

MINUTE ITEM

This Calendar Item No. 15
was approved as Minute Item
No. 15 by the State Lands
Commission by a vote of 2
to 0 at its 4-27-78
meeting.

CALENDAR ITEM

15.

4/78
W 21371
Cook
BLA 174

COMPROMISE SETTLEMENT CLEARING CALTRANS' TITLE
TO PARCEL IN SOUTH SAN FRANCISCO, SAN MATEO COUNTY,
IN EXCHANGE FOR UNDIVIDED INTEREST TO STATE LANDS
COMMISSION, IN BROWN'S ISLAND, CONTRA COSTA COUNTY

Caltrans acquired a parcel of about 3.812 acres in San Mateo County, California for purposes of the United States Highway 101 freeway in the City of South San Francisco. The parcel is described in the attached Exhibit "A" and is depicted in the attached plats marked Exhibits "B", "C" and "D", and is hereafter referred to as the "subject parcel". The subject parcel is located a short distance north of the San Francisco International Airport, is adjacent to and westerly of the freeway and fronts on Shaw Road. Caltrans has declared the subject parcel as surplus. In preparing for sale the sovereign land title report exception was noted and due to the constitutional bar on tidelands sales, the sale has been held up pending a resolution of the State's claims of title held in its sovereign capacity.

The subject parcel was shown on the United States G.L.O. Township Plat as Salt Marsh tidelands lying bayward of the Rancho Buri Buri. It was included within the perimeter description of the States Patent of Swamp and Overflowed Lands Survey Numbers 3 and 5 San Mateo County. However, the subject parcel was not patented to the State by the Federal government as Swamp and Overflowed Lands under the Arkansas Swamp Lands Act. The USC&GS topographic map of 1854 (T-460) shows the parcel in its natural state to have consisted of marsh grass. The evidence of the historic elevation of the subject parcel above or below the mean high tide line of San Francisco Bay is unclear.

The parcel has been reclaimed, is presently dry open space, is cut-off from tidal action, is within a developed area, and is no longer required for trust purposes.

Based on the uncertainties in the evidence concerning the historic character of the parcel as Swamp and Overflow lands in which there is no State sovereign right, title or interest, or tidelands in which the State in its sovereign capacity is the owner of the tidelands easements, the staffs of Caltrans and the Commission have attempted to reach a compromise solution.

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The subject parcel has been appraised, the conflicting evidence has been evaluated, and staff has concluded that the sovereign State right title and interest within the parcel is of a value of \$50,000.

In exchange for the sovereign interests within the subject parcel Caltrans has agreed to purchase and convey an undivided 10/27th interest within Brown's Island to the State in its sovereign capacity. The value of the interest received in Brown's Island is equal or greater than the \$50,000 value being given up in the subject parcel.

The City of South San Francisco as trust grantee of tidelands and submerged lands within the city has agreed to quit claim any right title and interest it may have in the subject parcel to the State in order to enable the Commission to carry out the settlement.

EXHIBITS:

- A. Description of Subject Parcel.
- B. Description of Brown's Island Parcel.
- C. Subject Parcel Plat. (Air Photo)
- D. Subject Parcel Plat. (Quad)
- E. Exchange Parcel Plat. (Brown's Island)

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE AND APPROVE THE SETTLEMENT IN SUBSTANTIALLY THE FORM OF THE EXCHANGE AGREEMENT ON FILE WITH THE COMMISSION.
2. AUTHORIZE THE EXECUTION AND RECORDING OF THE AGREEMENT AND ANY PATENTS, DEEDS, CERTIFICATES OF ACCEPTANCE OR OTHER DOCUMENTS NECESSARY TO CARRY OUT THE PROVISIONS OF THE AGREEMENT AND TO TAKE ALL OTHER ACTION AS MAY BE NECESSARY OR APPROPRIATE IN THE FURTHERANCE THEREOF.
3. FIND THAT THE EXCHANGE OF INTERESTS IN LANDS AND RIGHTS IS IN THE BEST INTERESTS OF THE STATE FOR AID IN RECLAMATION; THAT IT WILL NOT SUBSTANTIALLY INTERFERE WITH THE RIGHTS OF NAVIGATION AND FISHING IN THE WATERS INVOLVED, AND THAT THE STATE WILL RECEIVE LANDS AND INTERESTS IN LANDS EQUAL TO OR GREATER IN VALUE THAN ANY LANDS OR INTERESTS IN LANDS RELINQUISHED BY THE STATE PURSUANT TO SAID AGREEMENT.
4. AUTHORIZE THE EXECUTION OF A STATE PATENT TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION OF THE REAL PROPERTY DESCRIBED IN EXHIBIT "A", ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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5. FIND AND DECLARE THAT UPON THE DELIVERY OF THE PATENT AND THE RECORDATION THEREOF IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, THE REAL PROPERTY DESCRIBED IN SAID PATENT:
 - a. HAS BEEN CUT OFF FROM NAVIGABLE WATERS, IMPROVED, FILLED, AND RECLAIMED BY THE PRIVATE PARTY OR PREDECESSORS IN INTEREST;
 - b. HAS THEREBY BEEN SEVERED FROM THE PUBLIC CHANNELS AND WATERWAYS AND IS NO LONGER AVAILABLE OR USEFUL OR SUSCEPTIBLE OF BEING USED FOR COMMERCE, NAVIGATION, AND FISHING, AND IS NO LONGER IN FACT TIDELANDS OR SUBMERGED LANDS AND THEREFORE SHALL BE FREED FROM SUCH PUBLIC TRUST.
6. AUTHORIZE THE STATE LANDS COMMISSION'S STAFF, AND/OR THE OFFICE OF THE ATTORNEY GENERAL, TO TAKE ALL FURTHER STEPS NECESSARY TO IMPLEMENT THE TRANSACTION DESCRIBED ABOVE, INCLUDING BUT NOT LIMITED TO, APPEARANCES IN ANY LEGAL PROCEEDINGS BROUGHT CONCERNING THE ABOVE TRANSACTION.
7. FIND THAT THE AGREEMENT IS IN SETTLEMENT OF TITLE AND BOUNDARY LITIGATION AND THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ARE INAPPLICABLE.

Attachments: Exhibits "A" and "B"

EXHIBIT A

All that real property in the City of South San Francisco, County of San Mateo, State of California, described as:

A portion of the 116.352 acre parcel of land described as "Parcel 1" in Joint Deed recorded April 6, 1954 in Volume 2562 at page 404, and a portion of the parcel of land conveyed to State of California by deed recorded February 11, 1947 in Volume 1311 at page 430, both of Official Records of San Mateo County, being described as a whole as follows:

Beginning for reference on the westerly line of said "Parcel 1" at the most northerly corner of Lot 8 as said lot is shown on that certain map entitled "Industrial Acres, South San Francisco, California," filed in the office of the County Recorder of San Mateo County on May 23, 1952 in Book 35 of Maps at pages 10 and 11; thence along said westerly line N. 13°52'58" W., 87.25 feet to the TRUE POINT OF COMMENCEMENT; thence continuing along said westerly line and along the westerly line of said parcel (1311 OR 430) N. 13°52'58" W., 22.19 feet, along a tangent curve to the right with a radius of 5114.60 feet; through an angle of 11°04'00", an arc length of 987.88 feet and N. 2°48'58" W., 239.52 feet, thence leaving last said line N. 80°09'40" E., 35.96 feet; thence from a tangent that bears S. 09°50'20" E., along a curve to the left with a radius of 4635.00 feet, through an angle of 2°30'02", an arc length of 202.28 feet to a point of compound curvature; thence along a tangent curve to the left with a radius of 3075.00 feet, through an angle of 4°32'05", an arc length of 243.37 feet; thence S. 16°52'27" E., 563.59 feet; thence S. 7°14'23" E., 42.72 feet; thence along a tangent curve to the right with a radius of 800.00 feet, through an angle of 17°50'27", an arc length of 249.10 feet to a line that bears S. 81°21'38" E. and passes through the true point of commencement; thence along last said line N. 81°21'38" W., 138.65 feet to the true point of commencement.

CONTAINING 3.812 acres, more or less.

Bearings and distances used in the above description are based on the California Coordinate System, Zone 3. Multiply the distances by 1.0000790 to obtain ground level distances.

N 21371

EXHIBIT B

W 21372

Description

The land referred to herein is situated in the State of California, County of Contra Costa, City of Pittsburg, described as follows:

Surveys Nos. 176, 177, 178, 179 and 180; Swamp and Overflowed Lands, Contra Costa County, Township 2 North, Range 1 East, Mount Diablo Base and Meridian, as particularly described in the patents from the State of California, recorded in Book 1 of Patents, pages 144, 151, 142, 146 and 161, respectively, in the office of the County Recorder of Contra Costa County, reference being hereby made to the record thereof for a complete description.

Excepting therefrom: The following described parcel, being a parcel conveyed by C. A. Hooper & Co. to City of Stockton by deed dated July 15, 1929, recorded August 6, 1929, in Book 191 of Official Records, page 271, in the office of the County Recorder of Contra Costa County, and containing, according to said deed, 100 acres, more or less, and particularly described as follows:

"All that certain real property in the County of Contra Costa, State of California, described as follows:

Sections 3, 4, 9 and 10, Township 2 North, Range 1 East, Mount Diablo Base and Meridian, as delineated in Book 23 of Deeds, page 550, Contra Costa County Records, being portions of Lots "D", "E", "F", "G", "I", "K", "L", "M", & "N", of New York Island, lying on the northerly side of New York Slough and more particularly described as follows:

Beginning at a point on the boundary line between Lots "G" and "D", 1150 feet northerly, measured along said boundary line from the low water line of New York Slough; thence from said point of beginning, continuing in a northerly direction along said boundary line and along said boundary line extended, a distance of 1355 feet; thence east 1325 feet, more or less, to the boundary line between Lots "M" and "L"; thence in a northerly direction along said boundary line between Lots "M" and "L", 1925 feet, more or less, to the low water line of Suisun Bay; thence in an easterly direction, along the low water line of Suisun Bay to a point on a line parallel to and 50 feet distant from said boundary line between Lots "M" and "L";

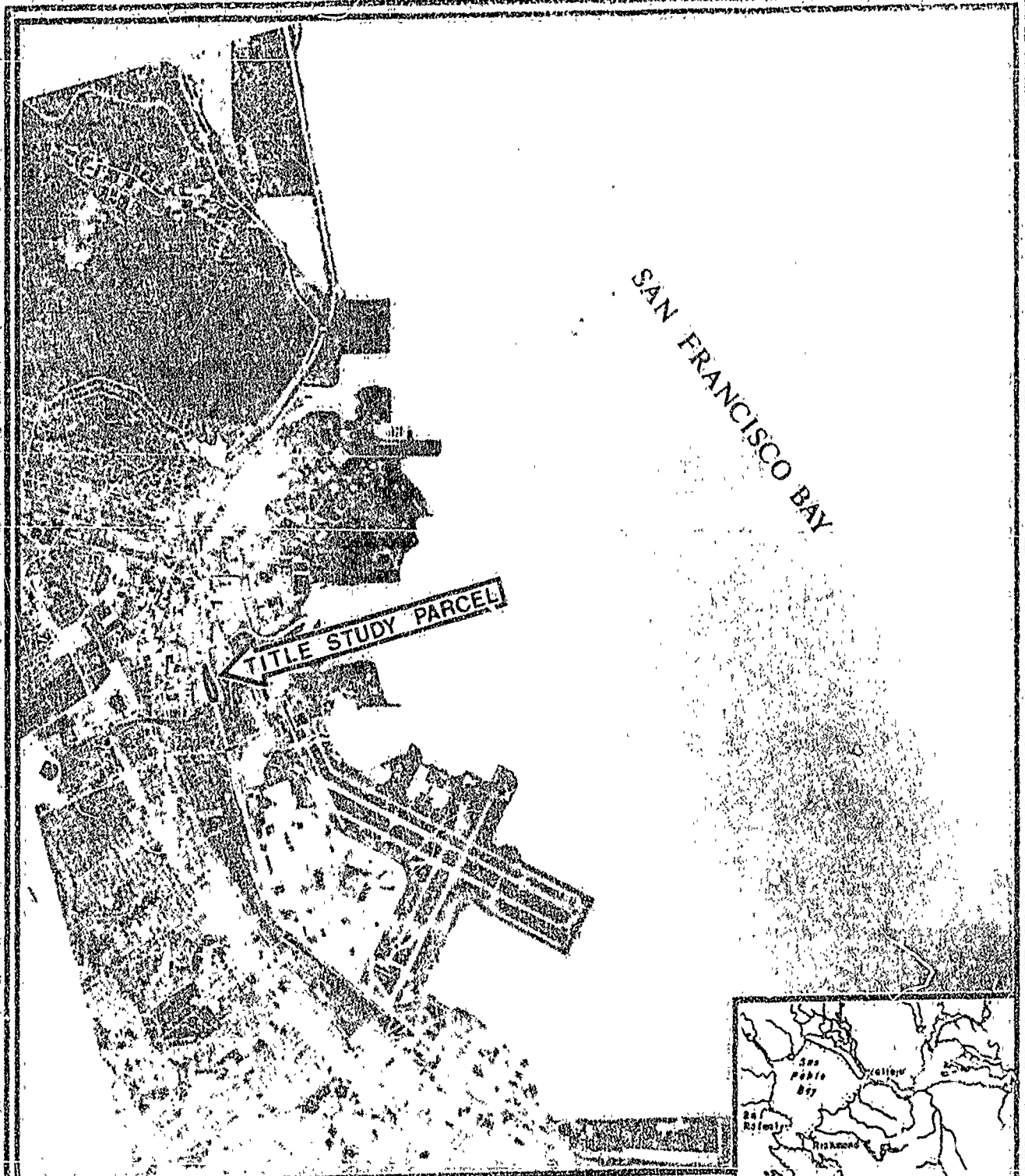
thence leaving the low water line of Suisun Bay in a southerly direction, along said line parallel to and 60 feet distant from said boundary line between Lots "M" and "L", 1925 feet, more or less, to a point of intersection with the above mentioned courses, "East 1355 feet", extended; thence east 1230 feet, more or less, to a point on the northerly portion of the boundary line between Lots "F" and "G", extended thence in a southerly direction along said extension of boundary line and along the boundary line between Lots "F" and "G", 1675 feet, thence West 1775 feet; thence North 69° 22' West, 908.2 feet, more or less, to the point of beginning.

Also excepting therefrom the following described real property situated in the County of Contra Costa, State of California, being more particularly described as follows:

Commencing at the most southerly corner of Survey No. 180 Swamp and Overflowed Lands, Contra Costa County; thence northwesterly along the southwesterly line of said survey, North 54° 06' West, 1023.00 feet; thence North 53° 04' West, 563.64 feet; thence North 65° 51' West, 366.12 feet; thence leaving said southwesterly line North 15° 36' 05" East, 69.54 feet to the point of beginning for this description, basis of bearing for this description is the Lambert Grid, Zone 3, State of California; thence from said point of beginning South 15° 36' 05" West, 69.54 feet to a point on the aforesaid S. & O. Survey 180; thence westerly and northeasterly along said survey line North 65° 51' West, 113.70 feet; thence North 48° 16' West, 539.22 feet; thence North 35° 29' East, 107.58 feet; thence North 81° 54' East, 217.80 feet; thence South 36° 11' East, 374.22 feet; thence North 65° 29' East, 86.96 feet to a point; thence leaving said survey line South 15° 36' 05" West, 198.11 feet to the point of beginning.

Being the westerly portion of aforesaid S. & O. Survey No. 180 and situated in Section 8, Township 2 North, Range 1 East, Mount Diablo Base and Meridian, Contra Costa County, California.

Together with any and all other right, title, or interest of East Bay Regional Park District acquired by reason of that certain deed recorded August 11, 1977 in Book 8459, page 25, Official Records of Contra Costa County.



N

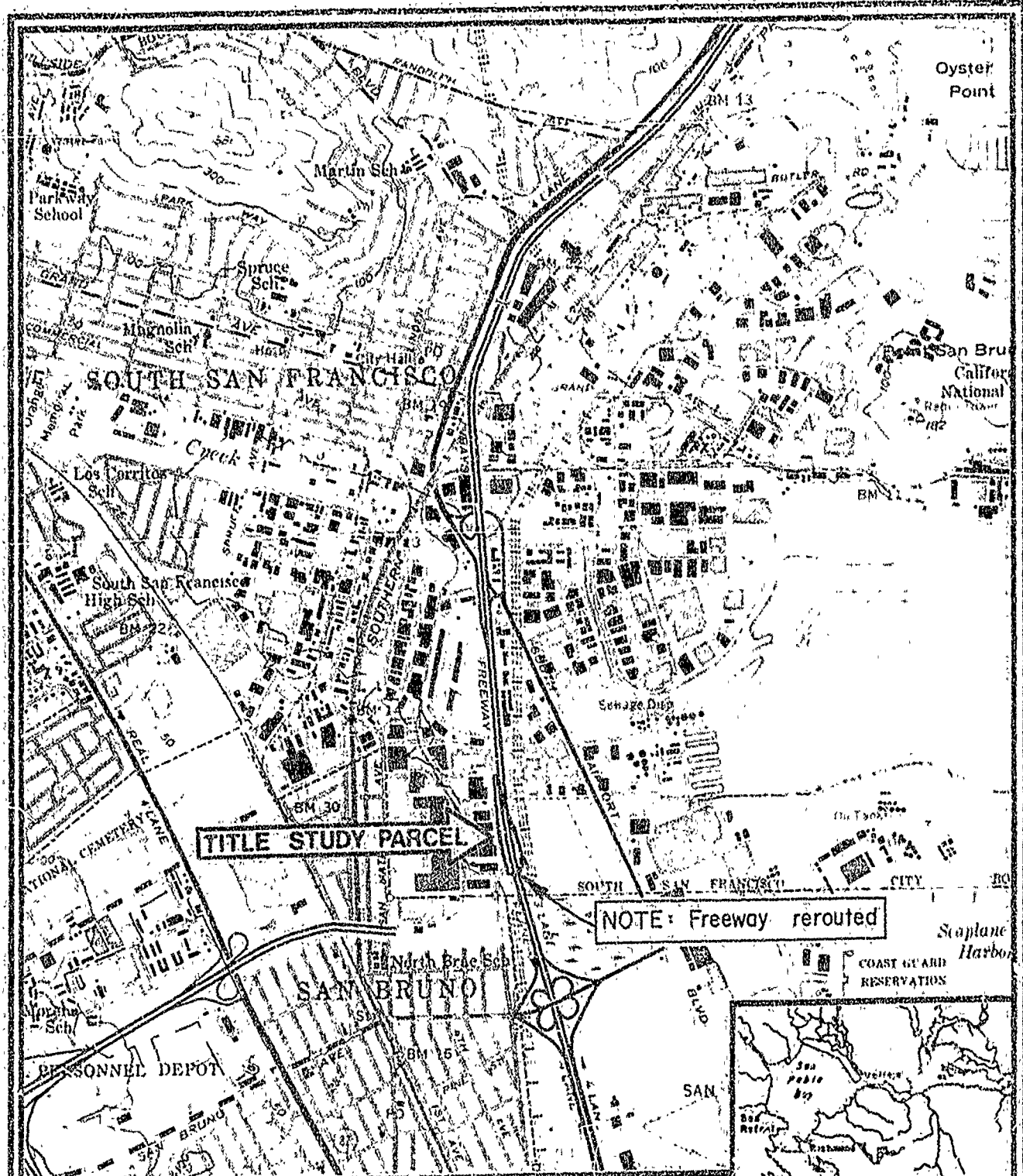
STATE LANDS DIVISION
 AIR PHOTO PLAT
 EXPOSURE NO. 8216 of NASA FLIGHT
 75-077 on May 28, 1975

Prepared by B. Leo Date 12-9-77

Title Study HIGHWAYS - SHAW ROAD - BAYSHORE W 21371



EXHIBIT C



TITLE STUDY PARCEL

NOTE: Freeway rerouted

STATE LANDS DIVISION
 PORTION OF U.S.G.S. QUADRANGLE
 SAN FRANCISCO SOUTH
 1956 PHOTOREVISED 1968 & 1973
 Prepared by: B. Lee Date: 12-9-77
 Title Study: HIGHWAYS - SHAW ROAD - BAYSHORE W 21371

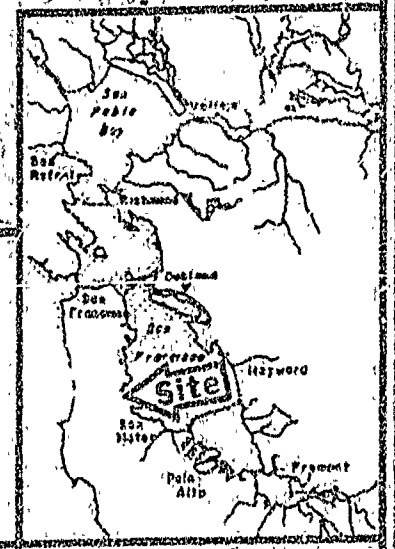
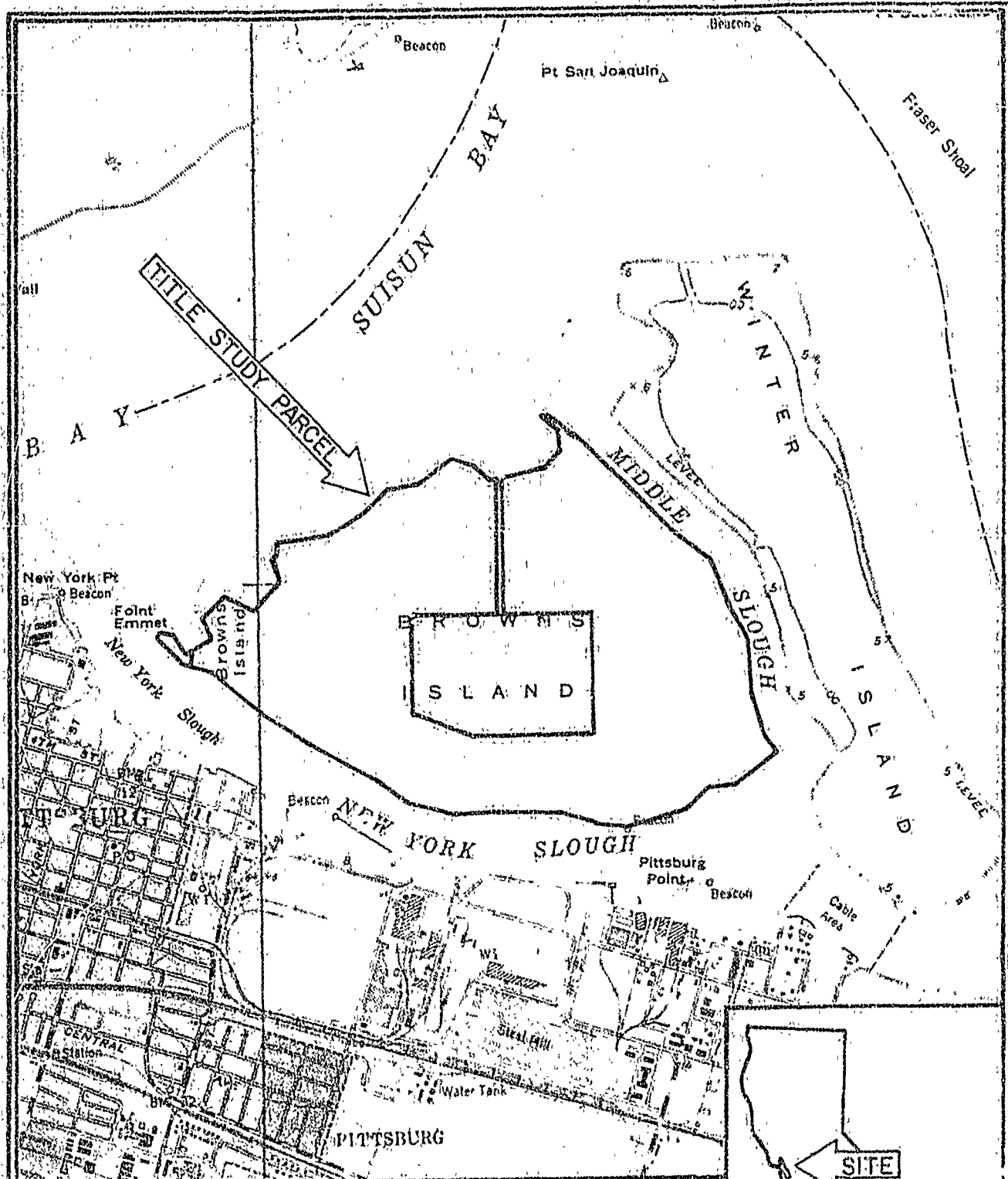


EXHIBIT D



STATE LANDS DIVISION
 PORTION OF U.S.G.S. QUADRANGLES
 ANTIOCH NORTH 1953 PHOTOREVISED 1968
 HONKER BAY 1953 PHOTOREVISED 1968 & 1973

Prepared by: B. Lee Date: 6-10-77

Title Study: BROWN'S ISLAND

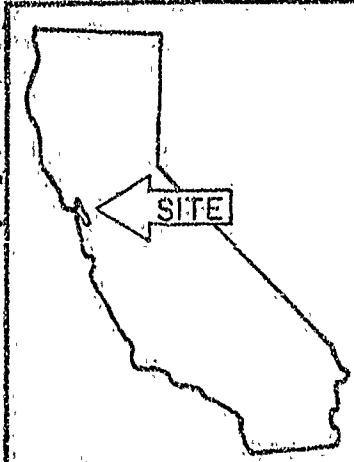


EXHIBIT E

W 21372