

MINUTE ITEM

4/24/74
SCL

33. STIPULATION FOR SETTLEMENT OF CONDEMNATION ACTION; UNITED STATES V. 429.59 ACRES, ET AL., U.S.D.C. SO. DISTRICT., CIVIL NO. 71-178-S; SAN DIEGO COUNTY - W 503.689.

After consideration of Supplemental Calendar Item 33 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE OFFICE OF THE ATTORNEY GENERAL TO STIPULATE TO THE ENTRY OF A JUDGMENT IN UNITED STATES V. 429.59 ACRES, U.S.D.C. SO. DISTRICT NO. 71-178-S, WHEREBY THE STATE WILL RECEIVE \$180,000 AS COMPENSATION FOR THE PROPERTY TAKEN BY THE UNITED STATES.

Attachment:

Supplemental Calendar Item 33 (1 page)

SUPPLEMENTAL CALENDAR ITEM

4/74
SCL
W 503.689

33.

STIPULATION FOR SETTLEMENT OF CONDEMNATION ACTION;
UNITED STATES V. 429.59 ACRES, ET AL.
U.S.D.C. SO. DIST., CIVIL NO. 71-178-S

This action was filed by the United States in June 1971 to condemn certain areas in the Tijuana Estuary in San Diego County for flight protection for the Naval Air Station in Imperial Beach. The State was named as a party because some of the parcels involved contain tide and submerged lands owned by the State. This area, and the State's claim, had been a subject of controversy for some years prior to the condemnation. The area of State ownership has been determined to be 19.454 acres.

After considerable negotiations which included exploring the possibility of leasing the State-owned parcels to the Federal government as was done in W 503.528, U.S. v. 115,297 Acres, U.S.D.C. Southern District, Civil #3339, Imperial County (Chocolate Mountains); and in W 503.566, U.S. v. 21,120 Acres, U.S.D.C. Southern District, Civil #1087, San Bernardino County (Ft. Irwin); and including the possibility of excluding the State's interest from the condemnation as was done by stipulation in certain parcels involved in W 503.628, U.S. v. 1393.464 Acres, U.S.D.C. Northern District, Civil #369, Contra Costa County (Port Chicago); the Federal government insisted upon executing its right to eminent domain and took through condemnation the fee title to the parcels involved. As a result of this negotiation, the private parties and the Federal government have agreed to settle the State's claim for \$180,000.

An investigation by the staff of the State Lands Division reveals that the State's claim in the subject area is appraised at slightly more than the compromise figure. However, on the advice of the Office of the Attorney General, this compromise is deemed to be in the best interest of the State when considered against costly, time consuming litigation.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO STIPULATE TO THE ENTRY OF A JUDGMENT IN UNITED STATES v. 429.59 ACRES, U.S.D.C. SO. DIST. NO. 71-178-S, WHEREBY THE STATE WILL RECEIVE \$180,000 AS COMPENSATION FOR THE PROPERTY TAKEN BY THE UNITED STATES.