORD OF SURVEY filed in Book 11 of Licensed Surveyors Plats at Page 61, Kings County Records.

END OF DESCRIPTION

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KINGS COUNTY

NOTE: THIS PLAT IS BASED ON RECORD OF SURVEY OF A PORTION OF LOTS 13 & 14 OF THE LAGUNA DE TACHE GRANT PER MAP FILED IN BOOK 2 OF RECORD OF SURVEYS AT PAGE 97, FRESNO COUNTY RECORDS AND ON RECORD OF SURVEY RECORDED IN BOOK 11 OF LICENSED SURVEYORS PLATS AT PAGE 61, KINGS COUNTY RECORDS.

SCALE: 1" = 300'



STATE OF CALIFORNIA STATE LANDS COMMISSION	GENERAL PAGE	472
	PLAT PREPARED BY J. M. MCKOWN, PLS 4443	EXHIBIT F
	MINUTE PAGE	042800