

MINUTE ITEM

33. APPROVAL OF BOUNDARY LINE AGREEMENT FOR TIDELAND SURVEYS 39, 40, AND 41, SOLANO COUNTY, LOCATED IN SUISUN BAY; NIXON VS. CHAPMAN, STATE OF CALIFORNIA, ET AL., SOLANO COUNTY SUPERIOR COURT NO. 40184 - W.O. 503.455, B.L.A. 57.

After consideration of Calendar Item 12 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION:

1. APPROVES THE BOUNDARY AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND LOUIS NELSON REFERRED TO AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF BY REFERENCE TO THE OFFICIAL FILES OF THE COMMISSION;
2. AUTHORIZES THE EXECUTIVE OFFICER TO EXECUTE SAID BOUNDARY AGREEMENT;
3. AUTHORIZES THE EXECUTIVE OFFICER TO REQUEST THE OFFICE OF THE ATTORNEY GENERAL TO DISCLAIM ANY INTEREST IN THE LAND DESCRIBED IN THE QUIET TITLE ACTION KNOWN AS CASE NO. 40184 IN THE SOLANO COUNTY SUPERIOR COURT.

Attachment

Calendar Item 12 (1 page)

CALENDAR ITEM

12.

APPROVAL OF BOUNDARY LINE AGREEMENT FOR TIDELAND SURVEYS 39, 40, AND 41, SOLANO COUNTY, LOCATED IN SUISUN BAY; NIXON VS. CHAPMAN, STATE OF CALIFORNIA, ET AL., SOLANO COUNTY SUPERIOR COURT NO. 40184 - W.O. 503.455.

Tideland Surveys 39, 40, and 41 of Solano County were applied for and paid for in full by Charles D. Chapman prior to 1876. However, patent was not applied for by Chapman or his immediate successors until the present claimant, Louis Nixon, requested the issuance of patents in 1961, pursuant to the provisions of Section 7729 of the Public Resources Code. Upon comparing the original survey description with the topographic conditions in Suisun Bay in existence as of 1876, it was found that the areas described in the surveys embraced lands lying waterward from the mean low tide line. Accordingly, the descriptions were amended by formal action of the Commission and approved by Mr. Nixon, and patents were issued on July 27, 1962, in the name of Charles D. Chapman.

To satisfy the requirements of the insuring title company, because of the fact that the patents described areas containing lesser acreages than were described in the original application and survey for Charles Chapman, a quiet title action was instituted for the purpose of creating a proper basis for a deraignment of title. The areas described in the complaint are the same as those described in the patents.

The parties involved are agreeable to fixing the boundary lines of the three tideland surveys as described in the patents and in the complaint in order that a proposed form of boundary agreement may be entered into, which in turn will be used for a stipulation to close the pending litigation (copy of which agreement is attached hereto as Exhibit "A").

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE BOUNDARY AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND LOUIS NIXON REFERRED TO AS EXHIBIT "A" AND HEREBY MADE A PART HEREOF BY REFERENCE TO THE OFFICIAL FILES OF THE COMMISSION.
2. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE SAID BOUNDARY AGREEMENT;
3. AUTHORIZE THE EXECUTIVE OFFICER TO REQUEST THE OFFICE OF THE ATTORNEY GENERAL TO DISCLAIM ANY INTEREST IN THE LAND DESCRIBED IN THE QUIET TITLE ACTION KNOWN AS CASE NO. 40184 IN THE SOLANO COUNTY SUPERIOR COURT.