

MINUTE ITEM

4/1/69

39. AUTHORIZATION TO INITIATE LEGAL ACTION TO DETERMINE ALL OUTSTANDING INTERESTS WITHIN THE AREA DESCRIBED IN CHAPTER 1857, STATUTES OF 1965; SAN MATEO COUNTY - W.O.s 1839.28 AND 5840.

After consideration of Calendar Item 22 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE OFFICE OF THE ATTORNEY GENERAL TO FILE AN APPROPRIATE LEGAL PROCEEDING ON BEHALF OF THE COMMISSION TO DETERMINE ALL OUTSTANDING INTERESTS WITHIN THE AREA DESCRIBED IN CHAPTER 1857, STATUTES OF 1965, AND TO INTERVENE IN ANY ACTIONS WHICH NOW MAY BE PENDING THAT AFFECT LANDS WITHIN SAID DESCRIBED AREA TO SEEK TO OBTAIN UNIFORMITY OF DECISION.

Attachment

Calendar Item 22 (4 pages)

22.

AUTHORIZATION TO INITIATE LEGAL ACTION TO DETERMINE ALL OUTSTANDING INTERESTS WITHIN THE AREA DESCRIBED IN CHAPTER 1857, STATUTES OF 1965; SAN MATEO COUNTY - W.O.s 1839.28 AND 5840.

By Chapter 1857, Statutes of 1965, the State granted, in trust, to the County of San Mateo,

". . . all right, title and interest of the State of California held by said state by virtue of its sovereignty in and to all tidelands and submerged lands, whether filled or unfilled . . ."

within a described area, including and in the vicinity of Coyote Point in San Mateo County. The description of said area is attached hereto as Exhibit "A". Said area is being developed by San Mateo County as a regional park which includes, among other things, a marina basin, bathing beach, and other water-oriented activities.

The aforementioned statutory grant specifically provides that:

"The State Lands Commission shall, at the cost of the county, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of San Mateo County."

The county entered into an agreement with the State Lands Commission for the Commission's staff to survey the grant as required by the statute. A physical survey thereof has been completed, but a review of outstanding title claims within the grant area has prevented the completion of the work required by the legislative grant. For example, based upon work to date, it appears that a portion of the lands included within the area described in the statute were included within Rancho San Mateo and never were sovereign lands. Additionally, it appears that waterward of the Rancho within the described area are outstanding claims based upon early State patents, and that the validity or effect thereof is in doubt. It is impossible to reflect the effect of these matters upon the area described in the statutory grant without a judicial proceeding to determine the existing rights and interests within the area.

The experience of the Commission in recording plats of such statutory grants elsewhere in the State without a prior resolution of outstanding claims has been that litigation against the State for the failure to reflect such claims usually has arisen. Three such actions are pending currently. Based upon this experience, the staff has instituted a process of title review and an attempt to resolve such problems prior to the recordation of such maps.

San Mateo County has made an inquiry concerning the Commission's progress in completing the map of the aforementioned grant. Federal funding of a part of the County's marina facilities is dependent upon the completion of this work. The staff's response has been that it is not possible to complete the map until a judicial determination regarding the outstanding claims has been obtained, so

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that the final map will reflect the Court's ruling. Prompt action to obtain such a judicial determination has been promised the County.

It should be noted that the issues to be decided in the proposed action may establish legal precedents that can be used in resolving similar problems concerning other sovereign lands of vital interest to the State.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO FILE AN APPROPRIATE LEGAL PROCEEDING ON BEHALF OF THE COMMISSION TO DETERMINE ALL OUTSTANDING INTERESTS WITHIN THE AREA DESCRIBED IN CHAPTER 1857, STATUTES OF 1965, AND TO INTERVENE IN ANY ACTIONS WHICH NOW MAY BE PENDING THAT AFFECT LANDS WITHIN SAID DESCRIBED AREA TO SEEK TO OBTAIN UNIFORMITY OF DECISION.

Attachment: Exhibit "A"

EXHIBIT "A"

A parcel of tide and submerged lands lying and being partly in the City of San Mateo and partly in the City of Burlingame, County of San Mateo, State of California, described as follows:

Beginning at a point on the center line of Peninsular Avenue, distant along said center line North $48^{\circ} 50'$ East 285.39 feet from the northeasterly line of Bayshore Boulevard (125 feet in width) as said Avenue and Boulevard are shown on "Map of College Highlands Subdivision San Mateo, Calif.," recorded July 9, 1926, in Volume 14 of Maps at pages 10 and 11, said point of beginning also being on the northeasterly line of the existing Bayshore Freeway; thence from said point of beginning along said northeasterly line of said Freeway, North $64^{\circ} 18' 40''$ West 35.89 feet; thence northerly on the arc of a curve to the left from a tangent that bears North $5^{\circ} 18' 02''$ West, with a radius of 365 feet, through an angle of $49^{\circ} 11' 58''$ an arc distance of 313.42 feet to a point of compound curvature; thence along a curve to the left, with a radius of 715 feet, through an angle of $4^{\circ} 49' 14.2''$ an arc distance of 60.16 feet to a point in the southerly line of that certain parcel of land described in deed to the State of California recorded in Volume 2193 at page 626 Official Records of San Mateo County; thence continuing along said line of Freeway, North $31^{\circ} 00' 42''$ East 23.94 feet; thence North $62^{\circ} 04' 01''$ West 58.03 feet; thence North $60^{\circ} 50' 04''$ West 14.10 feet; thence North $69^{\circ} 29' 30''$ West 408.99 feet; thence North $78^{\circ} 17' 56''$ West 441.03 feet; thence northerly on the arc of a curve to the left from a tangent that bears North $69^{\circ} 08' 52''$ West with a radius of 2053 feet, through an angle of $19^{\circ} 04' 08''$ a distance of 683.27 feet; thence North $88^{\circ} 13'$ West 205.21 feet; thence continuing along said line of Freeway North $82^{\circ} 36' 10''$ West 46.58 feet to the intersection thereof with the center line of Burlingame Avenue, as said Avenue is shown on that certain map entitled "Anza Airport Park Unit No. 1 Burlingame San Mateo County, California," recorded December 8, 1964, in Volume 61 of maps at pages 20 and 21, Records of San Mateo County; thence leaving said Freeway North $48^{\circ} 41'$ East along said center line of said Burlingame Avenue, 160 feet more or less to an angle point in the southwesterly boundary of that certain 165.88 acre tract of land described in deed from William H. Howard Estate Company, a corporation, to the County of San Mateo, a political subdivision of the State of California, recorded May 1, 1942, in Volume 1010 Official Records at Page 447 (52235-E), San Mateo County Records; thence leaving said center line North along the westerly line of said 165.88 Acre Tract 1631.13 feet to the line dividing sections 7 and 18 in Township 4 South Range 4 West, Mt. Diablo Base and Meridian; thence along said dividing line South $89^{\circ} 57'$ East 334.92 feet to the section corner common to sections

7, 8, 17 and 18 in said Township and Range; thence along the line between said sections 7 and 8 North 2640 feet to the quarter ($\frac{1}{4}$) section corner between said sections 7 and 8, and the northwest corner of said 165.88 Acre Tract; thence South $89^{\circ} 57'$ East, along the northerly line of said 165.88 Acre Tract, 1693.00 feet to the northwest corner of that certain 182.14 Acre Tract of land described in deed from William H. Howard Estate Company, a corporation, to the County of San Mateo, a political subdivision of the State of California, recorded October 10, 1940, in Volume 909 Official Records at page 470 (1753-E), San Mateo County Records; thence South $89^{\circ} 57'$ East along the northerly line of said 182.14 Acre Tract, 947.00 feet to an angle point in said tract boundary and a point in the north line of the South half ($\frac{1}{2}$) of said Section 8; thence Easterly along said north line of the South half ($\frac{1}{2}$), a distance of 2640 feet to the quarter ($\frac{1}{4}$) section corner between said Section 8 and Section 9 Township 4 South Range 4 West, Mt. Diablo Base and Meridian; thence continuing Easterly on and along the north line of the South Half ($\frac{1}{2}$) of said Section 9, 1320 feet to the intersection thereof with the East line of the West Half ($\frac{1}{2}$) of the West Half ($\frac{1}{2}$) of said Section 9; thence South along said East line and continuing South along the East line of the West Half ($\frac{1}{2}$) of the West Half ($\frac{1}{2}$) of Section 16 Township 4 South Range 4 West Mt. Diablo Base and Meridian a distance of 6446.79 feet; thence leaving said line North $42^{\circ} 25' 30''$ West 389.21 feet and North $42^{\circ} 28'$ West 1566.21 feet to an angle point in the above mentioned 182.14 Acre Tract (1753-E); thence along said tract South $47^{\circ} 03' 20''$ West 507.66 feet to the lands now or formerly of the Pacific Gas and Electric Co.; thence along the boundary of last said lands North $42^{\circ} 53'$ West 371.05 feet and South $49^{\circ} 04'$ West 52.42 feet; thence leaving said boundary North $39^{\circ} 17' 10''$ West 24.28 feet to a point on the prolongation northeasterly of the center line of Poplar Avenue, distant along said line prolonged North $49^{\circ} 02' 30''$ East 2608.74 feet from the intersection thereof with the northeasterly line of the aforementioned Bayshore Boulevard; thence to and along the edge of the Bay of San Francisco, North $12^{\circ} 23' 40''$ West 298.84 feet; thence North $18^{\circ} 26' 30''$ West 100.00 feet; North $11^{\circ} 21' 30''$ West 100.00 feet; thence North $10^{\circ} 33' 30''$ East 3.033 feet to an angle point in that certain parcel of land described in deed from Bowie Estate Company, a corporation, American Trust Company, a corporation, and J. H. P. Howard, Jr., to the County of San Mateo, recorded December 30, 1942, in Volume 1050 Official Records at page 108 (71788-E), San Mateo County Records; thence along the southerly boundary of said parcel (71788-E) as follows: South $64^{\circ} 18' 30''$ West 146.53 feet, North $74^{\circ} 16' 30''$ West 237.99 feet, North $49^{\circ} 16' 30''$ West 359.08 feet, North $40^{\circ} 01' 30''$ West 211.75 feet, North $5^{\circ} 31' 30''$ West 257.65 feet, North $48^{\circ} 01' 30''$ West 76.82 feet, South $89^{\circ} 58' 30''$ West 123.87 feet, South $72^{\circ} 28' 30''$ West 287.76 feet, South $43^{\circ} 58' 30''$ West 303.45 feet, South $84^{\circ} 28' 30''$ West 278.13 feet and North $69^{\circ} 01' 30''$ West 123.01 feet to the intersection thereof with the Northeasterly prolongation of the center line of said Peninsular Avenue; thence along said prolongation South $48^{\circ} 58' 30''$ West 1424.87 feet more or less to the point of beginning.