

**CALENDAR ITEM
C112**

A	14	04/23/15 AD 79 W 26715 J. Frey
S	2, 3	

**CONSIDER ACCEPTANCE OF A QUITCLAIM DEED FOR A PORTION OF
ASSESSOR'S PARCEL NUMBER 0051-010-510 CONSISTING OF
APPROXIMATELY 1.72 ACRES OF LAND LOCATED WITHIN THE BED OF WHITE
SLOUGH, SOLANO COUNTY**

PARTIES:

GRANTOR:

REDWOOD SQUARE ENTERPRISES, LLC
Robert Cranmer Brown
241 South San Antonio Road
Los Altos, CA 94022-3751

GRANTEE:

CALIFORNIA STATE LANDS COMMISSION
100 Howe Ave., Suite 100 South
Sacramento, CA 95825-8202

AREA, LAND TYPE AND LOCATION:

Sovereign lands within the bed of White Slough, Vallejo, Solano County (Subject Property).

BACKGROUND:

On August 10, 1988, the Commission approved a Compromise Title Settlement Agreement between Standard Brands Paint Co. (Standard Brands) and the State Lands Commission (Commission) regarding lands in White Slough, Vallejo, Solano County covering approximately 6.9 acres. See Exhibit B. A portion of the Subject Property consisted of filled and reclaimed historic wetlands (the Trust Termination Parcel) which formerly consisted of marsh and sloughs. The remaining portion of the Subject Property was, and remains, covered by water and is subject to tidal action (the Water Covered Parcel).

In the Compromise Title Settlement Agreement the Commission quitclaimed any interest the State may have had in the filled and reclaimed wetlands and terminated the Public Trust over them. Standard Brands in return granted the

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State public access easements to and along the waterfront edge of the Trust Termination Parcel and deposited \$21,000 into the Kapiloff Land Bank. Significantly, the Parties did not resolve their dispute over the Water Covered Parcel because they could not agree on the nature and extent of the State's interest in it.

Subsequent to the Title Settlement, Standard Brands sold the Trust Termination Parcel to the predecessors of Redwood Square Enterprises, LLC (Redwood Square). Because of an error in the deed the Water Covered Parcel was not excepted out of the property description and the State's interest in it showed on Redwood Square's title policy. Recently Redwood Square discovered this error which cannot be corrected by amending the deed description because Standard Brands is no longer in existence. Originally Redwood Square asked the Commission to amend the Title Settlement Agreement and to file a quiet title action against all persons claiming an interest in the parcel. The Commission declined to do so. Consequently Redwood Square filed its own quiet title action to correct the deed description and clarify the interests of the State and it in the Water Covered Parcel. After extensive negotiations Redwood Square agreed to quitclaim to the State all of its right, title, and interest in the Water Covered Parcel (See Exhibit A) and to dismiss its action. In exchange, Commission staff agreed to refund application fees expended by Redwood Square in its application to amend the original settlement agreement.

Staff believes it is in the best interests of the State to accept the quitclaim to resolve the litigation and the dispute over title to the Water Covered Parcel.

OTHER PERTINENT INFORMATION:

1. The staff recommends that the Commission find that the acceptance of the quitclaim is exempt from the requirements of CEQA as a statutorily exempt project. The project is exempt because it involves settlement of title and boundary problems.

Authority: Public Resources Code section 21080.11 and California Code of Regulations, Title 14, section 15282, subdivision (f).

2. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the

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requirements and criteria of Public Resources Code section 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 California Code of Regulations, Title 2, section 2954 is not applicable.

EXHIBITS:

- A. Land Description
- B. Plat of Subject Property

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a statutorily exempt project pursuant to Public Resources Code section 21080.11 and California Code of Regulations, Title 14, section 15282, subdivision (f).

AUTHORIZATION:

Accept the quitclaim to the State of all of Redwood Square Enterprises' right title and interest in the Water Covered Parcel as described in Exhibit A hereto and authorize Commission staff to record the quitclaim in the Official Records for Solano County with the Commission's Acceptance and Consent to Recording attached to it.

EXHIBIT A

A.D. 79

LAND DESCRIPTION WATER COVERED PARCEL

A portion of the "Water Covered Parcel" as shown on the Parcel Map titled "A Division of Parcel "L2" as shown on Record of Survey Recorded in Book 10 of Surveys, Page 74, Solano County Records, Vallejo, California", filed in Book 33 of Parcel Maps, Page 88, Official Records of Solano County, County of Solano, State of California, described as follows:

BEGINNING at the northwest corner of said Water Covered Parcel as shown on said Parcel Map, thence along the westerly line of said Water Covered Parcel S 21°16'44" E 11.71 feet to a point on the northerly line of the State Lands Commission Public Access Easement as shown on said Parcel Map; thence leaving said westerly line along said northerly line the following 30 courses:

- 1) S 77°04'33" E 16.11 feet;
- 2) S 42°49'51" E 32.61 feet;
- 3) S 32°34'20" E 16.80 feet;
- 4) S 18°01'46" E 25.79 feet;
- 5) S 26°10'01" E 33.54 feet;
- 6) S 68°27'42" E 33.30 feet;
- 7) S 37°13'42" E 15.32 feet;
- 8) S 47°50'39" E 37.42 feet;
- 9) S 87°53'06" E 13.40 feet;
- 10) S 64°12'10" E 16.00 feet;
- 11) S 78°35'30" E 11.98 feet;
- 12) S 57°27'46" E 19.80 feet;
- 13) N 53°40'24" E 40.18 feet;
- 14) N 1°31'38" E 20.54 feet;
- 15) N 54°55'55" W 31.33 feet;
- 16) N 10°36'52" W 20.58 feet;
- 17) N 56°05'38" W 17.11 feet;
- 18) N 6°46'53" W 30.74 feet;
- 19) N 46°15'01" E 45.45 feet;
- 20) S 78°25'34" E 35.36 feet;
- 21) S 49°25'13" E 22.93 feet;
- 22) S 64°01'32" E 38.03 feet;
- 23) N 79°20'06" E 26.74 feet;
- 24) N 88°58'42" E 54.21 feet;
- 25) N 74°23'28" E 69.96 feet;
- 26) N 49°31'45" E 24.25 feet;
- 27) N 28°21'06" E 32.05 feet;

28) N 51°50'59" E 38.94 feet;
29) N 48°18'59" E 13.51 feet;
30) N 70°15'45" E 2.51 feet to a point on the easterly line of Parcel 1 as shown on said Parcel map; thence leaving said northerly line, along said easterly line N 3°38'00" W 95.71 feet to a point on the northerly line of said Water Covered Parcel, said point also being the beginning of a non-tangent curve to the left, having a radius of 2,311.34 feet, the radius of said curve bears S 7°56'59" E; thence along said curve and said northerly line through a central angle of 13°23'25", an arc distance of 540.17 feet to the POINT OF BEGINNING.

END OF DESCRIPTION

Prepared 3/25/2015 by the California State Lands Commission Boundary Unit.



NO SCALE

SITE



PROPOSED QUITCLAIM PARCEL

WATER COVERED PARCEL
(PER DOC #890006446)

PUBLIC ACCESS EASEMENT
(PER DOC #890006446)

STANDARD BRANDS
PARCEL
(APN 0051-010-510)

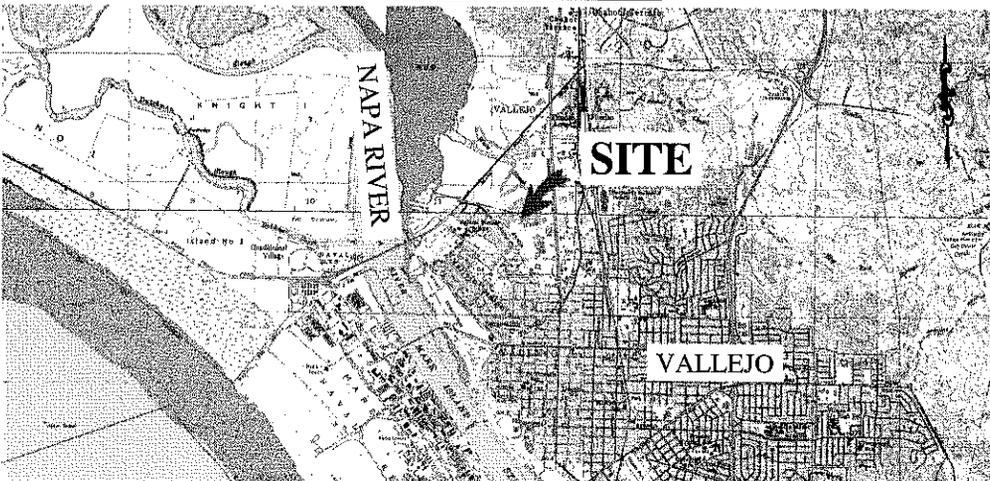
TRUST TERMINATION PARCEL
(PER DOC #890006446)

REDWOOD STREET

SUBJECT PROPERTY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

AD 79
APN 0051-010-510
AMENDMENT TO COMPROMISE
TITLE SETTLEMENT
AGREEMENT
SOLANO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.