

MINUTE ITEM

4/30/75
WDC

16. AUTHORIZE LITIGATION TO ESTABLISH AND CONFIRM THE NATURE AND EXTENT OF EXISTING STATE TITLES TO LANDS WITHIN SAN FRANCISCO BAY AND ITS ESTUARY IN THE AREA OF MT. EDEN CREEK, ALAMEDA COUNTY - W 20.785.

The Executive Officer reported that the proposed action was necessary in spite of Leslie Salt Co. having earlier filed suit to quiet title to other lands. Deputy Attorney General N. Gregory Taylor reiterated that the proposed action was still necessary so that sovereign titles are adjudicated and thereby protected.

Mr. William A. Falik of the law firm of Landels, Ripley & Diamond in San Francisco, representing Leslie Salt Co., Inc., appeared before the Commission, claiming that Leslie Salt has held title to the property in question for more than one hundred years, and that it held this property free of the public trust. He stated that a memorandum had been submitted to State Lands after an extensive title investigation by Leslie.

The Executive Officer read into the record a letter from Ms. Ilene Weinreb, Mayor, City of Hayward, dated April 25, 1975, which is attached as Exhibit "A".

Upon due consideration of all evidence and testimony submitted and upon a motion duly made and carried, the following resolution was adopted, without objection.

THE COMMISSION DIRECTS THE STATE LANDS DIVISION AND THE OFFICE OF THE ATTORNEY GENERAL TO PROCEED WITH SUCH LITIGATION OR OTHER ACTION AS MAY BE APPROPRIATE TO A TIMELY IDENTIFICATION AND ASSERTION OF ALL THE STATE'S LEGAL RIGHTS AND REMEDIES TO THE PARCELS DESCRIBED HEREIN AND AS SHOWN ON EXHIBITS "A" AND "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment:

Exhibit "A" (1 page)
Calendar Item 14 (4 pages)

EXHIBIT "A"

2



CITY OF HAYWARD

OFFICE OF MAYOR ILENE WEINREB

Cal. Item 8(a)

April 25, 1975

The Honorable Kenneth Cory, Chairman
c/o Mr. William F. Northrop, Executive Officer
State Lands Commission
100 Oceangate - Suite 300
Long Beach, California 90802

Dear Sir:

It is requested that the following statement be made a matter of record in the State Lands Commission meeting of April 30, 1975:

The City of Hayward wishes to indicate its support for the State Lands Commission's proposed investigation of title questions in the Hayward Shoreline. Existing questionable conditions surrounding the title to present properties are a hindrance to vital public and private projects contemplated in this area.

I wish that I could have attended personally to express the City's views on this important matter, but unfortunately my schedule and transportation arrangements made this impossible.

We are looking forward to the Commission's meeting in Hayward next month and wish to express our thanks for the extremely helpful cooperation received from the State Lands Division.

Sincerely,

Ilene Weinreb

Ilene Weinreb
Mayor

CALENDAR ITEM

14.

4/75
WDC
W 20785AUTHORIZE LITIGATION TO ESTABLISH AND CONFIRM
THE NATURE AND EXTENT OF EXISTING STATE TITLES TO LANDS
WITHIN SAN FRANCISCO BAY AND ITS ESTUARY IN THE AREA
OF MT. EDEN CREEK, ALAMEDA COUNTY

Leslie Salt Co., Inc. (hereinafter referred to as Leslie) has notified the State Lands Division of its claims of private ownership of several thousand acres of real property within South San Francisco Bay and its estuary in Alameda County along the Hayward area shoreline.

The parcels claimed by Leslie (hereinafter referred to as the subject parcels) are located within Sections 5 and 6 of Township 4 South, Range 2 West; Section 31 of Township 3 South, Range 2 West; Sections 1, 2 and 12 of Township 4 South, Range 3 West; and Sections 35 and 36 of Township 3 South, Range 3 West; MDM. They are generally illustrated on the attached portion of the map (Exhibit "A") of the "Trust for Public Land Options I and II", and on the attached parcel map (Exhibit "B") prepared by the State Lands Division. A vicinity map is marked Exhibit "C" and is also attached.

Leslie has made the request that the public property rights to the portion of the subject parcels known as the "Baumberg Tract" be patented by the State to Leslie as part of some type of exchange agreement. Leslie has not identified what real property it is prepared to offer in exchange for these public titles. Discussions between representatives of the State Lands Division and Leslie have been held without success. The Division has also been informed that Leslie may intend to proceed with litigation against the State in the near future, asserting their title claims to portions of the subject parcels.

The Division has made a preliminary investigation into the nature and extent of the State's titles within the subject parcels, and has found evidence that, among other things, the real property claimed to be privately owned by Leslie includes Mt. Eden Creek and other areas of bay tidelands. Until it was blocked off in recent years, Mt. Eden Creek had been a navigable waterway for over a century.

The available evidence indicates that the nature and extent of any public property rights will vary from parcel to parcel and the Division is therefore conducting its review on a methodical parcel-by-parcel basis. The Division will be prepared to proceed on a periodic basis as the evidence is obtained and evaluated for each parcel.

CALENDAR ITEM NO. 14. (CONTD)

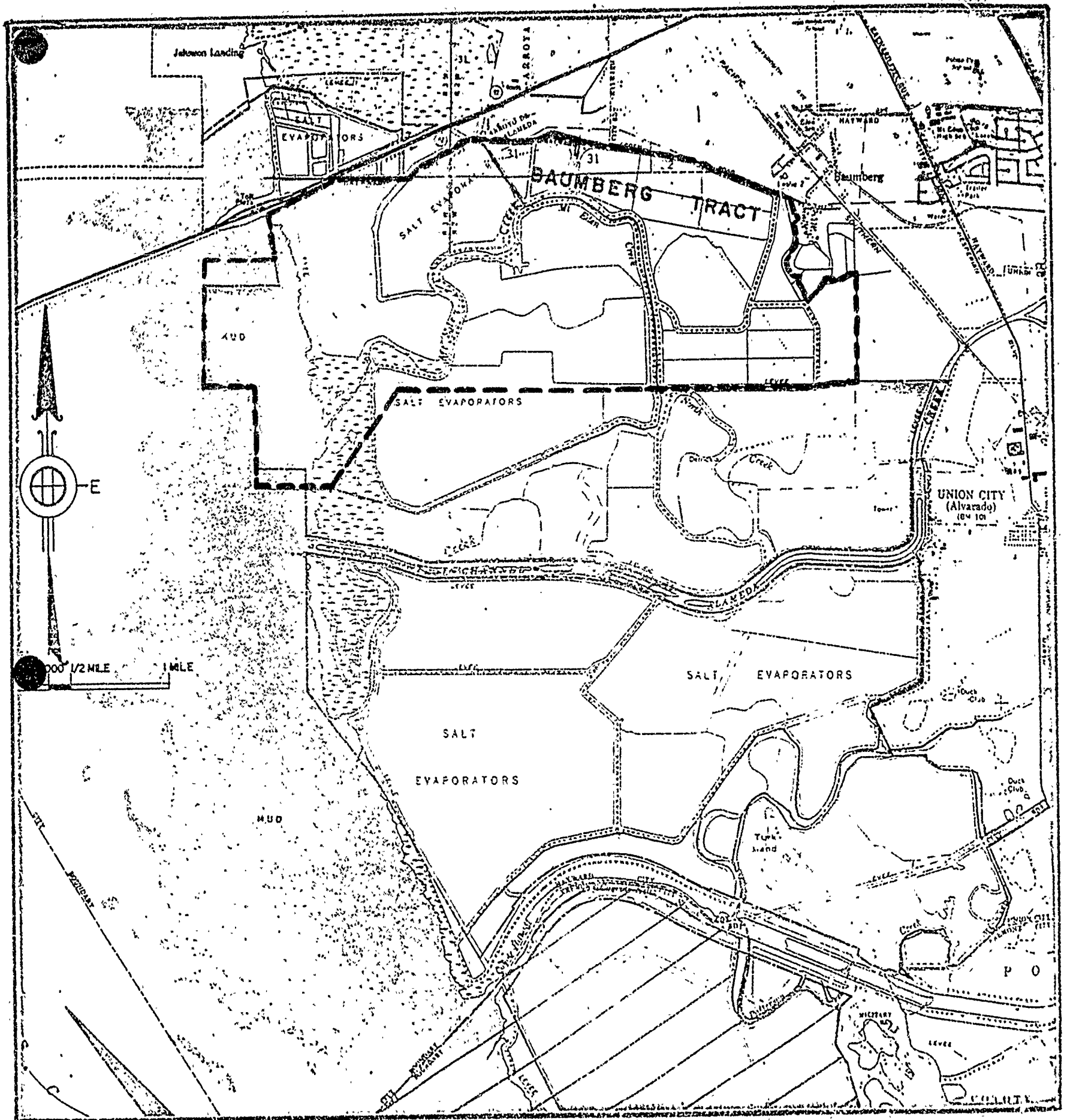
It is necessary that any existing State property rights be identified and be given full protection from any adverse private claims. The actions will clarify the public's ownership to several thousand acres of San Francisco Bay in Alameda County.

EXHIBITS: A. Leslie Claim Map.
 B. Parcel Map.
 C. Vicinity Map.

IT IS RECOMMENDED THAT THE COMMISSION DIRECT THE STATE LANDS DIVISION AND THE OFFICE OF THE ATTORNEY GENERAL TO PROCEED WITH SUCH LITIGATION OR OTHER ACTION AS MAY BE APPROPRIATE TO A TIMELY IDENTIFICATION AND ASSERTION OF ALL THE STATE'S LEGAL RIGHTS AND REMEDIES TO THE PARCELS DESCRIBED HEREIN AND AS SHOWN ON EXHIBITS "A" AND "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachments: Exhibits "A" and "B"

Portion of Map of Trust for Public Land Options I & II



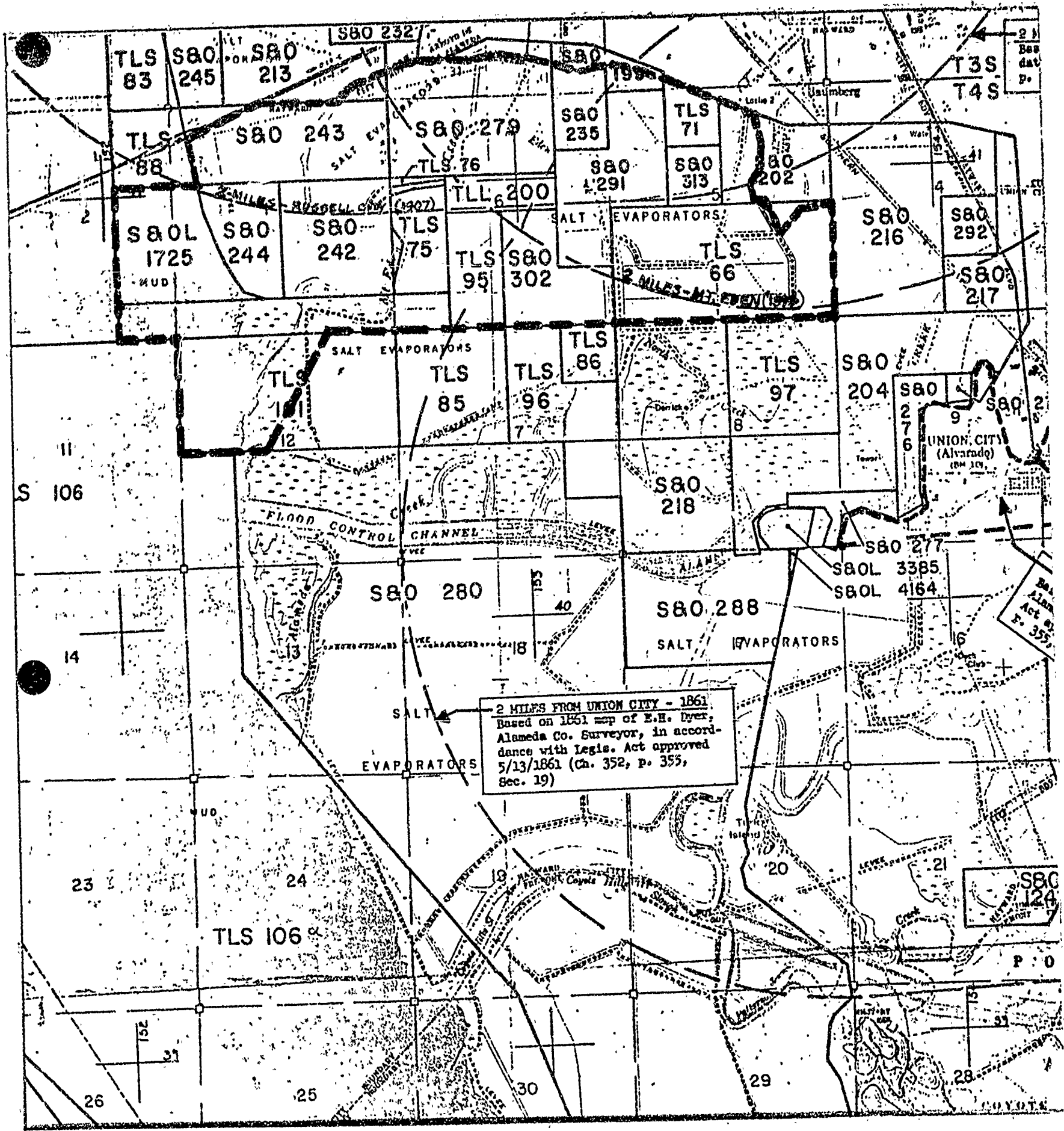
W 20785

EXHIBIT A

Attached to Calendar Item, April 1975

Leslie claims outlined (approx)

PARCEL MAP



W 20785

EXHIBIT B

Attached to Calendar Item, April 1975

Leslie claims outlined (approx)