

MINUTE ITEM

1/26/73
RCH

22. AUTHORIZATION FOR ATTORNEY GENERAL TO ENTER INTO A STIPULATION FOR ENTRY OF JUDGMENT IN PARTIAL SETTLEMENT OF A FEDERAL CONDEMNATION CONCERNING THE BOUNDARY OF SOVEREIGN LANDS ALONG A PORTION OF SAN PABLO BAY, SOLANO COUNTY, SAID ACTION BEING TITLED U.S.A. V. 1,164.34 ACRES OF LAND, IN SOLANO COUNTY, STATE OF CALIFORNIA; J.M. FIGUERAS, ET AL., AND UNKNOWN OWNERS, CIVIL NO. S-2274 - W 503.696.

After consideration of Calendar Item 20 attached, and upon motion duly made and carried, the following resolution was adopted:

THE STATE LANDS COMMISSION AUTHORIZES THE ATTORNEY GENERAL TO EXECUTE A STIPULATION FOR ENTRY OF JUDGMENT IN U.S.A. V. 1,164.34 ACRES OF LAND, IN SOLANO COUNTY, STATE OF CALIFORNIA; J.M. FIGUERAS, ET AL., AND UNKNOWN OWNERS, CIVIL NO. S-2274, WHEREBY THE 1923 U.S. GOVERNMENT LAND OFFICE MEANDER LINE WILL BE ESTABLISHED AS THE PERMANENT AND FIXED BOUNDARY LINE AGREEMENT BETWEEN THE PRIVATELY-OWNED UPLANDS AND SOVEREIGN LANDS OF THE STATE OF CALIFORNIA HELD IN TRUST BY THE CITY OF VALLEJO PURSUANT TO CHAPTER 483, STATUTES OF 1947.

Attachment:

Calendar Item 20 (2 pages)

CALENDAR ITEM

1/73

RCH

20.

W 503.696

AUTHORIZATION OF ATTORNEY GENERAL TO ENTER INTO A STIPULATION FOR ENTRY OF JUDGMENT IN PARTIAL SETTLEMENT OF A FEDERAL CONDEMNATION CONCERNING THE BOUNDARY OF SOVEREIGN LANDS ALONG A PORTION OF SAN PABLO BAY, SOLANO CO., SAID ACTION BEING TITLED U.S.A. V. 1,164.34 ACRES OF LAND, IN SOLANO COUNTY, STATE OF CALIFORNIA; J. M. FIGUERAS, ET AL., AND UNKNOWN OWNERS, CIVIL NO. S-2274

Condemnation Action Civil No. S-2274 was filed as part of the federal government land acquisition program for the San Pablo Bay National Wildlife Refuge. The parcel of land (denominated Tract 12 in the Complaint in Condemnation) which is the subject of the proposed Stipulation for Entry of Judgment, has as a waterward boundary, a line agreed to between the upland owners and the City of Vallejo, as grantee under a legislative grant of tide and submerged lands (Chapter 483, Statutes of 1947). The agreed boundary line purported to describe the boundary between privately-owned uplands and the sovereign lands of the State of California granted in trust to the City of Vallejo. The State of California was not a party to that boundary line agreement.

In connection with their factual and legal review incident to this condemnation action, the State Lands Division and the Attorney General's office have determined that the aforesaid boundary line agreement does not reasonably approximate the last natural position of the ordinary high water mark along this portion of San Pablo Bay. To the contrary, it appears that the location of the mean high tide line has been affected and controlled by artificial processes, and that a 1923 meander line of the shore surveyed by the U.S. Government Land Office more closely approximates the last natural position of the mean high tide line. The 1923 line thus constitutes the best location of the true boundary between uplands in private ownership and sovereign lands of the State of California granted in trust to the City of Vallejo.

The proposed Stipulation for Entry of Judgment will authorize entry of a judgment determining that the permanently fixed boundary between uplands and sovereign lands is the 1923 U.S. Government Land Office meander line.

The federal government will be taking subject to the interests of the State and City of Vallejo, waterward of the 1923 U.S. Government Land Office meander line.

The boundary line to be incorporated in the proposed Stipulation for Entry of Judgment is located a substantial distance inland from the boundary line established by the agreement between the upland owners and the City of Vallejo, to which the State of California was not a party.

The Division believes that the boundary line to be incorporated in the proposed Stipulation for Entry of Judgment is the most favorable which

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could be obtained through negotiation and compromise, and that the proposed settlement is in the best interest of the State of California.

EXHIBITS: A. Location Map. B. Location Map.

IT IS RECOMMENDED THAT THE STATE LANDS COMMISSION AUTHORIZE THE ATTORNEY GENERAL TO EXECUTE A STIPULATION FOR ENTRY OF JUDGMENT IN U.S.A. V. 1,164.34 ACRES OF LAND, IN SOLANO COUNTY, STATE OF CALIFORNIA; J. M. FIGUERAS, ET AL., AND UNKNOWN OWNERS, CIVIL NO. S-2274, WHEREBY THE 1923 U.S. GOVERNMENT LAND OFFICE MEANDER LINE WILL BE ESTABLISHED AS THE PERMANENT AND FIXED BOUNDARY LINE AGREEMENT BETWEEN THE PRIVATELY-OWNED UP-LANDS AND SOVEREIGN LANDS OF THE STATE OF CALIFORNIA HELD IN TRUST BY THE CITY OF VALLEJO PURSUANT TO CHAPTER 483, STATUTES OF 1947.