

MINUTE ITEM

4/1/69

38. STIPULATION FOR JUDGMENT IN THE CASE OF THOMAS P. RALEY v. STATE OF CALIFORNIA, YOLO COUNTY SUPERIOR COURT NO. 21087 - W.O. 503. 481.

After consideration of Calendar Item 26 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION FINDS THAT IT IS EXPEDIENT, NECESSARY, AND IN THE BEST INTERESTS OF THE STATE TO ENTER INTO THE STIPULATION FOR JUDGMENT WHICH IS ON FILE IN THE OFFICE OF THE COMMISSION IN THE CASE OF THOMAS P. RALEY V. STATE OF CALIFORNIA, YOLO COUNTY SUPERIOR COURT NO. 21087, AND AUTHORIZES THE OFFICE OF THE ATTORNEY GENERAL TO ENTER INTO SUCH STIPULATION AND THE EXECUTIVE OFFICER OF THE COMMISSION TO APPROVE THE SAME.

Attachment

Calendar Item 26 (4 pages)

26.

THOMAS P. RALEY VS. STATE OF CALIFORNIA

The subject action has been pending since 1965 to quiet title to a parcel of land along the Sacramento River across from the City of Sacramento. The Plaintiff claims as successor in interest of a swamp and overflowed lands patentee. The State contends that the land involved was artificially built up and is a part of the former riverbed. Difficult legal and factual questions are involved, and a Stipulation for Judgment has been prepared and is on file in the Office of the State Lands Commission wherein it is agreed that, pursuant to Section 6357 of the Public Resources Code, the line of ordinary high tide is fixed as set forth in the Stipulation. The line designated divides the parcel claimed equally between the Plaintiff and the State. Both the Division and the Office of the Attorney General believe that the allocation of the land set forth in the Stipulation represents a fair and equitable solution of this case and that the same is in the best interests of the State. The Office of the Attorney General recommends approval of the Stipulation.

IT IS RECOMMENDED THAT THE COMMISSION FIND THAT IT IS EXPEDIENT, NECESSARY, AND IN THE BEST INTERESTS OF THE STATE TO ENTER INTO THE STIPULATION FOR JUDGMENT WHICH IS ON FILE IN THE OFFICE OF THE COMMISSION IN THE CASE OF THOMAS P. RALEY V. STATE OF CALIFORNIA, YOLO COUNTY SUPERIOR COURT NO. 21087, AND AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO ENTER INTO SUCH STIPULATION AND THE EXECUTIVE OFFICER OF THE COMMISSION TO APPROVE THE SAME.

Attachments: Exhibits "A", "B", "C"

EXHIBIT "A"

Ordinary high water mark to be agreed to

A line located in projected Section Thirty-five, T. 9 N., R. 4 E., M.D.M., said line more particularly described as follows:

COMMENCING at the point of intersection of the east line of Second Street and the north line of Lot 9, Block 4 of the Town of Washington, said point shown as being marked by a "Cut Cross in Concrete" on that certain Record of Survey Map entitled "Marina Inn and Adjacent Properties Located in the Tower Tract & Town of Washington", recorded in Book 9 of Maps and Surveys at page 94, Records of the County of Yolo, State of California; thence from said point of commencement, southerly along said east line of Second Street, S. $08^{\circ} 31' 00''$ W. 722.35 feet to a point on the south line of Swamp and Overflowed Land Survey No. 962; thence easterly along said south line, S. $81^{\circ} 29' 00''$ E. 160.00 feet; thence continuing S. $81^{\circ} 29' 00''$ E. 124.52 feet to the TRUE POINT OF BEGINNING of the herein described line; thence from said true point of beginning, northerly, parallel with, 284.52 feet easterly of, measured at right angles to said east line of Second Street, N. $08^{\circ} 31' 00''$ E. 779.35 feet to a point on the north line of that certain parcel of land described as PARCEL TWO in the Deed dated July 8, 1964, and recorded September 30, 1964, in Book 774 of Deeds at page 110, Official Records of said County of Yolo, said point being the end of the herein described line.

EXHIBIT "B"

Uplands portion of disputed parcel to Raley

A parcel of land located in projected Section Thirty-five, T. 9 N., R. 4 E., M.D.M., more particularly described as follows:

COMMENCING at the point of intersection of the east line of Second Street and the north line of Lot 9, Block 4 of the Town of Washington, said point shown as being marked by a "Cut Cross in Concrete" on that certain Record of Survey Map entitled "Marina Inn and Adjacent Properties Located in the Tower Tract & Town of Washington", recorded in Book 9 of Maps and Surveys at page 94, Records of the County of Yolo, State of California; thence from said point of commencement, southerly along said east line of Second Street, S. $08^{\circ} 31' 00''$ W. 722.35 feet to a point on the south line of Swamp and Overflowed Land Survey No. 962; thence easterly along said south line S. $81^{\circ} 29' 00''$ E. 160.00 feet to the TRUE POINT OF BEGINNING of the herein described parcel; thence from said true point of beginning, northerly, parallel with, 160.00 feet easterly of, measured at right angles to said east line of Second Street, N. $08^{\circ} 31' 00''$ E. 779.35 feet to a point on the north line of those certain parcels of land described in the Deed dated July 8, 1964, and recorded September 30, 1964, in Book 774 of Deeds at page 110, Official Records of said County of Yolo; thence easterly along said north line S. $81^{\circ} 29' 00''$ E. 124.52 feet; thence southerly, parallel with, 284.52 feet easterly of, measured at right angles to said east line of Second Street S. $08^{\circ} 31' 00''$ W. 779.35 feet to a point of intersection with the easterly projection of the south line of said Swamp and Overflowed Land Survey No. 962; thence westerly along the last mentioned south line N. $81^{\circ} 29' 00''$ W. 124.52 feet to the true point of beginning.

Containing an area of 2.23 acres, more or less.

EXHIBIT "C"

Waterward portion of disputed parcel to State

A parcel of land located in projected Section Thirty-five, T. 9 N., R. 4 E., M.D.M., more particularly described as follows:

COMMENCING at the point of intersection of the east line of Second Street and the north line of Lot 9, Block 4 of the Town of Washington, said point shown as being marked by a "Cut Cross in Concrete" on that certain Record of Survey Map entitled "Marina Inn and Adjacent Properties Located in the Tower Tract & Town of Washington", recorded in Book 9 of Maps and Surveys at page 94, Records of the County of Yolo, State of California; thence from said point of commencement, southerly along said east line of Second Street, S. $08^{\circ} 31' 00''$ W. 722.35 feet to a point on the south line of Swamp and Overflowed Land Survey No. 962; thence easterly along said south line, S. $81^{\circ} 29' 00''$ E. 160.00 feet; thence continuing S. $81^{\circ} 29' 00''$ E. 124.52 feet to the TRUE POINT OF BEGINNING of the herein described parcel; thence from said true point of beginning, northerly, parallel with, 284.52 feet easterly of, measured at right angles to said east line of Second Street, N. $08^{\circ} 31' 00''$ E. 779.35 feet to a point on the north line of that certain parcel of land described as PARCEL TWO in the Deed dated July 8, 1964, and recorded September 30, 1964, in Book 774 of Deeds at page 110, Official Records of said County of Yolo; thence easterly along the said north line S. $81^{\circ} 29' 00''$ E. 131.16 feet to the northerly projection of the "ordinary high water mark" as said ordinary high water mark is delineated on said Record of Survey Map; thence southerly along said "ordinary high water mark" the following three courses:

1. S. $03^{\circ} 48' 51''$ W. 135.70 feet to Station W117
2. S. $08^{\circ} 34' 40''$ W. 181.02 feet to Station W116
3. S. $15^{\circ} 25' 07''$ W. 466.47 feet to the point of intersection with the easterly projection of the south line of said Swamp and Overflowed Land Survey No. 962; thence westerly along the last mentioned line N. $81^{\circ} 29' 00''$ W. 86.04 feet to the true point of beginning.

Containing an area of 2.23 acres, more or less.