

23. AUTHORIZATION FOR THE ATTORNEY GENERAL TO FILE A DISCLAIMER OF ANY RIGHT, TITLE AND INTEREST OF THE STATE OF CALIFORNIA IN THE CASE OF THE JOINT POWERS AUTHORITY FOR THE STRATEGIC CONSOLIDATION SEWERAGE PLAN V. LESLIE PROPERTIES, INC., ET AL., SAN MATEO SUPERIOR COURT, ACTION NO. 151,819; SAN MATEO COUNTY - W 503.644.

After consideration of Calendar Item 21 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. AUTHORIZES THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA TO FILE IN THE CASE OF THE JOINT POWERS AUTHORITY FOR THE STRATEGIC CONSOLIDATION SEWERAGE PLAN V. LESLIE PROPERTIES, INC., ET AL., SAN MATEO SUPERIOR COURT, ACTION NO. 151,819, A DISCLAIMER OF ANY AND ALL RIGHT, TITLE AND INTEREST OF THE STATE OF CALIFORNIA IN AND TO PARCELS SC-6, SC-6a, SC-7, and SC-7a, DESCRIBED IN THE COMPLAINT THEREIN AND BEING ATTACHED HERETO AS EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF, UPON DISMISSAL OF THE ACTION WITH RESPECT TO PARCELS SC-8, SC-8a, SC-8b, SC-9, SC-9a, AS DESCRIBED IN EXHIBIT "A" ATTACHED.
2. AUTHORIZES THE AMENDMENT OF STATE LANDS COMMISSION PERMIT NO. PRC 4348.9 TO SUBSTITUTE THE DESCRIPTIONS OF PARCELS SC-8 AND SC-9 IN EXHIBIT "A" ATTACHED IN THE PLACE AND STEAD OF THE DESCRIPTION NOW SET FORTH IN THE PERMIT FOR THE 49-YEAR TERM REFERRED TO THEREIN, AND TO SUBSTITUTE THE DESCRIPTIONS OF PARCELS SC-8a, SC-8b, SC-9a, AND SC-9b IN EXHIBIT "A" ATTACHED FOR THE CONSTRUCTION EASEMENTS AS PRESENTLY CONTAINED IN SAID PERMIT, FOR THE PERIOD OCTOBER 1, 1969, TO SEPTEMBER 30, 1970, ALL ACCORDING TO THE TRUE INTENT OF THE PARTIES AT THE TIME THE PERMIT WAS ISSUED.
3. CONSENTS TO THE ASSIGNMENT OF PRC 4348.9 FROM THE CITY OF REDWOOD CITY TO THE JOINT POWERS AUTHORITY FOR THE STRATEGIC CONSOLIDATION SEWERAGE PLAN.
4. AUTHORIZES THE EXECUTIVE OFFICER OF THE STATE LANDS COMMISSION AND THE ATTORNEY GENERAL TO EXECUTE SUCH DOCUMENTS OR TAKE SUCH ACTION AS MAY BE REASONABLY APPROPRIATE TO CARRY OUT THE INTENT OF THE STATE LANDS COMMISSION AS HEREIN EXPRESSED.

Attachment:

Calendar Item 21 (6 pages)

AUTHORIZATION FOR THE ATTORNEY GENERAL TO FILE A  
DISCLAIMER OF ANY RIGHT, TITLE AND INTEREST OF THE  
STATE OF CALIFORNIA IN THE CASE OF  
THE JOINT POWERS AUTHORITY FOR THE STRATEGIC  
CONSOLIDATION SEWERAGE PLAN V. LESLIE PROPERTIES, INC., ET AL.,  
SAN MATEO SUPERIOR COURT, ACTION NO. 151,819

The State has been served with Summons and Complaint in Eminent Domain (filed in the San Mateo Superior Court, March 12, 1970, in the case of The Joint Powers, etc. v. Leslie Properties, Inc., Action No. 151,819) for the taking of a permanent sewer line right-of-way and temporary construction easements over lands in San Mateo, California, from the vicinity of Bayshore Freeway out across the Redwood Peninsula and on out to the deep waters of South San Francisco Bay. The plaintiffs obtained immediate possession and have completed the construction work. The State is a named party with respect to the public rights of commerce, navigation, and fisheries across the lands in San Mateo County, California, described in the complaint as Parcels SC-6, SC-6a, SC-7, SC-7a, SC-8, SC-8a, SC-8b, SC-9, SC-9a, and SC-9b, which parcels are more particularly described in Exhibit "A" attached.

DISCLAIMER

A review of the complaint descriptions reveals that Parcels SC-6, SC-6a, SC-7, and SC-7a are wholly within those lands included within the State's Patent of January 28, 1968, recorded in Book 5426 of San Mateo County Official Records at page 126. By reason thereof, a Disclaimer of any property right, title, or interest in said parcels is proper. A portion of the lands within Parcels SC-7 and SC-7a shall be returned to the State by reason of the Phelps Slough Boundary and Exchange Agreement (BLA 141), which has been approved previously by the State Lands Commission. The State's disclaimer shall remain as to that portion of SC-7 and SC-7a outside the property to be received by the agreement. The State shall take subject to the easement of the Joint Powers Authority to the extent it is within the property to be received by the State.

DISMISSAL

A review further shows that Parcels SC-8, SC-8a, and SC-8b are within South San Francisco Bay and are claimed by the State to be tidelands in part subject to the public trust for commerce, navigation, and fisheries, and submerged lands in part, owned in fee by the State in its sovereign capacity. The State's title to such parcel is disputed by Westbay Community Associates in the case entitled "State of California v. San Mateo County, et al., San Mateo Superior Court, Action No. 144,257".

CALENDAR ITEM NO. 21. (CONTD)

As the plaintiff in subject Eminent Domain action has obtained permits from both Westbay Community Associates and from the State (SLC Permit No. PRC 4348.9), (as assignee of the City of Redwood City), for the sewer lines across Parcels SC-8, SC-8a, and SC-8b, the plaintiff will dismiss the action with respect to such parcels. The description in the State's Permit must however be amended as discussed below.

The review also shows that the State, in its sovereign capacity, is the undisputed owner of Parcels SC-9, SC-9a, and SC-9b, and that State Permit PRC 4348.9 includes these parcels. The plaintiff will also dismiss the action with respect to such parcels.

AMENDMENT OF PERMIT

The lands included within the State Permit (PRC 4348.9) were described therein as:

" . . . a Public Agency Permit over, in, and upon those certain tide and submerged lands situated in the County of San Mateo, State of California, and more particularly described in "EXHIBIT A" attached and made a part hereof, and as depicted an "EXHIBIT B" also attached and made a part hereof."

By reason of mutual mistake, the landward terminous in "EXHIBIT A" as referred to above differs from that in "EXHIBIT B" as referred to above. The State Permit should be amended to delete the references to such Exhibits above-quoted and substitute the descriptions of Parcels SC-8 and SC-9 attached as Exhibit "A" to this calendar item as the true description of the lands over which such Permit was granted according to the true intent of the parties at the time the Permit was issued, and the Permit should also be amended to delete the reference to "EXHIBIT A" in the following provisions of said Permit:

"The terms of this Permit shall likewise extent during the period October 1, 1969 to September 30, 1970 to two construction easements over 100 feet of land lying adjacent to, on each side of and running parallel with the strip of land described in 'EXHIBIT A'",

and to substitute in the place and stead of "EXHIBIT A" as referred to above the descriptions of Parcels SC-8a, SC-8b, SC-9a, and SC-9b attached as Exhibit "A" to this calendar item.

CONSENT TO ASSIGNMENT

Subject to the consent of the Commission, the right, title, and interest of the City of Redwood City in the State Permit (PRC 4348.9) has been assigned to Plaintiff, a public agency of the State of California. It is recommended that the Commission consent thereto.

CALENDAR ITEM NO. 21. (CONTD)

The State is represented in this action by the Attorney General who recommends the action of the State Lands Commission, as set forth in this calendar item. He advises that the Permit Amendment, to correct an erroneous description only, does not require an environmental impact statement.

EXHIBITS:           A. Land Description.  
                    B. Vicinity Map  
                    C. Site Map (2 sheets)

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA TO FILE IN THE CASE OF THE JOINT POWERS AUTHORITY FOR THE STRATEGIC CONSOLIDATION SEWERAGE PLAN V. LESLIE PROPERTIES, INC., ET AL., SAN MATEO SUPERIOR COURT, ACTION NO. 151,819, A DISCLAIMER OF ANY AND ALL RIGHT, TITLE AND INTEREST OF THE STATE OF CALIFORNIA IN AND TO PARCELS SC-6, SC-6a, SC-7, AND SC-7a, DESCRIBED IN THE COMPLAINT THEREIN AND BEING ATTACHED HERETO AS EXHIBIT "A" AND BY REFERENCE MADE A PART HEREOF, UPON DISMISSAL OF THE ACTION WITH RESPECT TO PARCELS SC-8, SC-8a, SC-8b, SC-9, SC-9a, AS DESCRIBED IN EXHIBIT "A" ATTACHED.
2. AUTHORIZE THE AMENDMENT OF STATE LANDS COMMISSION PERMIT NO. PRC 4348.9 TO SUBSTITUTE THE DESCRIPTIONS OF PARCELS SC-8 AND SC-9 IN EXHIBIT "A" ATTACHED IN THE PLACE AND STEAD OF THE DESCRIPTION NOW SET FORTH IN THE PERMIT FOR THE 49-YEAR TERM REFERRED TO THEREIN, AND TO SUBSTITUTE THE DESCRIPTIONS OF PARCELS SC-8a, SC-8b, SC-9a, AND SC-9b IN EXHIBIT "A" ATTACHED FOR THE CONSTRUCTION EASEMENTS AS PRESENTLY CONTAINED IN SAID PERMIT, FOR THE PERIOD OCTOBER 1, 1969, TO SEPTEMBER 30, 1970, ALL ACCORDING TO THE TRUE INTENT OF THE PARTIES AT THE TIME THE PERMIT WAS ISSUED.
3. CONSENT TO THE ASSIGNMENT OF PRC 4348.9 FROM THE CITY OF REDWOOD CITY TO THE JOINT POWERS AUTHORITY FOR THE STRATEGIC CONSOLIDATION SEWERAGE PLAN.
4. AUTHORIZE THE EXECUTIVE OFFICER OF THE STATE LANDS COMMISSION AND THE ATTORNEY GENERAL TO EXECUTE SUCH DOCUMENTS OR TAKE SUCH ACTION AS MAY BE REASONABLY APPROPRIATE TO CARRY OUT THE INTENT OF THE STATE LANDS COMMISSION AS HEREIN EXPRESSED.

Attachment: Exhibit "A"

EXHIBIT "A"

Parcel SC-6

All that certain real property situate in the City of Redwood City, County of San Mateo, State of California, more particularly described as follows:

A strip of land 20.00 feet in width, lying equally 10.00 feet on each side of the following described centerline:

Beginning at a point on the southwesterly boundary line of "Dolphin Sub-division No. 1, Redwood City, San Mateo County, California", a map of which was filed in Volume 69 of Maps at Pages 6 and 7 in the office of the County Recorder of said County, from which point the most southerly corner of said subdivision bears South  $46^{\circ} 40' 22''$  East 18.50 feet thence, parallel to and distant northwesterly 18.50 feet measured at right angles from the south-easterly boundary line of the land described in the Deed from Leslie Salt Co., a Delaware Corporation, to Leslie Properties, Inc., a California Corporation, Recorded in Book 4815 of Official Records of said County at Page 141, South  $43^{\circ} 19' 38''$  West 2172.2 feet, more or less, to the point of intersection with the southeasterly prolongation of the northeasterly boundary line of the land described in Parcel Two of the Deed from Leslie Salt Co., a Delaware Corporation, to the David D. Bohannon Organization, a California Corporation, Recorded in Book 2364 of Official Records of said County at Page 422.

Parcel SC-7

All that certain real property situate in the City of Redwood City, County of San Mateo, State of California, more particularly described as follows

A strip of land 20.00 feet in width, lying equally 10.00 feet on each side of the following described centerline:

Beginning at a point in the northeasterly boundary line of Peninsula Parkway as said Parkway is shown upon the Map of "Marlin Subdivision No. 1, Redwood City, San Mateo County, California", filed in Volume 69 of Maps at Pages 43 to 47, inclusive, in the office of the County Recorder of said County, from which Point of Beginning the southerly terminus of the course designated as "South  $31^{\circ} 54' 07''$  East (R) 116.00' on said Map bears South  $31^{\circ} 54' 07''$  East 21.00 feet; thence, from a tangent which bears North  $58^{\circ} 05' 53''$  East, along the arc of a curve to the right having a radius of 809.00 feet through an angle of  $32^{\circ} 38' 48''$  a distance of 460.96 feet; thence South  $89^{\circ} 15' 19''$  East 1204.26 feet; thence along the arc of a tangent curve to the left having a radius of 891.00 feet through an angle of  $106^{\circ} 31' 46''$  a distance of 1656.63 feet; thence, North  $15^{\circ} 47' 05''$  West 670.00 feet; thence, North  $46^{\circ} 27' 18''$  East 3231.15 feet; thence, North  $21^{\circ} 22' 32''$  East 118.66 feet, more or less, to a point in the northeasterly boundary line of the land described as Parcel SM-11 in that certain patent from the State of California to Leslie Salt Co., a Delaware Corporation, dated January 29, 1968, and Recorded February 1, 1968, in Book 5426 of Official Records of said County at Page 126; said last-named point being in a course designated in said Parcel SM-11 as "North  $08^{\circ} 16'$  West 440.4 feet", from which the northerly terminus of said course bears North  $08^{\circ} 16'$  West 177.28 feet.

Parcel SC-6a

All that real property situate in the City of Redwood City, County of San Mateo, State of California, more particularly described as follows:

A strip of land 60.00 feet in width lying adjacent and contiguous to that portion of the southeasterly boundary line of the land described in the Deed to Leslie Properties, Inc., referred to in the description of Parcel SC-6, above, extending from the most southerly corner of that "Dolphin Sub-division No. 1" referred to in the description of Parcel SC-6, above, to the point of intersection of said southeasterly boundary line with the southeasterly prolongation of that northeasterly boundary line of land deeded to the David D. Bohannon Organization referred to in the description of Parcel SC-6, above; excepting therefrom the land included within that 20.00 foot wide permanent easement hereinabove described as Parcel SC-6.

Parcel SC-7a

All that real property situate in the City of Redwood City, County of San Mateo, State of California, more particularly described as follows:

A strip of land 40.00 feet in width lying adjacent and contiguous to the northerly and westerly boundary line of that 20 foot wide permanent easement hereinabove described as Parcel SC-7.

Parcel SC-8

A strip of land 20.00 feet in width, lying equally 10.00 feet on each side of the following described centerline:

Beginning at a point in the northeasterly boundary line of the land described as Parcel SM-11 in that certain Patent from the State of California to Leslie Salt Co., a Delaware Corporation, dated January 29, 1968, and Recorded February 1, 1968, in Book 5426 of Official Records of San Mateo County at Page 126, from which point the northerly terminus of a course designated in said Parcel SM-11 as "North 08° 16' West 440.4 feet" bears North 08° 16' West 177.28 feet; thence, from said point of beginning, North 21° 22' 32" East 4,763.64 feet to a point in the northerly boundary line of the lands of West Bay Community Assn., from which last named point the corner common to Sections 29, 30, 31 and 32, Township 4 South, Range 3 West, M.D.B. & M., bears West 1,305.43 feet and South 3,300.00 feet.

Parcel SC-8a

A strip of land 100 feet in width lying adjacent and contiguous to the northwesterly boundary line of that 20 foot wide permanent easement hereinabove described and designated Parcel SC-8.

Parcel SC-8b

A strip of land 100 feet in width lying adjacent and contiguous to the southeasterly boundary line of that 20 foot wide permanent easement hereinabove described and designated Parcel SC-8.

Parcel SC-9

A strip of land 20 feet in width lying equally ten feet on each side of the following described centerline:

Beginning at a point in the northerly boundary line of the lands of Ideal Cement Co. from which the corner common to Sections 29, 30, 31, and 32, Township 4 South, Range 3 West, M.D.B. & M. bears West 1,305.43 feet and south 3,300.00 feet; thence North 21° 22' 32" East 2,632.70 feet to the end of said centerline.

Parcel SC-9a

A strip of land 100 feet in width lying adjacent and contiguous to the north-westerly boundary line of that 20 foot wide permanent easement hereinabove described and designated Parcel SC-9.

Parcel SC-9b

A strip of land 100 feet in width lying adjacent and contiguous to the south-easterly boundary line of that 20 foot wide permanent easement hereinabove described and designated Parcel SC-9.