

38. (Approval of Quitclaim Deed, Guiseppe and Emma D. P. Rosellini vs. California, Sacramento Superior Court No. 78345, Dept. 3, W. O. 349) The Commission was informed that the Attorney General advises that the case of Rosellini vs. State of California, Sacramento Superior Court No. 78345, which case was filed pursuant to Section 7555 of the Public Resources Code to quiet title and determine the boundary of a portion of Swamp and Overflow Survey No. 957, Sacramento County, has now been settled satisfactorily by stipulation and judgment.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the approval of the quitclaim deed fixing the boundary in this case and submission of same to the Director of Finance for his approval in accordance with the usual procedure.

39. (Hunters' Point Cases - California v. U. S. Nos. 22416, 22261 and 22147) The Commission was informed that the Attorney General's office, San Francisco, informs the Commission that the Federal Circuit Court of Appeals has upheld the decision of the Federal District Court in the Hunters' Point cases. This decision held that the State was the holder of the naked fee in the street areas subject to the public easement for street purposes and was awarded only nominal damages in the taking.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the acceptance of the recommendation of the Attorney General "that no appeal be taken" to the U. S. Supreme Court in this case.

40. (J. D. and A. B. Spreckels Street Problem - San Francisco - W. O. 207) The Commission was informed that the Spreckels Company has instituted an action under the McEnerney Act to establish a record title to certain closed streets lying within the confines of their Western Sugar Refinery plant in the Potrero, San Francisco. The McEnerney Act specifically excludes action against the State of California. Neither the company nor its predecessors in interest have ever received any record conveyance from the State for any interest in the street areas. The Tideland Commissioners' deeds for the blocks carry only to the edges of the streets. However, many of these street areas were the subject of various ordinances enacted by the San Francisco Board of Supervisors more than ten years ago, abandoning the public easement for street purposes. Certain of the streets so abandoned have been reclaimed from San Francisco Bay, fenced in and used by the Spreckels Company for longer than ten years, and their present action is based upon a title claimed by adverse possession.

The Attorney General's office pointed out to the Commission that in addition to the problem of the streets within the area fenced by the Spreckels Company that there is a private wharf in the bay used only by the Spreckels Company. This wharf and its use is a question the Board of State Harbor Commissioners for San Francisco is very much interested in and the title of it should also be determined.

After a full discussion and presentation of the J. D. and A. B. Spreckels Company's position by its counsel upon motion duly made and unanimously carried, the Attorney General was requested to protect the interests of the State by filing an intervention in the McEnerney action and by filing a separate quiet title action to protect the interests of the State and the Board of Harbor Commissioners for San Francisco in the wharf area.