

MINUTE ITEM

3/1/71
LHG

19. APPROVAL OF PROPOSED AGREEMENT FOR PRESERVING RESPECTIVE RIGHTS, IMPOUNDING FUNDS, AND AUTHORIZING A LEASE OF LANDS BETWEEN THE STATE, ANZA PACIFIC CORP. AND TRANSAMERICA TITLE COMPANY, BURLINGAME, SAN MATEO COUNTY - W 8747, PRC 4562.1.

After consideration of Calendar Item 10 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE EXECUTIVE OFFICER TO EXECUTE THE AGREEMENT AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAID AGREEMENT BETWEEN THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, ANZA PACIFIC CORP., AND TRANSAMERICA TITLE COMPANY; THE AGREEMENT, IDENTIFIED AS EXHIBIT "B", IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Calendar Item 10 (2 pages)

CALENDAR ITEM

2/71
W 8747
LHG

10.

APPROVAL OF PROPOSED AGREEMENT FOR PRESERVING RESPECTIVE RIGHTS, IMPOUNDING FUNDS, AND AUTHORIZING A LEASE OF LANDS BETWEEN THE STATE, ANZA PACIFIC CORP. AND TRANSAMERICA TITLE COMPANY, BURLINGAME, SAN MATEO COUNTY.

Recognizing that the future of San Francisco Bay is a matter of national, state and local concern, the Commission in August 1968 authorized the State Lands Division and the Attorney General's Office jointly to begin a study regarding the extent and nature of State ownership (including such lands held in trust by local agencies) in San Francisco Bay. In this connection a study group with federal agencies was created to collect factual data.

In April 1969, as a result of the joint Division-Attorney General study, the Commission authorized the filing of a declaratory relief action against the County of San Mateo, other governmental agencies, and private parties, to determine the extent of sovereign ownership interests in San Francisco Bay lands conveyed by the Legislature, in trust, to San Mateo County (Stats. 1965, Ch. 1857). This action, it is hoped, will provide a precedent for determining the extent of public ownership rights in the southerly half of San Francisco Bay as against the claims of private parties.

It has been determined that within the City of Burlingame title and boundary questions similar to those being studied elsewhere in San Francisco Bay may exist within a tract of lands claimed by and being developed by Anza Pacific Corp. Numerous conferences and exchanges of factual information have taken place between the Division, the Attorney General's Office, Anza Pacific, and Transamerica Title Company, to determine the extent and nature of such problems. During the pendency of these negotiations over approximately the past two years, a moratorium on further filling operations and capital developments within the aforementioned tract has existed by informal agreement of the parties.

Anza Pacific desires to lease to Terry's Operating Company, Inc., a portion of said tract for a floating restaurant and parking lot, and has proposed an agreement preserving the rights of all parties regarding said title and boundary dispute. All net profits from said lease will be impounded until the title and boundary are resolved. In the event the State is determined to be the fee owner of said leased premises, provisions for a lease of the area to Anza Pacific are included. The agreement is subject to Anza Pacific's obtaining a permit from the San Francisco Bay Conservation and Development Commission. The proposed use of the property is consistent with trust purposes.

Although leases of this nature are specifically exempt from the provisions of Chapter 1555, Statutes of 1970, the Division has examined the environmental and ecological aspects of this lease and finds that it will not have a significant detrimental effect. The lease requires that the restaurant remain in a floating condition, with sewer connections to the shore.

This agreement will enable the continuation of settlement negotiations concerning the overall title and boundary problems, and is a part of said negotiations.

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The Office of the Attorney General has reviewed and approved the agreement.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE THE AGREEMENT AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAID AGREEMENT BETWEEN THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE LANDS COMMISSION, ANZA PACIFIC CORP., AND TRANSAMERICA TITLE COMPANY; THE AGREEMENT, IDENTIFIED AS EXHIBIT "B", IS ON FILE IN THE OFFICE OF THE STATE LANDS COMMISSION AND BY REFERENCE MADE A PART HEREOF.