

MINUTE ITEM

21. APPROVAL OF STIPULATION FOR SETTLEMENT OF QUIET TITLE ACTION AND BOUNDARY (WILLMARS LAND CO. V. STATE, SACRAMENTO COUNTY SUPERIOR COURT CASE NO. 139795) - W.O. 503.407.

After consideration of Calendar Item 15 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO REQUEST THE ATTORNEY GENERAL IN THE CASE OF WILLMARS LAND CO. V. STATE OF CALIFORNIA, SACRAMENTO SUPERIOR COURT NO. 139795, TO DISCLAIM ANY STATE INTEREST IN THE AREA CLAIMED BY THE PLAINTIFF, MORE PARTICULARLY DESCRIBED IN THE COMPLAINT, IN CONSIDERATION OF THE PLAINTIFF DISCLAIMING ANY INTEREST IN THE AREA IN THE BED OF THE SACRAMENTO RIVER SOUTHERLY OF THE SOUTHERLY LINE OF THE LAND DESCRIBED IN THE COMPLAINT.

Attachment
Calendar Item 15 (1 page)

CALENDAR ITEM

15.

APPROVAL OF STIPULATION FOR SETTLEMENT OF QUIET TITLE ACTION AND BOUNDARY (WILLMARS LAND CO. V. STATE, SACRAMENTO COUNTY SUPERIOR COURT CASE NO. 139795) - W.O. 503.407.

The Willmars Land Co. has instituted quiet title action as a result of finding that the title companies insist upon certain exceptions in favor of the State in order to eliminate possible State claims arising from the uncertain position of the boundary of the Willmars Land Co. property lying on the right bank of the Sacramento River in Sacramento County, opposite the town of Isleton and in the vicinity of Long Island.

The plaintiff alleges that it is the successor in interest to the patentees of the State for Swamp and Overflowed Lands Surveys Nos. 935 and 957 of Sacramento County. Embraced within the area claimed as patented is a berm and adjacent channel of the Sacramento River apparently created by dredging within the original body of swamp lands. The area of the berm is 1.08 acres.

It has been impossible to state positively exactly where the original patent descriptions fall upon the ground due to a number of survey discrepancies in the aforementioned and adjacent swamp land surveys. Since it is obvious that the intention of the original surveys was to run along the bank of the Sacramento River, the plaintiff has described its ownership to run along the riverward bank of the berm known as Long Island. This description is coincident with the adjacent boundary description which was settled by court decree in the case of G. Rosellini, et ux., vs. State, Sacramento County Superior Court No. 78345, by judgment quieting title and fixing the boundaries, dated August 18, 1948, in which description the downstream end of Long Island was adjudicated to be a portion of Swamp and Overflowed Lands Survey No. 957. In view of this precedent, it appears equitable and proper that the State disclaim any interest in the parcel described in the complaint. The plaintiff will disclaim any interest in the area in the bed of the Sacramento River southerly of the southerly line described in the complaint. This action will fix a common boundary between the plaintiff's lands and sovereign lands of the State.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO REQUEST THE ATTORNEY GENERAL IN THE CASE OF WILLMARS LAND CO. V. STATE OF CALIFORNIA, SACRAMENTO SUPERIOR COURT NO. 139795, TO DISCLAIM ANY STATE INTEREST IN THE AREA CLAIMED BY THE PLAINTIFF, MORE PARTICULARLY DESCRIBED IN THE COMPLAINT, IN CONSIDERATION OF THE PLAINTIFF DISCLAIMING ANY INTEREST IN THE AREA IN THE BED OF THE SACRAMENTO RIVER SOUTHERLY OF THE SOUTHERLY LINE OF THE LAND DESCRIBED IN THE COMPLAINT.